

**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): JPMorgan Chase Bank National Association

Mailing Address: 201 N. Central Ave.

Phoenix, AZ 85004

Telephone Number: (602) 221-4691

Fax Number:

Email Address: fred.h.williams@jpmchase.com

B. Customer Reference Number (if issued): (not yet issued)

**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):

N/A

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

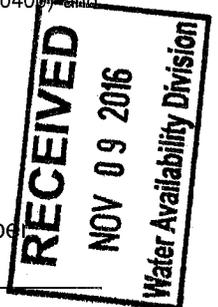
A. Type of Storage Reservoir (indicate by checking (√) all applicable)

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: Commencement of Construction = October 2017



B. Location of Structure No. Pond 1

- 1) Watercourse: Stewart Creek Tributary 1-4
- 2) Location from County Seat: 15.5 miles in a southwesterly direction from Collin County Courthouse, Collin County, Texas,  
Location from nearby town (if other than County Seat): 4.3 miles in a southerly direction from City of Frisco, a nearby town shown on county highway map.
- 3) Zip Code: 75024
- 4) The dam will be/is located in the Garland R. Martin Original Survey No. 1457, Abstract No. 622 in Collin County, Texas.
- 5) Station 1+00 on the centerline of the dam is N 43° W(bearing), 539 feet (distance) from the southeast corner of Garland R. Martin Original Survey No. 1457, Abstract No 622, in Collin County, Texas, also being at Latitude 33.088534°N, Longitude 96.828376°W.  
Method: The coordinates were calculated by scaling the point location from the surface coordinates to grid coordinates using the project scale factor as derived from Plano Monument No. 201. The grid coordinates were then converted to Latitude and Longitude coordinates using Corpscon.

**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: 19.42
- 2) Surface area in acres of reservoir at normal maximum operating level: 2.58

D. Drainage Area

The drainage area above the dam is 99.53 acres or 0.1555 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. N/A and watershed project name N/A
- 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)	Irrigation	Subject Site	None
2)	Evaporation	Subject Site	None
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 19.2 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 49.626 acres in Collin 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 J.C. Barrow Original Survey No. 1124, Abstract No. 90; the H.N. Thompson Original Survey No. 2687, Abstract No. 896; and the Garland R. Martin Original Survey No. 1457, Abstract No. 622; all of which are in the City of Plano, Collin County, Texas.

C. Diversion Point No. Diversion Point #1

- 1) Watercourse: Stewart Creek Tributary 1-4
- 2) Location of point of diversion at the Perimeter of the Pond
- 3) Location from County Seat: 15.5 miles in a southwesterly direction from Collin County Courthouse, Collin County, Texas,  
Location from nearby town (if other than County Seat): 4.3 miles in a southerly direction from City of Frisco, a nearby town.
- 4) Zip Code: 75024
- 5) The diversion will be (check (√) all appropriate boxes and if applicable, indicate whether existing or proposed):

	Directly from stream	Existing	Proposed
✓	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. 150 Maximum gpm (gallons per minute)
- B. 1 Number of pumps
- C. Submersible Type of pump
- D. 150 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 99.53 acres or 0.1555 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

\_\_\_\_\_, tributary of \_\_\_\_\_  
\_\_\_\_\_, tributary of \_\_\_\_\_,  
\_\_\_\_\_ Basin, at a point which is at Latitude \_\_\_\_\_  
\_\_\_\_\_ °000N, 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 \_\_\_\_\_,  
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: Discharge Point #1

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

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

**B. Location of point of diversion at the Perimeter of the Pond**

**C. Location from County Seat: 15.5 miles in a southwesterly direction from Collin County Courthouse, Collin County, Texas,**

**Location from nearby town (if other than County Seat): 4.3 miles in a southerly direction from City of Frisco, a nearby town.**

**D. Zip Code: 75024**

**E. Water will be discharged into Stewart Creek Tributary 1-4 stream/reservoir, (tributaries) Tributary 1-4, Trinity Basin.**

**F. Water will be discharged at a maximum rate of 0.33 cfs (150 gpm).**

**G. The amount of water that will be discharged is 68.0 acre-feet per year.**

H. The purpose of use for the water being discharged will be recharge volume for evaporation/irrigation losses.

I. Additional information required:

For groundwater

1) Provide water quality analysis and 24 hour pump test for the well if one has been conducted.

Not available

2) Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map

Not available

3) Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District.

Not required

4) What aquifer the water is being pumped from?

Paluxy Aquifer

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.

A. The proposed impoundment ~~or existing~~ works will be (are) located on the land of JPMorgan Chase Bank National Association, whose mailing address is 201 N. Central Ave., Phoenix, AZ 85004.

B. If an application for the appropriation is granted, either in whole or in part, construction works will begin within 2 years after such permit is issued. The proposed work will be completed within 3 years 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.  Bed and Banks request to transfer 68.0 acre-feet of water per year within the bed and banks of Stewart Creek Tributary 1-4, tributary of Lake Lewisville, Trinity 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. \_\_\_\_\_ 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.

The proposed project does not impact the water supply needs identified by the State or regional Water Plan. The project will recharge the volume lost due to evaporation, irrigation, and transportation created by the proposed improvements.

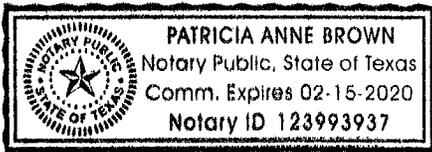
\_\_\_\_\_  
Applicant Name (Sign)

Fred H. Williams  
Applicant Name (Sign)

\_\_\_\_\_  
Applicant Name (Printed)

FRED H. WILLIAMS  
Applicant Name (Printed)

SWORN TO AND SUBSCRIBED before me this 4<sup>th</sup> day of November, 2016.



Patricia Anne Brown  
Notary Public for the State of Texas

## Supplemental Environmental Information Sheet

Water right projects have the potential to alter environmental conditions in the state's rivers and streams through flow modification, sediment load alteration, loss of wetlands, and removal of riparian vegetation. The Resource Protection Team assess the effects issuance or amendment of a water right may have on existing instream uses. Instream uses include, but are not limited to, water quality, fish and wildlife habitat, recreation, and freshwater inflows to bays and estuaries.

The following items are suggested guidelines for data to be submitted depending on the nature of the particular application. Please note that *not* all the information identified below is required for the water right application to be considered administratively complete. However, depending on the magnitude and scope of the proposed project, failure to provide requested information for technical review may result in delayed processing times or a recommendation of denial of the application.

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### ITEMS TO BE PROVIDED FOR ALL APPLICATIONS:

1. USGS 7.5 minute topographic map with all diversion points, discharge points, reservoirs, and/or land to be irrigated clearly indicated.
2. Photographs of the stream at the project area (i.e., diversion point/dam location) including upstream and downstream views. Photographs should be in color and reflect the existing conditions of the stream and the riparian vegetation. Each photograph should include a description of what is depicted as well as be referenced to the USGS topographic map indicating the location and direction of the shot.
3. Brief description of the affected stream or water body at the project location including:
  - a) Average and maximum channel width and depth;
  - b) Flow characteristics of the stream (i.e., is the stream perennial, intermittent with pools, or intermittent?);
  - c) Description of land uses upstream within the watershed, if known.
4. Any known recreation or other public uses of the affected stream or water body.

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### ADDITIONAL ITEMS TO BE PROVIDED IF AN EXISTING DAM AND RESERVOIR ARE SOUGHT TO BE PERMITTED:

1. Date dam constructed.
2. Will the reservoir be maintained at normal pool elevation with an alternate source of water? If so, identify the source of water. If groundwater will be used, see below.
3. Does the dam have an operational low flow outlet or other means to pass state water?

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### MINIMAL ADDITIONAL ITEMS TO BE PROVIDED IF A DAM AND RESERVOIR ARE PROPOSED TO BE CONSTRUCTED:

1. In addition to indicating the location of the project location on the USGS topographic map, please identify the area of lake inundation at normal pool level.
2. Provide a brief description of the area to be affected by the proposed dam and reservoir.
3. The local U.S. Army Corps of Engineers (USACE) district should be notified of the proposed project. If the USACE determines that a 404 permit is required, provide the project number and name of the USACE Project Manager.

4. Will the reservoir be maintained at normal pool elevation with an alternate source of water? If so, identify the source of water. If groundwater will be used, see below.
5. Will the dam have a low flow outlet or other means to pass state water?

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**POSSIBLE ADDITIONAL ITEMS TO BE PROVIDED IF A DAM AND RESERVOIR ARE PROPOSED TO BE CONSTRUCTED:**

1. A quantitative or qualitative evaluation of existing aquatic, riparian, wetland, and terrestrial habitats that will be subject to impact by the proposed reservoir project, preferably performed by a qualified third party. Acceptable evaluation procedures to be used may include, but are not limited to, USFWS's Habitat Evaluation Procedures or TPWD's Wildlife Habitat Appraisal Procedure. Any habitat evaluation should include an assessment of the effects of the project on habitats in the river segment downstream.
2. Description of the alternatives that were examined to meet the water needs that the proposed project is intended to fulfill. Were other site locations examined that may result in less environmental impact? How was the size of the proposed reservoir determined? Would a smaller reservoir be adequate to meet the projected water needs? Habitat mitigation shall be considered only after the complete sequencing (avoidance, minimization or modification, and compensation/replacement) process has been performed.
3. Should habitat losses be found to be unavoidable, a mitigation plan should be developed that will compensate for lost or altered ecosystem functions and values imposed by the proposed project. This plan should address both the direct and indirect impacts to aquatic, riparian, and terrestrial habitats, as well as short- and long-term effects that may result from the proposed project. Habitat mitigation plans shall be ensured through binding legal contracts or conservation easements and shall include goals and schedules for completion of those goals. Mitigation areas shall be managed in perpetuity by a party approved by the Commission to maintain the habitat functions and values that will be affected by the proposed project.

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**ADDITIONAL ITEMS TO BE PROVIDED IF GROUNDWATER WILL BE USED:**

Information regarding the groundwater wells to be used in this project and groundwater quality data from each well to be used. Well information should include the following:

- a) Depth of well;
- b) Name of aquifer from which water is withdrawn;
- c) Pumping capacity of well.

Water chemistry information should include but not be limited to the following parameters:

- a) Chlorides;
- b) Sulfates;
- c) Total Dissolved Solids (TDS);
- d) pH;
- e) Temperature.

If data for on-site wells are unavailable, historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, please note that on-site data may still be required when it becomes available.