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): Kinder Morgan Liquids Terminals, LLC

Mailing Address: 906 Clinton Drive, ATTN: Kinder Morgan Export Terminal

Galena Park, TX 77547-3461

Telephone Number: 713-920-8447 Fax Number: 713-472-7660

Email Address: gary_cotie@kindermorgan.com

B. Customer Reference Number (if issued): CN603254707

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):

None

2. Dam (structure), Reservoir and Watercourse Data. Not Applicable (move on to Section 3)

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)	Firewater Protection	On-Site	6 acre-feet
2)	Hydrotesting (tanks, pipelines)	On-Site	240 acre-feet
3)	Tank Washing	On-Site	4 acre-feet

*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. _____.

B. Diversion Point No. 1.

1) Watercourse: Vince Bayou

2) Location of point of diversion at Latitude 29.72274 °N, Longitude -95.22426 °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. Harris ,County, Texas.

3) Location from County Seat: 9.2 miles in a southwest direction from Harris County, Texas. Location from nearby town (if other than County Seat): 0.85 miles in a southeast direction from Galena Park, a nearby town shown on county highway map.

4) Zip Code: 77506

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

√	Directly from stream	Existing	
	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. 1,200 GPM Maximum gpm (gallons per minute)

B. 2 Number of pumps

C. Centrifugal Type of pump

D. 1,200 GPM, 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 Vince Bayou, tributary of San Jacinto River Basin, at a point which is at Latitude 29.72274, °N, Longitude -95.22426 °W, also, bearing

_____° _____ (direction), _____ feet (distance) from the _____ corner of the _____ Original Survey No. _____, Abstract No. _____, in Harris County, Texas.

Zip Code: 77506

Estimated **annual** amount of return flow to said stream will be 225 acre-feet (90% of appropriation).

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):**

Vince Bayou, tributary of San Jacinto River Basin, at a point which is at Latitude 29.72274, °N, Longitude -95.22426 °W, also, bearing

_____° _____ (direction), _____ feet (distance) from the _____ corner of the _____ Original Survey No. _____, Abstract No. _____, in Harris County, Texas.

Zip Code: 77506

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 Hydrostatic discharge water, tank wash water, firefighting discharge water originally diverted from Vince Bayou

B. Location of discharge point will be/is at Latitude 29.72274, °N, Longitude -95.22426 °W, also bearing _____° _____, _____ feet from the _____ corner of the _____ Original Survey No. _____, Abstract No. _____, in Harris 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: 9.2 miles in a southwest direction from Harris County, Texas.

Location from nearby town (if other than County Seat): 0.85 miles in a southeast direction from Galena Park, a nearby town shown on county highway map.

D. Zip Code: 77506

E. Water will be discharged into Vince Bayou, a tributary of the San Jacinto River Basin.

F. Water will be discharged at a maximum rate of 2.7 CFS (1,200 GPM).

G. The amount of water that will be discharged is 225 acre-feet per year. (90% of appropriation).

H. The purpose of use for the water being discharged will be hydrostatic discharge water, tank wash water, firefighting/firewater protection.

I. Additional information required:

For groundwater Not Applicable

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 Not Applicable (move on to Section 5)

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 X works will be (are) located on the land the Applicant whose mailing address is 906 Clinton Drive, ATTN: Kinder Morgan Export Terminal, Galena Park, TX 77547

B. If an application for the appropriation is granted, either in whole or in part, construction works will begin within NA after such permit is issued. The proposed work will be completed within NA from the date the permit is issued.

C. A Water Conservation Plan is attached? √ Yes _ No.

D. __X__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. 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.

Applicant Name (Sign)

Applicant Name (Sign)

SWORN TO AND SUBSCRIBED before me this 18 day of November, 20 15.

DAWN SWILLEY
Notary Public, State of Texas
My Commission Expires
April 08, 2019

Notary Public for the State of Texas