

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): Forestar (USA) Real Estate Group, Inc.

Mailing Address: 6300 Bee Caves Rd., Bldg. 2, Suite 500

Austin, Texas 78746-5149

Telephone Number: (936) 639-0660 (Lufkin Office)

Fax Number: \_\_\_\_\_

Email Address: BillGoodrum@forestargroup.com

B. Customer Reference Number (if issued): CN 603055799

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:

Forestar has no outstanding fees or penalties owed to TCEQ.

D. Lienholder Information

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

The land currently has no liens filed against it.

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

Not applicable - No dams or reservoirs associated with the bed and banks application

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: Not applicable

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B. Location of Structure No. *Not applicable*

- 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: *Not applicable*

- 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 *Not applicable*

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

E. Other *Not applicable*

- 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).

*Not applicable – No surface water to be appropriated nor diverted. Please see Attachment 1, "Evaluation of Groundwater Discharge and Bed and Banks Conveyance, Anderson County, Texas."*

A. Appropriated water will be used as follows: *Not applicable – no surface water to be appropriated*

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

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

B. Lands to be irrigated (if applicable): *Not applicable*

- 1) Applicant proposes to irrigate a total of N/A 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. **Diversion Segment One**

- 1) Watercourse: *Neches River: Diversion Segment One*
- 2) Location of point of diversion in Diversion Segment One between: *Upstream end - Latitude 31.863478, -95.440898 (NAD -83) & downstream end- Latitude 31.762036, -95.402303 (NAD -83)*

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.

*Applicant seeks authorization to divert from Diversion Segment One as more fully defined in Attachment 1 and shown on the map in Attachment 2.*

also bearing \_\_\_\_\_° \_\_\_\_\_ feet  
(distance) from the \_\_\_\_\_ corner of the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, County, Texas.

- 3) Location from County Seat: *Upstream end is approximately 13 miles in a northeasterly direction and downstream end is approximately 14 miles in an easterly direction from City of Palestine, Anderson* 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: *TBD- There are several postal zones in Diversion Segment One.*

- 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)	<i>See Attachment 1- diversion will be groundwater</i>	<i>See Attachment 1 - diversion will be groundwater</i>

- 6) Rate of Diversion (Check (√) applicable provision): - *The anticipated maximum rate of diversion from Diversion Segment One is 1600 gpm*

TBD 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 TBD \_\_\_\_\_ Yes or \_\_\_\_\_ No.

TDB 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 N/A 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

Not applicable, 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 Not applicable,  
 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: One

Applicant will discharge groundwater from the applicant's property in Anderson County into an unnamed tributary where it will flow for approximately 0.83 miles until it joins Stills Creek where it will flow approximately 1.05 miles until it empties into the main branch of the Neches River approximately 0.9 miles south of US Highway 84. Please see Attachment 3 for photographs of Discharge Point One.

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

- Treated effluent
- Groundwater
- Other \_\_\_\_\_

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B. Location of Discharge Point One will be/is at 31.762036, -95.402303 (NAD-83) also bearing \_\_\_\_\_°  
from the \_\_\_\_\_ corner of the \_\_\_\_\_ feet  
Original Survey No. \_\_\_\_\_  
Abstract No. \_\_\_\_\_, in \_\_\_\_\_  
Anderson 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.)

GPS desktop analysis

Location from County Seat: Approximately 12 miles in an easterly direction from City of Palestine (county seat), Anderson 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: 75801
- E. Water will be discharged into unnamed tributary to Stills Creek [stream/reservoir, (tributaries) Neches River Basin.
- F. Water will be discharged at a maximum rate of 3.57cfs (1,600 gpm).
- G. The amount of water that will be discharged is up to 2,583 acre-feet per year.
- H. The purpose of use for the water being discharged will be municipal, industrial, steam electric, hydro-electric, mining and oil and gas, recreation, instream and environmental, and irrigation
- I. Additional information required:

For groundwater *Please see Attachment 1.*

- 1) Provide water quality analysis and 24 hour pump test for the well if one has been conducted. *Please see Attachment 4 for the State Well Report and the laboratory water quality analysis.*
- 2) Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map. *Please see Attachment 2.*
- 3) Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District. *The Operating permit was approved by the Trinity Neches Groundwater Conservation District on February 20, 2014. Please see Attachment 5 for a copy of the production permit.*
- 4) What aquifer the water is being pumped from? *Groundwater will be produced from the Wilcox Group.*

For treated effluent *Not applicable*

- 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. To Be Determined**

A. The proposed ~~or existing~~ diversion works will be (are) located on the land of anywhere within Diversion Segment One, Landowner information will be provided at such time as the exact diversion point is identified and prior to construction (if required) or actual diversion of the groundwater

, whose mailing address is

B. If an application for the appropriation is granted, either in whole or in part, construction works will begin within TBD 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. (Water supply agreement with purchaser will require customer to have compliant conservation and drought management plans. The required plans will be submitted prior to discharge and diversion.)

D.  Interbasin transfer is not requested. Not Applicable for a groundwater bed and banks transport application.

\_\_\_\_\_ 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 up to 2,583 acre-feet of water per year within the bed and banks of Neches River and its tributaries (unnamed tributary to Stills Creek, Stills Creek and the mainstream of Neches River upstream of the confluence with the Angelina River (as described in Attachment 1)), Neches River Basin.

F. Is this project located within 200 river miles of the coast? \_\_\_\_\_ Yes  No \_\_\_\_\_ Unknown  
Note: This project does not involve any state water subject to Chapter 11, Texas Water Code.

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

Yes \_\_\_\_\_ No. Attach additional sheets. Attachment 2 (USGS map) and Attachment 3 (photographs representative of discharge sites)

6. N/A 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.

Region I Water Planning Group conducted a "special study" regarding approaches to meet the needs of rural areas within the regional water planning area. This water supply is available to augment existing supplies to meet current and projected municipal, industrial, steam-electric, hydro-electric, mining and oil and gas, recreation, instream and environmental, and irrigation water demands. Because the bed and banks request is to convey privately owned groundwater and not surface water, provisions of Chapter 11, including §11.134 (c), Texas Water Code, generally do not apply.

William B. Goodrum, Sr.

Applicant Name (Sign)

W B Goodrum, Sr.

Applicant Name (Sign)

**William Goodrum, Sr.**

acting in his capacity as Vice-President, Water Resources for Forestar (USA) Real Estate Group, Inc., the Applicant/Owner

Applicant Name (Printed)

Applicant Name (Printed)

SWORN TO AND SUBSCRIBED before me this 8<sup>th</sup> day of April, 2014

Erin L Scarborough

Notary Public for the State of Texas

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