TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

INTEROFFICE MEMORANDUM

TO: Chief Clerk DATE: March 7, 2012

THRU: Iliana Delgado, Team Leader
Water Rights Permitting Team

FROM: Chris Kozlowski, Project Manager
Water Rights Permitting Team

SUBJECT: City of San Angelo
Docket #2010-1195-WR
ADJ 1337
CN600251615, RN105764799
Application No. 14-1337A to Amend Certificate of Adjudication No. 14-1337
TWC §11.122, Requiring Limited Mailed Notice
Concho River, Colorado River Basin
Tom Green County

The Executive Director received an application from the City of San Angelo seeking to amend Certificate of Adjudication No. 14-1337 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 13, 2007. The application was declared administratively complete and filed with the Office of the Chief Clerk on August 5, 2009. The notice of the application was filed with the Chief Clerk on September 4, 2009, and notice was subsequently mailed to the interjacent water right holders in the Colorado River Basin. Several 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 application is now technically complete and the staff has recommended that the application be granted based on the analysis in the technical review memos.

Below is the caption for this application:

Consideration of an application by the City of San Angelo to amend Certificate of Adjudication No. 14-1337 to add a diversion point located approximately 12.5 miles downstream on the Concho River, (the same point authorized by Certificate of Adjudication No. 14-1357, owned by the city of San Angelo), to add municipal use to the

existing authorization, and to add the City of San Angelo's Service Area as a place of use in Tom Green County. Certificate No. 14-1337 currently authorizes the owner to divert and use not to exceed 135 acre-feet of water per year from the Concho River, tributary of the Colorado River, Colorado River Basin for agricultural purposes in Tom Green County. The Commission will consider all timely filed hearing requests and related responses and replies. (Christiaan Siano, Chris Kozlowski)

_____

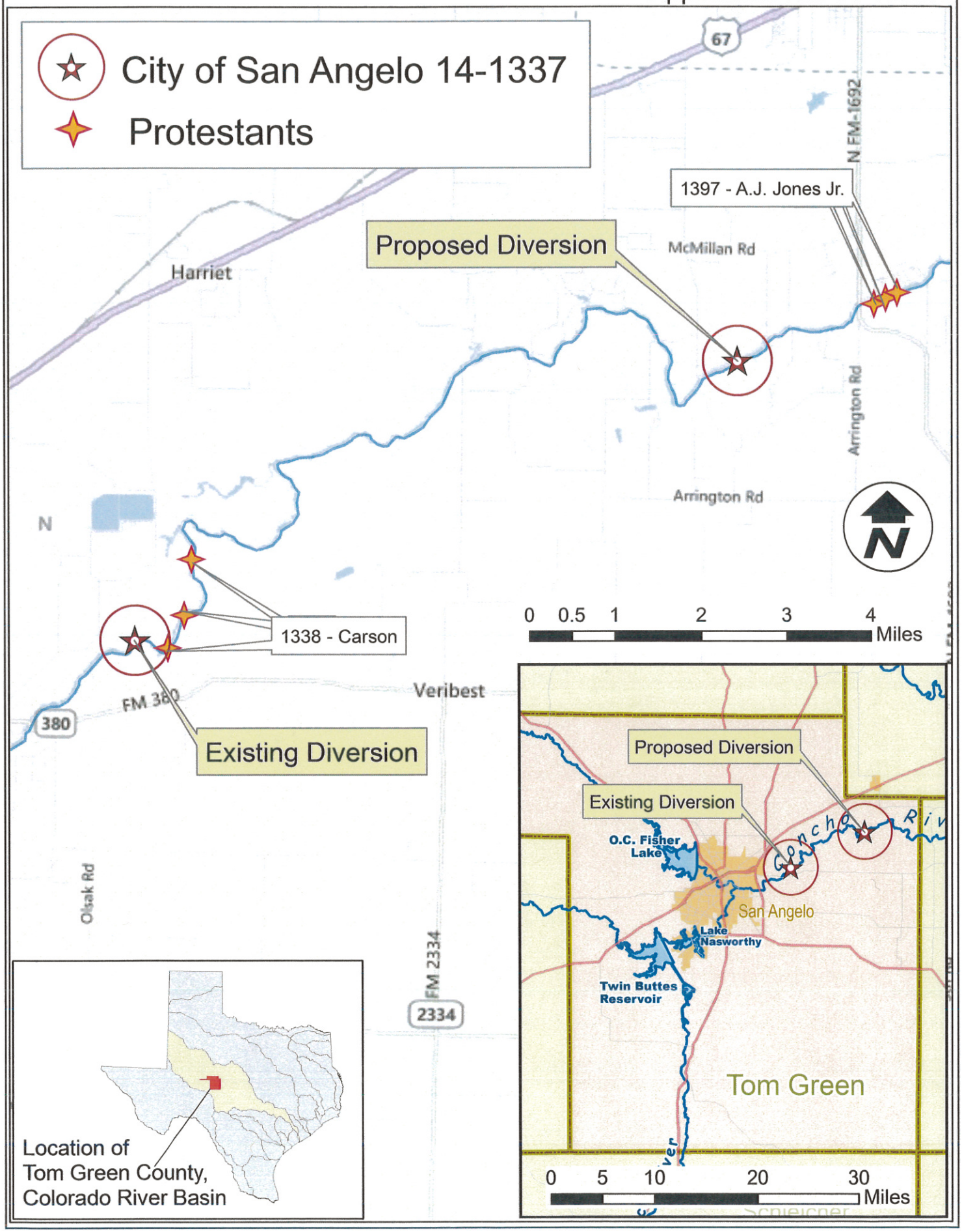
Chris Kozlowski, Project Manager
Water Rights Permitting Team

Enclosure

cc: Kellye Rila, TCEQ
Kathy Alexander, TCEQ
Ron Ellis, TCEQ
Christiaan Siano, TCEQ
Iliana Delgado, TCEQ
Stephen Densmore, TCEQ
Chris Loft, TCEQ

Docket No. 2010-1195-WR

City of San Angelo
Application No. 14-1337A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF WATER RIGHTS APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 14-1337A

The City of San Angelo has applied for an amendment to Certificate of Adjudication No. 14-1337 to add municipal purpose of use, add a downstream diversion point on the Concho River, Colorado River Basin, and to add an additional place of use within San Angelo's service area. More information on the application and how to participate in the permitting process is given below.

APPLICATION. City of San Angelo, 72 West College, San Angelo, Texas, 76903, applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code (TWC) §11.122, and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) §295.1, *et seq*. Notice is being mailed pursuant to 30 TAC §295.158(c)(2)(E) to the 21 interjacent water right holders of record in the Colorado River Basin.

Certificate of Adjudication No. 14-1337 authorizes the maintenance of a dam and reservoir on the Concho River, tributary of the Colorado River, Colorado River Basin impounding 130 acre-feet of water. The Certificate also authorizes the City of San Angelo to divert and use, with a time priority of January 3, 1921, 135 acre-feet of water per year from the Concho River, at a maximum diversion rate of 3.33 cfs (1,500 gpm), for agricultural purposes to irrigate 67.5 acres of land out of a larger tract in Tom Green County.

Applicant seeks to amend Certificate of Adjudication No. 14-1337 to add municipal use to the existing authorization and add the City of San Angelo's service area as an additional place of use.

Applicants also seeks to add a diversion point approximately 12.5 miles downstream on the Concho River, located at Latitude 31.532778°N, Longitude 100.201667°W, bearing S 65° W, 450 feet from the southeast corner of the German Emigration Company Survey No. 360, Abstract No. 270, approximately 14.8 miles northeast of San Angelo, Texas in Tom Green County. The zip code for the proposed diversion point is 76861. This is the same point authorized by Certificate of Adjudication No. 14-1357, also owned by the City of San Angelo.

Applicant is not requesting to change the currently authorized diversion rate.

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

The application and a portion of the required fees were received on August 13, 2007. Additional information and fees were received on September 28, 2007, March 27, 2008, and August 5, 2009. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on August 5, 2009.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be received in the Office of Chief Clerk, at the address provided in the information section below, by October 5, 2009. 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 October 5, 2009. The Executive Director may approve the application unless a written request for a contested case hearing is filed.

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;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions to the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the TCEQ will not issue the permit and will 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 or electronically at http://www.tceq.state.tx.us/about/comments.html. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, 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 o por el internet al http://www.tceq.state.tx.us.

Issued: September 14, 2009

DRAFT

AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-1337A

TYPE: 11.122

Owner:	City of San Angelo	Address:	72 West College San Angelo, Texas 76903
Filed:	August 5, 2009	Granted:	
Purpose:	Agricultural & Municipal	County:	Tom Green
Watercourse:	The Concho River, tributary of the Colorado River	Watershed:	Colorado River Basin

WHEREAS, Certificate of Adjudication No. 14-1337 authorizes the maintenance of a dam and reservoir on the Concho River, tributary of the Colorado River, Colorado River Basin impounding 130 acre-feet of water; and

WHEREAS, the Certificate also authorizes Owner to divert and use, with a time priority of January 3, 1921, 135 acre-feet of water per year from the Concho River, tributary of the Colorado River, Colorado River Basin, at a maximum diversion rate of 3.33 cfs (1,500 gpm), for agricultural purposes to irrigate 67.5 acres of land out of a larger tract in Tom Green County; and

WHEREAS, Owner seeks to amend Certificate of Adjudication No. 14-1337 to add municipal use to the existing authorization and add the City of San Angelo's service area as an additional place of use; and

WHEREAS, Owner also seeks to add a diversion point approximately 12.5 miles downstream on the Concho River, located at Latitude 31.532778°N, Longitude 100.201667°W, bearing S 65° W, 450 feet from the southeast corner of the German Emigration Company Survey No. 360, Abstract No. 270, approximately 14.8 miles northeast of San Angelo, Texas in Tom Green County, being the same point authorized by Certificate of Adjudication No. 14-1357, also owned by the City of San Angelo. Owner is not requesting to change the currently authorized diversion rate; and

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

WHEREAS, this amendment, if granted, is subject to requirements and orders of the Concho Watermaster; and

WHEREAS, multiple 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. 14-1337, designated Certificate of Adjudication No. 14-1337A, is issued to the City of San Angelo, subject to the following terms and conditions:

1. USE

In lieu of the previous authorization to divert and use not to exceed 135 acre-feet of water from the Concho River, tributary of the Colorado River, Colorado River Basin, for agricultural purposes to irrigate 67.5 acres of land out of a 67.6-acre tract located in the Johannes Peters Survey No. 338, Abstract No. 1771, Tom Green County; Owner is now authorized to divert 135 acre-feet of water per year from the Concho River, tributary of the Colorado River, Colorado River Basin, for municipal purposes within the City of San Angelo's service area and also for agricultural purposes to irrigate 67.5 acres of land out of a 67.6-acre tract located in the Johannes Peters Survey No. 338, Abstract No. 1771, Tom Green County.

2. DIVERSION

A. In addition to the previous authorization to divert the authorized water at a point (Diversion Point No. 1) on the north bank of the Concho River which is S 6.0° E, 6,920 feet from the northwest corner of the Peters Survey; Owner is also authorized to divert water from a point (Diversion Point No. 2) approximately 12.5 miles downstream of Diversion Point No. 1 on the Concho River, located at Latitude 31.532778°N, Longitude 100.201667°W, bearing S 65° W, 450 feet from the southeast corner of the German Emigration Company Survey No. 360, Abstract No. 270, approximately 14.8 miles northeast of San Angelo, Texas in Tom Green County, being the same point authorized by Certificate of Adjudication No. 14-1357.

B. Owner is authorized to divert at a combined maximum diversion rate of 3.33 cfs (1,500 gpm).

3. PRIORITY DATE

Priority for diversion of the authorized water is January 3, 1921, except that it is junior in time priority to the interjacent water right holders between Diversion Point No. 1 and Diversion Point No. 2 as the interjacent rights existed on August 5, 2009, filing date of this amendment.

4. 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.

5. SPECIAL CONDITIONS

A. Owner shall not discharge water diverted under this amendment into any state watercourse for subsequent diversion unless the Owner applies for and is granted the appropriate authorizations.

B. Owner shall implement measures to minimize impacts to aquatic resources due to entrainment or impingement including, but not limited to, the installation of screens on any new diversion facilities with a mesh size of no greater than 0.25 inches and a maximum flow-through screen velocity of 0.5 feet per second.

C. Owner shall install a measuring device on any new diversion facilities 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.

D. 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. 14-1337 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 resources exercised by the Commission.

DRAFT

For the Commission

Date Issued:

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

November 30, 2009

To: Craig Mikes
Water Rights Permitting Team

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

Kathy Alexander, Hydrologist (Work Leader)
Surface Water Availability & Interstate Compacts Team

From: Stephen Densmore
Surface Water Availability & Interstate Compacts Team

Subject : City of San Angelo
ADJ 1337
CN600251615
Concho River,
Colorado River Basin
Tom Green County

WATER AVAILABILITY ANALYSIS

Application Summary

Certificate of Adjudication No. 14-1337 authorizes the owner, City of San Angelo (City), to maintain a dam and reservoir on the Concho River, tributary of the Colorado River, Colorado River Basin impounding 130 acre-feet of water. The Certificate also authorizes the City to divert and use, with a time priority of January 3, 1921, 135 acre-feet of water per year from the Concho River, at a maximum diversion rate of 3.33 cfs (1,500 gpm), for agricultural purposes to irrigate 67.5 acres of land out of a larger tract in Tom Green County

The City has applied for an amendment to COA 14-1337 to add a downstream diversion point on the Concho River at a point that is currently authorized under COA 14-1357. The City indicates that water diverted at the new diversion point will be transported via pipeline to the City's water treatment plant. The City also requests to add municipal use and add the City's service area as an additional place of use.

The application was declared administratively complete and filed with the Office of the Chief Clerk on August 5, 2009.

No Injury Analysis

Resource Protection staff did not recommend an instream flow requirement. The request for the addition of a downstream diversion point does not require a water availability analysis because the application does not request a new appropriation of water. However, the application must be reviewed to ensure that no water rights are affected by the requested change in diversion point. Staff modeled the application using the Full Authorization simulation of the Colorado WAM in which all water rights use their authorized amounts and return flows are not included. The Colorado WAM has a period of record from 1940 to 1998. Staff compared the pre- and post-application reliabilities of basin water rights and found that the volume reliability of five water rights was negatively affected as a result of this application although the impact was minimal. The average impact was 0.1 per cent. The applicant was also impacted by the application. The reliability of the city's water right was reduced by 35.8 per cent. Pursuant to 30 TAC §297.45, the amendment is subordinated to interjacent water rights so staff believes this does not constitute a practical impact on other basin water rights..

The requests to add municipal use and an additional place of use do not affect other water right holders because the amount of water diverted from the stream will not change.

Conclusion

Staff can recommend granting the application provided the amendment to Certificate of Adjudication 14-1337 includes the recommendations of Resource Protection staff and the following special condition:

> Owner shall not discharge water diverted under this amendment into any state watercourse for subsequent diversion unless the Owner applies for and is granted the appropriate authorizations.

Note: This amendment, if granted, is subject to requirements and orders of the Concho Watermaster.

Stephen Densmore

HYDROLOGY UNIT ANALYSIS FACT SHEET

Applicant: City of San Angelo

Basin: Colorado River

Water Right: C14-1337A

County: Tom Green

Stream: Concho River

Drainage Area: NA

Requested Amount: 135 ACFT

Changes to *.DAT file:

```
**CITY OF SAN ANGELO
WRC10640    0  IRR-C19210103                61401337001   6140133761337001
WSC10640  130.0  0.911  0.695
**Move diversion point to C10390 (Certificate 1357)
WRC10390    135    MUN19210103              61401337002   6140133761337001
```

Changes to *.DIS file:

Remarks: Resource Protection Staff did not recommend streamflow restrictions for this application.

Signature: [illegible] Date: 12-1-09

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Craig Mikes, Project Manager
Water Rights Permitting Team
Water Supply Division

Date: September 11, 2007

Thru: Bill Billingsley, Team Leader
Resource Protection Team
Water Supply Division

BB 9/12/07

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

KW 9/12/07

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

ESS 9/12/07

Subject: The City of San Angelo
ADJ 1337A
CN600251615
Review of Water Conservation & Drought Contingency Plan for Administrative Completeness

Certificate of Adjudication No. 14-1337 authorizes the City of San Angelo to maintain a dam and reservoir on the Concho River, tributary of the Colorado River, Colorado River Basin, and to impound not to exceed 130 acre-feet of water.

The owner is also authorized to divert and use not to exceed 135 acre-feet of water per year from a point on the reservoir at a maximum diversion rate of 3.33 cfs (1,500 gpm) for agricultural purposes to irrigate 67.5 acres of land out of a larger tract in Tom Green County.

The time priority for this water right is January 3, 1921

Applicant seeks to add municipal purpose of use and a place of use within the City's service area in Tom Green County. The water will be transported from a diversion point on the reservoir via pipeline to the City's water treatment plant. Applicant also seeks to add another diversion point downstream on the Concho River, the same as described in Certificate of Adjudication No. 14-1357.

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."

The request is not inconsistent with the approved January 2006 Region F Water Plan and the 2007 State Water Plan.

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

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Craig Mikes, Application Manager **Date:** August 24, 2009
Water Rights Permitting Team
Water Rights Permitting & Availability Section

Through: Chris Loft, Team Leader
8/24/09 Resource Protection Team
Water Rights Permitting & Availability Section

Dakus Geeslin, Aquatic Scientist
8/24/09 Resource Protection Team
Water Rights Permitting & Availability Section

From: Kaci Myrick, Aquatic Scientist
Resource Protection Team
8/24/09 Water Rights Permitting & Availability Section

Subject: City of San Angelo
ADJ 1337
CN600251615
Application No. 14-1337A to amend Certificate of Adjudication No. 14-1337
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.

ENVIRONMENTAL ANALYSIS

Certificate of Adjudication No. 14-1337 authorizes the City of San Angelo to maintain a dam and reservoir on the Concho River, tributary of the Colorado River, Colorado River Basin impounding 130 acre-feet of water. The Certificate also authorizes the City to divert and use, with a time priority of January 3, 1921, 135 acre-feet of water per year from the Concho River, at a maximum diversion rate of 3.33 cfs (1,500 gpm), for agricultural purposes to irrigate 67.5 acres of land out of a larger tract in Tom Green County.

The applicant seeks to amend Certificate of Adjudication No. 14-1337 to add municipal use to the existing authorization and add the City of San Angelo's service area as an additional place of use.

The applicant also seeks to add a diversion point approximately 12 river miles downstream on the Concho River. The point is the same point authorized by Certificate of Adjudication No. 14-1357 owned by the City of San Angelo and is approximately 14.8 miles northeast of San Angelo, Texas in Tom Green County.

INSTREAM USES

Recreational Uses: As referenced in Texas Parks and Wildlife Department (TPWD) publication, *An Analysis of Texas Waterways* (TPWD 1979), the main stem of the Concho River downstream of San Angelo to FM 1692 is scenic and contains 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 (Twin Buttes, Lake Nasworthy, and O.C. Fisher) located on the three upper forks of the Concho River. This area of the main stem of the Concho River flows predominately through rolling hills and semi-arid ranch and farm land. Southwestpaddler.com recommends this segment between San Angelo and Paint Rock as "very natural and scenic" and having adequate flow for paddling trips even in the summer months. The proposed amendment to the certificate should have negligible impacts to the recreational uses of the river.

Aquatic and Riparian Habitats: According to the *Handbook of Texas Online*, the Concho River flows for 58 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 and aerial photographs show numerous small dams in this reach of the river. According to the TPWD, the Concho water snake (*Nerodia paucimaculata*), a state and federally threatened species, is present in Tom Green County. However, the U.S. Fish and Wildlife Service has proposed delisting the species due to its recovery (USFWS 2008). Instream staff recommends the use of screens, on any new diversion structures, with a mesh size of 0.25 inches and a flow through velocity of 0.5 feet per second in order to minimize impacts to aquatic organisms due to entrainment or impingement.

Water Quality: The Concho River is designated as Segment No. 1421 in the *Atlas of Texas Surface Waters* (TCEQ 2004). According to the 2008 Texas Water Quality Inventory (TCEQ 2008), the applicable uses of Segment No. 1421 are high aquatic life use, contact recreation, fish consumption and public water supply. Available water quality data indicate that the contact recreation, 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 (TCEQ 2008). 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 2008 303(d) list due to an impaired macrobenthos community and has been present on the 303(d) list since 2002. However, the proposed amendment to the certificate should have negligible impacts on 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 more than 200 river miles from the Gulf of Mexico. No additional amount of water is requested in this amendment therefore the addition of a new diversion point should have minimal impacts to Matagorda Bay.

SUMMARY

The applicant seeks to amend Certificate of Adjudication No. 14-1337 to add municipal use to the existing authorization and add the City of San Angelo's service area as an additional place of use.

The applicant also seeks to add a diversion point approximately 12 river miles downstream on the Concho River. The point is the same point authorized by Certificate of Adjudication No. 14-1357 owned by the City of San Angelo and is approximately 14.8 miles northeast of San Angelo, Texas in Tom Green County.

Resource Protection staff support issuance of the permit if the following special condition is adopted in the permit if granted:

Owner shall implement measures to minimize impacts to aquatic resources due to entrainment or impingement including, but not limited to, the installation of screens on any new diversion facilities with a mesh size of no greater than 0.25 inches and a maximum flow-through screen velocity of 0.5 feet per second.

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. 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.

TCEQ. 2008. 2008 Texas Water Quality Inventory and 303(d) List. Texas Commission on Environmental Quality.

TPWD. 1979. An Analysis of Texas Waterways. Texas Parks and Wildlife Department.

USFWS 2008. Endangered and Threatened Wildlife and Plants; Proposed Removal of the Concho Water Snake (*Nerodia paucimaculata*) From the Federal List of Endangered and Threatened Wildlife; Removal of Federally Designated Critical Habitat.

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 14-1337

OWNER: City of San Angelo
P. O. Box 1751
San Angelo, TX 76901

COUNTY: Tom Green

PRIORITY DATE: January 3, 1921

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 Permit 524 authorizing the City of San Angelo 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 the City of San Angelo, subject to the following terms and conditions:

1. IMPOUNDMENT

Owner is authorized to maintain an existing dam and reservoir on the Concho River and impound therein not to exceed 130 acre-feet of water. Point on the dam at the center of the stream is S 7°30'E, 7060 feet from the northwest corner of the Johannes Peters Survey 338, Abstract 1771, Tom Green County, Texas.

2. USE

Owner is authorized to divert and use not to exceed 135 acre-feet of water per annum from the aforesaid reservoir on the Concho River to irrigate a maximum of 67.5 acres of land out of a 67.6 acre tract located in the Johannes Peters Survey 338, Abstract 1771, Tom Green County, Texas, said 67.6 acre tract being described as follows:

(1) BEGINNING at a point on the East line of the Johannes Peters Survey 338, Abstract 1771, located North, 374 varas from the Southeast corner of said Survey;

(2) THENCE N, 1022 varas with the East line of said Survey to a point;

(3) THENCE W, 311 varas to a point;

(4) THENCE S, 527 varas to a point;

(5) THENCE S 11°W, 504.26 varas to a point;

(6) THENCE E, 407.23 varas to the place of beginning.

3. DIVERSION

A. Location:
At a point on the north bank of the Concho River which is S 6°E, 6920 feet from the northwest corner of the Johannes Peters Survey 338, Abstract 1771, Tom Green County, Texas.

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

4. PRIORITY

The time priority of owner's right is January 3, 1921.

The locations of pertinent features related to this certificate are shown on Page 12 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 Hefner, Chief Clerk