

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
INTEROFFICE MEMORANDUM

TO: Chief Clerk

THRU: Iliana Delgado, Team Leader
Water Rights Permitting Team

FROM: Ron Ellis, Project Manager
Water Rights Permitting Team

SUBJECT: City of San Angelo
Docket No. 2009-0186-WR
ADJ 1348
CN 600251615, RN102973690, RN102973260, RN102973880, RN102972049
Application No. 14-1348A to Amend Certificate of Adjudication No. 14-1348
TWC §11.122, Requiring Limited Mailed Notice
Concho River, Colorado River Basin
Tom Green County

DATE: August 6, 2009

2009 AUG - 7 AM 9: 57
CHIEF CLERKS OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

The Executive Director received an application from the City of San Angelo seeking to amend Certificate of Adjudication No. 14-1348 pursuant to Texas Water Code §11.122 and Texas Commission on Environmental Quality Rules 30 TAC §§295.1, *et seq.*

The application was received on August 5, 2005. The application was declared administratively complete and filed with the Office of the Chief Clerk on May 22, 2006. Notice of the application was mailed by the Chief Clerk on June 30, 2006 to the water right holders of record with diversion points on the reservoir in the Colorado River Basin. Multiple requests for a contested case hearing were received.

Because this application was declared administratively complete after September 1, 1999, the rules in Chapter 55, Subchapter G, Section 55.250 - 55.256 apply. The Chief Clerk shall mail notice to the applicant, executive director, public interest counsel, and timely hearing requestors not later than 35 days prior to the agenda setting. Applicants, the public interest counsel, and the executive director shall file a response no later than 23 days before agenda, and the hearing requestors shall reply no later than nine days before agenda.

The technical review of the application is now complete and staff has recommended that the application be granted based on the analysis in the technical review memoranda.

Below is the caption for this application:

Consideration of an application filed by the City of San Angelo to amend Certificate of Adjudication No. 14-1348 to add municipal purposes to 135 acre feet authorized agricultural use

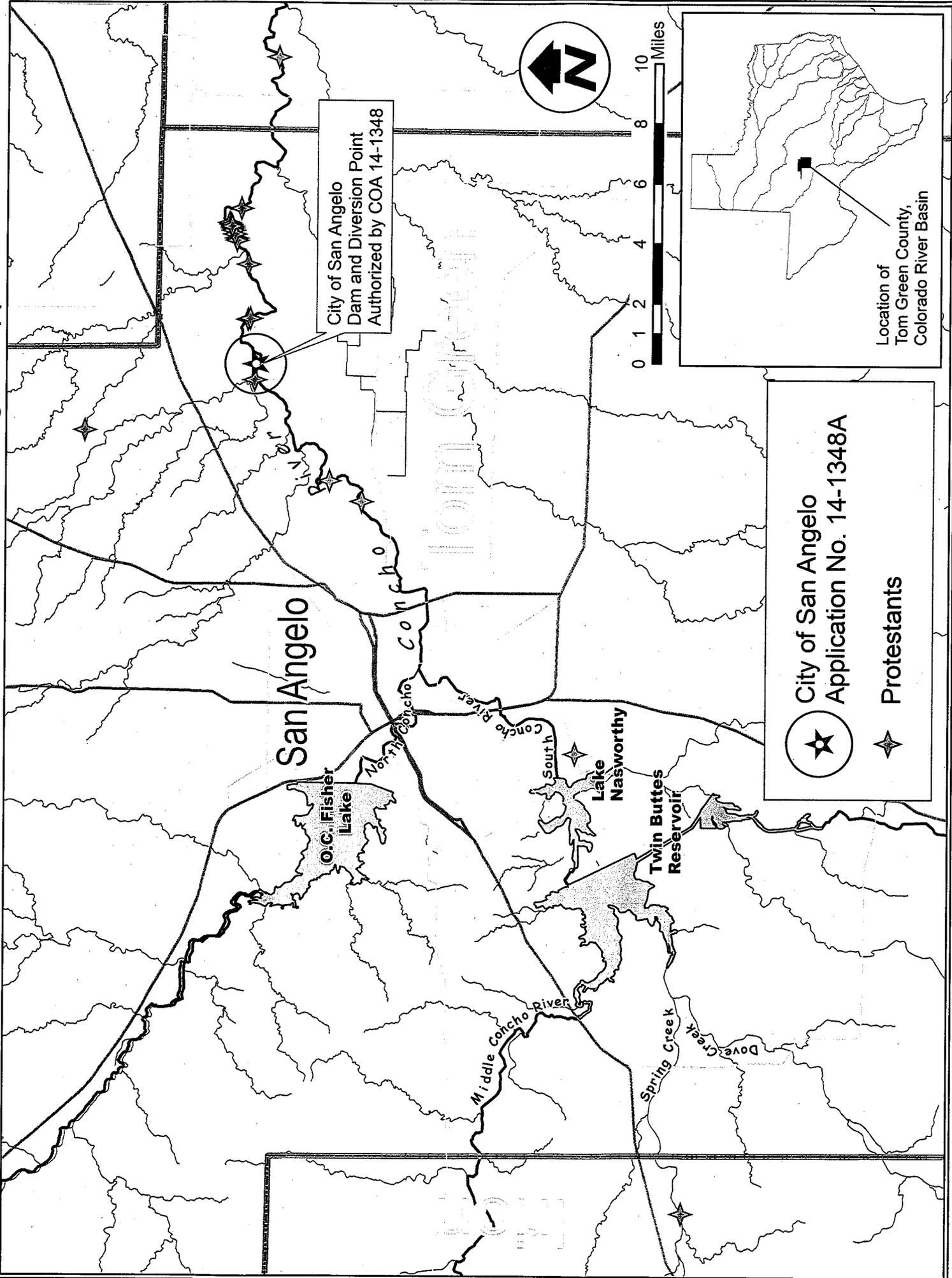
and to add the City's service area in Tom Green County as the place of use. Applicant owns a portion of Certificate of Adjudication No. 14-1348 which authorizes diversion and use of not to exceed 135 acre-feet of water per year from two diversion points on the Concho River, tributary of the Colorado River, Colorado River Basin, at a combined diversion rate of 3.33 cfs (1500 gpm) for agricultural (irrigation) purposes in Tom Green County. The applicant indicates diverted water will be transported by a pipeline from the authorized points to the city's treatment plant. Applicant is also authorized a 1/3 interest in maintaining a dam and reservoir impounding 55 acre-feet of water on the Concho River with a time priority of March 31, 1911. The commission will also consider any hearing requests, responses, or other filings. (Ron Ellis, Robin Smith)



Ron Ellis, Project Manager
Water Rights Permitting Team

Enclosure

cc: Kellye Rila
Lann Bookout
Iliana Delgado
Chris Loft
Scott Swanson, Conservation
Kaci Myrick, Environmental
Kathy Alexander, Hydrology
Robin Smith



City of San Angelo
 Dam and Diversion Point
 Authorized by COA 14-1348

City of San Angelo
 Application No. 14-1348A

Location of
 Tom Green County,
 Colorado River Basin

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



RECEIVED

JUL 03 2006

NOTICE OF AN APPLICATION
TO AMEND A CERTIFICATE
OF ADJUDICATION

WATER RIGHTS PERMITTING

APPLICATION NO. 14-1348A

The City of San Angelo has applied for an amendment to Certificate of Adjudication No. 14-1348 to add municipal use to the authorized 135 acre-feet of water from the Concho River, Colorado River Basin and to add a place of use in Tom Green County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. City of San Angelo, P.O. Box 1751, San Angelo, Texas 76902, Applicant or City, seeks an amendment to Certificate of Adjudication No. 14-1348 pursuant to Texas Water Code §11.122 and Texas Commission on Environmental Quality (TCEQ) Rules 30 Texas Administrative Code (TAC) §§295.1, et seq. Limited notice is being mailed to the water right holders of record with diversion points on the reservoir in the Colorado River Basin pursuant to 30 TAC §295.158 (c)(2)C).

The City owns Certificate of Adjudication No. 14-1348 which authorizes the City a 1/3 interest in maintaining a dam and reservoir impounding 55 acre-feet of water on the Concho River, tributary of the Colorado River, Colorado River Basin. The City is also authorized to divert and use 135 acre-feet of water from two points on the Concho River for agricultural (irrigation) purposes to irrigate 106 acres of land in Tom Green County at a maximum combined diversion rate of 3.33 cfs (1,500 gpm). The time priority for this right is March 31, 1911.

Applicant seeks to amend Certificate of Adjudication No. 14-1348 by adding municipal purposes to the 135 acre-feet of water and add the City of San Angelo Municipal Water System service area in Tom Green County as the place of use for the municipal water. The applicant indicates water diverted will be transported by pipeline from the authorized diversion points to the City of San Angelo Water Treatment Plant.

The Commission will review the application as submitted by the applicant and may or may not grant the application as requested.

The application was received on March 3, 2006. Additional information and fees for the application was received March 13, 2006. The application was declared administratively complete and accepted for filing on May 22, 2006.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by July 20, 2006. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by July 20, 2006. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by July 20, 2006.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" and (4) a brief and specific description of how you would be affected by the application in a way not common to the general public. You may also submit any proposed conditions to the requested amendment which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the TCEQ Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the requested amendment and may forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103 at the same address. For additional information, individual members of the general public may contact the Office of Public Assistance at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.state.tx.us. Si desea información en Español, puede llamar al 1-800-687-4040.

Issued: June 30, 2006

AMENDMENT TO
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-1348A

TYPE: §11.122

Owner:	City of San Angelo	Address:	P.O. Box 1751 San Angelo, Texas 76902
Filed:	May 22, 2006	Granted:	
Purposes:	Agricultural (Irrigation) and Municipal	County:	Tom Green
Watercourse:	Concho River, Tributary of the Colorado River	Watershed:	Colorado River Basin

WHEREAS, the City of San Angelo owns a portion of Certificate of Adjudication No. 14-1348 which authorizes the City a 1/3 interest in maintaining a dam and reservoir impounding 55 acre-feet of water on the Concho River, tributary of the Colorado River, Colorado River Basin and to divert and use 135 acre-feet of water per year from two points on the Concho River for agricultural purposes to irrigate 106 acres of land in Tom Green County at a maximum combined diversion rate of 3.33 cfs (1,500 gpm); and

WHEREAS, an Interoffice Memorandum issued on January 14, 2009, confirms that the City also acquired co-ownership of a reservoir, also authorized by Certificate of Adjudication No. 14-1348, impounding 67 acre-feet of water (Reservoir 2), with no right of diversion, on the Concho River; and

WHEREAS, the time priority for this right is March 31, 1911; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 14-1348 by adding municipal purposes to the 135 acre-feet of water per year and adding the City of San Angelo's Municipal Water System service area in Tom Green County as the place of use for the municipal water; and

WHEREAS, Applicant indicates water diverted will be transported by pipeline from the authorized diversion points to the City of San Angelo Water Treatment Plant; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, this amendment, if granted, will be subject to administrative requirements of the Concho Watermaster; and

WHEREAS, the Executive Director recommends that special conditions be included in the amendment; and

WHEREAS, twenty-three requests for a contested case hearing were received for this application; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment;

NOW, THEREFORE, this amendment to Certificate of Adjudication No 14-1348, designated Certificate of Adjudication No. 14-1348A, is issued to City of San Angelo, subject to the following terms and conditions:

1. USE

In addition to the previous authorization to divert and use 135 acre-feet of water per year from the Concho River, tributary of the Colorado River, Colorado River Basin for agricultural (irrigation) purposes in Tom Green County, Owner is also authorized use the water for municipal purposes within the City of San Angelo's Municipal Water System service area in Tom Green County.

2. TIME PRIORITY

The time priority for the right to divert and use the authorized water is March 31, 1911.

3. CONSERVATION

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every wholesale water contract entered into, on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water must have water conservation requirements so that each successive wholesale customer in the resale of the water is required to implement water conservation measures.

4. SPECIAL CONDITIONS

- A. Owner shall install a measuring device which accounts for, within 5% accuracy, the quantity of water diverted. Owner shall allow representatives of the TCEQ Concho Watermaster reasonable access to the property to inspect the measuring device.
- B. Owner shall contact the Concho Watermaster prior to diversion of water authorized by this amendment.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 14-1348 except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Colorado River Basin

Owner agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.

For the Commission

Date Issued:

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Kathy Hopkins, Application Manager
Water Rights Permitting Team

October 10, 2005

Through:  Lann Bookout, Team Leader
Surface Water Availability & Interstate Compacts Team

From: Kathy Alexander, Hydrologist
Surface Water Availability & Interstate Compacts Team

Subject: City of San Angelo
WRPERM 14-1348A
CN600251615
Concho River, Colorado River Basin

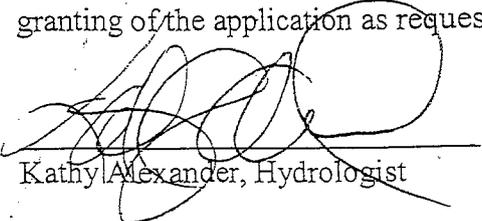
WATER AVAILABILITY ANALYSIS

Application Summary

Certificate of Adjudication 14-1348 authorizes the owner to maintain two existing dams and reservoirs impounding a total of 122 acre-feet of water on the Concho River, tributary of the Colorado River, Colorado River Basin, in Tom Green County. The owner is also authorized to divert and use not to exceed 135.0 acre-feet of water per year from two points on the Concho River at a maximum combined rate of 3.33 cfs (1,500 gpm), for agricultural purposes in Tom Green County. The time priority of the owner's right is March 31, 1911. The application requests that municipal purposes be added as an authorized use and that the City of San Angelo Municipal Water System be added as the place of use for municipal water.

Water Availability Review

Resource Protection staff has no recommendations regarding this amendment. Because the 135 acre-feet of water is already authorized, the water will be transported by pipeline to the City's water treatment plant and the water will not be stored in or passed through any other surface water stream or reservoir; no water availability analysis is necessary for this application. Staff can support the granting of the application as requested.


Kathy Alexander, Hydrologist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Kathy Hopkins, Application Manager
Water Rights Team
Water Rights Permitting & Availability Section

Date: September 20, 2005

Through: Bill Billingsley, Team Leader
Resource Protection Team
Water Rights Permitting & Availability Section

B
9/20/05

W.G.
9/20/05 Wendy Gordon, Ph.D., Aquatic Scientist
Resource Protection Team
Water Rights Permitting & Availability Section

From: J.K.
9/20/05 Joel Klumpp, Aquatic Scientist
Resource Protection Team
Water Rights Permitting & Availability Section

Subject: City of San Angelo
WRPERM 14-1348A
Water Right Application No. 14-1348A
CN600251615
Concho River, Colorado River Basin
Tom Green County

Environmental reviews of water right applications are conducted in accordance with §11.042, §11.147, §11.1491, §11.150, and §11.152 of the Texas Water Code and with TCEQ administrative rules which include 30 TAC §297.53 through §297.56. These statutes and rules require the TCEQ to consider the possible impacts of the granting of a water right on fish and wildlife habitat, water quality, and instream uses associated with the affected body of water. Possible impacts to bays and estuaries are also addressed.

APPLICATION SUMMARY

Certificate of Adjudication 14-1348 authorizes the owner to maintain two existing dams and reservoirs impounding a total of 122 acre-feet of water on the Concho River, tributary of the Colorado River, Colorado River Basin, in Tom Green County. The owner is also authorized to divert and use not to exceed 135.0 acre-feet of water per year from two points on the Concho River at a maximum combined rate of 3.33 cfs (1,500 gpm), for agricultural purposes to irrigate a maximum of 106 acres of land in Tom Green County. The time priority of the owner's right is March 31, 1911. The amendment application requests that municipal purposes be added as an authorized use. Additionally, the amendment application requests that the City of San Angelo Municipal Water System be added as the place of use for municipal water.

INSTREAM USES

Aquatic and Riparian Habitats: According to the *Handbook of Texas Online*, the Concho River flows for fifty-eight miles through flat and rolling terrain in Tom Green and Concho counties to its mouth on the Colorado River. The surrounding soils are generally dark and calcareous stony clays and loams, dark brown to red brown calcareous sandy clays and loams and red brown to gray brown sandy and clay loams. Vegetation along the river consists of water-tolerant hardwoods and conifers, grasses, scrub brush, creosote bush, cacti, oak, juniper and mesquite. USGS topographic maps show numerous small dams in this reach of the river. According to the Texas Parks and Wildlife Department (TPWD), the Concho water snake (*Nerodia paucimaculata*), a threatened species, is present in Tom Green County. Instream staff is of the opinion that adding municipal use and the City of San Angelo Municipal Water System as the place of use to the existing certificate should have minimal impact to the existing instream uses of the Concho River.

Water Quality: The Concho River is designated as Segment No. 1421 in the *Atlas of Texas Surface Waters*. According to the 2002 Texas Water Quality Inventory and 303(d) List, the designated uses of Segment No. 1421 are aquatic life use, contact recreation, general use, fish consumption and public water supply. Available water quality data indicate that the contact recreation, general use, fish consumption and public water supply uses are all fully supported. However, the public water supply use is threatened due to elevated levels of sulfate, chloride, nitrate plus nitrite nitrogen, total dissolved solids and excessive algal growth. Increased drinking water treatment costs may result due to the threats to the public water supply use. The aquatic life use is not supported in the upper reaches of this segment. Segment No. 1421 is on the 2002 303(d) list due to an impaired macrobenthos community. The proposed amendment to the certificate should have negligible impacts to the water quality of the segment.

Bay and Estuary Freshwater Inflows: Freshwater inflows are critical for maintaining the historical productivity of bays and estuaries along the Gulf Coast. The proposed project is located greater than 200 river miles from the Gulf of Mexico. Therefore, adding municipal use and the City of San Angelo Municipal Water System as the place of use to the existing certificate should have minimal impact to the Colorado River's estuary system.

Recreational Uses: According to the TPWD publication, *An Analysis of Texas Waterways*, the upper section of the Concho River downstream of San Angelo is scenic, containing high steep banks lined with elm, willow and mesquite. In this section the river is narrow and shallow, yet a minimum amount of water for recreational use is available at all times. Flow is largely regulated by three major reservoirs located on the three upper forks of the Concho. The Concho River flows predominately through rolling hills and semi-arid ranch and farm land. The proposed amendment to the certificate should have negligible impacts to the recreational uses of the river.

SUMMARY AND CONCLUSIONS

Certificate of Adjudication 14-1348 authorizes the owner to maintain two existing dams and reservoirs on the Concho River, tributary of the Colorado River, in Tom Green County. The owner is also authorized to divert and use not to exceed 135.0 acre-feet of water per year from two points on the Concho River for agricultural purposes. The amendment application requests that municipal purposes be added as an authorized use. Additionally, the amendment application requests that the City of San Angelo Municipal Water System be added as the place of use for municipal water.

Instream staff have no recommendations regarding this amendment to Certificate of Adjudication 14-1348.

This instream use assessment was conducted using current TCEQ operation procedures and policies and available data and information. The recommendations in this environmental analysis are intended for the protection of instream uses and do not necessarily provide protection to downstream water rights; that analysis is addressed in the hydrology memo and further restrictions may be applicable as necessary. Authorizations granted to the permittee by the water rights permit shall comply with all rules of the Texas Commission on Environmental Quality, and other applicable State and Federal authorizations.

LITERATURE CITED

- Ellis, L.T., W. Pohl and R. Tyler. 1997-2001. Handbook of Texas Online. Texas State Historical Association.
- TCEQ. 2002. 2002 Texas Water Quality Inventory and 303(d) List. Texas Commission on Environmental Quality.
- TCEQ. 2004. Atlas of Texas Surface Waters: Maps of the Classified Segments of Texas Rivers and Coastal Basins. Publication No. GI-316. Texas Commission on Environmental Quality. Austin, Texas.
- TPWD. 1979. An Analysis of Texas Waterways. Texas Parks and Wildlife Department.
- TPWD. Regional Data. URL: http://www.tpwd.state.tx.us/landwater/water/envirionconcerns/water_issues/sigsegs/regions_data/region_f.phtml

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Kathy Hopkins, Project Manager
Water Rights Permitting Team
Water Supply Division

Date: March 21, 2006

Thru: Bill Billingsley, Team Leader
Resource Protection Team BB 3/22/06
Water Supply Division

Kristin Wang, Senior Water Conservation Specialist
Resource Protection Team
Water Supply Division

KW 3/21/06

From: E. Scott Swanson, Water Conservation Specialist
Resource Protection Team
Water Supply Division

ESS 3/21/06

Subject: The City of San Angelo
ADJ 1348
CN600251615
Review of Water Conservation & Drought Contingency Plan for Administrative Completeness

Certificate of Adjudication 14-1348 authorizes the owner to maintain two dams and reservoirs impounding a total 122 acre-feet on the Concho River, tributary of the Colorado River, Colorado River Basin. (The reservoirs are also authorized in other Certificates with multiply owners) Owner is also authorized to divert and use 135 acre-feet of water from two points on the Concho River for agricultural (irrigation) purposes to irrigate 106 acres of land in Tom Green County. The time priority for this right March 31, 1911.

Applicant seeks to amend Certificate of Adjudication No. 14-1348 by adding municipal purposes to the 135 acre-feet of water and to add place of use for the municipal water to the City of San Angelo Municipal Water System. (Water diverted will be transport by pipeline from the authorized diversion points to the City of San Angelo Water Treatment Plant).

The Water Conservation and Drought Contingency Plan was reviewed by TCEQ staff and found to be administratively complete per 30 TAC Chapter 288.2, 288.3, 288.4, 288.5, 288.20 and 288.22.

The following standard water conservation language should be included in the permit:

"Owners shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made

available for future or alternative uses. Such plans shall include a requirement that in every wholesale water contract entered into, on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water must have water conservation requirements so that each successive wholesale customer in the resale of the water be required to implement water conservation measures."

This applicant's request to add municipal use is not encouraged or discouraged in the approved 2002 State Water Plan or the January 2001 Region "F" Water Plan. It is the Water Conservation Staff's opinion that this request is not included with the state or approved regional plans due to its insignificant impact. Therefore, it is the Staff's position that this project cannot be inconsistent with the approved 2002 State Water Plan or the January 2001 Region "F" Plan.

No further review is required by the Water Conservation Staff of the Resource Protection Team.

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 14-1348

OWNER: J. Eldon Williams
2602 Colorado Street
San Angelo, TX 76901

COUNTY: Tom Green

PRIORITY DATE: March 31, 1911

WATERCOURSE: Concho River

BASIN: Colorado River

WHEREAS, by final decree of the 51st District Court of Tom Green County, in Cause No. 44,900-A, In Re: The Adjudication of Water Rights in the Concho River Segment of the Colorado River Basin, dated June 14, 1979, a right was recognized under Certified Filing 292, Permit 371 and Claim 3172 authorizing J. Eldon Williams to appropriate waters of the State of Texas as set forth below;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Colorado River Basin is issued to J. Eldon Williams, subject to the following terms and conditions:

1. IMPOUNDMENT

A. Owner is authorized to maintain an existing dam and reservoir on the Concho River and impound therein not to exceed 55 acre-feet of water. Point on the dam at the center of the stream is N 43°W, 620 feet from the southeast corner of the German Emigration Co. Survey 351, Abstract 314, Tom Green County, Texas. Owner holds an undivided 1/3 interest in the aforesaid reservoir. The remaining 2/3 interest is held by the owners of Certificate of Adjudication 14-1347.

B. Owner is also authorized to construct and maintain a dam and reservoir on the Concho River and impound therein not to exceed 67 acre-feet of water. Point on the dam at the center of the stream is N 53°E, 700 feet from the southwest corner of the German Emigration Co. Survey 353, Abstract 303, Tom Green County, Texas. This dam and reservoir are also authorized under Certificate of Adjudication 14-1350.

2. USE

Owner is authorized to divert and use not to exceed 135 acre-feet of water per annum from the Concho River to irrigate a maximum of 106 acres of land out of a tract located in the German Emigration Co. Surveys 351, 352 and 353, Abstracts 314, 315 and 303, Tom Green County, Texas, said tract of land being described as follows:

- (1) BEGINNING at a point on the North bank of the Concho River, said point being the Southwest corner of a 330.7 acre tract described in a Warranty Deed dated January 3, 1944 from Mrs. Carrie Williams and Jesse W. Williams to J. Eldon Williams recorded in Vol. 224, page 620, Deed Records in Tom Green County;
- (2) THENCE N, 28 varas to a stake;
- (3) THENCE N 80°E, 45 varas to a fence corner post;
- (4) THENCE N 55°29'E, 379.5 varas to a stake;
- (5) THENCE N 86°45'E, 73.2 varas to a stake in East line of the German Emigration Company Survey 351, Abstract 314;
- (6) THENCE N 0°15'W, 205.7 varas with said Survey line to a fence corner post;
- (7) THENCE N 74°45'W, 41.5 varas to a stake;
- (8) THENCE N 0°30'W, 865.6 varas to a stake under a fence;
- (9) THENCE S 74°40'W, 111.8 varas to a fence corner post;
- (10) THENCE N 1°W, 401 varas to a stake under a fence in the North line of said Survey 351;

- (11) THENCE E, 152 varas to a point;
- (12) THENCE N, 34.2 varas to the Northwest corner of the German Emigration Company Survey 352, Abstract 315;
- (13) THENCE E, with the North line of said Survey 352 and the German Emigration Company Survey 353, Abstract 303, approximately 661 varas to a fence corner post in the East line of the said 330.7 acre tract;
- (14) THENCE S 0°2'E, 1638 varas to a point on the North bank of the Concho River;
- (15) THENCE upstream with the meanders of the Concho River to the place of beginning.

3. DIVERSION

A. Location:

(1) At a point on the north bank of the Concho River which is N 62°W, 1265 feet from the southeast corner of the German Emigration Co. Survey 351, Abstract 314, Tom Green County, Texas.

(2) At a point on the north bank of the Concho River which is N 45°W, 735 feet from the southeast corner of the German Emigration Co. Survey 351, Abstract 314, Tom Green County, Texas.

B. Rate:

Maximum Combined Diversion Rate: 3.33 cfs (1500 gpm).

4. PRIORITY

The time priority of owner's right is March 31, 1911.

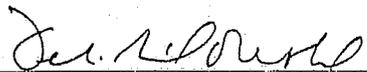
The locations of pertinent features related to this certificate are shown on Page 13 of the Concho River Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Department of Water Resources and the office of the County Clerk.

This certificate of adjudication is issued subject to all terms, conditions and provisions provided for in the final decree of the 51st District Court of Tom Green County, in Cause No. 44,900-A, In Re: The Adjudication of Water Rights in the Concho River Segment of the Colorado River Basin, dated June 14, 1979, and supersedes all rights of the owner asserted in that cause.

This certificate of adjudication is issued subject to the Rules of the Texas Department of Water Resources and its continuing right of supervision of State water resources consistent with the public policy of the State as set forth in the Texas Water Code.

This water right is appurtenant to and is an undivided part of the above-described land within which irrigation is authorized. A transfer of any portion of the above-described land includes, unless otherwise specified, the portion of the water right which is appurtenant to the land transferred.

TEXAS WATER COMMISSION


Felix McDonald, Chairman

DATE ISSUED:

March 12, 1980

ATTEST:


Mary Ann Helmer, Chief Clerk

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
INTEROFFICE MEMORANDUM

TO: Records Management

DATE: January 14, 2009

Certificate of Adjudication No. 14-1348
Tom Green County
Colorado River Basin

FROM: Water Rights Permitting & Availability
Water Supply Division

SUBJECT: Change of Ownership

DELETE: Juanita Williams Hale, Trustee, as part owner

An Order Admitting Will to Probate as a Muniment of Title, dated June 28, 1999, recorded in Vol. 717, Page 149; a Deed Without Warranty, dated February 10, 2005, recorded in Vol. 1177, Page 488; and a Special Warranty Deed, dated February 10, 2005, recorded in Vol. 1177, Page 483, of the Official Public Records of Tom Green County, Texas have been checked and found to cover all of the water right.

Ownership of Record with Addresses and Remarks:

1. City of San Angelo
Attn: City Manager
P.O. Box 1751
San Angelo, Texas 76902-1751

The water rights under this certificate of adjudication are established as follows:

1. City of San Angelo 67 ac/ft dam and reservoir on the Concho River
 1/3 interest in 55 ac/ft dam and reservoir on the Concho River
 135 ac/ft of water to irrigate 106 ac out of 310.82 acres of land; same being
 310.12 acres and 0.70 acres located in the German Emigration Co. Survey 351,
 Abstract 314; Section 342, Abstract 315; Section 353, Abstract 303; and the
 W. Nicholas Survey 352 1/2, Abstract 7949, all in Tom Green County, Texas.
 67 ac/ft impoundment, 1/3 interest in 55 ac/ft impoundment, and 135 ac/ft
 for irrigation of 106 ac

The construction and maintenance of 67 ac/ft dam and reservoir authorized under this certificate is also authorized under Certificate of Adjudication No. 14-1350, and the maintenance of 55 ac/ft dam and reservoir authorized under this certificate is also authorized under Certificate of Adjudication No. 14-1347.

M/G
Change Initiated

1/16/09 mc
Data Entry Made