



# Treadwell Cattle Co

October 12, 2011

TCEQ Water Rights

Chief Clerk

MC 105

PO Box 13087

Austin, TX 78711-3087

OPA  
OCT 18 2011  
By [Signature]  
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ADJ  
78380

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
2011 OCT 17 PM 3:38  
CHIEF CLERKS OFFICE

2.) Request for Contested Case Hearing, permit 14-1313-3 Bentwood CC

3.) I am requesting a contested case hearing.

4.) I am requesting a contested case hearing because the South Concho River, the river of origin for the original permit, 14-1313, does not flow to the requested new diversion location. The South Concho River is, in fact, terminated at the South Pool of Twin Buttes Reservoir. Despite the irony of the new diversion location being known as the South Concho riverbed, located on the shore of Lake Nasworthy, which is located at the historic confluence of the Middle Concho, Spring Creek, and the South Concho, only the Middle Concho and Spring Creek flow there now. This permit transfer request, in fact, constitutes a new appropriation of water and should have failed the Water Availability Review had your office been aware of the physical barrier terminating the South Concho River.

Twin Buttes Reservoir, for all practical purposes is actually 2 lakes, with the South Concho Riverbed being 5.6 miles South and East of the Middle Concho Riverbed, which happens to be the location of the only outlet from Twin Buttes to Lake Nasworthy and on through the "South Concho" riverbed to join the North Concho where it becomes the Main Concho. Granted the actual distance from the water level in the South Pool to the water level of the North Pool during normal rainfall years is more like 2.5-3 miles, the fact remains that the South Concho doesn't flow beyond the South Pool of Twin Buttes. Also, the Twin Buttes Dam at the South Pool, separates the South Concho River from Lake Nasworthy by 3 miles of dry South Concho Riverbed.

In an Interoffice Memorandum of the TCEQ, dated August 31, 2011, Leonard Oliver, Hydrologist for the Surface Water Availability & Interstate Compacts Team, concluded on page 3 of the Water Availability Review that the "2. Owner shall only divert at the downstream diversion point authorized by this amendment that portion of the 320 acre-feet of water that would have been available at the existing upstream diversion point as determined by the Watermaster." The afore-mentioned 320 acre-feet of water will never be available for diversion downstream because the river is terminated at Twin Buttes.

This is a case of mistaken identity, further confused by the continued use of the name "South Concho River" despite the fact that no South Concho River water exists beyond the South Pool of Twin Buttes Reservoir. The TCEQ needs to recognize that this request authorizes the movement of a permit to a disconnected watershed and attempts to create a new, senior permit on the already over-allotted Middle Concho / Spring Creek Watershed.

MW

1.) Brian Treadwell

5476 FM 2335

Christoval, TX 76935

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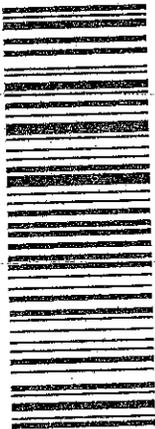
5.) TCEQ permit 14-1313-1 and 14-1310, Treadwell Cattle Co - we own the property across the river from the Stultz location and the property where the Bentwood 1313 permit originated.

A handwritten signature in cursive script, appearing to read "B Treadwell".

Ginger Treadwell  
Attorney at Law  
5476 FM 2335  
Christoval, Texas 76935  
(925) 896-2505



**CERTIFIED MAIL**



7009 3410 0000 8209 8319

**RETURN RECEIPT  
REQUESTED**

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Chief Clerk, MC 105  
PO Box 13087  
Austin, TX 78711-3087



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