

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 14, 2016

Bridget C. Bohac, Chief Clerk
Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC-105 Austin,
Texas 78711-3087

Re: TCEQ Docket No. 2016-0466-WR; Consideration of an Application for Water Use Permit No. 12185

Dear Ms. Bohac:

Enclosed for filing with the Texas Commission on Environmental Quality (Commission) is the original plus seven copies of the following backup materials for the November 2, 2016 agenda item on the above-referenced matter:

1. Proposed Order;
2. Revised Notice of Application;
3. Tech Memoranda;
4. Denial Letters; and
5. Caption.

Please do not hesitate to contact me at linda.hornig@tceq.texas.gov or (512) 239-0676 if you have any questions regarding this material. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Hornig".

Linda Hornig
Staff Attorney
Environmental Law Division

Enclosure

cc: Ed French, Quannah Country Club

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN ORDER denying the application of Quanah Country Club for Water Use Permit No. 12185;
Docket No. 2016-0466-WR

On November 2, 2016, the Texas Commission on Environmental Quality (Commission) considered the application of Quanah Country Club (Applicant) for Water Use Permit No. 12185. The Commission has jurisdiction over the determination of water rights in Texas rivers and streams. TEX. WATER CODE Ch. 11.

On April 11, 2007, Quanah Country Club filed its application for Water Use Permit No. 12185 seeking authorization to impound less than an acre-foot of water in Holding Pond 1 on an unnamed tributary of Spring Creek, tributary of Groesbeck Creek, tributary of the Red River, and to use the bed and banks of Holding Pond 1 for storage of the City of Quanah's return flows. Applicant also requested to divert 99.3 acre-feet of water per year from Holding Pond 1 at a maximum rate of 100 gpm, to be conveyed by pipeline to Holding Pond 2 on an unnamed tributary of Groesbeck Creek. Applicant additionally requested to impound less than an acre-foot of water in Holding Pond 2 for livestock and recreational use, to use the bed and banks of the pond for storage and diversion at a maximum 285 gpm for livestock and agricultural uses. Finally, Applicant requested authorization to maintain two existing reservoirs, known as North Lake (108 acre-feet) and South Lake (40 acre-feet), both on the unnamed tributary of Groesbeck Creek, for recreational use. Applicant proposed to use its surface water based return flows as an alternate source. Applicant is authorized to discharge a maximum of 0.465 mgd of return flows per year at a maximum rate of 969 gpm to Spring Creek under Texas Pollutant Discharge Elimination System (TPDES) Permit No. 0010600001.

A Notice of Application was mailed to water right holders in the Red River Basin on January 3, 2008. A Revised Notice of Application was mailed to water right holders in the basin on February 1, 2008 and published in *Quanah Tribune-Chief* on February 10, 2008. Notice was provided in accordance with TEX. WATER CODE § 11.132 and 30 TEX. ADMIN. CODE (TAC) Ch. 295. No hearing requests were received.

The application was declared administratively complete on August 31, 2007. In the original water availability memorandum dated May 20, 2008, the Executive Director's Staff determined that Applicant's return flows were not available in an amount sufficient to satisfy the requests in the application. That conclusion was confirmed by the Executive Director's Staff in the water availability addendum dated January 13, 2016, which used the most updated version of the Red River water availability model (WAM).

The Commission may only grant an application if unappropriated water is available in the source of supply. TEX. WATER CODE § 11.134. Further, the return flows proposed for use as an alternate source by the applicant are not available in sufficient quantity to prevent impacts on existing water rights. TEX. WATER CODE § 11.042(c).

NOW THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY THAT:

1. The application of Quannah Country Club for Water Use Permit No. 12185 is denied.
2. The Chief Clerk of the Texas Commission on Environmental Quality shall forward a copy of this Order to all affected persons.
3. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

Issue Date:

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Bryan W. Shaw, Ph.D., P.E., Chairman

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



REVISED NOTICE OF WATER RIGHTS APPLICATION APPLICATION NO. 12185

The Quanah Country Club has applied for a Water Use Permit to maintain two existing dams and reservoirs, known as North Lake and South Lake, both on an unnamed tributary of Groesbeck Creek for in-place recreational purposes; construct and maintain a tank pond, known as Holding Pond 1, on an unnamed tributary of Spring Creek and use the bed and banks of the pond for storage and subsequent diversion; and construct and maintain a pit pond, known as Holding Pond 2, on an unnamed tributary of Groesbeck Creek for in-place recreational and livestock purposes and use the bed and banks of the pond for storage and subsequent diversion of treated effluent for agricultural (irrigation) purposes, in the Red River Basin, Hardeman County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. The Quanah Country Club, Applicant, P.O. Box 86, Quanah, Texas 79252-0086, seeks a Water Use Permit pursuant to Texas Water Code §§11.042 and 11.121 and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) §§295.1, *et seq.* Notice is being published and mailed to the water right holders of record in the Red River Basin pursuant to 30 TAC §295.151.

Notice of this application was mailed on January 3, 2008 to the water right holders of record in the Red River Basin. Prior to the publication of that notice, it was noted that the notice contained several errors as follows 1) referencing Section 124 in the bearing of North Lake and South Lake; 2) referencing the southeast corner of the Section in the bearing for Holding Pond 2 and Diversion Point 2; and 3) referencing the incorrect Latitude and Longitude for Diversion Point No. 1. Therefore, this revised notice is being published and mailed to all water right holders of record in the Red River Basin.

The Applicant seeks a Water Use Permit for authorization to maintain two existing ponds (North Lake and South Lake) as well as the proposed Holding Pond 2 for in-place recreational purposes.

North Lake is 3.2 miles northeast of the Hardeman County Courthouse within the City of Quanah, impounds 108 acre-feet of water with a surface area of 17 acres, and is located on an unnamed tributary of Groesbeck Creek, tributary of the Red River, Red River Basin in Section 123, Block H of the W & NW RR Co. Survey, in Hardeman County, bearing approximately 15°, 3,686 feet from the southwest corner of Section 123, block H of the W & NW RR Co. Survey, also being at Latitude 34.34000°N, Longitude 99.71500°W.

South Lake is 2.8 miles northeast of the Hardeman County Courthouse within the City of Quanah, impounds 40 acre-feet of water with a surface area of 9 acres, and is located on an unnamed tributary of Groesbeck Creek in Section 123, Block H of the W & NW RR Co. Survey, in Hardeman County, bearing approximately 45°, 1,900 feet from the southwest corner of Section 123, block H of the W & NW RR Co. Survey, also being at Latitude 34.33330°N, Longitude 99.71330°W.

The Applicant further proposes to bury a tank (Holding Pond 1) in the ditch that carries the City of Quanah's effluent water from the City of Quanah discharge point to Spring Creek. The Applicant seeks authorization to use the bed and banks of Holding Pond 1 to impound that effluent for subsequent diversion of 99.3 acre-feet of water per year at a maximum rate of 100 gpm (0.223 cfs) by pipeline to the second holding pond (Holding Pond 2) for subsequent diversion and use at a maximum rate of 285 gpm (0.635 cfs) for livestock and agricultural purposes to irrigate 48 acres out of a 220-acre tract in Hardeman County. The applicant also seeks to use Holding Pond 2 for in-place recreational and livestock purposes.

The proposed Holding Pond 1 will impound 12,000 gallons (0.0368 acre-foot) of water with a surface area of 0.020 acre and will be located on an unnamed tributary of Spring Creek, tributary of Groesbeck Creek, tributary of the Red River, Red River Basin in Section 142, Block H of the W & NW RR Co. Survey, in Hardeman County, bearing 276.88°, 2,065 feet from the southeast corner of Section 142, Block H of the W & NW RR Co. Survey, also being at Latitude 34.30035°N, Longitude 99.72710°W in the City of Quanah.

The proposed Holding Pond 2 will impound 250,000 gallons (0.76722 acre-foot) of water with a surface area of 0.4 acre and will be located on an unnamed tributary of Groesbeck Creek, tributary of the Red River, Red River Basin in Section 123, Block H of the W & NW RR Co. Survey, in Hardeman County, bearing 85.03°, 2,450 feet from the southwest corner of Section 123, Block H of the W & NW RR Co. Survey, also being at Latitude 34.32945°N, Longitude 99.71147°W.

Texas Pollutant Discharge Elimination System Permit No. 0010600001 authorizes the City of Quanah to discharge effluent to Spring Creek, tributary of Groesbeck Creek, tributary of the Red River, Red River Basin at a point bearing 276°, 2,165 feet from the southeast corner of Section 142, Block H of the W & NW RR Co. Survey, also being at Latitude 34.30022°N, Longitude 99.72737°W.

The applicant indicates a maximum of 521 acre-feet of effluent per year will be discharged at a maximum rate of 2.16 cfs (969 gpm) to Spring Creek for impoundment and subsequent diversion and use for livestock and agricultural purposes.

Diversion Point 1 (from Holding Pond 1) will be located on an unnamed tributary of Spring Creek at a point bearing 276.88°, 2,065 feet from the southeast corner of Section 142, Block H of the W & NW RR Co. Survey, also being at Latitude 34.30035°N, Longitude 99.72710°W.

Diversion Point 2 (from Holding Pond 2) will be located on an unnamed tributary of Groesbeck Creek at a point bearing 85.03°, 2,450 feet from the southwest corner of Section 123, Block H of the W & NW RR Co. Survey, also being at Latitude 34.32945°N, Longitude 99.71147°W.

Ownership of the land to be irrigated and inundated by the North Lake, South Lake, and Holding Pond 2 is evidenced by deeds recorded in Hardeman County.

The Applicant has entered into a Water Removal Easement with Mr. Joe C. Lindsey, II which allows for the storage in Holding Pond 1, the diversion of that water, and the piping of that water across his land.

Unlawful diversion of this reuse water, if granted, may result in administrative penalties, criminal penalties, or the applicant may elect to pursue private civil remedies as provided by law.

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

The application was received on April 11, 2007. Additional information and fees were received on June 25 and August 20, 2007. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on August 31, 2007.

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. 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.

Issued: February 1, 2008

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

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

Date: January 13, 2016

Thru: Leslie Patterson, Acting Team Leader
Resource Protection Team
Water Rights Permitting & Availability Section

JG
1/13/16
Jennifer Allis, Senior Water Conservation Specialist
Resource Protection Team
Water Rights Permitting & Availability Section

From: Kristina Wang, Senior Water Conservation Specialist
Resource Protection Team
Water Rights Permitting & Availability Section

KW
1/13/16
Subject: Quanah Country Club
WRPERM 12185
CN60084926
Application No. 12185 for a Water Use Permit
Water Conservation Review Addendum

Quanah Country Club (Applicant) has requested authorization to impound less than an acre-foot of water in Holding Pond 1 on an unnamed tributary of Spring Creek, tributary of Groesbeck Creek, tributary of the Red River, and to use the bed and banks of Holding Pond 1 for storage of the City of Quanah's return flows. Applicant has requested to divert 99.3 acre-feet per year from Holding Pond 1 at a maximum rate of 100 gpm, to be conveyed by pipeline to Holding Pond 2 on an unnamed tributary of Groesbeck Creek. Applicant has requested authorization to impound less than an acre-foot of water in Holding Pond 2 for livestock and recreational use, to use the bed and banks of the pond for storage and diversion at a maximum 285 gpm for livestock and agricultural uses.

The Applicant has also requested authorization to maintain two existing reservoirs, known as North Lake (108 acre-feet) and South Lake (40 acre-feet), both on the unnamed tributary of Groesbeck Creek, for recreational use. A maximum of 0.465 mgd of effluent per year is authorized to be discharged at a maximum rate of 969 gpm to Spring Creek under Texas Pollutant Discharge Elimination System Permit No. 0010600001.

Staff completed a water conservation memorandum on April 18, 2007.

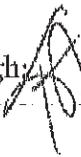
The application is consistent with the approved January 2011 Region B Water Plan and the approved 2012 State Water Plan because there is nothing in the plans that conflicts with issuing this Permit.

All other analyses and recommendation in the April 18, 2007 memorandum remain unchanged unless specifically addressed in this addendum.

Texas Commission on Environmental Quality
INTEROFFICE MEMORANDUM

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

Date: January 13, 2016

Through:  Kathy Alexander, Ph.D.
Technical Specialist
Water Availability Division

 Chris Peters, Senior Hydrologist
Water Rights Permitting & Availability Section

From: Caroline Hackett, Hydrologist
Surface Water Availability Team

Subject: Quanah Country Club
WRPERM 12185
CN600842926
Unnamed Tributary of Groesbeck Creek and Unnamed
Tributary of Spring Creek, Tributaries to Groesbeck Creek,
Tributary of Red River, Red River Basin
Hardeman County

WATER AVAILABILITY ADDENDUM

Application Summary

Quanah Country Club (Applicant) has requested authorization to impound less than an acre-foot of water in Holding Pond 1 on an unnamed tributary of Spring Creek, tributary of Groesbeck Creek, tributary of the Red River, and to use the bed and banks of Holding Pond 1 for storage of the City of Quanah's return flows. Applicant has requested to divert 99.3 acre-feet per year from Holding Pond 1 at a maximum rate of 100 gpm, to be conveyed by pipeline to Holding Pond 2 on an unnamed tributary of Groesbeck Creek. Applicant has requested authorization to impound less than an acre-foot of water in Holding Pond 2 for livestock and recreational use, to use the bed and banks of the pond for storage and diversion at a maximum rate of 285 gpm for livestock and agricultural uses. The Applicant has also requested authorization to maintain two existing reservoirs, known as North Lake (108 acre-feet) and South Lake (40 acre-feet), both on the unnamed tributary of Groesbeck Creek, for recreational use. A maximum of 0.465 mgd of effluent per year is authorized to be discharged at a maximum rate of 969 gpm to Spring Creek under Texas Pollutant Discharge Elimination System Permit No. 0010600001.

The application was declared administratively complete on August 31, 2007. Staff completed the original memorandum on May 20, 2008, and recommended denial of the

application. Using the most updated version of the Red River WAM, Staff performed an analysis of the application to confirm its original recommendation.

Water Availability Review

Resource Protection staff does not recommend any instream flow requirements for this permit; special conditions are included in Resource Protection staff's January 13, 2016 memorandum.

Staff performed a similar analysis to that described in its May 20, 2008 memorandum to review the applicant's request to reuse the City of Quanah's return flows. Staff first evaluated whether any of the City of Quanah's surface water-based effluent was available for diversion using the WAM Full Authorization Simulation, in which all basin rights use their maximum authorized amounts. The period of record for the Red River Basin WAM is 1948 through 1998. The priority date of the application is August 31, 2007.

The Water Rights Analysis Package (WRAP) simulates management of the water resources of a river basin. TCEQ uses WRAP in the evaluation of water right permit applications using priority-based water allocations. WRAP is a generalized simulation model for application to any river basin, and input datasets must be developed for the particular river basin of concern. The TCEQ developed water availability models (WAMs) for Texas river basins that include geographical information, water right information, naturalized flows, evaporation rates, channel losses, and specific management assumptions. Hydrology staff operates WRAP to evaluate water rights applications to determine water availability and to ensure that senior water rights are protected.

An evaluation of a proposed appropriation of state water must consider effects of the proposed permit on groundwater or groundwater recharge. The naturalized flows that are the basis for the TCEQ WAM take into account both contribution to river flow caused by groundwater coming to the surface in the river (springs) and decreases in river flow caused by the river flowing over recharge features and losing surface water to groundwater recharge. Therefore, any effects on groundwater or groundwater recharge are incorporated into the modeling for this application. By considering any gains and losses due to groundwater/surface water interaction in its water availability analysis, the commission is protecting groundwater resources.

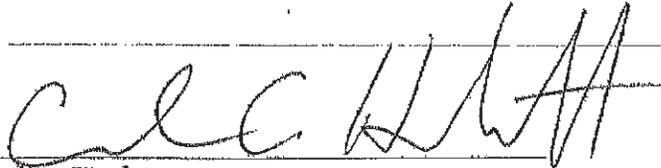
Staff first modified the WAM to include the historically discharged return flows from the City of Quanah's Wastewater Treatment Plant. The applicant submitted discharge information for the period 1997 through 2007; however, staff used more current TCEQ data (2010 through 2014) and calculated the minimum monthly discharge for each month. Staff used the modified WAM to model the applicant's proposed diversion of Quanah's return flows at a priority date of August 31, 2007. The WAM simulation results indicate that 100 percent of the annual demand of 99.3 acre-feet would be met in

11.8% of the years, and 75 percent of the monthly demand would be met in 62.6% of the months.

Staff calculated the maximum monthly evaporative loss from North Lake and South Lake to be 30.50 acre-feet per month, and the maximum annual evaporative loss to be 156.23 acre-feet per year. The minimum annual historic discharges from the City of Quanah are 125.28 acre-feet per year, which is not sufficient to account for evaporative losses from North Lake and South Lake. Staff also used the WAM Full Authorization Simulation to determine whether sufficient water was available to recommend granting the request to impound water for recreational purposes. The reservoir modeling was conducted separately from the diversion simulation. The simulation results indicate that the two reservoirs (North Lake and South Lake) are full 30% percent of the time, or 186 months of the 612 month period of record.

Conclusion

Based on Staff's review, the amount of water necessary for an alternate source is 99.3 acre-feet per year plus 156.23 acre-feet per year to account for evaporative losses from the North and South Lakes. Staff's review of the proposed alternate source indicates that a sufficient amount of return flow is not available to meet the demand, and Staff could not consider the return flows to be a viable, long-term, reliable source. The analysis also indicates that there is insufficient water available to maintain North Lake and South Lake as recreation reservoirs. Staff cannot support granting this application.



Caroline Hackett
Hydrologist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Chris Kozlowski, Project Manager Date: January 13, 2016
Water Rights Permitting Team
Water Rights Permitting & Availability Section

Through: *JKP* Leslie Patterson, Acting Team Leader
Resource Protection Team
Water Rights Permitting & Availability Section

RH Robert Hansen, Senior Aquatic Scientist
Resource Protection Team
Water Rights Permitting & Availability Section

From: *CG* George Gable, Aquatic Scientist
Resource Protection Team
Water Rights Permitting & Availability Section

Subject: Quanah Country Club
WRPERM 12185
CN 600842926
Application No. 12185 for a Water Use Permit
Spring Creek
Red River
Hardeman 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 Texas Commission on Environmental Quality (TCEQ) administrative rules which include Title 30 Texas Administrative Code (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 ADDENDUM

Application Summary: Quanah Country Club (Applicant) has requested authorization to impound less than an acre-foot of water in Holding Pond 1 on an unnamed tributary of Spring Creek, tributary of Groesbeck Creek, tributary of the Red River, and to use the bed and banks of Holding Pond 1 for storage of the City of Quanah's return flows. Applicant has requested to divert 99.3 acre-feet per year from Holding Pond 1 at a maximum rate of 100 gpm, to be conveyed by pipeline to Holding Pond 2 on an unnamed tributary of Groesbeck Creek. Applicant has requested authorization to impound less than an acre-foot of water in Holding

Pond 2 for livestock and recreational use, to use the bed and banks of the pond for storage and diversion at a maximum rate of 285 gpm for livestock and agricultural uses.

The Applicant has also requested authorization to maintain two existing reservoirs, known as North Lake (108 acre-feet) and South Lake (40 acre-feet), both on the unnamed tributary of Groesbeck Creek, for recreational use. A maximum of 0.465 mgd of effluent per year is authorized to be discharged at a maximum rate of 969 gpm to Spring Creek under Texas Pollutant Discharge Elimination System Permit No. 0010600001.

Aquatic and Riparian Habitats: The Applicant's existing and proposed impoundments are located on an unnamed tributary of Groesbeck Creek. The unnamed tributary rises approximately one mile northeast of Quanah, Texas and flows in a north easterly direction approximately three miles to the confluence with Groesbeck Creek. A United States Geological Survey topographic map indicated the unnamed tributary to Groesbeck Creek as being intermittent. The Applicant's proposed diversion point and holding tank (Holding Pond 1) are located on the headwaters of Spring Creek. Spring Creek rises within the City of Quanah and flows in a north easterly direction for approximately 4.5 miles to the confluence of Groesbeck Creek.

Spring Creek and the unnamed tributary to Groesbeck Creek are located in the Red Prairie of the Central Great Plains. Typical grasses include little bluestem (*Schizachyrium scoparium*), Texas wintergrass (*Nassella leucotricha*), white tridens (*Tridens albescens*), Texas cupgrass (*Eriochloa sericea*), sideoats grama (*Bouteloua curtipendula*), and curlymesquite (*Hilaria belangeri*). However, the landscape of the Red Prairie is currently cultivated (Griffith 2004). Recent satellite imagery shows the area associated with the proposed project is characterized by intensive agriculture with riparian vegetation limited to narrow bands along the water course. Photographs of the project area submitted by the Applicant show eroded banks and non-native vegetation, as well as the presence of man-made features such as culverts and drainage pipes.

Studies within the Red River Basin have described a total of 103 species of ichthyofauna with 17 species occurring within Hardeman County (Hendrickson and Cohen 2012). According to the Texas Parks and Wildlife Department's *Rare, Threatened, and Endangered Species of Texas* there are two federally listed endangered and state endangered bird species; the interior least tern (*Sterna antillarum athalassos*) and whooping crane (*Grus americana*) with potential or known presence in Hardeman County (TPWD 2015).

Riparian zones are an integral part of aquatic ecosystems and a landscape component that has to function well if rivers are to maintain their ecological vitality in the long term (Nilsson and Svedmark 2002). Riparian areas are transitional zones between terrestrial and aquatic ecosystems and are distinguished by gradients in biophysical conditions, ecological processes, and biota. They are areas through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. They include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (NRC 2002). Riparia provide many important functions including streamflow maintenance, nutrient cycling, chemical and other pollutant

filtering, sediment trapping and redistribution, floodwater absorption and detention, fish and wildlife habitat maintenance, and food provision for a wide range of biota (Naiman and Decamps 1997, Fischenich and Allen 2000, NRC 2002).

Riparian buffer zones function most effectively when the following conditions are met:

- Minimum width of fifty (50) feet (Walsh *et al.* 1997, Fischenich and Allen 2000, EPA 2005)
- Gentle slope (5%; maximum slope 15%) to allow sheet flow (Walsh *et al.* 1997, NRC 2002, EPA 2005)
- Dense vegetation (Nilsson and Svedmark 2002, NRC 2002)
- Vegetation composed of native species (EPA 2005)

The Applicant contacted the Fort Worth District of the U.S. Army Corps of Engineers to determine whether the project required a Section 404 permit. The Applicant reported that no permit is required by the project. Resource Protection staff recommend that the Applicant maintain a riparian buffer zone around the new reservoir, Holding Pond 2.

Recreational Uses: There are no known recreational uses for Spring Creek or the unnamed tributary to Groesbeck Creek.

Water Quality: According to the 2014 *Texas Surface Water Quality Standards*, the nearest downstream classified segment is Segment No. 0206 – Red River above Pease River. Designated uses for Segment No. 0206 include primary contact recreation 1 and high aquatic life use with all uses being fully supported (TCEQ 2012). The proposed actions should not adversely impact water quality.

Freshwater Inflows: Freshwater inflows are critical for maintaining the historical productivity of bays and estuaries along the Gulf Coast. The proposed project site is located near the Texas and Oklahoma border and is significantly more than 200 river miles from the Gulf Coast. The project should not have any impact to Texas bays and estuaries because the receiving waters are not located in Texas. However, the cumulative effects of all diversions and impoundments on the Red River Basin and its receiving bays and estuaries are unknown at this time.

ADDENDUM

In the January 3, 2008, environmental analysis memorandum, Resource Protection staff recommended the Applicant maintain a riparian buffer zone around Holding Pond 2 and install screens with a mesh size of 0.25 inches or smaller on any diversion structure(s). Resource Protection staff has reviewed the application with currently available information and based on this information, staff recommends no changes to the original Special Conditions as described in the January 3, 2008 memorandum.

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

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Center for Research in Water Resources, Austin, TX.

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Steve Ramos, Application Manager
Water Rights Permitting Team

May 20, 2008

Through: *JB* Lann Bookout, Senior Hydrologist
Surface Water Availability & Interstate Compacts Team

From: Jeff Thomas, Engineer
Surface Water Availability & Interstate Compacts Team

Subject: Quanah Country Club
WRPERM 12185
CN600842926
Spring Creek, tributary of Groesbeck Creek, tributary of Red
River, Red River Basin
Hardeman County

WATER AVAILABILITY REVIEW

Application Summary

The applicant has requested authorization to use the bed and banks of Spring Creek, tributary of Groesbeck Creek, tributary of the Red River to convey the City of Quanah's treated effluent to a reservoir (Holding Pond 1) on Spring Creek and divert and convey 99.3 acre-feet per year for impoundment in a second holding pond (Holding Pond 2) for subsequent diversion and use for irrigation of 48 acres out of a 220 acre tract in Hardeman County. The applicant also intends to maintain two existing ponds (North Lake and South Lake) as well as the second holding pond for in-place recreation purposes. The applicant indicates a maximum of 521 acre-feet of effluent per year will be discharged at a rate of 2.16 cfs (969 gpm) to Spring Creek under Texas Pollutant Discharge Elimination System Permit No. 0010600001. The applicant proposes to bury a tank (Holding Pond 1) in Spring Creek, near the ditch that carries the discharge from the City of Quanah discharge point to Spring Creek. The effluent will be impounded in the tank, then diverted by pipeline to Holding Pond 2. The proposed tank (Holding Pond 1) has a capacity of 0.00921 acre-feet (3,000 gallons) and a surface area of 0.005 acres. The proposed Holding Pond 2 has a capacity of 0.767 acre-feet (250,000 gallons) and a surface area of 0.4 acres. Diversion Point 1 will be the tank (Holding Pond 1) on Spring Creek, Diversion Point 2 will be on Holding Pond 2. North Lake impounds 108 acre-feet of water with a surface area of 17 acres, on an unnamed tributary of Groesbeck Creek. South Lake impounds 40 acre-feet of water, with a surface area of 9 acres, located on an unnamed tributary of Groesbeck Creek.

Water Availability Review

The Commission's Water Availability Model (WAM) for the Red River Basin protects existing water rights based on the prior appropriation doctrine. The period of record for the Red WAM is 1948 through 1998. The priority date of the application is August 31, 2007.

Resource Protection staff did not recommend an instream flow restriction although they did recommend that the permit include special conditions to protect water quality and riparian habitat.

Staff first evaluated whether any of the City of Quanah's surface water based effluent was available for diversion using the WAM Full Authorization Simulation, in which all basin rights use their maximum authorized amounts. The simulation results indicate that 100 percent and 75 percent of the annual demand of 100 acre-feet would each be met in none of the years, and 75 percent of the monthly demand would be met in 14.5% of the months. A reduced demand of 20 acre-feet was also simulated. The results indicated that 100 percent and 75 percent of the reduced demand of 20 acre-feet would be met in none and 17.6% of the years, respectively, and 75 percent of the monthly demand would be met in 41 percent of the months.

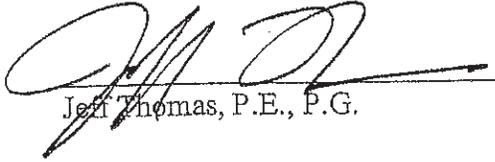
Staff then evaluated whether any water would be available on a term basis using the WAM Current Conditions Simulation in which all basin rights use their maximum reported demands from the last 10 years. The simulation results indicate that 100 percent and 75 percent of the annual demand of 100 acre-feet would each be met in none of the years, and the monthly demand would be met in 16.5% of the months. A reduced demand of 20 acre-feet was also simulated. The results indicated that 100 percent and 75 percent of the reduced demand of 20 acre-feet would be met in none, and 31.4% of the years, respectively, and 75 percent of the monthly demand would be met in 45.4% of the months.

Staff used the WAM Full Authorization Simulation, in which all basin rights use their maximum authorized amounts to determine whether sufficient water was available to recommend granting the request to impound water for recreational purposes. The reservoir modeling was conducted separately from the diversion simulation, so that no diversions of surface water were considered during the reservoir modeling run. The simulation results indicate that the two reservoirs' (North Lake and South Lake) average content is 18.8% of total capacity, and that the reservoirs never refill during the 50 years-of-record modeled.

Quannah Country Club App. No. 12185
Red River Basin
Page 3 of 4

Conclusion

The water availability analysis indicates that there is not sufficient water available at the applicant's location to support the requested demand of 100 acre-feet per year. The analysis also indicates that there is insufficient water available to maintain the two reservoirs (North Lake and South Lake) as recreation reservoirs. Staff cannot support granting a permit for diversion or to maintain the reservoirs for recreation uses.



Jeff Thomas, P.E., P.G.

HYDROLOGY UNIT ANALYSIS FACT SHEET

Applicant: Quanah Country Club
 Water Right: 12185
 Stream: Spring Creek, and Unnamed Tributary of Groesbeck Creek.
 Basin: Red County: Hardeman
 Requested Amount: 100 acre-feet per year

Remarks: Resource Protection staff did not recommend any streamflow restrictions.

WAM code:

.dis code:

**Quanah Application 5/9/08 - jt
 FD121851 H10000 0 A10000 B10000 D10000 E10000 G10000
 WP121851 0.05 68.00 21.50

.dat code:

** Quanah Application 12185, 5/9/08 - jt
 UCQuanah 1.60 1.60 5.00 5.00 13.25 13.25
 UC 13.25 13.25 13.25 13.25 5.00 1.60

** 5/4/08 - Quanah Country Club Application 12185 - jt
 CP121851 H10100 6 NONE 0.00481

** Quanah Country Club Application No. 12185, 5/9/08 jt
 CI121851 1.84 1.79 1.75 1.66 1.74 1.58
 CI 1.47 1.67 1.51 1.54 1.47 1.61
 WR121851 20 Quanah20080831 1 10212185001
 121851
 WS121851 148 .9477 0.665 0

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Iliana Delgado, Application Manager
Water Rights Team
Water Rights Permitting & Availability Section

Date: January 3, 2008

Through: Bill Billingsley, Team Leader *BB 1/3/08*
Resource Protection Team
Water Rights Permitting & Availability Section

From: *WD 1-3-08* Wendy Gordon, Ph.D., Aquatic Scientist
Resource Protection Team
Water Rights Permitting & Availability Section

Subject: Quanah Country Club
WRPERM 12185
CN600842926
Application No. 12185
Spring Creek, tributary of Groesbeck Creek, tributary of Red River, Red River Basin
Hardeman County

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

APPLICATION SUMMARY

Quanah Country Club has applied for a Water Use Permit for authorization to use the bed and banks of Spring Creek, tributary of Groesbeck Creek, tributary of the Red River to convey the City of Quanah's treated effluent to a reservoir on Spring Creek and divert and convey 99.3 acre-feet per year of that water by pipeline for impoundment in a second holding pond for subsequent diversion and use for livestock and agricultural purposes to irrigate 48 acres out of a 220-acre tract in Hardeman County. Texas Pollutant Discharge Elimination System Permit No. 0010600001 authorizes the discharge of water into Spring Creek. The applicant indicates a maximum of 521 acre-feet of effluent per year will be discharged at a maximum rate of 2.16 cfs (969 gpm) to Spring Creek for impoundment and subsequent diversion and use for livestock and agricultural purposes.

The Applicant proposes to bury a tank (Holding Pond 1) in the ditch that carries the effluent water from the City of Quanah discharge point to Spring Creek. The effluent will be impounded in

Holding Pond 1 and then diverted from Holding Pond 1 by pipeline to the second holding pond (Holding Pond 2). The proposed Holding Pond 1 will impound 3,000 gallons (0.00921 acre-feet) of water with a surface area of 0.005 acre and will be located on Spring Creek. The proposed Holding Pond 2 will impound 250,000 gallons (0.76722 acre-feet) of water with a surface area of 0.4 acre and will be located on an unnamed tributary of Groesbeck Creek.

Diversion Point 1 will be located on Spring Creek. Diversion Point 2 will be on Holding Pond 2. The Applicant also seeks to maintain two existing ponds (North Lake and South Lake) as well as the proposed Holding Pond 2 for in-place recreational purposes. North Lake is 3.2 miles northeast of the Hardeman County Courthouse within the City of Quanah, impounds 108 acre-feet of water with a surface area of 17 acres, and is located on an unnamed tributary of Groesbeck Creek. South Lake is 2.8 miles northeast of the Hardeman County Courthouse within the City of Quanah, impounds 40 acre-feet of water with a surface area of 9 acres, and is located on an unnamed tributary of Groesbeck Creek.

ENVIRONMENTAL ANALYSIS: INSTREAM USES

Aquatic and Riparian Habitats: According to the applicant, Spring Creek in the vicinity of the proposed project is a dry creek bed. The City of Quanah discharges approximately 177,000 gallons of water per day into this creek bed, or the equivalent of approximately 198 acre-feet per year. Photographs of the project area submitted by the applicant show eroded banks and non-native vegetation, as well as the presence of man-made features such as culverts and drainage pipes.

The applicant proposes to use some of the City's effluent for irrigation of its golf course by piping it from a large metal tank to be situated in a ditch that intersects with Spring Creek to a proposed holding pond on the golf course grounds. Below the proposed diversion point, Spring Creek typically flows after rainfall events. Groesbeck Creek, at its confluence with Spring Creek, is perennial.

Riparian zones are an integral part of aquatic ecosystems and a landscape component that has to function well if rivers are to maintain their ecological vitality in the long term (Nilsson and Svedmark 2002). Riparia are transitional zones between terrestrial and aquatic ecosystems and are distinguished by gradients in biophysical conditions, ecological processes, and biota. They are areas through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. They include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (NRC 2002). Riparia provide many important functions including streamflow maintenance, nutrient cycling, chemical and other pollutant filtering, sediment trapping and redistribution, floodwater absorption and detention, fish and wildlife habitat maintenance, and food provision for a wide range of biota (Naiman and Décamps 1997, Fischenich and Allen 2000, NRC 2002).

Riparian buffer zones function most effectively when the following conditions are met:

- Minimum width of fifty (50) feet (Walsh et al. 1997, Fischenich and Allen 2000, EPA 2005)

- Gentle slope (5 %; maximum slope 15%) to allow sheet flow (Walsh et al. 1997, NRC 2002, EPA 2005)
- Dense vegetation (Nilsson and Svedmark 2002, NRC 2002)
- Vegetation composed of native species (EPA 2005)

Upon advice of Resource Protection staff, the applicant has contacted Mr. David Madden of the Fort Worth District of the U.S. Army Corps of Engineers to determine whether the project requires a Section 404 permit. The applicant reports that it does not.

Resource Protection staff recommend that the applicant maintain a riparian buffer zone, including the conditions listed above, around the new reservoir, Holding Pond 2.

Water Quality: According to the *Atlas of Texas Surface Waters* (TCEQ 2004), the nearest water quality segment is Segment No. 0206, Red River Above Pease River. Groesbeck Creek in the vicinity of the project is more than 10 miles from the confluence with the Red River. According to the 2000 Texas Surface Water Quality Standards (TCEQ 2000), the designated uses of Segment No. 0206 are high aquatic life use, and contact recreation. Available water quality data indicate that the uses are fully supported. Unclassified water body South Groesbeck Creek (0206B), from the confluence of Groesbeck Creek NNW of Quanah in Hardeman County to the upstream portion 7.8 miles southwest of Childress, is listed in the 2006 Water Quality Inventory and 303(d) list for bacterial impairment. The proposed actions should not adversely impact water quality.

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 near the Oklahoma border and significantly more than 200 river miles from the coast. Therefore, the proposed project should not have any effects on the state's bay and estuaries.

Recreational Uses: There are no known recreational uses of Spring Creek. The proposed dam and reservoir should have minimal impact on recreational uses.

SUMMARY

Resource Protection staff recommend including the following special conditions in the permit:

1. In order to protect the water quality of the reservoir and the water bodies downstream of the reservoir, the permittee shall maintain a riparian buffer zone of permanent vegetation around Holding Pond 2 averaging 50 feet in width with the exception of reasonable access areas. The buffer zone shall be graded to have a slope no greater than 15% and planted with native vegetation at a density to ensure complete coverage at maturity.
2. In order to minimize entrainment and impingement of aquatic organisms, the owner shall install a screen with a mesh size of 0.25 inches or smaller on the diversion structures.

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

- Environmental Protection Agency. 2005. National Management Measures to Protect and Restore Wetlands and Riparian Areas for the Abatement of Nonpoint Source Pollution. EPA-841-B-05-003.
- Fischenich, J.C. and H. Allen. 2000. Stream Management. U.S. Army Corps of Engineers: Engineer Research and Development Center. ERDC/EL SR-W-00-1.
- Naiman, R.J. and H. Decamps. 1997. The ecology of interfaces: riparian zones. *Annu. Rev. Ecol. Syst.* 28:621-58.
- National Research Council. 2002. Riparian Areas: Functions and Strategies for Management. National Academy Press, Washington D.C.
- Nilsson, C. and M. Svedmark. 2002. Basic principles and ecological consequences of changing water regimes: riparian plant communities. *Env. Mgmt.* 30:468-80.
- 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, TX.
- TCEQ. 2000. 2000 Texas Surface Water Quality Standards. Texas Commission on Environmental Quality. Austin, TX.
- TCEQ. 2006. 2006 Texas Water Quality Inventory and 303(d) List. Texas Commission on Environmental Quality. Austin, TX.
- Walsh P.M. et al. 1997. Use of Vegetative Controls for Treatment of Highway Runoff. Center for Research in Water Resources, Austin, TX.

"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."

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

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Iliana Delgado
Water Rights Permitting Team

Date: July 5, 2007

Thru:

From: Warren D. Samuelson, P. E.
Dam Safety Program MC-174

Subject: Quanah Country Club, Application to construct and maintain two irrigation holding ponds and maintain two existing dams and reservoirs, Spring Creek, Red River Basin, Hardeman County

The applicant seeks authorization to construct and maintain two irrigation holding ponds and maintain two existing dams and reservoirs on Spring Creek in Hardeman County.

The two holding ponds do not have dams and impound less than one acre-foot combined. There are no dam safety requirements for these two ponds.

There are two existing dams and reservoirs built around 1960. North Lake has a capacity of 108 acre-feet and South Lake has a capacity of 40 acre-feet. The reservoirs will be used for recreational purposes.

The dams for these lakes are considered low hazard dams. Therefore, there are no dam safety requirements for the permit.


Warren D. Samuelson, P. E.
Dam Safety Program

2007 JUL -- 6 AM 11: 06

RECEIVED
TCEQ WATER SUPPLY

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 9, 2015

Mr. Ed French
Quanah Country Club
P.O. Box 86
Quanah, TX 79252-0086

CERTIFIED MAIL

91 7199 9991 7033 2845 7166

RE: Quanah Country Club
WRPERM 12185
CN600842926, RN105329320, RN105329437, RN105329445, RN105329452
RN105329460, RN105329478, RN105329486
Application No. 12185 for a Water Use Permit
TWC §11.042 and §11.121, Requiring Mailed and Published Notice
Spring Creek and an Unnamed Tributary of Groesbeck Creek, Red River Basin
Hardman County

Dear Mr. French:

On January 20, 2016, the Texas Commission on Environmental Quality (TCEQ) sent you a letter regarding the above-referenced application for a Water Use Permit No. 12185.

In that letter the Executive Director's staff notified you that the Executive Director cannot recommend the Commission grant the permit because the return flows requested in the application are not considered to be a viable, long-term, reliable source and there is no appropriated water available in the Red River Basin to support the Applicant's request. A copy of the January 20, 2016 letter and the Water Availability Analysis and Resource Protection technical memoranda are enclosed again for your reference.

In that letter you were instructed to respond with a letter withdrawing the application or a letter clearly indicating your interest in requesting a contested case hearing. As of the date of this letter, the Executive Director has not received a response.

If the applicant would like to withdraw the application, a written request to withdraw the application should be received by the Water Rights Permits Team (Mail Code 160) by June 6, 2016. Any unused portion of the fees submitted with the application will be refunded and a copy of the application will be returned.

In the alternative, Quanah Country Club may choose to request a contested case hearing on the matter. If the Commissioners decide to refer the matter for a contested case hearing, the hearing would be held before a State Office of Administrative Hearings (SOAH) administrative law judge. A contested case hearing is similar to a district court trial. At the hearing, Quanah Country Club will have the burden of

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Quanah Country Club
Application No. 12185
May 9, 2016
Page 2 of 2

putting forth evidence to prove that the application should be approved by the Commission. At the SOAH hearing, the Executive Director will recommend that the application be denied in accordance with §11.134(b)(2)-(3)(B) of the Texas Water Code.

If Quanah Country Club would like to proceed with a contested case hearing, a written request for a contested case hearing should be sent to the Office of the Chief Clerk (Mail Code 105). The request must clearly indicate that Quanah Country Club is requesting a contested case hearing.

Please provide a decision on whether to withdraw or proceed with the application in writing by June 9, 2016. If the application has not been withdrawn or a hearing request submitted by this date, it will be scheduled on a Commission Agenda for consideration with a recommendation from the Executive Director that the application be denied.

If you have any questions concerning this matter please contact me via email at chris.kozlowski@tceq.texas.gov or by telephone at (512) 239-1801.

Sincerely,



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

Enclosures

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 20, 2016

Mr. Ed French
Quanah Country Club
P.O. Box 86
Quanah, TX 79252-0086

CERTIFIED MAIL

RE: Quanah Country Club
WRPERM 12185
CN600842926, RN105329320, RN105329437, RN105329445, RN105329452
RN105329460, RN105329478, RN105329486
Application No. 12185 for a Water Use Permit
TWC §11.042 and §11.121, Requiring Mailed and Published Notice
Spring Creek and an Unnamed Tributary of Groesbeck Creek, Red River Basin
Hardman County

91 7199 9991 7033 2866 2485

Dear Mr. French:

The Texas Commission on Environmental Quality (TCEQ) is in receipt of the above-referenced Application No. 12185 for a Water Use Permit.

The Executive Director's staff has determined that they cannot recommend the Commission grant the permit because there is insufficient water available for appropriation in the Red River Basin. Copies of the technical addenda are enclosed for your reference.

The applicant may decide to withdraw the application or request a hearing on the recommended denial of the application. If the applicant elects to withdraw the application, a written request to withdraw the application should be received by the Water Rights Permitting Team (Mail Code 160). Any unused portion of the fees submitted with the application will be refunded and a copy of the application will be returned.

If the applicant elects to proceed with the application, a written request for a contested case hearing should be received in the Office of the Chief Clerk (Mail Code 105). The request must clearly indicate that Quanah Country Club, is requesting a contested case hearing. Once a request has been received, the applicant will be contacted by a staff attorney in order to reach agreement on the issues and a time frame for the proposed hearing. If an agreement is reached, the application will be referred to the State Office of Administrative Hearings (SOAH). If no agreement can be reached, the matter will go to an open meeting for the Commissioners to decide whether

Quanah Country Club
Application No. 12185
January 20, 2016

to remand it for a contested case hearing. A contested case hearing is held before a SOAH administrative law judge, and is similar to a district court trial. The Executive Director will recommend that the application be denied in accordance with §11.134(b)(2)-(3)(B) of the Texas Water Code. The applicant will have the burden of proving that the application should be approved by the Commission.

Please provide a decision on whether to withdraw or proceed with the application in writing by February 22, 2016. If no response is received by this date, the application will be scheduled on a Commission Agenda, for consideration, with a recommendation from the Executive Director that the application be denied.

If you have any questions concerning this matter please contact me via email at chris.kozlowski@tceq.texas.gov or by telephone at (512) 239-1801.

Sincerely,



Chris Kozlowski, Project Manager
Water Rights Permitting Team

Enclosures

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 10, 2008

Mr. Ed French
Quanah Country Club
P.O. Box 86
Quanah, TX 79252-0086

CERTIFIED MAIL

RE: Quanah Country Club
WRPERM 12185
CN600842926, RN105329320, RN105329437, RN105329445, RN105329452
RN105329460, RN105329478, RN105329486
Application No. 12185 for a Water Use Permit
TWC §11.042 and §11.121, Requiring Mailed and Published Notice
Spring Creek and an Unnamed Tributary of Groesbeck Creek, Red River Basin
Hardman County

Dear Mr. French:

The Texas Commission on Environmental Quality is in receipt of the above-referenced application for a Water Use Permit.

The Executive Director's staff have determined that they cannot recommend the Commission grant the amendment because there is insufficient water available for appropriation in this portion of the Red River Basin for either a term or perpetual permit. Enclosed are copies of the technical memorandum for your review.

You may decide to withdraw the application or request a hearing on the recommended denial of the application.

If you elect to withdraw the application, we must receive a written request to withdraw the application. Any unused portion of the fees submitted with the application will be refunded and the application materials will be returned.

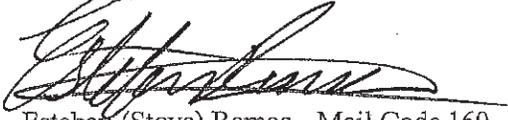
If you elect to proceed with the application, you must send a written request for a contested case hearing to the Office of the Chief Clerk at this agency. The request must clearly indicate that Quanah Country Club is requesting a contested case hearing. Once a request has been received, you will be contacted by a staff attorney in order to reach agreement on the issues and a time frame for the proposed hearing. Once an agreement is reached, the application will be referred to the State Office of Administrative Hearings (SOAH). If no agreement can be reached, the matter will go to an open meeting for the Commissioners to decide whether to remand for a contested case hearing. A contested case hearing is held before a SOAH Administrative Law Judge, and is similar to a district court trial. The Executive Director will recommend that the application be denied in accordance with §11.134(b)(2)-(3)(B) of the Texas Water Code. The applicant will have the burden of proving that the application should be approved by the Commission.

Quanah Country Club
Water Use Permit Application No. 12185
Page 2 of 2

Please provide your decision on whether to withdraw or proceed with the application in writing by July 14, 2008. If no response is received by this date, the application will be scheduled on a Commission Agenda, where it will be considered by the Commission, with a recommendation from the Executive Director that the application be denied.

If you have any questions concerning the application, please contact me at (512) 239-6538 or by e-mail at sramos@tceq.state.tx.us

Sincerely,



Esteban (Steve) Ramos - Mail Code 160
Water Rights Permitting Team
Water Rights Permitting & Availability Section

Enclosures

TCEQ Docket No. 2016-0466-WR. Consideration of an application for Water Use Permit No. 12185 by Quanah Country Club seeking to: 1) impound less than an acre-foot of water in Holding Pond 1 on an unnamed tributary of Spring Creek, tributary of Groesbeck Creek, tributary of the Red River; 2) use the bed and banks of Holding Pond 1 for storage of the City of Quanah's return flows; 3) divert 99.3 acre-feet per year from Holding Pond 1 at a maximum rate of 100 gpm, to be conveyed by pipeline to Holding Pond 2 on an unnamed tributary of Groesbeck Creek; 4) impound less than an acre-foot of water in Holding Pond 2 for livestock and recreational use; 5) use the bed and banks of the pond for storage and diversion at a maximum 285 gpm for livestock and agricultural uses; 6) maintain two existing reservoirs, known as North Lake (108 acre-feet) and South Lake (40 acre-feet), both on the unnamed tributary of Groesbeck Creek, for recreational use. A maximum of 0.465 mgd of effluent per year is authorized to be discharged at a maximum rate of 969 gpm to Spring Creek under Texas Pollutant Discharge Elimination System Permit No. 0010600001. The Executive Director recommends denial of this application because there is insufficient water available for appropriation in the Red River Basin. (Chris Kozlowski, Linda Horng)