

# State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge

December 10, 2010

Les Trobman, General Counsel  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin Texas 78711-3087

**Re: SOAH Docket No. 582-10-0292; TCEQ Docket No.2009-0185-WR; In Re: Application No. 14-1298B by City of San Angelo for Amendment to Certificate of Adjudication No. 14-1298**

Dear Mr. Trobman:

On November 18, 2010, the Concho River Basin Conservancy Association and South Concho Irrigation Company (Protestants) filed exceptions to the Proposal for Decision (PFD) in the above-referenced cause. The City of San Angelo (Applicant) replied on November 29, 2010. No other party filed exceptions or replies.

Having considered the exceptions and reply, I recommend the following changes to Finding of Fact No. 14:

The City currently shares its maximum diversion rate of 15.11 cfs with the other ~~20-30~~ approximately 35 individual water rights owners that are also authorized to use water from the Canal diverted from DP 1.

I also recommend changing Finding of Fact No. 100.2.C. as set out below:

For the 128.1 acre-feet of water per year authorized at a priority date of July 29, 1914, the maximum diversion rate at Diversion Point 4 is 15.11 cfs in combination with other owners of Diversion Point 1 (Owners of Certificates of Adjudication Nos. ~~14-1280 through 14-297, 14-299 through 14-1303, 14-1314, 14-1403, and 14-1404~~ as they existed on the filing date of this amendment, July 7, 2006.)

I recommend no further changes to the PFD.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Cloninger".

Sharon Cloninger  
Administrative Law Judge

SC/th  
cc: Mailing List

**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

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**AGENCY:** Environmental Quality, Texas Commission on (TCEQ)  
**STYLE/CASE:** CITY OF SAN ANGELO  
**SOAH DOCKET NUMBER:** 582-10-0292  
**REFERRING AGENCY CASE:** 2009-0185-WR

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**STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

**ADMINISTRATIVE LAW JUDGE  
ALJ SHARON CLONINGER**

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SAN ANGELO WATER SUPPLY CORPORATION  
  
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SOUTH CONCHO IRRIGATION COMPANY

CONCHO RIVER BASIN WATER CONSERVANCY  
ASSOCIATION

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**Note: ALSO FOR DOCKET NOS. 582-10-0293 & 582-10-0294 JOINED FOR HEARING  
PURPOSES. SOUTH CONCHO IRRIGATION COMPANY IS ONLY A PARTY IN DOCKET NO.  
582-10-0292.**

xc: Docket Clerk, State Office of Administrative Hearings