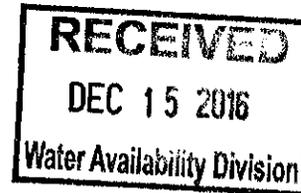


Law Offices of  
**BOOTH, AHRENS & WERKENTHIN**  
A Professional Corporation

Michael J. Booth  
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Governmental Consultant  
(Not licensed to practice law)



Water Availability Division  
Water Rights Permitting and Availability Section, MC 160  
Texas Commission on Environmental Quality  
12100 Park 35 Circle, Bldg. F, 3<sup>rd</sup> Floor  
Austin, Texas 78711-3087

*Via Hand Delivery*

**RE: Application for a Saltwater Barrier**

Dear Sir or Madam:

Please find enclosed an original and six copies of The Dow Chemical Company's ("Dow") Application for a Saltwater Barrier ("Application"). Dow requests that the Texas Commission on Environmental Quality ("TCEQ") calculate the required fees for this Application, and it will remit a check for that amount. Additionally, please let us know if the TCEQ staff requires any additional information or documentation with regard to this Application and we will submit the same accordingly.

Please do not hesitate to contact us should you have any questions. Thank you in advance for your assistance with this matter.

Very Truly Yours,

A handwritten signature in cursive script that reads "Fred B. Werkenthin, Jr.".

Fred B. Werkenthin, Jr.

FBW  
Enclosures

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): The Dow Chemical Company

Mailing Address: 332 SH 332 E, Lake Jackson, Texas, 77566

Telephone Number: (979) 238-5420

Fax Number: N/A

Email Address: wbfisackerly@dow.com

B. Customer Reference Number (if issued): CN 600356976

**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.

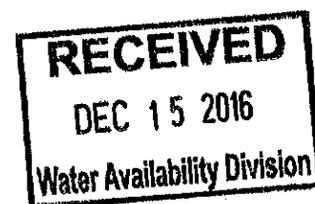
A. Type of Storage Reservoir (indicate by checking (√) all applicable)

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: See Additional Statement



B. Location of Structure No. 1.

- 1) Watercourse: Brazos River
- 2) Location from County Seat: 8 miles in a NW direction from Angleton,  
Brazoria County, Texas.  
Location from nearby town (if other than County Seat): 1.5 miles in a NW direction  
from Holiday Lakes, a nearby town shown on county highway map.
- 3) Zip Code: 77430
- 4) The dam will be/is located in the AUSTIN, J E B Original Survey No. 03917,  
Abstract No. 512 in Brazoria County, Texas.
- 5) Station 0+00 on the centerline of the dam is N35° 05' 4.11" W (bearing), 8,515 feet  
(distance) from the NE corner of AUSTIN, J E B Original Survey  
No. 03917, Abstract No. 512, in Brazoria County,  
Texas, also being at a reach of the river from Latitude 29.240477°N and Longitude 95.562549°W  
down river and Latitude 29.241827°N and Longitude 95.562251°W up river.

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: 31.14 acre-feet  
maximum backwater effect at 20,000 cfs discharge
- 2) Surface area in acres of reservoir at normal maximum operating level: 0.664 acres additional  
area within backwater area

D. Drainage Area

The drainage area above the dam is 45,925 square miles (total) and 35,959 square miles  
(contributing).

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. N/A  
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: N/A

	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): N/A

- 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. N/A. This permit will not authorize the diversion of water.

- 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): N/A

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): N/A

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: N/A

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 Salt Water Barrier works will be located on the land of The TDCC and W.H. Black, whose mailing address is TDCC 332 SH 332 E, Texas Innovation Center, Lake Jackson, Texas 77566, and W. H. Black, P.O. Box 174 Midland, Texas 79702-01

B. If an application for the appropriation is granted, either in whole or in part, construction works will begin within See Additional Statement after such permit is issued. The proposed work will be completed within See Additional Statement 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. N/A 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

