



Texas Commission on Environmental Quality

PO Box 13087, MC-160, Austin, Texas 78711-3087

Telephone (512) 239-4691, FAX (512) 239-4770

INSTRUCTIONS TO PREPARE AN APPLICATION FOR A PERMIT TO APPROPRIATE PUBLIC WATER

**(SECTIONS 11.121, 11.042, 11.085 or 11.143, TEXAS WATER CODE)
TEXAS ADMINISTRATIVE CODE CHAPTERS 30, 50, 281, 287, 288, 295, 297, AND/OR 299**

Copies of *Obtaining TCEQ Rules*, publication GI-032, are available from TCEQ Publications at (512) 239-0028 or from various outside sources. In addition, you may access these forms through the internet at www.tceq.state.tx.us.

Use a typewriter or print in ink (do not write in longhand) to complete the form. Return the original application form and six (6) copies to the Commission. Retain a copy and instruction sheets for your records. In addition, provide six (6) copies of application plans and supporting materials (certain small projects may not require plans). One set of the plans, if required, shall be on a reproducible medium.

Mail completed application and related materials to the letterhead address above. (Please note: if including a check, mail directly to P.O. Box 13088, Austin, TX 78711-3088).

Statutorily required fees are one-time fees and must be paid before any action will be taken on an application. The usual fees are shown on the attached fee sheet (see Attachment A). For additional fee provisions, see 30 Texas Administrative Code (TAC) §§ 295.131-139.

INSTRUCTIONS FOR COMPLETING FORM TCEQ-10214:

1. Applicant Information

A. Applicant Name and Contact Information

B. Customer Reference Number

If you do not have a Customer Reference Number, complete Section II of the Core Data Form (TCEQ-10400) and submit it with this application.

C. Fees and Penalties

The application will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid.

D. Lienholder Information

Provide this information on the holder of any liens on any land to which the water right would be appurtenant.

2. Dam (structure), Reservoir, and Watercourse Data:

A. Type of Storage Reservoir

Select the appropriate description combination by checking (✓) the type of storage structure. If diversion is to be directly from a watercourse (no dam/reservoir), list the watercourse(s) from which such direct diversion is proposed in 2.B below.

- **On-Channel Reservoir** (30 TAC § 297.23): A permit for an on-channel reservoir grants the right to the permittee to construct and/or maintain a dam on the stream or watercourse. The application must request an appropriate right to fill the reservoir and to use the water in place or divert water for use.
- **Off-Channel Reservoir** (30 TAC § 297.24): A permit for an off-channel reservoir grants the right to the permittee to construct and/or maintain a structure impounding State water so that same will not be directly on the stream or watercourse. As above, the application must request an appropriate right to fill the reservoir and divert directly from a stream or watercourse, either by pump or gravity flow, and to use in place or divert from the reservoir.
- **Existing Structure** (30 TAC § 295.42): Provide the date that the structure was constructed.

- **Proposed Structure** (30 TAC § 295.42): Applicant shall provide a copy of the notice that was mailed to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir, will be located as well as copies of the certified mailing cards.
- **Exempt Structure** (Texas Water Code (TWC) § 11.142a or 11.142b): a 200 acre-foot capacity or less reservoir (stock tank/pond) may be created and used only for domestic, livestock, and/or fish and wildlife purposes. TWC § 11.143 allows for the use of water from an exempt reservoir for a purpose other than domestic, livestock, and/or fish and wildlife, (*i.e.*, agricultural, mining, municipal, etc.)

If the reservoir in which water will be stored was constructed as a project of the NRCS, United States Department of Agriculture, consent must be obtained from the Soil & Water Conservation District and/or other Local Sponsor(s) having jurisdiction over the reservoir (30 TAC § 295.12).

If the reservoir is owned by more than one individual, see page 3 of these instructions under Item 4A.

B. Location of Structure

1. **Watercourse:** Indicate watercourse on which dam or structure will be/is located. The staff can complete the "tributary" information if not known.
2. **Location from County Seat and Nearby Town:** This is necessary location/mapping information.
3. **Zip Code:** Provide zip code where structure is located.
4. & 5. Reference a point, station number or end of dam along the centerline of the dam (as may be shown on your application drawings). Provide the Latitude and Longitude coordinates in decimal degrees, to at least six decimal places and indicate the method used to calculate the diversion point location. For example, Latitude 98.016330°N, Longitude 32.067122°W, also bearing N 68° W, 4000 feet (bearing and distance) from the southeast corner of the Richard Roe Original Survey No. 33, Abstract No. 433, in Travis County, Texas. Attach additional sheet(s) to the application in the form of supplement(s) if more than one point of diversion is requested. Said sheets are attached to the application and are available upon request to the Commission. Give name(s) and number(s) of the Original Survey(s), Abstract No.(s) and County(s) in which the dam is to be located.

C. Reservoir:

1. **Acre-feet:** Enter the acre-feet of water impounded.
2. **Surface area:** Enter the surface area, in acres, of the reservoir at normal maximum operating level. The normal maximum operating level is generally at the lowest ungated outlet. The area-elevation-capacity information is required for larger projects.

D. Drainage Area Above the Dam/Reservoir: Provide the drainage area in square miles and/or acres of the reservoir and/or diversion point, if available.

E. Other

1. **U.S. Natural Resources Conservation Service:** If it is a NRCS floodwater-retarding structure, give site number and name of the watershed project.
2. **Authorization to close ports or windows:** If a permit is requested to close the "ports" or "windows" in the service spillway, indicate this by checking (✓) the applicable box.

3. Appropriation/Diversion Request (total amount of water needed):

- A. **Use:** Give the purpose of use, place of use, and number of acre-feet per year requested for each purpose use listed.

B. Lands to be irrigated:

1. **Acres:** Fill in the blanks indicating the number of acres to be irrigated, the total acres in the tract(s) and the county(s) where the land is located. Attach a copy of the deed to the land, including the county recording information.
2. **Location:** Reference the Survey Name and Abstract and/or Original Survey number.

C. Diversion Point Information: Provide a completed *Supplemental Diversion Point Information Sheet* for any additional diversion points

1. **Watercourse:** Indicate the watercourse where the diversion will take place. The staff can complete the "tributary" information if not known.
2. **Latitude and Longitude:** Reference the point of diversion by stating its Latitude, Longitude in decimal degrees, to at least six decimal places (indicate method used to calculate the diversion point location), and bearing to a corner of an Original Land Survey. For example-Latitude 98.016330°N, Longitude 32.065122°W also bearing N 68° W, 4000 feet (bearing and distance) from the southeast corner of the Richard Roe Original Survey No. 33, Abstract No. 433, in Travis County, Texas. Attach additional sheet(s) to the application in the form of supplement(s) if more than one point of diversion is requested. Said sheets are attached to the application and are available upon request to the Commission.
3. **Location from County Seat and Nearby Town:** This is essential map reference information.
4. **Zip Code:** Provide the zip code for where the diversion point is located.
5. **Diversion from stream:** Check (✓) the appropriate boxes. Attach additional sheets as necessary to explain fully the plan of diversion.
6. **Rate of Diversion:** If diversion is from a diversion facility, complete the blanks under "Diversion Facility". If diversion is by gravity, complete the blanks under "If by gravity". Give the maximum total rate of diversion in gallons per minute (gpm) for each diversion point.
7. **Drainage Area Above Diversion Point:** Provide the drainage area in square miles and/or acres of the diversion point, if available.

D. Return Water of Return Flow: Return Water or Surplus Water, Section 295.8: If water is to be returned to a stream, list the stream to which the water will be returned. Reference the point of return by Latitude, Longitude in decimal degrees, to at least six decimal places, (indicate the method used to calculate the diversion point location), zip code, and bearing and distance to an Original Survey corner. The staff can complete the tributary information if not known. Provide the estimated annual amount of water that will be returned in acre-feet.

E. Surplus Water: Surplus water is that portion of the requested diversion from a stream or reservoir which will not be consumed during the requested use. This section does not apply to sprinkler irrigation systems. Of the quantity of water requested for diversion, estimate the annual amount of water which may be returned to a watercourse.

4. Discharge Point Information.

- A. Source of Water.** Indicate whether the water being discharged is treated effluent, groundwater, or other.
- B. Latitude and Longitude:** Reference the point of discharge by stating its Latitude, Longitude in decimal degrees, to at least six decimal places (indicate the method used to calculate the diversion point location), and bearing to a corner of an Original Land Survey. For example-Latitude 98.016330°N, Longitude 32.065122°W also bearing N 68° W, 4000 feet (bearing and distance) from the southeast corner of the Richard Roe Original Survey No. 33, Abstract No. 433, in Travis County, Texas. Attach additional sheet(s) to the application in the form of supplement(s)

if more than one point of discharge is requested. Said sheets are attached to the application and are available upon request to the Commission.

- C. **Location from County Seat and Nearby Town:** This is necessary location/mapping information.
- D. **Zip Code.** Provide the zip code for where the discharge point is located.
- E. **Watercourse.** Indicate the watercourse where the discharge will take place.
- F. **Discharge Rate.** Indicate the maximum rate of discharge (cfs and gpm).
- G. **Amount of Water Discharged.** Indicate the amount of water to be discharged (acre-feet per year).
- H. **Purpose of Use.** Indicate the purpose of use for the water being discharged.
- I. **Additional Information.** Provide additional information if the water to be discharged is groundwater or treated effluent.

5. General Information:

- A. If the reservoir site, diversion, and distribution facilities are located, or are to be located, entirely on land owned by applicant, insert word "applicant". If part of the facilities are to be located on lands not owned by the applicant, 30 TAC § 295.10 applies. Insert the names of such landowners on the application form. Also refer to 30 TAC §§ 295.121-.126 concerning requirements for plans/maps.

30 TAC § 295.11 provides that except as otherwise provided herein, if an existing reservoir inundates land owned by more than one person, an application for a permit to authorize the dam and reservoir and use of the State water impounded in the reservoir shall be joined in by all the landowners. A copy of any operating agreement affecting the reservoir or the distribution of water therefrom shall be submitted with the application. If there is incomplete joinder, the applicant shall submit the name and address of any landowner who does not join the application, and shall file a copy of an easement or a consent, license, lease or other type of agreement from the landowner(s), as provided in 30 TAC § 295.10.
 - B. Application should give reasonable anticipated starting and completion dates of construction consistent with the following provisions: The applicant must begin actual construction of proposed direct diversion facilities within two years after a permit is issued and prosecute the work diligently and continuously to completion. For the construction of a storage reservoir, the maximum time to commence construction may not exceed 2 years from the date of issuance of the permit. However, Time Extensions may be requested in accordance with 30 TAC § 295.72.
 - C. Applicant shall provide a conservation plan which meets the minimum requirements for such plans under 30 TAC § 288 and containing information which demonstrates that reasonable diligence will be used to avoid waste and achieve water conservation. Also, see 30 TAC § 295.9.
 - D. If applicable, state the quantity of water for each purpose of use which the applicant seeks to transfer. State the basin of origin of the water and the receiving basin. See 30 TAC §§ 295.13, 295.155, and 297.18.
 - E. If applicable, state the quantity of water and watercourse to be used. See 30 TAC §§ 295.111-295.113.
 - F. Coastal Zone - relative to Coastal Zone Management Program.
5. **Maps, plats, plans, and drawings:** Submit appropriate maps, plats, plans and/or drawings in accordance with the appropriate Commission rules. See ATTACHMENT B for information on how to obtain USGS 7.5 minute topographic maps.
6. If the dam(s) and reservoir(s) were constructed for domestic, livestock, and/or fish and wildlife purposes and you now wish to seek a permit under TWC § 11.143, please check (✓) this box.
7. Provide information describing how this application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any

area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement.

- ❖ SIGN AND HAVE THE APPLICATION NOTARIZED. This will be your sworn statement of the facts contained in the application. Everyone listed as an applicant must sign the application and have his or her signature notarized. A duly appointed agent may sign for the applicant before a notary public and provide a copy of the appointment granting agent status.
- ❖ Additional information may be needed to process the application. See supplemental sheets for a general outline of information typically needed to process an application. **Consultation with the staff is recommended, pre-application meetings can be arranged.**

ATTACHMENT A

WATER USE PERMIT APPLICATION FEES

The usual fees for water use applications are:

Filing Fees for a water use permit or an application for extension of time to begin or complete construction shall be based upon the total amount of water requested to be appropriated for impoundment and diversion as follows:

- (a) less than 100 acre-feet - \$100;
- (b) 100 - 5,000 acre-feet - \$250;
- (c) 5,001 - 10,000 acre-feet - \$500;
- (d) 10,001 - 250,000 acre-feet - \$1,000; and
- (e) greater than 250,000 acre-feet - \$2,000.

Fees to amend a water right are \$100 per numbered water right requested to be amended, including combination amendments.

Recording Fee \$1.25 per page of application.

Agricultural Use 50¢ per acre for each acre of land to be irrigated per year.

Storage Fee *50¢ per acre-foot of storage *(storage is based on the total holding capacity of the reservoir at normal maximum operating level).

In-Place Recreation Use \$1.00 per acre-foot of reservoir storage.

Other Uses \$1.00 per acre-foot based on maximum annual diversion (does not apply to agricultural use).

Mail Notice Fee The cost of mailing notice to persons in the affected river basin varies. The applicant shall pay the total cost of mailing notice and the Executive Director will advise the applicant of the number of persons to whom notice is mailed and the total mailing cost.

NOTE: The cost of any required publication of notice shall be paid by the applicant directly to the newspaper involved.

Mail Notice Fee In (_____) River Basin -- \$_____

Max. Use Fee \$50,000 for first use and \$10,000 for any additional use

Max. Use Fee for Temporary Applications \$500.00

Max. Use Fee for Extension of Time to Begin or Complete Construction \$1,000.00

ATTACHMENT B

Additional Water Use Permit Application Requirements

Texas Administrative Code 30 (TAC), §§ 295.121-295.126 provides the requirements for Maps, Plats, and Drawings Accompanying Application for a Water Use Permit. In accordance with the requirement of § 295.124(d), the Executive Director is now requiring water use permit applicants to provide the appropriate USGS 7.5 Minute Topographic Map(s) of the applicant's project area, including as necessary, the location of dams, diversion points, discharge points, irrigated lands, easements, and/or other pertinent features, as appropriate.

Six copies of the application are required; therefore one original topographic map and six (6) copies are required. However, when an applicant's area falls on two or more topographic maps, a composite map of the area, along with six (6) copies of the composite will be adequate, provided the composite includes the quadrangle name and number.

For your information, topographic maps can be obtained from numerous commercial dealers or directly from the U.S. GEOLOGICAL SURVEY, at 1-800-275-8747 (ASK-USGS) or write to USGS Information Services, Box 25286, Denver, Colorado 80225. USGS may allow maps to be ordered directly over the Internet at <http://mapping.usgs.gov/products/map/usgsmaps.html>.

You may also contact the Water Rights Permitting Team at (512) 239-4691 should you need additional assistance or information.

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
APPLICATION FOR PERMIT TO APPROPRIATE STATE WATER
(SECTION 11.121, 11.042, 11.085 OR 11.143, TEXAS WATER CODE)
TAC CHAPTERS 30, 50, 281, 287, 288, 295, 297 AND 299
Water Supply Division, Water Rights Permitting MC-160**

P.O. Box 13087

Austin, Texas 78711-3087

Telephone (512) 239-4691, FAX (512) 239-4770

(if including a check, mail directly to P.O. Box 13088, Austin, TX 78711-3088)

Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol.

1. Applicant Information.

A. Applicant Name(s): _____

Mailing Address: _____

Telephone Number: _____ Fax Number: _____

Email Address: _____

B. Customer Reference Number (if issued): CN _____

Note: If you do not have a Customer Reference Number, complete Section II of the Core Data Form (TCEQ-10400) and submit it with this application.

C. Fees and Penalties

Applicant owes fees or penalties?

Yes No

If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:

D. Lienholder Information

Provide this information on the holder of any liens on any land to which the water right would be appurtenant):

2. Dam (structure), Reservoir and Watercourse Data.

A. Type of Storage Reservoir (indicate by checking (√) all applicable)

on-channel off-channel existing structure proposed structure* exempt structure**

* Applicant shall provide a copy of the notice that was mailed to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir, will be located as well as copies of the certified mailing cards.

** TWC Section 11.143 for uses of water for other than domestic, livestock, or fish and wildlife from an existing, exempt reservoir with a capacity of 200 acre-feet or less. Please complete Paragraph 6 below if proceeding under TWC 11.143.

Date of Construction: _____

B. Location of Structure No. _____

- 1) Watercourse: _____
- 2) Location from County Seat: _____ miles in a _____ direction from _____, _____ County, Texas.
Location from nearby town (if other than County Seat): _____ miles in a _____ direction from _____, a nearby town shown on county highway map.
- 3) Zip Code: _____
- 4) The dam will be/is located in the _____ Original Survey No. _____, Abstract No. _____ in _____ County, Texas.
- 5) Station _____ on the centerline of the dam is _____° _____ (bearing), _____ feet (distance) from the _____ corner of _____ Original Survey No. _____, Abstract No. _____, in _____ County, Texas, also being at Latitude _____°N, Longitude _____°W. **Provide the Latitude and Longitude coordinates in decimal degrees, to at least six decimal places, and indicate the method used to calculate the diversion point location.**

C. Reservoir:

- 1) Acre-feet of water impounded by structure at normal maximum operating level: _____
- 2) Surface area in acres of reservoir at normal maximum operating level: _____

D. Drainage Area

The drainage area above the dam is _____ acres or _____ square miles.

E. Other

- 1) If this is a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure, provide the Site No. _____ and watershed project name _____.
- 2) Do you request authorization to close the "ports" or "windows" in the service spillway?
 Yes No

3. Appropriation/Diversion Request (total amount of water needed, including maximum projected uses and accounting for evaporative losses for off-channel storage, if applicable).

A. Appropriated water will be used as follows:

	Purpose*	Place of Use	Acre-feet per year
1)			
2)			
3)			

*If agricultural use, list crops(s) to be irrigated:

B. Lands to be irrigated (if applicable):

- 1) Applicant proposes to irrigate a total of _____ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, Texas. A copy of the deed(s) describing the overall tract(s) with the recording information from the county records is attached.
- 2) Location of land to be irrigated: In the _____
Original Survey No. _____, Abstract No. _____.

C. Diversion Point No. _____.

- 1) Watercourse: _____.
- 2) Location of point of diversion at Latitude _____°N, Longitude _____°W, Provide Latitude and Longitude coordinates in decimal degrees, to at least six decimal places, and indicate the method used to calculate the diversion point location..

also bearing _____° _____, _____ feet
(distance) from the _____ corner of the _____ Original
Survey No. _____, Abstract No. _____, County, Texas.
- 3) Location from County Seat: _____ miles in a _____ direction from
_____, _____ County, Texas.
Location from nearby town (if other than County Seat): _____ miles in a _____
direction from _____, a nearby town shown on county
highway map.
- 4) Zip Code: _____
- 5) The diversion will be (check (√) all appropriate boxes and if applicable, indicate whether existing or proposed):

	Existing	Proposed
Directly from stream		
From an on-channel reservoir		
From stream to an off-channel reservoir		
From a stream to an on-channel reservoir		
From an off-channel reservoir		
Other method (explain fully, use additional sheets if necessary)		

6) Rate of Diversion (Check (√) applicable provision):

___ 1. Diversion Facility:

- A. _____ Maximum gpm (gallons per minute)
- B. _____ Number of pumps
- C. _____ Type of pump
- D. _____ gpm, Pump capacity of each pump

E. Portable pump _____ Yes or _____ No.

___2. If by gravity:

A. ___ Headgate _____ Diversion Dam _____ Maximum gpm

B. ___ Other method (explain fully - use additional sheets if necessary)

7) The drainage area above the diversion point is _____ acres or _____ square miles.

D. Return Water or Return Flow (location and quantity information, provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location):

Water which is diverted but not consumed as a result of the above stated use, will be returned to

_____, tributary of _____

_____, tributary of _____,

_____ Basin, at a point which is at Latitude _____

_____, °N, Longitude _____ °W, also, bearing

_____ ° (direction), _____ feet (distance) from the

_____ corner of the _____ Original Survey

No. _____, Abstract No. _____, in _____ County, Texas.

Zip Code: _____

Estimated **annual** amount of return flow to said stream will be _____ acre-feet.

E. Surplus Water (provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location):

Water which is diverted but not used beneficially will be returned to _____,

tributary of _____, _____ Basin at a point

which is at Latitude _____ °N, Longitude _____ °W, also

bearing _____ ° (direction), _____ feet

(distance) from the _____ corner of the _____ Original Survey

No. _____, Abstract No. _____, in _____ County, Texas.

Zip Code: _____

4. Discharge Point Information (if applicable, provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location).

Discharge Point No. or Name: _____

A. Select the appropriate box for the source of water being discharged:

Treated effluent

Groundwater

Other _____

B. Location of discharge point will be/is at Latitude _____ ° N, Longitude _____ °W,

also bearing _____ °, _____ feet from the _____ corner of the _____

Original Survey No. _____, Abstract No. _____, in _____

_____ County, Texas.

What method was used to determine the Latitude and Longitude for the discharge point? (*i.e.*, GPS Unit, USGS 7.5 Topographic Map, etc.)

-
- C. Location from County Seat: _____ miles in a _____ direction from _____, _____ County, Texas.
Location from nearby town (if other than County Seat): _____ miles in a _____ direction from _____, a nearby town shown on county highway map.
- D. Zip Code: _____
- E. Water will be discharged into _____ stream/reservoir, (tributaries) _____, _____ Basin.
- F. Water will be discharged at a maximum rate of _____ cfs (_____ gpm).
- G. The amount of water that will be discharged is _____ acre-feet per year.
- H. The purpose of use for the water being discharged will be _____.
- I. Additional information required:

For groundwater

- 1) Provide water quality analysis and 24 hour pump test for the well if one has been conducted.
- 2) Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map
- 3) Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District.
- 4) What aquifer the water is being pumped from?

For treated effluent

- 1) What is the TPDES Permit Number? Provide a copy of the permit.
- 2) Provide the monthly discharge data for the past 5 years.
- 3) What % of treated water was groundwater, surface water?
- 4) If any original water is surface water, provide the base water right number.

5. General Information.

- A. The proposed _____ or existing _____ works will be (are) located on the land of _____, whose mailing address is _____
- B. If an application for the appropriation is granted, either in whole or in part, construction works will begin within _____ after such permit is issued. The proposed work will be completed within _____ from the date the permit is issued.
- C. A Water Conservation Plan is attached? _____ Yes _____ No.
- D. _____ Interbasin transfer is not requested.
_____ Applicant requests authorization to transfer _____ acre-feet of water per year from the _____ Basin to the _____ Basin of which

_____ acre-feet of water will be used for _____ purposes and
_____ acre-feet of water will be used for _____ purposes.

- E. _____ Bed and Banks request to transfer _____ acre-feet of water per year within the bed and banks of _____, tributary of _____, _____ Basin.
- F. Is this project located within 200 river miles of the coast? ____ Yes ____ No ____ Unknown

5. Maps, plats, plans, and drawings accompany this application as required by applicable TAC Sections.

_____ Yes ____ No. Attach additional sheets.

6. _____ The dam(s) and reservoir(s) shown on the attached application was (were) constructed for domestic and livestock purposes and I/we elect to seek a permit under Section 11.143 of the Texas Water Code.
7. Provide information describing how this application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement.

Applicant Name (Sign)

Applicant Name (Sign)

Applicant Name (Printed)

Applicant Name (Printed)

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20_____.

Notary Public for the State of Texas

Supplemental Dam/Reservoir Information Sheet

Dam (structure), Reservoir and Watercourse Data

A. Type of Storage Reservoir (indicate by checking (√) all applicable)

on-channel off-channel existing structure proposed structure* exempt structure**

* Applicant shall provide a copy of the notice that was mailed to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir, will be located as well as copies of the certified mailing cards.

** TWC Section 11.143 for uses of water for other than domestic, livestock, or fish and wildlife from an existing, exempt reservoir with a capacity of 200 acre-feet or less. Please complete Paragraph 6 below if proceeding under TWC 11.143.

Date of Construction _____

B. Location of Structure No. _____.

1) Watercourse: _____

2) Location from County Seat: ____ miles in a ____ direction from _____,
_____ County, Texas.

Location from nearby town (if other than County Seat): ____ miles in a ____ direction from
_____, a nearby town shown on county highway map.

3) Zip Code: _____

4) The dam will be/is located in the _____ Original Survey
No. _____, Abstract No. _____ in _____ County, Texas.

5) Station _____ on the centerline of the dam is _____° _____ (bearing), _____ feet
(distance) from the _____ corner of _____ Original
Survey No. _____, Abstract No. _____, in _____ County, Texas, also
being at Latitude _____°N, Longitude _____°W.

Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location

C. Reservoir:

1) Acre-feet of water impounded by structure at normal maximum operating level: _____

2) Surface area in acres of reservoir at normal maximum operating level: _____

D. The drainage area above the dam is ____ acres or _____ square miles.

E. Other:

1) If this is a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure, provide the Site No. _____ and watershed project name _____

2) Do you request authorization to close the "ports" or "windows" in the service spillway?

Yes No

Supplemental Dam/Reservoir Information Sheet

Dam (structure), Reservoir and Watercourse Data

B. Type of Storage Reservoir (indicate by checking (✓) all applicable)

on-channel off-channel existing structure proposed structure* exempt structure**

* Applicant shall provide a copy of the notice that was mailed to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir, will be located as well as copies of the certified mailing cards.

** TWC Section 11.143 for uses of water for other than domestic, livestock, or fish and wildlife from an existing, exempt reservoir with a capacity of 200 acre-feet or less. Please complete Paragraph 6 below if proceeding under TWC 11.143.

Date of Construction _____

B. Location of Structure No. _____.

1) Watercourse: _____

2) Location from County Seat: _____ miles in a _____ direction from _____, _____ County, Texas.

Location from nearby town (if other than County Seat): _____ miles in a _____ direction from _____, a nearby town shown on county highway map.

3) Zip Code: _____

4) The dam will be/is located in the _____ Original Survey No. _____, Abstract No. _____ in _____ County, Texas.

5) Station _____ on the centerline of the dam is _____° _____ (bearing), _____ feet (distance) from the _____ corner of _____ Original Survey No. _____, Abstract No. _____, in _____ County, Texas, also being at Latitude _____°N, Longitude _____°W.

Provide Latitude and Longitude coordinates in decimal degrees, to at least six decimal places, and indicate the method used to calculate the diversion point location.

C. Reservoir:

1) Acre-feet of water impounded by structure at normal maximum operating level: _____

2) Surface area in acres of reservoir at normal maximum operating level: _____

D. The drainage area above the dam is _____ acres or _____ square miles.

E. Other:

1) If this is a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure, provide the Site No. _____ and watershed project name _____

2) Do you request authorization to close the "ports" or "windows" in the service spillway?

Yes No

Supplemental Diversion Point Information Sheet

Diversion Point No. _____. (Provide a completed *Supplemental Diversion Point Information Sheet* for additional diversions)

1) Watercourse: _____

2) Location of point of diversion at Latitude _____°N, Longitude _____°W, also, bearing _____°, _____ feet (distance) from the _____ corner of the _____ Original Survey No. _____, Abstract No. _____, in _____ County, Texas. **Provide Latitude and Longitude coordinates in decimal degrees, to at least six decimal places, and indicate the method used to calculate the diversion point location.**

3) Location from County Seat: _____ miles in a _____ direction from _____, _____ County, Texas.

Location from nearby town (if other than County Seat): _____ miles in a _____ direction from _____, a nearby town shown on county highway map.

4) Zip Code: _____

5) The diversion will be (check (√) all appropriate boxes and if applicable, indicate whether existing or proposed):

	Existing	Proposed
Directly from stream		
From an on-channel reservoir		
From stream to an off-channel reservoir		
From a stream to an on-channel reservoir		
From an off-channel reservoir		
Other method (explain fully, use additional sheets if necessary)		

6) Rate of Diversion (Check (√) applicable provision):

___1. Diversion Facility:

A. _____ Maximum gpm (gallons per minute)

1) _____ Number of pumps

2) _____ Type of pump

3) _____ gpm, Pump capacity of each pump

4) Portable pump _____ Yes or _____ No

___2. If by gravity:

A. _____ Headgate _____ Diversion Dam _____ Maximum gpm

B. _____ Other method (explain fully - use additional sheets if necessary)

7) The drainage area above the diversion point is _____ acres or _____ square miles.

Supplemental Diversion Point Information Sheet

Diversion Point No. _____.

1) Watercourse: _____

2) Location of point of diversion at Latitude _____°N, Longitude _____°W, also, bearing _____°, _____ feet (distance) from the _____ corner of the _____ Original Survey No. _____, Abstract No. _____, in _____ County, Texas. **Provide Latitude and Longitude coordinates in decimal degrees, to at least six decimal places, and indicate the method used to calculate the diversion point location.**

3) Location from County Seat: _____ miles in a _____ direction from _____, _____ County, Texas.

Location from nearby town (if other than County Seat): _____ miles in a _____ direction from _____, a nearby town shown on county highway map.

4) Zip Code: _____

5) The diversion will be (check (√) all appropriate boxes and if applicable, indicate whether existing or proposed):

	Existing	Proposed
Directly from stream		
From an on-channel reservoir		
From stream to an off-channel reservoir		
From a stream to an on-channel reservoir		
From an off-channel reservoir		
Other method (explain fully, use additional sheets if necessary)		

6) Rate of Diversion (Check (√) applicable provision):

___ 1. Diversion Facility:

A. _____ Maximum gpm (gallons per minute)

1) _____ Number of pumps

2) _____ Type of pump

3) _____ gpm, Pump capacity of each pump

4) Portable pump _____ Yes or _____ No

___ 2. If by gravity:

A. _____ Headgate _____ Diversion Dam _____ Maximum gpm

B. _____ Other method (explain fully - use additional sheets if necessary)

7) The drainage area above the diversion point is _____ acres or _____ square miles.

Supplemental Discharge Point Information Sheet

Discharge Point No. or Name: _____

1) Select the appropriate box for the source of water being discharged:

- Treated effluent
- Groundwater
- Other _____

2) Location of discharge point will be/is at Latitude _____ ° N, Longitude _____ ° W, also bearing _____ ° _____, _____ feet from the _____ corner of the _____ Original Survey No. _____, Abstract No. _____, in _____ County, Texas.

Provide Latitude and Longitude coordinates in decimal degrees, to at least six decimal places and indicate the method was used to determine the Latitude and Longitude for the discharge point? (i.e., GPS Unit, USGS 7.5 Topographic Map, etc.)

3) Location from County Seat: _____ miles in a _____ direction from _____, _____ County, Texas.

Location from nearby town (if other than County Seat): _____ miles in a _____ direction from _____, a nearby town shown on county highway map.

4) Zip Code: _____

5) Water will be discharged into _____ stream/reservoir, (tributaries) _____, _____ Basin.

6) Water will be discharged at a maximum rate of _____ cfs (_____ gpm).

7) The amount of water that will be discharged is _____ acre-feet per year.

8) The purpose of use for the water being discharged will be _____.

9) Additional information required:

For groundwater

1. Provide water quality analysis and 24 hour pump test for the well if one has been conducted.
2. Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map
3. Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District.
4. What aquifer the water is being pumped from?

For treated effluent

1. What is the TPDES Permit Number? Provide a copy of the permit.
2. Provide the monthly discharge data for the past 5 years.
3. What % of treated water was groundwater, surface water?
4. If any original water is surface water, provide the base water right number.

Supplemental Environmental Information Sheet

Water right projects have the potential to alter environmental conditions in the state's rivers and streams through flow modification, sediment load alteration, loss of wetlands, and removal of riparian vegetation. The Resource Protection Team assess the effects issuance or amendment of a water right may have on existing instream uses. Instream uses include, but are not limited to, water quality, fish and wildlife habitat, recreation, and freshwater inflows to bays and estuaries.

The following items are suggested guidelines for data to be submitted depending on the nature of the particular application. Please note that *not* all the information identified below is required for the water right application to be considered administratively complete. However, depending on the magnitude and scope of the proposed project, failure to provide requested information for technical review may result in delayed processing times or a recommendation of denial of the application.

ITEMS TO BE PROVIDED FOR ALL APPLICATIONS:

1. USGS 7.5 minute topographic map with all diversion points, discharge points, reservoirs, and/or land to be irrigated clearly indicated.
2. Photographs of the stream at the project area (i.e., diversion point/dam location) including upstream and downstream views. Photographs should be in color and reflect the existing conditions of the stream and the riparian vegetation. Each photograph should include a description of what is depicted as well as be referenced to the USGS topographic map indicating the location and direction of the shot.
3. Brief description of the affected stream or water body at the project location including:
 - a) Average and maximum channel width and depth;
 - b) Flow characteristics of the stream (i.e., is the stream perennial, intermittent with pools, or intermittent?);
 - c) Description of land uses upstream within the watershed, if known.
4. Any known recreation or other public uses of the affected stream or water body.

ADDITIONAL ITEMS TO BE PROVIDED IF AN EXISTING DAM AND RESERVOIR ARE SOUGHT TO BE PERMITTED:

1. Date dam constructed.
2. Will the reservoir be maintained at normal pool elevation with an alternate source of water? If so, identify the source of water. If groundwater will be used, see below.
3. Does the dam have an operational low flow outlet or other means to pass state water?

MINIMAL ADDITIONAL ITEMS TO BE PROVIDED IF A DAM AND RESERVOIR ARE PROPOSED TO BE CONSTRUCTED:

1. In addition to indicating the location of the project location on the USGS topographic map, please identify the area of lake inundation at normal pool level.
2. Provide a brief description of the area to be affected by the proposed dam and reservoir.
3. The local U.S. Army Corps of Engineers (USACE) district should be notified of the proposed project. If the USACE determines that a 404 permit is required, provide the project number and name of the USACE Project Manager.

4. Will the reservoir be maintained at normal pool elevation with an alternate source of water? If so, identify the source of water. If groundwater will be used, see below.
5. Will the dam have a low flow outlet or other means to pass state water?

POSSIBLE ADDITIONAL ITEMS TO BE PROVIDED IF A DAM AND RESERVOIR ARE PROPOSED TO BE CONSTRUCTED:

1. A quantitative or qualitative evaluation of existing aquatic, riparian, wetland, and terrestrial habitats that will be subject to impact by the proposed reservoir project, preferably performed by a qualified third party. Acceptable evaluation procedures to be used may include, but are not limited to, USFWS's Habitat Evaluation Procedures or TPWD's Wildlife Habitat Appraisal Procedure. Any habitat evaluation should include an assessment of the effects of the project on habitats in the river segment downstream.
2. Description of the alternatives that were examined to meet the water needs that the proposed project is intended to fulfill. Were other site locations examined that may result in less environmental impact? How was the size of the proposed reservoir determined? Would a smaller reservoir be adequate to meet the projected water needs? Habitat mitigation shall be considered only after the complete sequencing (avoidance, minimization or modification, and compensation/replacement) process has been performed.
3. Should habitat losses be found to be unavoidable, a mitigation plan should be developed that will compensate for lost or altered ecosystem functions and values imposed by the proposed project. This plan should address both the direct and indirect impacts to aquatic, riparian, and terrestrial habitats, as well as short- and long-term effects that may result from the proposed project. Habitat mitigation plans shall be ensured through binding legal contracts or conservation easements and shall include goals and schedules for completion of those goals. Mitigation areas shall be managed in perpetuity by a party approved by the Commission to maintain the habitat functions and values that will be affected by the proposed project.

ADDITIONAL ITEMS TO BE PROVIDED IF GROUNDWATER WILL BE USED:

Information regarding the groundwater wells to be used in this project and groundwater quality data from each well to be used. Well information should include the following:

- a) Depth of well;
- b) Name of aquifer from which water is withdrawn;
- c) Pumping capacity of well.

Water chemistry information should include but not be limited to the following parameters:

- a) Chlorides;
- b) Sulfates;
- c) Total Dissolved Solids (TDS);
- d) pH;
- e) Temperature.

If data for on-site wells are unavailable, historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, please note that on-site data may still be required when it becomes available.

Alternatives Analysis Worksheet for Wetland Impacts

1. Alternatives
 1. How could you satisfy your needs in ways which do not affect wetlands?
 2. How could the project be re-designed to fit the site without affecting wetlands?
 3. How could the project be made smaller and still meet your needs?
 4. What other sites were considered?
 1. What geographic area was searched for alternative sites?
 2. How did you determine whether other non-wetland sites are available for development in the area?
 5. What are the consequences of not building the project?

2. Comparison of alternatives
 1. How do the costs for the alternatives considered above?
 2. Are there logistic (location, access, transportation, etc.) factors that limit the alternatives considered?
 3. Are there technological limitations for the alternatives considered?
 4. Are there other reasons certain alternatives are not feasible?

3. If you have not chosen an alternative which would avoid wetland impacts, explain:
 1. Why your alternative was not selected?
 2. What you plan to do to minimize adverse effects on the wetlands impacted?

4. Please provide a comparison of each criterion (from Part II) for each site evaluation in the alternatives analysis.

**PERMIT APPLICATION COMPLETION CHECKLIST FOR
HYDROLOGY, WATER CONSERVATION, AND DAM SAFETY**

Name(s) of Applicant:

Stream, Basin, and County:

USGS 7.5 minute topographic map with all diversion points, discharge points, reservoirs, and/or land to be irrigated clearly indicated:

Latitude and Longitude of all diversion points and/or reservoirs, including how the coordinates were determined:

Diversion amount:

Diversion rate:

Monthly Diversion Distribution (the amount of the total water that you plan to divert each month):

 J F M A M J J A S O N D

Reservoir capacity and surface area:

Drainage area:

Request to use the bed and banks of a watercourse and/or reservoir:

Other (copy of contract for water, alternate source of water, accounting plan, etc.)

WATER CONSERVATION PLAN

1. Plan and appropriate data form
2. Please specify the quantitative goals as outlined on the data form

DAM SAFETY

If a reservoir is requested in the application, the following information should be submitted:

1. Surface area and capacity of the reservoir
2. Plans (with engineer's seal) for the reservoir if the dam is over 6 feet high
3. Engineer's signed and sealed hazard classification
4. Statement from engineer that the structure complies with the Chapter 299 Rules and supporting documentation