

TCEQ Interoffice Memorandum

TO: Office of the Chief Clerk
Texas Commission on Environmental Quality

THRU: Iliana Delgado, Team Leader
Water Rights Permitting Team

FROM: Chris Kozlowski, Project Manager
Water Rights Permitting Team

DATE: January 14, 2016

SUBJECT: Somervell County
WRPERM 12871, CN600811509, RN106509896
Application No. 12871 for a Water Use Permit
Texas Water Code §§11.121, 11.042, Requiring Mailed and Published Notice
Squaw Creek, Brazos River Basin
Somervell County

The Executive Director received an application from Somervell County seeking a Water Use Permit pursuant to Texas Water Code §11.121 and Texas Commission on Environmental Quality Rules 30 TAC §§295.1, *et seq.*

The application was received on June 14, 2012. The application was declared administratively complete and filed with the Office of the Chief Clerk on September 19, 2012. The notice of the application was filed with the Chief Clerk on November 7, 2013, and notice was subsequently mailed to the water right holders in the Brazos River Basin. One request for a contested case hearing was 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 the application by Somervell County (Applicant) for Water Use Permit No. 12871, seeking authorization 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 and 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 Brazos River Authority (BRA) 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 and B and subsequent diversion and use for agricultural purposes to irrigate 160.74 acres of a 200-acre

tract in Somervell County. The Commission will consider all timely filed hearing requests and related responses and replies. (Chris Kozlowski, Ruth Takeda)

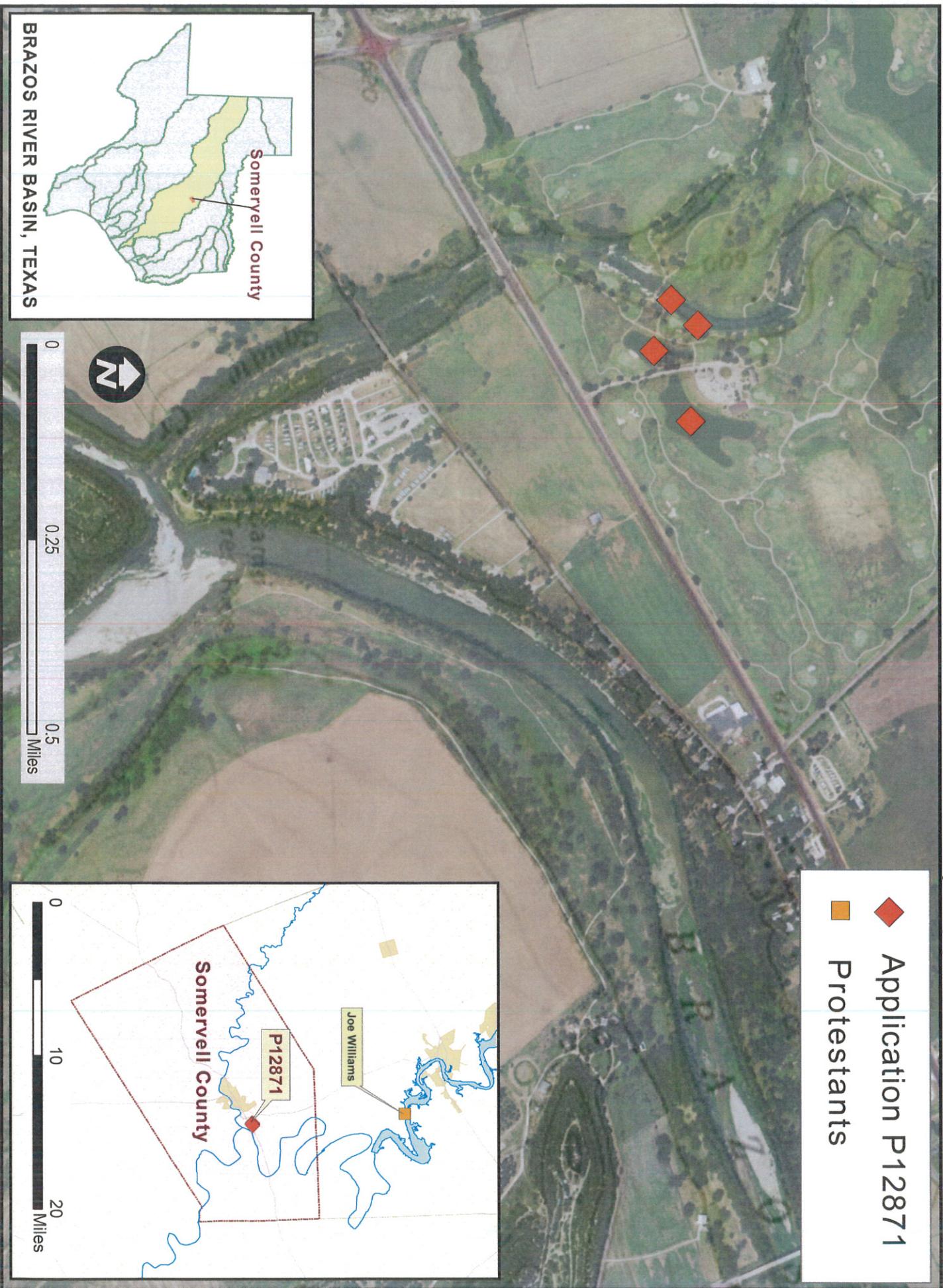


Chris Kozlowski, Project Manager
Water Rights Permitting Team

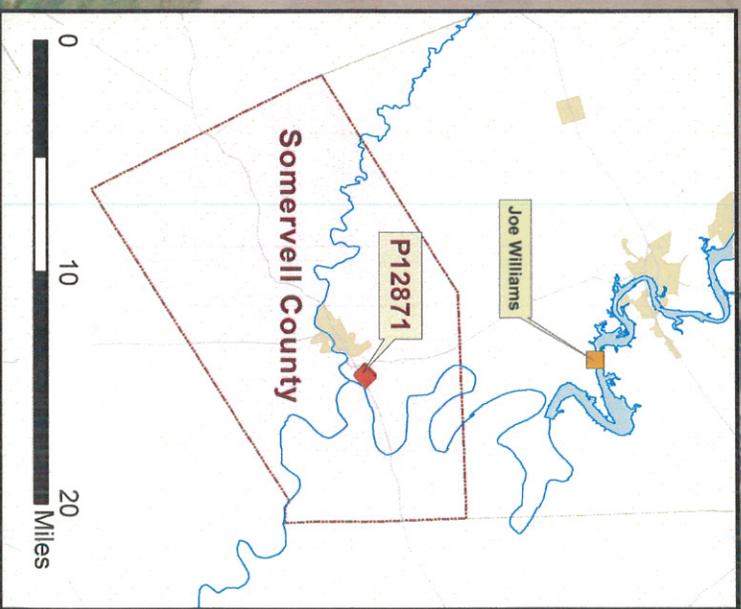
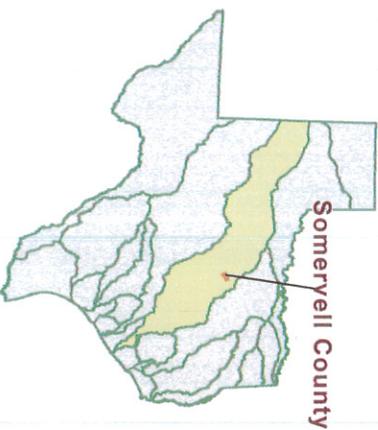
Enclosure

cc: Kim Wilson, TCEQ
Kathy Alexander, TCEQ
Lori Hamilton, TCEQ
Leslie Patterson, TCEQ
Ruth Takeda, TCEQ
Iliana Delgado, TCEQ
George Gable, TCEQ
Jennifer Allis, TCEQ
Kathy Buckley, TCEQ

- ◆ Application P12871
- Protestants



BRAZOS RIVER BASIN, TEXAS



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION FOR A WATER USE PERMIT

APPLICATION NO. 12871

Somervell County seeks authorization to maintain an existing on-channel dam and reservoir (Reservoir C) on Squaw Creek, Brazos River Basin for recreation purposes and two off-channel reservoirs (Reservoirs A & B) in Somervell County; and also seeks authorization to use the bed and banks of Squaw Creek to convey contract water released from Squaw Creek Reservoir for storage in Reservoirs A & B and subsequent diversion and use for agricultural purposes in Somervell County, Texas.

APPLICATION. Somervell County, P.O. Box 851, Glen Rose, Texas 76043-0851, Applicant, seeks a Water Use Permit pursuant to Texas Water Code (TWC) §§11.121, 11.042, and Texas Commission on Environmental Quality Rules Title 30 Texas Administrative Code (TAC) §295.151, *et seq.* Notice is being published and mailed to the water rights holders of record in the Brazos River Basin pursuant to Title 30 TAC §295.151.

Pursuant to an *Interruptible Water Availability Agreement* (Agreement) with the Brazos River Authority for 350 acre-feet of water per year from Lake Granbury, 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.

Luminant has a contract with Brazos River Authority for 43,000 acre-feet per year from Lake Granbury. Somerville County's 350 acre-feet of water will be added to this amount 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.

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 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 200 acres in Somervell County, Texas.

Reservoir A is located 2.9 miles north-northeast of the City of Glen Rose with a center point on the dam being located at Latitude 32.256968°N and Longitude 97.723200 °W in the Milam County School Land Survey, Abstract No. A-136, in Somervell County, Texas in zip code 76043.

Reservoir B is located 2.8 miles northeast of the City of Glen Rose with a center point on the dam 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 in zip code 76043.

Reservoir C 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 School 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 in zip code 76043.

The proposed discharge point for the 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.

The proposed diversion point will be located at a point on Reservoir C approximately one mile east of the nearby 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.

The application and partial fees were received on June 14, 2012. Additional information and fees were received on August 14 and 31, 2012. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on September 19, 2012.

The Executive Director completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would contain special conditions including, but not limited to, the maintenance of the *Interruptible Water Availability Agreement* between the Applicant and the Brazos River Authority. The application, technical memoranda, and Executive Director's draft permit are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Bldg. F, Austin, TX 78753.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. 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 within 30 days from the date of

newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

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 for 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 Executive Director 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.gov/about/comments.html> by entering WRPERM 12871 in the search field. 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 Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: November 13, 2013

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. Somervell 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:

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

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

From: *OK* 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,

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: *pl* Chris Loft, Team Leader
WJL 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
WRPERM 12871
CN600811509
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.

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 TCRQ'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.

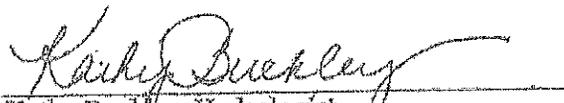
Staff is of the opinion that so long as the Applicant does not divert more contract water from Squaw Creek than is discharged pursuant to the water supply contract less evaporative/conveyance losses, other water rights should not be affected. Staff determined that to compensate for the maximum annual 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