

**TCEQ DOCKET NO. 2015-1118-WR
APPLICATION NO. 12871**

APPLICATION OF SOMERVELL	§	BEFORE THE TEXAS
COUNTY FOR WATER USE	§	COMMISSION ON
PERMIT NO. 12871 IN	§	
SOMERVELL COUNTY, TEXAS	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR’S RESPONSE TO HEARING REQUEST

The Executive Director of the Texas Commission on Environmental Quality (TCEQ or Commission) files this response to a hearing request filed on this application by Somervell County (Applicant) for a water use permit in Somervell County, Texas, Application No. 12871. One hearing request was timely received from the following:

1. Joe Williams.

The Executive Director respectfully recommends that the Commission deny Mr. Williams’ hearing request.

BACKGROUND

Applicant seeks authorization to maintain an existing on-channel reservoir (Reservoir C) on Squaw Creek, tributary of the Paluxy River, tributary of the Brazos River, in the Brazos River Basin, and two off-channel reservoirs (Reservoirs A and B) in Somervell County. Reservoir C has a maximum storage capacity of 4.5 acre-feet of water; recreational use is requested, which is incidental to irrigation use. Reservoirs A and B have a combined maximum storage capacity of 32 acre-feet; storage and subsequent diversion is requested for agricultural purposes to irrigate 160.74 acres out of 200 acres in Somervell County.

Applicant also requests a bed and banks authorization for Squaw Creek to convey 350 acre-feet of interruptible contract water released from Lake Granbury to Squaw Creek Reservoir. The contract water will be released at the reservoir’s dam outlet and transported via bed and banks to Reservoir C. The contract water will be diverted from Reservoir C to Reservoirs A and B for storage and subsequent diversion and use.

Applicant has contracted with the Brazos River Authority for the 350 acre-feet of state water and has contracted with Luminant, which will use its existing pipeline to transport the water from Lake Granbury to Squaw Creek Reservoir for release to the Applicant.

PROCEDURAL HISTORY

Application No. 12871 was filed with the TCEQ on June 14, 2012. The application was declared administratively complete on September 19, 2012. Technical review was completed on May 31, 2013. Notice of the application was mailed on November 13,

2013, and published in the Glen Rose Reporter, a newspaper of general circulation in Somervell and Bosque Counties, on December 12, 2013.

The hearing request period for this application closed on January 13, 2014. One request for a contested case hearing was timely received.

LEGAL AUTHORITY

Pursuant to 30 Tex. Admin. Code § 55.251(b), the following may request a contested case hearing on water rights applications: the Commission; the Executive Director; the applicant; and affected persons when authorized by law. Affected persons are authorized to submit hearing requests for water rights applications under Tex. Water Code § 11.132(a). The Commission, on the request of any affected person, shall hold a hearing on a water rights application. The procedures for determining whether a hearing requestor is an affected person and whether the hearing request is valid are set forth in 30 Tex. Admin. Code §§ 55.250-55.256, which apply to water rights applications that were declared administratively complete after September 1, 1999.

An affected person is “one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application.” 30 Tex. Admin. Code § 55.256(a). An interest “common to members of the general public” does not qualify as a personal justiciable interest. *Id.*

Governmental entities with authority under state law over issues contemplated by the application may be considered affected persons. 30 Tex. Admin. Code § 55.256(b).

To determine whether a hearing requestor is an affected person, all relevant factors must be considered. 30 Tex. Admin. Code § 55.256(c). These factors include, but are not limited to:

- Whether the interest claimed is one protected by the law under which the application will be considered;
- Distance restrictions or other limitations imposed by law on the affected interest;
- Whether a reasonable relationship exists between the interest claimed and the activity regulated;
- Likely impact of the regulated activity on use of the impacted natural resource by the person; and
- For governmental entities, their statutory authority over or interest in the issues relevant to the application.

A hearing request by a group or association must meet the requirements set forth in 30 Tex. Admin. Code § 55.252(a). There are three requirements. First, at least one member of the group or association would have standing to request a hearing on his or

her own. Second, the interests that the group or association seeks to protect must be germane to its purpose. Third, neither the claim asserted or the relief requested by the group or association requires participation of the individual member(s) in the case.

A hearing request must substantially comply with the following requirements set forth in 30 Tex. Admin. Code § 55.251(c):

- Give the name, address, and daytime telephone number of the person filing the request. If made by a group or association, the request must identify one person who shall be responsible for receiving all official communications for the group, with the person's name, address, daytime telephone number and facsimile number where possible.
- Identify the person's personal justiciable interest affected by the application, including a brief but specific written statement explaining in plain language the requestor's location and distance relative to the activity that is the subject of the application, and how and why the requestor believes he or she will be affected by the activity in a manner not common to members of the general public.
- Request a contested case hearing.
- Provide any other information specified in the public notice of the application.

The request for a contested case hearing must be filed with the Commissions Chief Clerk. 30 Tex. Admin. Code § 55.251(d).

The Commission must grant a request for a contested case hearing made by an affected person if the request complies with the requirements of 30 Tex. Admin. Code § 55.251; is timely filed with the Chief Clerk; and is pursuant to a right to hearing authorized by law. 30 Tex. Admin. Code § 55.256(b)(2).

HEARING REQUEST

Joe Williams timely filed a hearing request. The hearing request was in writing, filed with the Office of the Chief Clerk electronically or by hard copy, and included the requestor's name, address, phone number, and requested a contested case hearing.

Mr. Williams states that he is a property owner on Lake Granbury, which currently has historically low lake levels, therefore any request to withdraw water from the lake will make matters worse. He claims that he is an affected person because he is a lake front property owner; bought his home because he wanted to live on the lake; uses the lake for boating and fishing; any reduction in lake levels could have an adverse effect on his ability to use the lake for recreational purposes and could diminish his property's value.

RECOMMENDATION

DENY

The Executive Director recommends that Mr. Williams' hearing request be denied. Mr. Williams is not a water rights holder whose water rights interest could be affected by the application. His status as a lakefront property owner and his interest in Lake Granbury's levels, aesthetics, and recreation does not confer a personal justiciable interest under the Commission's rules governing affected persons because these are interests common to members of the general public and are not protected by the law under which the application will be considered. The Executive Director notes that the requested authorization is not for a new appropriation of state water.

CONCLUSION

The Executive Director recommends that the Commission deny the hearing request of Joe Williams.

Attached hereto:

- TCEQ Map;
- Draft permit;
- Hydrology memo;
- Environmental memo;
- Water conservation memo.

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Richard A. Hyde, P.E.
Executive Director

Caroline Sweeney, Deputy Director
Office of Legal Services

Robert Martinez, Director
Environmental Law Division

By: 
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ATTORNEYS FOR THE
EXECUTIVE DIRECTOR

CERTIFICATE OF SERVICE

I certify that on the 11th day of January 2016, a true and correct copy of the foregoing *Executive Director's Response to Hearing Request* was filed with the Chief Clerk of the Texas Commission on Environmental Quality in Austin, Texas, and delivered to persons on the attached Mailing List as indicated.

A handwritten signature in blue ink that reads "Ruth A. Takeda". The signature is written in a cursive style with a horizontal line underneath the name.

Ruth Ann Takeda, Staff Attorney
Environmental Law Division
Texas Commission on Environmental Quality

Mailing List
Sommervell County
TCEQ Docket No. 2015-1118-WR, Application No. 12871

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REQUESTOR

Via first-class mail:

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INTERESTED PERSONS

Via first-class mail:

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James M. Moore
3903 East Chippewa Trail
Granbury, Texas 76048-6010

RECOMMENDATION

DENY

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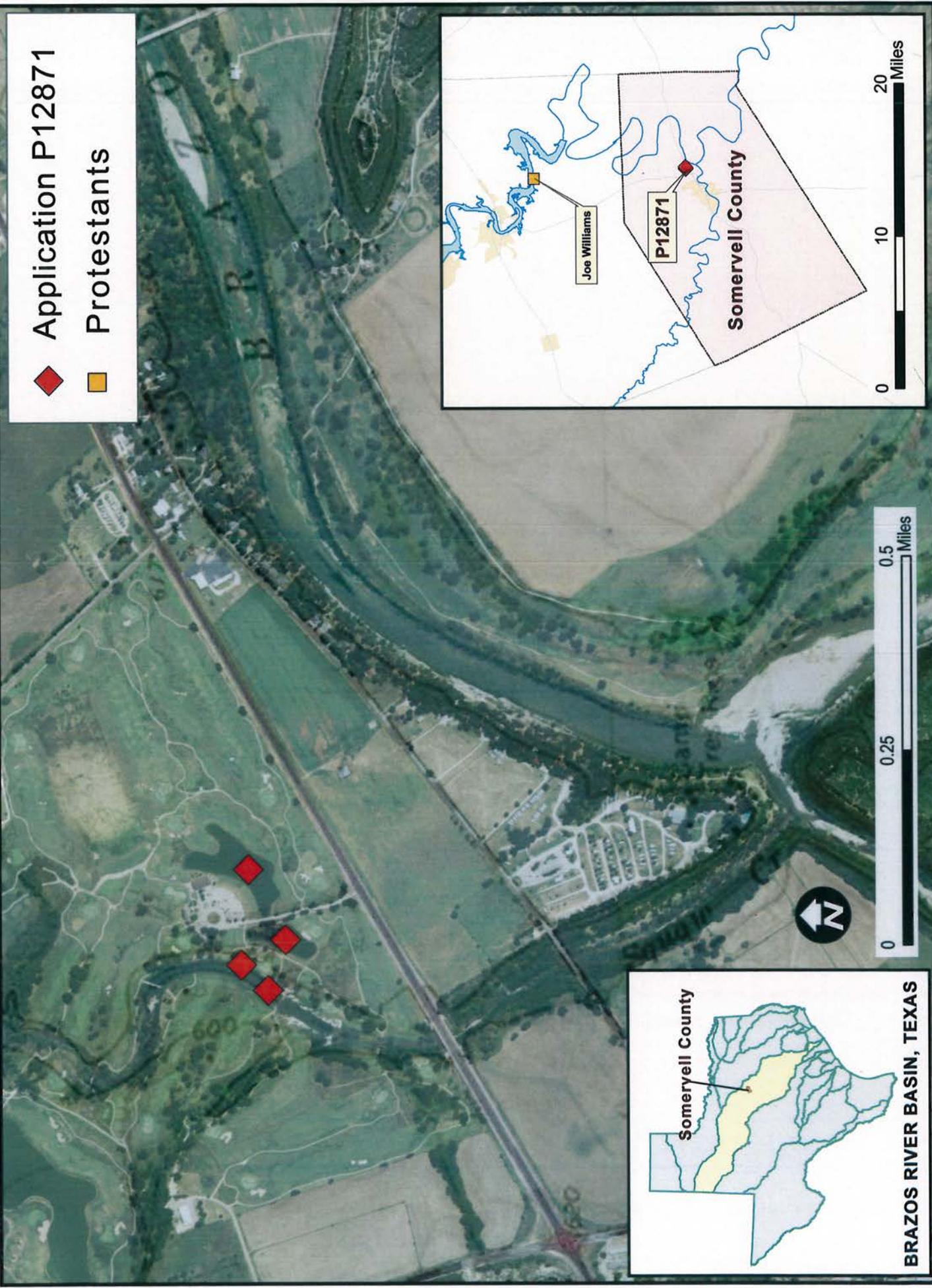
CONCLUSION

The Executive Director recommends that the Commission deny the hearing request of Joe Williams.

Attached hereto:

- TCEQ Map;
- Draft permit;
- Hydrology memo;
- Environmental memo;
- Water conservation memo.

Map



Draft permit

WATER USE PERMIT

PERMIT NO. 12871
TYPE §§ 11.121, 11.042
Permittee: Somervell County
Address: P.O. Box 851
Glen Rose, TX 76043-0851
Filed: September 19, 2012
Granted:
Purpose: Agriculture and Recreation
County: Somervell
Watercourse: Squaw Creek, tributary of the
Paluxy River, tributary of the
Brazos River
Watershed: Brazos River Basin

WHEREAS, Pursuant to an *Interruptible Water Availability Agreement* with the Brazos River Authority (BRA) for 350 acre-feet of contract water from Lake Granbury, Somervell County (Applicant) seeks a Water Use Permit to maintain an existing on-channel dam and reservoir (Reservoir C) with a maximum capacity of 4.5 acre-feet of water on Squaw Creek, tributary of the Paluxy River, tributary of the Brazos River, Brazos River Basin for recreation purposes and two off-channel reservoirs (Reservoirs A & B) with a combined maximum capacity of 32 acre-feet in Somervell County; and

WHEREAS, Luminant through its predecessor companies has a contract with BRA authorizing diversion of water from Lake Granbury to Squaw Creek Reservoir. Somerville County's 350 acre-feet of water will be added to the water diverted from Lake Granbury and will be pumped using Luminant's existing pipeline from Lake Granbury to Squaw Creek Reservoir where it will be released at the dam outlet as part of the normal operational spills and releases of Luminant's contract water; and

WHEREAS, Applicant also seeks authorization to use the bed and banks of Squaw Creek to convey 350 acre-feet of contract water released from Squaw Creek Reservoir approximately 3.6 miles downstream for diversion and from a point on Reservoir C at a maximum rate of 0.89 cfs (400 gpm) for storage in Reservoirs A & B and subsequent diversion and use for agricultural purposes to irrigate 160.74 acres out of a 200-acre tract in Somervell County, Texas; and

WHEREAS, recreational use of the water impounded in Reservoir C is incidental to irrigation use; and

WHEREAS, Reservoir A is located 2.9 miles north-northeast of the City of Glen Rose with the center point of the reservoir being located at Latitude 32.256968°N and Longitude 97.721128 °W in the Milam County School Land Survey, Abstract No. A-136, in Somervell County, Texas; and

WHEREAS, Reservoir B is located 2.8 miles north-northeast of the City of Glen Rose with the center point of the reservoir being located at Latitude 32.256307°N and Longitude 97.722692°W in the Milam County School Land Survey, Abstract No. A-136, in Somervell County, Texas; and

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

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

WHEREAS, _____ 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 Water Use Permit;

NOW, THEREFORE, this Water Use Permit No. 12871 is issued to Somervell County subject to the following terms and conditions:

1. IMPOUNDMENT

Permittee is authorized to maintain an existing dam and reservoir (Reservoir C) on Squaw Creek, tributary of the Paluxy River, tributary of the Brazos River, Brazos River Basin, and impound therein 4.5 acre-feet of contract water in Somervell County, Texas. The existing dam and reservoir is located 2.8 miles north-northeast of the City of Glen Rose with a center point on the dam being located at Latitude 32.256652°N and Longitude 97.723801 °W in the Milam County Land Survey, Abstract No. A-136, bearing N 20.75°W, 3,800 feet from the southeast corner of Milam County Land Survey, Survey, Abstract No. A-136, in Somervell County, Texas.

2. USE

A. Pursuant to the *Interruptible Water Availability Agreement* with the Brazos River Authority, Permittee is authorized to use the bed and banks of Squaw Creek to convey contract water released from Squaw Creek Reservoir for diversion and use of 350 acre-feet of water per year from a point on Reservoir C for storage in two off-channel reservoirs (Reservoirs A & B) for subsequent diversion and use for agricultural purposes to irrigate 160.74 acres out of 200 acres in the Milam County School Land Survey, Abstract No. A-136 in Somervell County, Texas.

B. Permittee is authorized to temporarily impound contract water in Reservoir C for recreation purposes prior to diversion for agricultural use.

3. DISCHARGE

Contract water will be released at the dam outlet of Squaw Creek Reservoir into Squaw Creek at a point being Latitude 32.291462° N, Longitude 97.763642° W.

4. DIVERSION

A. Permittee is authorized to divert water from a point on Reservoir C approximately one mile east of the city of Glen Rose, Texas at Latitude 32.257135° N, Longitude 97.723231° W, also bearing N 72.5° E, 14,400 feet from the northwest corner of the Milam County Land School Survey, Abstract No. A-136, in Somervell County, Texas.

B. Maximum Diversion Rate of 0.89 cfs (400 gpm).

5. TIME PRIORITY

The time priority for this right is September 19, 2012.

6. SPECIAL CONDITIONS

A. This permit does not allow Permittee to impound state water. Permittee shall provide and maintain suitable outlets in good working condition in Reservoir C to pass all inflows of state water downstream. Upon termination of this permit, Permittee shall activate the outlets such that no state water is impounded in the reservoir.

B. Permittee shall maintain and operate an alternate source of water with sufficient production to ensure no state water is used. Permittee has entered into an *Interruptible Water Availability Agreement* with the Brazos River Authority for raw water from Lake Granbury, which will be used as the alternate source of water for this project. Permittee shall maintain records of the amount of contract water released and diverted. Permittee shall provide documentation of same for review during normal business hours upon requests of the Executive Director.

C. Permittee shall only divert from Reservoir C, 90.5% of the amount of contract water released at the dam outlet of Squaw Creek Reservoir.

D. The authorizations in this permit are subject to the continued maintenance of a *water supply contract* between the Permittee and the Brazos River Authority; as such agreement may be extended or amended from time to time, including changing interruptible to firm water. In the event that use of interruptible contract water is temporarily suspended by the Brazos River

Authority as a result of drought, Permittee shall cease impoundment and diversion of water until such time as the suspension is lifted. Should the agreement be amended in such a manner as to change the amount of water or the type or location of use of the water, Permittee shall submit an application to amend this permit to conform to the terms of the amended agreement. Upon expiration of the agreement, Permittee shall immediately cease diversion and impoundment of water and either apply to amend the permit with a new alternate source, or voluntarily forfeit the permit. Permittee shall immediately notify the Executive Director upon amendment or expiration of the agreement and provide the Commission with copies of appropriate documents effectuating such changes.

- E. Permittee shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point authorized above in Diversion Paragraph 4.
- F. Permittee shall allow representatives of the TCEQ reasonable access to the property to inspect the measuring device and records.

This water use permit is issued subject to all superior and senior water rights in the Brazos River Basin.

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

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

This water use permit 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.

For the Commission

ISSUED:

Hydrology memo

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Chris Kozlowski, Project Manager
Water Rights Permitting Team
Water Rights Permitting & Availability Section
Date: May 31, 2013

Through: ~~Kathy Alexander, Ph.D.
Technical Specialist
Water Rights Permitting & Availability Section~~
Stephen Densmore, Team Leader
Surface Water Availability & Interstate Compacts Team

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

Subject: Somervell County
WRPERM 12871
CN 600811509
Squaw Creek, Brazos River Basin
Somervell County

HYDROLOGY REVIEW

Application Summary

Somervell County (Applicant) seeks authorization to maintain an on-channel reservoir (Reservoir C) with a surface area of 6.4 acres and a storage capacity of 4.5 acre-feet, located on Squaw Creek, tributary of the Paluxy River, tributary of the Brazos River, Brazos River Basin, and two off-channel reservoirs (Reservoirs A and B) with a combined surface area of 4.9 acres and combined storage capacity of 32 acre-feet, for irrigation and recreational use in Somervell County.

The Applicant seeks to divert 350 acre-feet of water per year at a maximum rate of 0.89 cfs (400 gpm) from a point at Reservoir C (Diversion Point 1), and to transfer the water via pipe to the off-channel reservoirs for subsequent diversion for irrigation use. The Applicant intends to maintain the on-channel reservoir and compensate for any use of state water with contract water.

The Applicant entered into an *Interruptible Water Availability Agreement* with the Brazos River Authority (BRA) for 350 acre-feet of contract water from Lake Granbury. Raw water from Lake Granbury will be pumped using Luminant's existing pipeline from Lake Granbury to Squaw Creek where it will be released at the dam outlet as part of the

normal operational spills and releases of Luminant's contract water at a rate conservatively estimated to be 7.1 cfs (3,186.5 gpm). Contract water diverted under this agreement will be charged against the diversion authorizations of Certificate of Adjudication 12-5156 (Lake Granbury) or other BRA Water Supply System's water rights.

The Applicant also requests authorization to use the bed and banks of Squaw Creek to convey the 350 acre-feet of contract water from the dam outlet of Squaw Creek Reservoir located on Squaw Creek, downstream 3.6 miles to Diversion Point 1 where the contract water will be diverted. The application indicates conveyance losses for use of the bed and banks of Squaw Creek to be 1.1% of the amount discharged (3.85 acre-feet per year) and estimates an average travel time of 5-6 hours. Squaw Creek Reservoir, authorized under Certificate of Adjudication 12-4097, is operated by Luminant Generation Company (Luminant).

The application was declared administratively complete on September 19, 2012.

Hydrology Review

Resource Protection staff did not recommend instream flow requirements for this application. The application does not require a water availability analysis since the application is not a request for a new appropriation of water and contract water will compensate for any state water used. However, the application must be reviewed to ensure that no water rights are affected by the request.

The application was evaluated to determine if the alternate source provided is adequate to compensate for the conveyance losses, evaporative losses associated with the on-channel reservoir, and the contract water diverted for irrigation purposes. Staff reviewed the method used to calculate the conveyance losses associated with use of the bed and banks of Squaw Creek and found the estimated 1.1% of discharge or 3.85 acre-feet per year adequate. Based on evaporation data from the TCEQ's Water Availability Model (WAM) for the Brazos River Basin, Quadrangle 510, staff determined the average annual evaporation for Reservoir C is 14.7 acre-feet with an estimated annual and monthly maximum of 29.4 acre-feet and 7.2 acre-feet, respectively.

Staff is of the opinion that so long as the Applicant does not divert more contract water from Squaw Creek than is discharged pursuant to the water supply contract less evaporative/conveyance losses, other water rights should not be affected. Staff determined that to compensate for the maximum annual evaporative loss for Reservoir C and conveyance losses, the amount of water diverted for irrigation should be limited to 316.75 acre-feet per year or 90.5% of the volume of contract water released.

Conclusion

Hydrology Staff can support granting the application provided the amount of contract water diverted for irrigation is limited to 90.5% of the volume of water released into

Squaw Creek, and the permit includes Resource Protection staff's recommendations and the following special conditions:

1. This permit does not allow Permittee to impound state water. Permittee shall provide and maintain suitable outlets in good working condition in Reservoir C to pass all inflows of state water downstream. Upon termination of this permit, Permittee shall activate the outlets such that no state water is impounded in the reservoir.
2. Permittee shall maintain and operate an alternate source of water with sufficient production to ensure no state water is used. Permittee has entered into an *Interruptible Water Availability Agreement* with the Brazos River Authority for raw water from Lake Granbury, which will be used as the alternate source of water for this project. Permittee shall maintain records of the amount of contract water released and diverted. Permittee shall provide documentation of same for review during normal business hours upon requests of the Executive Director.
3. Permittee shall only divert from Reservoir C, 90.5% of the amount of contract water released at the dam outlet of Squaw Creek Reservoir.
4. The authorizations in this permit are subject to the continued maintenance of the *Interruptible Water Availability Agreement* between the Permittee and the Brazos River Authority; as such agreement may be extended or amended from time to time. Should the agreement be amended in such a manner as to change the amount of water or the type or location of use of the water, Permittee shall submit an application to amend this permit to conform to the terms of the amended agreement. Upon expiration of the agreement, Permittee shall immediately cease diversion and impoundment of water and either apply to amend the permit with a new alternate source, or voluntarily forfeit the permit. Permittee shall immediately notify the Executive Director upon amendment or expiration of the agreement and provide the Commission with copies of appropriate documents effectuating such changes.


Kathy Buckley, Hydrologist

Environmental memo

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Tracie Donnelly, Project Manager Date: May 31, 2013
Water Rights Permitting Team
Water Rights Permitting & Availability Section

Through: *CL* Chris Loft, Team Leader
5/31/13 Resource Protection Team
Water Rights Permitting & Availability Section

RH Robert Hansen, Aquatic Scientist
5/31/13 Resource Protection Team
Water Rights Permitting & Availability Section

From: *GW* George Gable, Aquatic Scientist
5/31/13 Resource Protection Team
Water Rights Permitting & Availability Section

Subject: Somervell County
WRPERM 12871
CN600811509
Application No. 12871 for Water Use Permit
Squaw Creek tributary of Paluxy River
Brazos River Basin
Somervell 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

Application Summary: Pursuant to a Water Supply Contract with the Brazos River Authority (BRA), Somervell County seeks a Water Use Permit to maintain an existing on-channel dam and reservoir (Reservoir C) with a maximum capacity of 4.5 acre-feet of water for recreation purposes on Squaw Creek, tributary of the Paluxy River, tributary of the Brazos River, Brazos River Basin and two off-channel reservoirs (Reservoirs A & B) with a combined maximum capacity of 32 acre-feet in Somervell County. Applicant also seeks authorization to use the bed and banks of Squaw Creek to convey 350 acre-feet of contract water released from Squaw Creek Reservoir for diversion at a maximum rate of

Water Quality Standards, the designated uses of Segment No. 1205 include primary contact recreation, high aquatic life use, and public water supply with all uses being fully supported (TCEQ 2010 and TCEQ 2012). The proposed conveyance and subsequent diversion of 350 acre-feet of water per year should not adversely impact water quality in Squaw Creek or Segment No. 1229.

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. As an individual event, the proposed conveyance and subsequent diversion of contract water should have minimal impact on bay and estuary freshwater inflow.

SUMMARY

Pursuant to a Water Supply Contract with BRA, Somervell County seeks a Water Use Permit to maintain an existing on-channel dam and reservoir (Reservoir C) with a maximum capacity of 4.5 acre-feet of water for recreation purposes on Squaw Creek, tributary of the Paluxy River, tributary of the Brazos River, Brazos River Basin and two off-channel reservoirs (Reservoirs A & B) with a combined maximum capacity of 32 acre-feet in Somervell County. Applicant also seeks authorization to use the bed and banks of Squaw Creek to convey 350 acre-feet of contract water released from Squaw Creek Reservoir for diversion at a maximum rate of 0.89 cfs (400 gpm) for storage in Reservoirs A & B and subsequent diversion and use for agricultural purposes to irrigate 160.74 acres out of 200 acres in Somervell County, Texas.

Resource Protection staff has no recommendations for this permit.

This instream use assessment was conducted using current TCEQ operation procedures and policies and available data and information. 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

Bonner, T.H. and D.T. Runyan. 2007. Fish assemblage changes in three Western Gulf slope drainages. Report submitted to Texas Water Development Board.

Dahm, C.N., Edwards, R.J. Gelwick, F.P. 2005. *Rivers of North America: Gulf Coast Rivers of the Southwestern United States*, Elsevier Academic Press 2005.

"SQUAW CREEK" and "SOMERVELL COUNTY" *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/rbhavx>), (Accessed September 20, 2012). Published by the Texas State Historical Association.

Griffith, G.E., Bryce, S.A., Omernik, J.M., Comstock, J.A., Rogers, A.C., Harrison, B., Hatch, S.L., and Bezanson, D. 2004. Ecoregions of Texas (color poster with map,

Water conservation memo

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Chris Kozlowski, Project Manager
Water Rights Permitting Team
Water Rights Permitting & Availability Section

Date: October 10, 2012

Thru: *CL* Chris Loft, Team Leader
10/10/12 Resource Protection Team
Water Rights Permitting & Availability Section

KW Kristin Wang, Senior Water Conservation Specialist
10/10/12 Resource Protection Team
Water Rights Permitting & Availability Section

From: *ESS* Scott Swanson, Senior Water Conservation Specialist
10/10/12 Resource Protection Team
Water Rights Permitting & Availability Section

Subject: Somervell County
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Application No. 12871 for Water Use Permit
Water Conservation Review

Pursuant to a Water Supply Contract with BRA, Somervell County seeks a Water Use Permit to maintain an existing on-channel dam and reservoir (Reservoir C) with a maximum capacity of 4.5 acre-feet of water for recreation purposes on Squaw Creek, tributary of the Paluxy River, tributary of the Brazos River, Brazos River Basin and two off-channel reservoirs (Reservoirs A & B) with a combined maximum capacity of 32 acre-feet in Somervell County. Applicant also seeks authorization to use the bed and banks of Squaw Creek to convey 350 acre-feet of contract water released from Squaw Creek Reservoir for diversion at a maximum rate of 0.89 cfs (400 gpm) for storage in Reservoirs A & B and subsequent diversion and use for agricultural purposes to irrigate 160.74 acres out of 200 acres in Somervell County, Texas.

Per 30 TAC Chapter 295.9(4), this application does not require a Water Conservation Plan submittal.

The application is consistent with the approved January 2011 Region G Water Plan and the approved 2012 State Water Plan because there is nothing in the state and regional water plans that conflicts with issuing this permit.

No further review is required by the conservation staff of the Resource Protection Team.