

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY
AUSTIN, TEXAS

§ 1 APPLICATION NO. _____
§
§
§
§

**APPLICATION FOR AMENDMENT TO
CERTIFICATE OF ADJUDICATION NO. 23-810,
RIO GRANDE BASIN**

Pursuant to the Texas Water Code and the Commission's Rules and Regulations, SM ENERGY COMPANY, 777 N. Eldridge Parkway, Suite 1100, Houston, Harris County, Texas 77079 (hereafter called APPLICANT). Applicant hereby requests that the Commission amend its water rights under Certificate of Adjudication No. 23-810, as amended by authorizing on-channel reservoirs described below existing on its water delivery system and to change the place of use of its water rights to include use in Dimmit County, and as grounds for this Application, Applicant would show as follows:

1. Applicant owns Amendment to Certificate of Adjudication No. 23-810A ("Certificate") which authorizes Applicant to divert and use not to exceed 500 acre feet of Class A water rights per annum from the Rio Grande, Rio Grande Basin, for mining use purposes in Webb County, Texas (hereinafter referred to as the "Water Rights").

2. Applicant's water rights authorizes the diversion of water from the Rio Grande at four (4) described points on the Rio Grande as described in its Certificate and no change in the diversion points are herein requested.

3. The purpose of use of Applicant's water rights is for mining use purposes and no change in purpose of use is herein requested.

4. The current place of use of Applicant's water rights is upon properties where Applicant's petroleum operations are located in Webb County, Texas in the Rio Grande Basin. Applicant requests that a new place of use of its water rights be authorized in Webb and Dimmit Counties in the Rio Grande River Basin and in the adjoining Nueces River Basin.

The change in place of use requested is an exempt interbasin transfer as provided in § 11.085(v)(1), Texas Water Code, because it involves less than 3000 acre feet per annum under the Certificate, and § 11.085(v)(4), because Webb County and Dimmit County are partially within the Rio Grande Basin and the Nueces River Basin.

5. Applicant requests that the construction, maintenance, operation, and repairs of the on-channel reservoirs located within and a part of its water distribution and delivery system described below be authorized:

- (a) **Briscoe Mega Pit** - An impoundment located approximately 5.10 miles in a northeasterly direction from one of the Applicant's authorized diversion points and approximately 12.37 miles southeast of the convergence of Maverick, Dimmit, and Webb County lines in Webb County, Texas. Absolute location of the impoundment is 28° 6' 4.60" N, 99° 57' 2.30" W. The impoundment is located on a watercourse called Tordillo Creek, a tributary of the Rio Grande (7.5 minute Tordillo Creek Quadrangle 2899-222), in the Rio Grande Basin having an indicated approximate impoundment capacity of 257,786 acre feet (Briscoe Ranch location).
- (b) **Galvan G3** - An impoundment located approximately 24.92 miles southeast of the convergence of Maverick, Dimmit, and Webb County lines in Webb County, Texas, and approximately 11.10 miles in a northeasterly direction from one of the Applicant's authorized diversion points on the Rio Grande. Absolute location of the impoundment is 28° 0' 19.00" N, 99° 45' 52.50" W. The impoundment is located on a watercourse called Santa Isabel Creek, a tributary of the Rio Grande (7.5 minute Dos Hermanos Peaks Quadrangle 2899-221), in the Rio Grande Basin, having an indicated approximate impoundment capacity of 45,113 acre feet (Galvan Ranch location).
- (c) **Middle Tordillo** - An impoundment located approximately 14.447 miles southeast of the convergence of Maverick, Dimmit and Webb County lines in Webb County, Texas, and approximately 6.529 miles in a northeasterly direction from one of the Applicant's authorized diversion points on the Rio Grande. Absolute location of the impoundment is 28° 05' 04.00" N, 99° 54' 53.00" W. The impoundment is located on a watercourse called Tordillo Creek, a tributary of the Rio Grande (7.5 minute Tordillo Creek Quadrangle 2899-222), in the Rio Grande Basin, having an indicated impoundment capacity of 19,334 acre-feet (Middle Tordillo FW Pit - Briscoe Ranch).
- (d) **Ojitos Trap** - An impoundment located approximately 13.495 miles southeast of the convergence of Maverick, Dimmit and Webb County lines in Webb County, Texas, and approximately 10.092 miles in a northeasterly direction from one of the Applicant's authorized diversion points on the Rio Grande. Absolute location of the impoundment is 28° 09' 51.00" N, 99° 53' 46.00" W. The impoundment is located on an unnamed tributary of a watercourse called San Lorenzo Creek, a tributary of the Rio Grande in the Rio Grande Basin, having an indicated impoundment capacity of 64,447 acre-feet (Ojitos Trap FW Pit - Briscoe Ranch).
- (e) **Upper Tordillo** - An impoundment located approximately 12.867 miles southeast of the convergence of Maverick, Dimmit and Webb County lines in Webb County, Texas, and approximately 6.348 miles in a northeasterly direction from one of the Applicant's authorized diversion points on the Rio Grande. Absolute location of the impoundment is 28° 06' 36.00" N, 99° 55' 39.00" W. The impoundment is located on a watercourse called Pameo Creek, a tributary of the Rio Grande (7.5 minute Tordillo Creek Quadrangle 2899-222), in the Rio Grande Basin, having an indicated impoundment capacity of 64,447 acre-feet (Upper Tordillo FW Pit - Briscoe Ranch).
- (f) **Pilla** - An impoundment located approximately 16.137 miles southeast of the convergence of Maverick, Dimmit and Webb County lines in Webb County, Texas, and approximately 3.024 miles in a northeasterly direction from one of the Applicant's authorized diversion points on the Rio Grande. Absolute location of the impoundment is 28° 01' 16.00" N, 99° 56' 15.00" W. The impoundment is located on an unnamed tributary of the Rio Grande (7.5 minute Tordillo Creek Quadrangle 2899-222), in the Rio Grande Basin, having an indicated impoundment capacity of 64,447 acre-feet (Pilla FW Pit - Briscoe Ranch).
- (g) **Lower Guajalote** - An impoundment located approximately 12.825 miles southeast of the convergence of Maverick, Dimmit and Webb County lines in Webb County, Texas, and approximately 3.348 miles in a southeasterly

direction from one of the Applicant's authorized diversion points on the Rio Grande. Absolute location of the impoundment is 28° 03' 45.00" N, 99° 58' 06.00" W. The impoundment is located on an unnamed tributary of a watercourse called Tordillo Creek, a tributary of the Rio Grande (7.5 minute Tordillo Creek Quadrangle 2899-222), in the Rio Grande Basin, having an indicated impoundment capacity of 64,447 acre-feet (Lower Guajalote FW Pit - Briscoe Ranch).

- (h) **Bella Vista** - An impoundment located approximately 31.854 miles southeast of the convergence of Maverick, Dimmit and Webb County lines in Webb County, Texas, and approximately 23.404 miles in a northeasterly direction from one of the Applicant's authorized diversion points on the Rio Grande. Absolute location of the impoundment is 28° 06' 58.00" N, 99° 36' 04.00" W. The impoundment is located on a watercourse called Las Raíces Creek, a tributary of the Nueces River in the Nueces River Basin (Bella Vista #1 FW Pit - Galvan Ranch).
- (i) **Bella Vista 2** - An impoundment located approximately 32.482 miles southeast of the convergence of Maverick, Dimmit and Webb County lines in Webb County, Texas, and approximately 23.592 miles in a northeasterly direction from one of the Applicant's authorized diversion points on the Rio Grande. Absolute location of the impoundment is 28° 06' 35.00" N, 99° 35' 30.00" W. The impoundment is located on a watercourse called Las Raíces Creek, a tributary of the Nueces River in the Nueces River Basin (Bella Vista #2 FW Pit - Galvan Ranch).
- (j) **Watson Pond (Chametal Tank)** - An impoundment located approximately 4.053 miles in a northeasterly direction from one of the Applicant's authorized diversion points and approximately 19.965 miles southeast of the convergence of Maverick, Dimmit, and Webb County lines in Webb County, Texas. Absolute location of the impoundment is 27° 59' 10" N, 99° 53' 28" W. The impoundment is located on a watercourse called Espada Creek, a tributary of the Rio Grande (Big Apache Hill Quadrangle), in the Rio Grande Basin.
- (k) **Catarina Pond (Medio Tank)** - An impoundment located approximately 16.873 miles in a northeasterly direction from one of the Applicant's authorized diversion points and approximately 18.363 miles east/northeast of the convergence of Maverick, Dimmit, and Webb County lines in Dimmit County, Texas. Absolute location of the impoundment is 28° 14' 07" N, 99° 48' 53" W. The impoundment is located on an unnamed tributary of a watercourse called Bonito Creek (Landrum Quadrangle) a tributary of San Roque Creek, a tributary of the Nueces River, in the Nueces Basin.

The impoundments of Rio Grande water in the above-described reservoirs, are utilized to facilitate the conveyance of Rio Grande water diverted from the River for the Applicant's use in accordance with its water rights. Rio Grande water in Applicant's water distribution and delivery system which is discharged into and out of the reservoirs is or will be measured by metering devices as it enters and exits the reservoirs. The reservoirs are in good condition and reliable for use for the purposes described.

6. Applicant does not owe any delinquent fees and/or penalties to the Commission, and understands that the Commission may require additional information in regard to the requested amendment of the water rights before considering this Application. Applicant is submitting the required fees herewith.

7. Applicant states that the change in place of use and authorization of the above described reservoirs do not contemplate an additional appropriation of water or a rate of diversion which would harm any other existing water right holders on the Rio Grande below Amistad and Falcon Reservoirs; and will not prejudice any other water right holder on the Rio Grande below Amistad Reservoir.

8. The address of Applicant is:

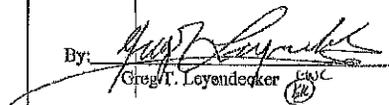
SM ENERGY COMPANY
777 N. Eldridge Parkway, Suite 1100
Houston, TX 77079

Tax I.D.: 41-8518430

WHEREFORE, Applicant respectfully requests that the Commission approve this Application and issue an Amendment to Certificate of Adjudication No. 23-810 and such other appropriate orders as are necessary changing the place of use of the above described Water Rights and authorization of the on-channel reservoir as above requested, and for such other relief to which Applicant is entitled.

DATED this 29th day of June, 2012.

SM ENERGY COMPANY

By: 

Greg T. Leyendecker

Its: Senior Vice-President and
Regional Manager

STATE OF TEXAS §

COUNTY OF HARRIS §

SUBSCRIBED AND SWORN TO BEFORE ME by the said Greg T. Leyendecker, in the capacity as stated on this the 29th day of June, 2012.

Tina M. Benedict
Notary Public in and for The State of Texas

