



June 2018
Form TCEQ-10203-inst

**INSTRUCTIONS FOR COMPLETING
THE APPLICATION FOR AN EXTENSION OF TIME TO BEGIN AND/OR
COMPLETE CONSTRUCTION OF AN AUTHORIZED PROJECT
Texas Water Code Section §11.145**

Applicant Information

This section requests information about the Applicant(s). Complete the Application as directed. Submit additional Applicant Information for each co-applicant, if any, as an attachment to the Application.

Permittee/Owner Name (Legal name)

1. Requests for an extension of time to an existing water rights authorization, must be made by the owner(s) of record of the authorization. If the name of the Permittee/Owner Name field in the Application Information section of the Application does not match the name of the current owner(s) of record for the permit or certificate or if any of the co-owners is not included as an applicant in this Extension of Time request, your Application could be returned. If you or a co-applicant are a new owner, but ownership is not reflected in the records of the TCEQ, submit a change of ownership request prior to submitting the Extension of Time Application. **A Surface Water Rights Change of Ownership Form*** (TCEQ-10204) may be obtained on the TCEQ website at: https://www.tceq.texas.gov/permitting/water_rights/wrpermitting/wr_applications.html/#applications

**Please note that an Application may be returned, and the Applicant may resubmit once the change of ownership is complete.*

Mailing Address (Owner Contact)

1. Provide a complete mailing address for receiving mail from the TCEQ. The address must be verifiable with the US Postal Service (USPS) for regular mail delivery (not overnight express mail). Please use the same address as the one the Applicant(s) permit. If there has been a change in address, please notify the TCEQ Water Rights Permitting Team of this change.

You may verify the address on the USPS website at <https://tools.usps.com/go/ZipLookupAction!input.action>

2. If you find that the address is not verifiable using the USPS web search, please submit the address used by the USPS for regular mail delivery.
3. Provide a valid phone number and email for communication information of the person or persons that the TCEQ can contact for additional information regarding this Application. Applicant should complete this section with their own contact information if the Applicant wishes to be the point of contact for their Application or may include the contact information for Applicant's authorized representative.
4. If the Applicant(s) has a representative, the Applicant(s) are agreeing to allow one person to receive notices about the permit on their behalf. Provide the name of an individual that can be contacted by the agency as needed during the duration of the permit. Include their phone number(s) and mailing addresses if different than the permanent address used for the Application.

Fee or Penalty Information

The Application will not be processed unless 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 by all Applicants/co-Applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your Application.

1. The Water Availability Division will conduct a review to determine if the Applicant or Co-Applicants are delinquent on any penalty or fee owed to the TCEQ. Pursuant to the Delinquent Fee and Penalty Protocol, the TCEQ will not issue, amend, or renew permits, registrations, certifications, or licenses to an entity or person who is delinquent on a penalty or fee of \$25 or greater owed to the TCEQ. Visit the TCEQ website for further information on the Delinquent Fee & Penalty Protocol at: <https://www.tceq.texas.gov/agency/fees/delin/index.html>
2. The TCEQ will not declare any Application administratively complete that is submitted by a person or entity who is delinquent on a fee or penalty until the fee or penalty is paid, or if on an approved installment plan, that payments under the plan are current.
3. The TCEQ will withhold final action on an Application until the fee or penalty is paid and the account is current, if after the Application is considered administratively complete, it is discovered that the owner or entity who submitted the Application is delinquent on a fee or penalty.

On the Application, please identify whether you owe any fees or penalties to the TCEQ. If fees or penalties are owed, please identify the type of fee or penalty owed, the amount past due, and the TCEQ identifying number. For penalties, please provide the TCEQ docket number.

Project Data and Dates

1. Applicant(s) should provide the following Project data:
 - a. Certificate of Adjudication No./Water Rights Permit No.,
and
 - b. River Basin
2. Applicant(s) should provide beginning and completion dates for project construction including original, current, and proposed dates.
 - a. This should be in the format MM/DD/YYYY.

Reason(s) for delay

1. Applicant(s) should provide a statement setting forth the reasons why construction work could not be commenced or completed. Under 30 TAC 295.72(b) the Applicant must include why the extension should be granted and why the permit should not be forfeited if the commission finds that sufficient due diligence to begin and/or complete construction of the authorized project has not been demonstrated.

2. Reasonable causes for delay include, but are not limited to, the operation of legal proceedings or other causes which were not within the reasonable control of the permittee and which were reasonably unforeseeable at the time of the appropriation or the last extension. Financial hardship shall not, by itself, constitute sufficient cause for the granting of an extension. Notice of the Application, if required, will also indicate that the Commission will consider whether the appropriation shall be forfeited by the Applicant, if the extension is denied.

Application Fees

Water right permitting fees vary based on the type of permit the applicant is seeking as set forth in 30 TAC, Chapter 295, Subchapter B of the commission's rules.

To calculate the fees needed for the Application, fill out the table(s) in the fees section of the Application. **Please read the instructions carefully and use them to fill out the Application.**

1. Filing fees are set forth in the rules. The filing fees for an extension of time vary based on the volume of water authorized in the permit.
2. Recording fee is a flat rate of \$12.50.

Extension fees, which are equivalent to one-time use fees established under Section 295.133, are required for an Extension of Time Application. Follow the instructions in the fees section of the Application to enter the amount of water for the appropriate use and/or for the storage amounts and multiply the amounts times the associated fees. A Maximum Use Fee applies for an extension of time.

See 30 TAC § 295.138. (The total extension fees cannot exceed \$1,000).

Under Section B of the Application, mailed notice fees may be required to be submitted with the Application. Follow the instructions in the fees section of the Application to determine if mailed and published notice is required. For various reasons the notice fees cannot be calculated by the Applicant and the Commission must determine who may be affected by the request prior to calculating the notice fees for these Applications.

The total amount is the "Application Fee" which is a sum of Section A and B, if Section B is required. This entire fee is required to be paid at the time the Application is submitted. Failure to submit payment at the time the Application is filed will cause delays in processing or denial of the permit Application.

The applicant is responsible for the cost of publishing the notice (if required) in a newspaper of general circulation. The applicant will be provided the information necessary to publish, including instructions, by the TCEQ Office of Chief Clerk at the appropriate time.

Additionally, once an Application has been granted, water right holders in certain areas with a Watermaster will be required to pay an annual fee. See TWC §§11.329, 11.404 and 30 TAC §§303.71-303.73, 304.61-304.63. If you have questions about the Watermaster Programs, information is available at:

https://www.tceq.texas.gov/permitting/water_rights/wmaster

Water Use Assessment Fees may also be required on an annual basis for water right holders. See TWC §11.0291 and 30 TAC §21.3. If you have questions about the Water Use Assessment Fee, email wateruse@tceq.texas.gov or call: 512-239-6682.

Finally, once an Extension of Time order is issued, the TCEQ Chief Clerk will send the order to the Applicant with instructions to file in the County Clerk records at the expense of the Applicant. Contact the County Clerk(s) for costs.

HOW TO PAY THE APPLICATION FEE

1. Payment of the Application fee may be made either by check or money order payable to the to the Texas Commission on Environmental Quality or TCEQ.
2. Payment must be mailed in a separate envelope to one of the addresses below. Include Application Fees calculations located at the end of the Application and include the name of the Applicant and the water right number (for amendments) on the submittal.
3. To verify receipt of payment, or for any other questions you may have regarding payment of fees to the TCEQ, please call the Cashier's Office at (512) 239-0357.

Mailed Payments

Note: Mailed and published notice of the Application is required if a new beginning date for construction is more than four years past the original issue date of the water right, or a new completion date for construction is more than five years past the original completion date.

By regular U.S. mail:

Texas Commission on Environmental Quality
Financial Administration Division Cashier's Office, MC-214
P.O. Box 13088 Austin, TX 78711-3088

By overnight/express mail:

Texas Commission on Environmental Quality
Financial Administration Division Cashier's Office, MC-214
12100 Park 35 Circle Austin, TX 78753

Applicant Signature:

ALL APPLICATIONS MUST BE SIGNED AND NOTARIZED

This will be your sworn statement of the facts contained in the Application. All individuals and entities listed as Applicants must print and sign a copy of this page of the Application and have the signature notarized. All persons signing the Application should meet the signatory requirements specified under 30 TAC §295.14.

Unless an Application is signed by an individual Applicant, the person or persons must submit valid written evidence that they meet the signatory requirements in 30 TAC § 295.14.

Title 30 TAC § 295.14 Signature of Applicant

The Application shall be signed as follows:

1. If the Applicant is an individual, the Application shall be signed by the Applicant or the Applicant's duly appointed agent. An agent shall provide written evidence of his or her authority to represent the Applicant. If the Applicant is an individual doing business under an assumed name, the Applicant shall attach to the Application an assumed name certificate from the county clerk of the county in which the principle place of business is located.
2. A joint Application shall be signed by each Applicant or each Applicant's duly authorized agent, with written evidence of such agency to be submitted with the Application. If land is owned by both husband and wife, each shall sign the Application. Joint Applicants shall select one among them to act for and represent the others in pursuing the Application with the commission, with written evidence of such representation to be submitted with the Application.
3. If the Application is by a partnership, the Application shall be signed by the general partner or one of the general partners. If the Applicant is a partnership doing business under an assumed name, it shall attach to the Application an assumed name certificate from the county clerk of the county in which the principal place of business is located.
4. If the Applicant is an estate or guardianship, the Application shall be signed by the duly appointed guardian or representative of the estate, and a current copy of the letters issued by the court shall be attached to the Application.
5. If the Applicant is a corporation, public district, county, municipality or other corporate entity, the Application shall be signed by a duly authorized official. Written evidence in the Application of by-laws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.
6. If the Applicant is acting as trustee for another, the Applicant shall sign as trustee, and in the Application, shall disclose the nature of the trust agreement and give the name and current address of each trust beneficiary. Proper and complete trust documents must be submitted.