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**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
APPLICATION FOR PERMIT TO APPROPRIATE STATE WATER
(SECTION 11.121, 11.042, 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**

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

**Austin, Texas 78711-3087
Telephone (512) 239-4691, FAX (512) 239-4770**

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. Name: **GUADALUPE-BLANCO RIVER AUTHORITY**

Mailing Address: **933 East Court Street
Seguin, Texas 78155**

Email Address: **bwest@gbra.org**

FAX No.: **(830) 379-1766**

A. Customer Reference Number (if issued): **CN 601180565**

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.

B. 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:

C. 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: **SEE ATTACHED SUPPLEMENT.**

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.

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

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.

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. 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

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

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

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 deed 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, 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) 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)		

5) Rate of Diversion (Check (L) 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)

D. Return Water or Return Flow (location and quantity information):

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

E. Surplus Water:

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.

F. The drainage area above the diversion point is ___ acres or _____ square miles.

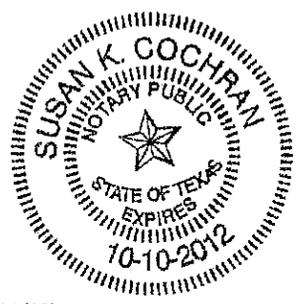
4. General Information: **SEE ATTACHED SUPPLEMENT.**

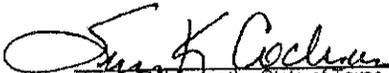
- A. The proposed _____ or existing _____ works will be (are) located on the land of _____, whose mailing address is _____
 - B. If an application for the appropriation is granted, either in whole or in part, construction works will begin within _____ after such permit is issued. The proposed work will 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 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 _____, _____ River 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. SEE ATTACHED SUPPLEMENT.**
- _____ Yes _____ No. Attach additional sheets for multiple dams and reservoirs, diversion points, etc.
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. **SEE ATTACHED SUPPLEMENT.**


 Name (Sign)

**W.E. West, Jr., General Manager
 Guadalupe-Blanco River Authority**

SWORN TO AND SUBSCRIBED before me this 5th day of August, 2009.




 Notary Public for the State of Texas

**SUPPLEMENT TO THE
APPLICATION FOR A PERMIT TO APPROPRIATE STATE WATER
OF
GUADALUPE-BLANCO RIVER AUTHORITY**

This supplement is attached to and incorporated as part of the application for a permit to appropriate state water of Guadalupe-Blanco River Authority ("GBRA"). The completed application form and this supplement together are referred to as this "Application."

GBRA is a conservation and reclamation district and political subdivision of the State of Texas created pursuant to Article XVI, Section 59 of the Texas Constitution by special act of the Legislature. GBRA's powers and duties include the development of water supplies to meet current and future needs of residents within GBRA's ten-county statutory district, which consists of Hays, Comal, Guadalupe, Caldwell, Gonzales, DeWitt, Victoria, Kendall, Refugio, and Calhoun Counties. Each of these ten counties lies in whole or in part within the Guadalupe River Basin. The portion of GBRA's ten-county statutory district that lies outside the Guadalupe River Basin includes areas within the San Antonio, Colorado, and Lavaca River Basins, and the Colorado-Lavaca, Lavaca-Guadalupe, and San Antonio-Nueces Coastal Basins.

By this Application, GBRA seeks authorization to divert up to 189,484 acre-feet of water in any year from the unappropriated flows of the Guadalupe River at a rate of diversion not to exceed 500 cfs. The water will be diverted from the Guadalupe River in Calhoun County, Texas, just upstream of GBRA's Saltwater Barrier and Diversion Dam authorized under Certificate of Adjudication No. 18-5484, utilizing the existing gravity-flow diversion facilities that are part of GBRA's Calhoun Canal System. GBRA will then convey the water via the Calhoun Canal System directly to users as well as to storage, including significant new off-channel storage reservoirs proposed to be constructed in Calhoun and Victoria Counties. GBRA would then be able to supply water from that storage to areas of need during times of drought.

GBRA anticipates that all water to be supplied to its other customers or to storage via the Calhoun Canal System will be supplied from the Canal System downstream of the point on the Main Canal at which water is supplied to Union Carbide Corporation.

GBRA's Calhoun Canal System is currently used to divert, convey and supply water authorized under Certificates of Adjudication Nos. 18-5173, 18-5174, 18-5175, 18-5176, 18-5177, and 18-5178, each as amended, held jointly by GBRA and Union Carbide Corporation (together, the "Existing Rights"). The Existing Rights authorize diversion of a total of 172,501 acre-feet of water per year from the Guadalupe River. Thus, the total annual amount to be authorized under both the new water right (189,484 acre-feet per year) and the Existing Rights (172,501 acre-feet per year) is 361,985 acre-feet per year. The existing gravity-flow diversion facilities that are part of GBRA's Calhoun Canal System are fully capable of diverting that entire amount over a calendar year, if that amount is available for diversion during that year.

GBRA requests authorization to use the water requested by this Application for municipal and industrial purposes, anywhere within GBRA's ten-county statutory district.

GBRA requests that appropriate streamflow conditions be imposed on diversions of the unappropriated water requested by this Application for the protection of the San Antonio Bay and estuary system. The point of diversion is within an area that is 200 river miles of the coast, commencing from the mouth of the Guadalupe River.

GBRA proposes to divert the unappropriated water requested by this Application when available, and to convey and use such water and/or store such water for later use, to produce as large a firm supply as is feasible. By this Application, GBRA requests authorization to construct one or more off-channel reservoirs within Calhoun and Victoria Counties with a combined storage capacity of not to exceed 200,000 acre-feet. GBRA may construct storage capacity and other facilities, and develop firm supplies, in stages, with the ultimate configuration to include one or more pipelines to convey water from the Canal System to the GBRA Western Canyon Water Treatment Plant in Comal County, as well as to other points of need. The latest studies done pursuant to the Region L planning process include such a pipeline, referred to as the "Lower Guadalupe Water Supply Project for GBRA Needs." See Study 1 for the 2011 Region L water plan, dated April 2009. GBRA requests authorization to store any water diverted from the Guadalupe River in any storage capacity owned or controlled by GBRA within GBRA's ten-county statutory district, and to divert or release such water from any such storage capacity. GBRA requests authorization to use the bed and banks of the Guadalupe River and any tributary thereof to convey water released from any storage capacity to the downstream points of delivery.

Substantial new firm supplies of water are needed to meet existing and projected demands for water within rapidly-growing areas in GBRA's ten-county statutory district within the planning horizon currently used in water plans, and even larger firm supplies will be needed to satisfy projected demands beyond that planning horizon. GBRA proposes to utilize its existing Calhoun Canal System to divert, convey, use and/or store for later use the unappropriated flows of the Guadalupe River to produce as large an additional firm supply as is feasible -- after imposition of appropriate streamflow conditions on diversions of the unappropriated water requested by this Application for the protection of the San Antonio Bay and estuary system -- to satisfy projected demands within GBRA's ten-county statutory district as far into the future as possible.