

TCEQ Interoffice Memorandum

TO: Office of the Chief Clerk
Texas Commission on Environmental Quality

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Jenna Rollins, Project Manager
Water Rights Permitting Team

DATE: December 1, 2023

SUBJECT: Corpus Christi Polymers LLC
WRPERM 12986
CN605616226, RN106953854
Application No. 12986A to Amend Water Use Permit No. 12986
Texas Water Code § 11.122, Not Requiring Notice
Corpus Christi Inner Harbor, Nueces River Basin and Nueces-Rio
Grande Coastal Basin
Nueces County

The application was received on October 10, 2023 and fees were received on February 24 and October 18, 2023. Additional information was received on October 23, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on December 1, 2023. No notice is required, other than to the water right record holder, pursuant to Title 30 Texas Administrative Code § 295.158(c).

All fees have been paid and the application is sufficient for filing.

Jenna Rollins

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required **YES** **NO**

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 1, 2023

Ms. Shannon Parham
Corpus Christi Polymers LLC
7001 Joe Fulton Intl. TC
Corpus Christi, TX 78409-3207

VIA E-MAIL

RE: Corpus Christi Polymers LLC
WRPERM 12986
CN605616226, RN106953854
Application No. 12986A to Amend Water Use Permit No. 12986
Texas Water Code § 11.122, Not Requiring Notice
Corpus Christi Inner Harbor, Nueces River Basin and Nueces-Rio Grande Coastal Basin
Nueces County

Dear Ms. Parham:

This acknowledges receipt, on October 10, 2023, of the referenced application, on February 24 and October 18, 2023, of fees in the amount of \$112.50 (Receipt No. M401459 & Ref No. 621035, copy attached), and on October 23, 2023, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on December 1, 2023. Staff will continue processing the application for consideration by the Executive Director.

Please be advised that additional information may be requested during the technical review phase of the application process.

If you have any questions concerning the application, please contact me via email at jenna.rollins@tceq.texas.gov or by telephone at (512) 239-1845.

Sincerely,

A handwritten signature in cursive script that reads "Jenna Rollins".

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachments



Basis2 Receipt Report by Endorsement Number

SEP-19-23 12:51 PM

Acct. #: WUP

Account Name: WATER USE PERMITS

<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
621035/1	PI00841529	621035	JULIANA MORELLI	IFCE	582EA000531 161		F8004559.1	24-FEB-23	\$100.00

TCEQ Interoffice Memorandum

FROM: Jenna Rollins, Project Manager
Water Rights Permitting Team

DATE: December 1, 2023

SUBJECT: Corpus Christi Polymers LLC
Application No. 12986A to Amend Water Use Permit No. 12986
Corpus Christi Inner Harbor, Nueces River Basin and Nueces-Rio
Grande Coastal Basin
Nueces County

On June 9, 2006, the Texas Supreme Court issued an opinion in the case of *Marshall v Uncertain*.¹ The Supreme Court in that opinion considered the Commission's practices regarding notice and hearing for applications to amend a water right under Texas Water Code (TWC) § 11.122(b). The Court held that it could not determine under the record in that case whether notice and a hearing would be required. The Court remanded the case to the Commission.

The court in *Marshall* held that when reviewing the type of notice required for an amendment to a water right, the Commission must determine whether there could be an adverse impact from the application on other water rights or the environment beyond or irrespective of the full use assumption, explained below. The Court also held that the Commission must determine if the application could have an adverse impact on the public interest criteria: beneficial use, public welfare, groundwater effects, consistency with the state and regional water plan, compliance with administrative requirements, and conservation.

The types of amendments that come within the *Marshall* decision are those amendments that do not already have a specific notice requirement in a rule for that type of amendment, and that do not change the amount of water to be taken or the diversion rate.

The purpose of this memo is to discuss the public notice that should be given in the above referenced application by Corpus Christi Polymers LLC in light of agency rules and the Court's decision in the case of *Marshall*.

Current Permit and Application for Amendment

Water Use Permit No. 12986 (Permit) was originally issued to M&G Resins USA, LLC and authorizes the diversion and use of not to exceed 25,806 acre-feet of water per year, at a maximum combined diversion rate of 35.65 cfs (16,000 gpm), from a diversion reach on the Corpus Christi Inner Harbor for industrial purposes in those

¹ City of Marshall et. al. v. City of Uncertain et al., No. 03-1111 (Tx. June 9, 2006).

portions of Nueces County in the Nueces River Basin and the Nueces-Rio Grande Coastal Basin. The time priority of this right is January 14, 2014. Multiple special conditions apply.

The upper limit of the diversion reach is defined in the Permit as follows:

The upper limit of the diversion reach will be located within the town of Corpus Christi, Texas, at Latitude 27.835553°N, Longitude 97.506153°W, also bearing S 40°E, 3,762 feet from the northeast corner of the W.S. McGregor Survey, Abstract No. 1001 in Nueces County.

Corpus Christi Polymers LLC (Permittee/Applicant) acquired Water Use Permit No. 12986 and seeks to amend the Permit to correct a typographical error in the description of the upper limit of the diversion reach by changing the Latitude from Latitude 27.835553°N to Latitude 27.838533°N.

Rules Related to Notice

The Commission has rules concerning what notice is required for applications to amend a water right in Title 30 Texas Administrative Code (TAC) § 295.158.

To Correct a Typographical Error

There are no rules that specifically provide notice for correcting a typographical error in a Water Use Permit. Under Title 30 TAC § 295.158(c), notice is not required if no additional consumptive use is contemplated, no increase in diversion rate or period will be granted, and in the judgment of the Commission there is no potential for harming another water right. This application falls under this rule and does not require notice for the reasons set out below.

The notice recommendation for the Applicant's request to correct a typographical error in the Permit will be discussed below.

Texas Water Code

This application for an amendment to an existing water right is governed by TWC § 11.122. TWC § 11.122(a) requires a water right holder, except as discussed above, to obtain a water right amendment if the holder is going to change the place of use, purpose of use, point of diversion, rate of diversion, or "otherwise alter a water right."

TWC § 11.122(b) sets out the scope of the Commission's authority in reviewing applications to amend a water right. Staff notes that in the application, the Applicant is not asking for either an increase in the amount of water authorized for diversion, or an increase in the rate of diversion. With that understanding of the application, it then becomes a duty of the Commission to approve the application "if

the requested change will not cause adverse impact on other water right holders or the environment on the stream of greater magnitude than under circumstances in which the permit . . . that is sought to be amended was fully exercised according to its terms and conditions as they existed before the requested amendment," and the application meets, "all other applicable requirements," of Chapter 11 of the Texas Water Code. The clause that requires the Commission to compare the requested amendment to the existing permit as if the existing permit was fully exercised is often referred to as the "full use assumption."

Adverse Impact on Water Right Holders and the Environment

Under the *City of Marshall* opinion, the Commission must evaluate whether an amendment can adversely impact other water rights or the environment both under and beyond the full use assumption.

Under the full use assumption, correcting a typographical error in the Permit can have no greater impact on other water right holders or the environment than the impacts to those interests under the existing Permit because the application will not increase the amount of water authorized for diversion under the permit.

The Executive Director has determined that there are no impacts to water rights or the environment beyond the full use assumption. This amendment requests to correct a typographical error in the Permit by changing the latitude coordinate of the upper limit of the diversion reach. This application does not change a non-consumptive use to a consumptive use. Also, there is no specific pattern of use required in the existing permit that will be changed. Another issue is whether the Executive Director should consider the Applicant's use of all of the water authorized in the existing water right. The Executive Director has determined that this is not a proper factor to consider because it would discourage conservation and future water planning.

Other Applicable Requirements

Under TWC § 11.122(b) the proposed amendment must also satisfy all other applicable requirements of TWC Chapter 11. The Supreme Court in the *Marshall* case itemized those other requirements, which are discussed below.

Administrative Requirements

Staff has reviewed the application and has found that it meets the administrative requirements of TWC Chapter 11. The application has been declared administratively complete and filed with the Office of the Chief Clerk on December 1, 2023.

Beneficial Use

Proposed appropriations of state water must be for a beneficial use. Beneficial use is defined in TWC § 11.002(4) as “the use of the amount of water which is economically necessary for a purpose authorized by this chapter, when reasonable intelligence and reasonable diligence are used in applying the water to that purpose and shall include conserved water.” The authorized use in the Permit is industrial which is recognized as a beneficial use by TWC § 11.023(a)(2) and was already found to be a beneficial use when the Commission issued the Permit. The request to correct a typographical error in the Permit by changing the referenced latitude coordinate of the upper limit of the diversion reach does not change the authorized use in the Permit.

The Executive Director is aware of no other facts that would make changing the latitude coordinate of the upper limit of the diversion reach non-beneficial.

Detriment to Public Welfare

A proposed appropriation of state water must not be detrimental to the public welfare. No definition of “detriment to public welfare” is provided in the law. Therefore, the Commission has wide discretion in determining benefits or detriments to the public welfare. The Applicant seeks to correct a typographical error in the Permit by changing the referenced latitude coordinate of the upper limit of the diversion reach. There are no specific facts known to the Executive Director that would indicate that this is detrimental to the public welfare.

The Executive Director’s opinion is that nothing in the application raises an issue on detriment to the public welfare by granting this application.

Groundwater Effects

A proposed appropriation of state water must consider effects of the proposed permit on groundwater or groundwater recharge. The Commission’s Water Availability Model (WAM) is used to evaluate the availability of unappropriated water for new appropriations and takes into account both contribution to river flow caused by groundwater coming to the surface in the river (springs) and decreases in river flow caused by the river flowing over recharge features and losing surface water to groundwater recharge. The WAM contains channel loss factors that account for the gain or loss of river flow. These channel loss factors were developed by the expert engineering contractors hired by the Commission to develop the WAMs.

Concerning use of the Texas Water Development Board Groundwater Availability Models (GAMs) and information from the University of Texas, Bureau of Economic Geology (BEG) to assess groundwater impact from the proposed amendment, predictive simulations using the GAMs do not account for streamflow changes

associated with permitted surface water withdrawals or return flows. GAMs were not originally designed to address groundwater-surface water interaction and there are issues with using these models for that purpose.² The GAMs are regional in nature and are not able to simulate groundwater-surface water interaction in detail.³ The BEG provides information about aquifer recharge rates.⁴

Both the WAMs and the GAMs have issues related to quantifying groundwater-surface water interaction; however, the WAMs were developed as a tool for surface water permitting. In general, recharge rates, where quantified, are applicable to aquifers or portions of aquifers. As such they do not provide sufficient detail to determine interaction between surface and groundwater at discrete points. Therefore, the Executive Director concludes that neither the GAMs nor aquifer recharge rates should be used to assess groundwater-surface water interaction for water right applications.

Concerning information available from groundwater conservation districts and the Regional Water Plan, the application is located in the Corpus Christi ASR Conservation District⁵, and the Region N Regional Water Planning Area.⁶ The Corpus Christi ASR Conservation District Groundwater Management Plan⁷ and the 2021 Regional Water Plan for Region N⁸ did not contain additional information related to effects on groundwater or groundwater recharge at the applicant's location.

Correcting a typographical error of the upper limit of the diversion reach does not change the amounts authorized for diversion under the permit. Therefore, the Executive Director concludes that there is no potential groundwater issue involved with this amendment.

Consistency with Regional and State Plans

Pursuant to TWC § 11.134(b)(3)(E), water right applications are only granted if the application addresses a water supply need in a manner that is consistent with the state water plan and the relevant regional water plan, unless the Commission determines that conditions warrant a waiver of this requirement. The purpose of the state and regional water plans is to assess the likely future use of water and to develop strategies for meeting water supply shortfalls. The state and regional water plans generally do not address every possible change in individual water rights. The Executive Director concludes that the requested amendment is consistent with the

² Bureau of Economic Geology. 2005. Groundwater-Surface Water Interactions in Texas. August 2005.

³ Mace, R., Austin, B. Angle, E. and R. Batchelder. 2007. Surface Water and Ground Water Together Again. Paper presented at State Bar of Texas 8th Annual Changing Face of Water Rights in Texas. San Antonio, Texas.

⁴ Scanlon, B., Dutton, A. and M. Sophocleous. 2002. Groundwater Recharge in Texas. Water Research Fund Grant Contract No. 2000-483-340.

⁵ <https://www.tceq.texas.gov/downloads/groundwater/maps/gcd-map.pdf>

⁶ <http://www.twdb.texas.gov/waterplanning/rwp/regions/n/index.asp>

⁷ https://www.twdb.texas.gov/groundwater/conservation_districts/gcdinfo1.asp

⁸ 2021 Coastal Bend Regional Water Planning Area Region N. Prepared by Coastal Bend Regional Water Planning Group and others. October 2020.

relevant regional water plan and the state water plan because there is nothing in the state and regional water plans that conflict with issuing this amendment.

Avoidance of Waste and Achievement of Water Conservation

The Commission has adopted rules in 30 TAC § 295.9(4) that specify which applications to amend existing water rights require the submittal of water conservation plans. The request to correct a typographical error does not require the submittal of a water conservation plan.

Conclusion

The Applicant's request in this application is to correct a typographical error in the Permit by correcting the latitude coordinate of the upper limit of the diversion reach. This request does not seek to increase either the amount of water diverted or the rate of diversion. Under the full use assumption, the request to correct the latitude coordinate of the upper limit of the diversion reach will not have an adverse impact on other water right holders and the environment, and there are no negative impacts to other water rights and the environment beyond the full use assumption. Correcting a typographical error in the latitude coordinate of the upper limit of the diversion reach does not raise any issues of beneficial use, detriment to the public welfare, groundwater effects, consistency with the state and regional water plans, compliance with administrative requirements, or avoidance of waste and achievement of water conservation. As such, Commission rules, statutes, and case law allow the request to be processed with no notice.

Therefore, the Executive Director recommends no notice for this application.

Jenna Rollins

From: Williams, Paulina [REDACTED]
Sent: Monday, October 23, 2023 1:47 PM
To: Kathy Alexander; Jenna Rollins
Cc: [REDACTED] Parham, Shannon
Subject: Corpus Christi Polymers - Application re No. 12986 Revised Page Worksheet 3.0
Attachments: Application re No. 12986 Revised Page Worksheet 3.0.pdf

Kathy,

While Worksheet 3.0 included CCP's correction to the Latitude for the existing upstream diversion point, it carried the wrong Longitude (incorrectly listed the downstream longitude rather than the upstream, which is already correct in the permit as is.). The attached corrects that page in Worksheet 3.0, and we would appreciate if we can swap this page in the pending correction application.

Please let me know if there are any questions.

Paulina Williams
T +1.512.322.2543
M [REDACTED]
[REDACTED]

Confidentiality Notice:

The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): _____
- b. Zip Code: _____
- c. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure.

For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude _____°N, Longitude _____°W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): _____
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

Jenna Rollins

From: Jenna Rollins
Sent: Wednesday, October 11, 2023 8:28 AM
To: [REDACTED]
Cc: [REDACTED] Parham, Shannon
Subject: RE: Corpus Christi Polymers LLC Meeting Follow Up

Hi Julie,

No, just a hard copy of what was electronically submitted is fine.

Thank you,
Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
512-239-1845

From: [REDACTED]
Sent: Wednesday, October 11, 2023 8:26 AM
To: Jenna Rollins <Jenna.Rollins@tceq.texas.gov>
Cc: [REDACTED]
Subject: RE: Corpus Christi Polymers LLC Meeting Follow Up

Will do Jenna. Do you need a new copy of the wet ink signature page?

Thank you,
Julie

From: Jenna Rollins <Jenna.Rollins@tceq.texas.gov>
Sent: Wednesday, October 11, 2023 8:23 AM
To: Morelli, Julie [REDACTED]
Cc: [REDACTED]
Subject: [EXTERNAL] RE: Corpus Christi Polymers LLC Meeting Follow Up

CAUTION: This Email is from an **EXTERNAL** source. **STOP. THINK** before you **CLICK** links or **OPEN** attachments.

Good morning Julie,

We have received the application and will begin processing it. Can you please send the hard copy over as well? The hard copy can be sent to either of the address below.

Regular US mailing address:
TCEQ
Water Availability Division, MC-160
P.O. Box 13087
Austin, Texas 78711-3087

Express/Overnight mailing address:

TCEQ
Water Availability Division, MC-160
12100 Park 35 Circle
Austin, Texas 78753

Thank you,
Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
512-239-1845

From: [REDACTED]

Sent: Tuesday, October 10, 2023 4:15 PM

To: Jenna Rollins <Jenna.Rollins@tceq.texas.gov>

Cc: [REDACTED]

Subject: RE: Corpus Christi Polymers LLC Meeting Follow Up

Hi Jenna,

Attached is the revised application package based on our pre-submittal meeting. The remaining fee is being remitted to the Cashier's Office under separate cover. I'll send the tracking information over when it is sent.

Do you need a hard copy and, if so, should we send the original wet ink signature?

Thank you so much for your assistance. Please don't hesitate to reach out if you have any questions.

Best,
Julie

Julie Morelli P.G., REM
Project Manager
POWER Engineers, Inc.
ENVIRONMENTAL
Water and Waste Department
85 Northeast Loop 410, Suite 207 | San Antonio, TX 78216
Direct: [210.951.6424](tel:210.951.6424) | Cell: [REDACTED]



CC POLYMERS

7001 Joe Fulton International Trade Corridor
Corpus Christi, TX 78409
ccpolymersllc.com

October 9, 2023

Texas Commission for Environmental Quality
Water Availability Division MC-160
P.O. Box 13087
Austin, Texas 78711-3087

WRPT@tceq.texas.gov

RE: **Correction to Water Use Permit Number 12986**
Corpus Christi Polymers LLC
7001 Joe Fulton Intl. Trade Corridor, Corpus Christi, Texas 78409

RECEIVED
OCT 10 2023
Water Availability Division

To Whom It May Concern:

As discussed at the pre-submittal meeting conducted September 19, 2023, please find the request for amendment by the Executive Director of water use permit number 12986. Per 30 TAC 297.61(5), the executive director may correct errors inadvertently made in the preparation of a water right, such as in the name of the water right holder, boundary description, or other detail incorrectly transcribed.

An incorrect latitude was represented in the Water Use Permit Number 12986 for the upper limit of the diversion segment as (N 27.835553) instead of the correct upstream latitude of (N 27.838533). Corpus Christi Polymers, LLC has prepared the attached Administrative Information Checklist (TCEQ Form 10241B, revised 02/01/2022), Technical Information Report, including Worksheet 3.0 (TCEQ Form 10214C, revised 02/01/2022).

Copies of the proof of signatory authority, a recorded copy of the water rights permit, and a map depicting the diversion zone with correct coordinates is provided, as required. Additionally, a fee, along with Worksheet 8.0 in the amount of \$100.00 was remitted on February 22, 2023 (Trace Number 582EA000531161), As noted by TCEQ on September 19, 2023, this fee is applied to this application with a remaining amount owed of \$12.50. A second payment of \$12.50 is being made separately to the TCEQ Cashier's Office.

The following corrected forms are included per request:

- Revised cover letter
- Administrative report
- Technical Information Report
- Updated maps showing the correct upstream diversion point
- Worksheets 1.2 (Marshall); 3.0 (Upstream Point of Diversion Reach); 8.0 (fees)

Corpus Christi Polymers, LLC respectfully requests that the Executive Director correct the water use permit 12986 coordinate for the northern limit of the diversion segment. Should you have any questions regarding this request, or if any additional information is required, please contact Shannon L. Parham at [REDACTED] or by phone at 361-558-3942.

Sincerely,



Jeffrey M. Shea
Chief Operating Officer

Attachments: Surface Water Rights Amendment Application
 EPay receipt

cc: Jenna Rollins, TCEQ
Paulina Williams, Baker Botts LLP



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ WATER RIGHTS PERMITTING APPLICATION

ADMINISTRATIVE INFORMATION CHECKLIST

Complete and submit this checklist for each application. See Instructions Page 5.

APPLICANT(S): _____

Indicate whether the following items are included in your application by writing either Y (for yes) or N (for no) next to each item (all items are not required for every application).

Y/N

Y/N

_____ **Administrative Information Report**

_____ **Worksheet 3.0**

_____ Additional Co-Applicant Information

_____ Additional W.S. 3.0 for each Point

_____ Additional Co-Applicant Signature Pages

_____ Recorded Deeds for Diversion Points

_____ Written Evidence of Signature Authority

_____ Consent for Diversion Access

_____ **Technical Information Report**

_____ **Worksheet 4.0**

_____ USGS Map (or equivalent)

_____ TPDES Permit(s)

_____ Map Showing Project Details

_____ WWTP Discharge Data

_____ Original Photographs

_____ Groundwater Well Permit

_____ Water Availability Analysis

_____ Signed Water Supply Contract

_____ **Worksheet 1.0**

_____ **Worksheet 4.1**

_____ Recorded Deeds for Irrigated Land

_____ **Worksheet 5.0**

_____ Consent for Irrigated Land

_____ Addendum to Worksheet 5.0

_____ **Worksheet 1.1**

_____ **Worksheet 6.0**

_____ Addendum to Worksheet 1.1

_____ Water Conservation Plan(s)

_____ **Worksheet 1.2**

_____ Drought Contingency Plan(s)

_____ **Worksheet 2.0**

_____ Documentation of Adoption

_____ Additional W.S. 2.0 for Each Reservoir

_____ **Worksheet 7.0**

_____ Dam Safety Documents

_____ Accounting Plan

_____ Notice(s) to Governing Bodies

_____ **Worksheet 8.0**

_____ Recorded Deeds for Inundated Land

_____ Fees

_____ Consent for Inundated Land

_____ Public Involvement Plan

ADMINISTRATIVE INFORMATION REPORT

The following information is required for all new applications and amendments.

***** Applicants are REQUIRED to schedule a pre-application meeting with TCEQ Staff to discuss Applicant's needs prior to submitting an application. Call the Water Rights Permitting Team to schedule a meeting at (512) 239-4600.**

1. TYPE OF APPLICATION (Instructions, Page. 6)

Indicate, by marking X, next to the following authorizations you are seeking.

New Appropriation of State Water

Amendment to a Water Right *

Bed and Banks

****If you are seeking an amendment to an existing water rights authorization, you must be the owner of record of the authorization. If the name of the Applicant in Section 2 does not match the name of the current owner(s) of record for the permit or certificate or if any of the co-owners is not included as an applicant in this amendment request, your application could be returned. If you or a co-applicant are a new owner, but ownership is not reflected in the records of the TCEQ, submit a change of ownership request (Form TCEQ-10204) prior to submitting the application for an amendment. See Instructions page. 6. Please note that an amendment application may be returned, and the Applicant may resubmit once the change of ownership is complete.***

Please summarize the authorizations or amendments you are seeking in the space below or attach a narrative description entitled "Summary of Request."

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

Indicate the number of Applicants/Co-Applicants _____
(Include a copy of this section for each Co-Applicant, if any)

What is the Full Legal Name of the individual or entity (applicant) applying for this permit?

(If the Applicant is an entity, the legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal documents forming the entity.)

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?
You may search for your CN on the TCEQ website at
<http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN : _____ (leave blank if you do not yet have a CN).

What is the name and title of the person or persons signing the application? Unless an application is signed by an individual applicant, the person or persons must submit written evidence that they meet the signatory requirements in 30 TAC § 295.14.

First/Last Name: _____

Title: _____

Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application? Y/N _____

What is the applicant’s mailing address as recognized by the US Postal Service (USPS)? You may verify the address on the USPS website at
<https://tools.usps.com/go/ZipLookupAction!input.action>.

Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Indicate an X next to the type of Applicant:

- | | |
|---|---|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Sole Proprietorship-D.B.A. |
| <input type="checkbox"/> Partnership | <input type="checkbox"/> Corporation |
| <input type="checkbox"/> Trust | <input type="checkbox"/> Estate |
| <input type="checkbox"/> Federal Government | <input type="checkbox"/> State Government |
| <input type="checkbox"/> County Government | <input type="checkbox"/> City Government |
| <input type="checkbox"/> Other Government | <input type="checkbox"/> Other _____ |

For Corporations or Limited Partnerships, provide:
State Franchise Tax ID Number: _____ SOS Charter (filing) Number: _____

3. APPLICATION CONTACT INFORMATION (Instructions, Page. 9)

If the TCEQ needs additional information during the review of the application, who should be contacted? Applicant may submit their own contact information if Applicant wishes to be the point of contact.

First and Last Name: _____

Title: _____

Organization Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Phone Number: _____

Fax Number: _____

E-mail Address: 

4. WATER RIGHT CONSOLIDATED CONTACT INFORMATION (Instructions, Page. 9)

This section applies only if there are multiple Owners of the same authorization. Unless otherwise requested, Co-Owners will each receive future correspondence from the Commission regarding this water right (after a permit has been issued), such as notices and water use reports. Multiple copies will be sent to the same address if Co-Owners share the same address. Complete this section if there will be multiple owners and all owners agree to let one owner receive correspondence from the Commission. Leave this section blank if you would like all future notices to be sent to the address of each of the applicants listed in section 2 above.

I/We authorize all future notices be received on my/our behalf at the following:

First and Last Name: _____

Title: _____

Organization Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Phone Number: _____

Fax Number: _____

E-mail Address: _____

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

a. The application will not be processed unless 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 by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your application.

1. Does Applicant or Co-Applicant owe any fees to the TCEQ? **Yes / No** _____

If **yes**, provide the following information:

Account number: _____ Amount past due: _____

2. Does Applicant or Co-Applicant owe any penalties to the TCEQ? **Yes / No** _____

If **yes**, please provide the following information:

Enforcement order number: _____ Amount past due: _____

b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicant's may check their status with the Comptroller at <https://mycpa.cpa.state.tx.us/coa/>

Is the Applicant or Co-Applicant in good standing with the Comptroller? **Yes / No** _____

c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use - if required. See TWC §16.012(m) and 30 TAC § 297.41(a)(5). Applicants should check survey status on the TWDB website prior to filing:

https://www3.twdb.texas.gov/apps/reports/WU/SurveyStatus_PriorThreeYears

Applicant has submitted all required TWDB surveys of groundwater and surface water?
Yes / No _____

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Jeffrey M. Shea

Chief Operating Officer

(Typed or printed name)

(Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under Title 30 Texas Administrative Code §295.14 to sign and submit this document and I have submitted written evidence of my signature authority.

Signature: *Jeffrey M. Shea*

(Use blue ink)

Date: 10-9-2023

Subscribed and Sworn to before me by the said

on this 9th day of October, 2023.

My commission expires on the 2nd day of April, 2024.

Melissa De Leon

Notary Public

Nueces

County, Texas



If the Application includes Co-Applicants, each Applicant and Co-Applicant must submit an original, separate signature page

WRITTEN CONSENT
OF
THE BOARD OF MANAGERS
OF
CORPUS CHRISTI POLYMERS LLC

June 2, 2022

The undersigned, being all of the members of the Board of Managers (the "*Board*") of Corpus Christi Polymers LLC, a Delaware limited liability company (the "*Company*"), other than James Yin, who as the Initial Independent Manager is not entitled to vote on any matters presented for the vote of the Board of Managers until the end of the PET Construction Phase, pursuant to (i) Section 7.01(j) of the Second Amended and Restated Limited Liability Company Agreement of the Company, dated as of November 29, 2018 (as amended, the "*LLCA*") and (ii) Section 18-404 of the Delaware Limited Liability Company Act, to the adoption of the following resolutions in lieu of a meeting and to the taking of all actions contemplated hereby:

1. Appointment of Chief Executive Officer of the Company; Execution of Employment Letter.

WHEREAS, pursuant to Section 7.06 of the LLCA, the Board may designate one or more officers to perform such duties as may be delegated to them by the Board from time to time;

WHEREAS, pursuant to Section 8.02(c) of the LLCA, with respect to any senior management of the Company, the Members shall submit candidates to the Board for final approval;

WHEREAS, Indorama Ventures Ltd. has nominated Russ Wilson to join the Company's senior management as the Company's Chief Executive Officer effective as of June 18, 2022 (the "Effective Date");

WHEREAS, pursuant to the memorandum regarding that nomination attached as Appendix A (the "Memorandum"), the Board has agreed to certain principles for Russ Wilson's nomination;

WHEREAS, the Memorandum provides that the terms and conditions of employment shall be approved by the Board, and those terms and conditions are attached as Appendix B (the "Employment Letter"); and

WHEREAS, the Board deems it necessary, advisable and in the best interests of the Company to appoint Russ Wilson as the Chief Executive Officer of the Company as of the Effective Date and for the Company to execute the Employment Letter.

NOW, THEREFORE, BE IT RESOLVED, that the following individual (the "*Appointed Officer*") be, and hereby is, appointed to the office of the Company set forth opposite his name below, to serve as such until his successor is duly appointed or, if earlier, until his death, resignation or removal from such office, effective as of the Effective Date and subject to the conditions set forth below:

Name.....Office

Russ WilsonChief Executive Officer

The appointment of the Appointed Officer shall be subject to, and conditioned upon, each of the following: (i) the Appointed Officer shall be based, and shall report to work at the Company’s premises in, Corpus Christi, Texas; (ii) the Appointed Officer shall review and separately agree in writing to comply with the consent decree with the United States Federal Trade Commission to which the Company is a party; and (iii) the Appointed Officer shall meet the requirements that apply as of the Effective Date set forth in the Memorandum, including without limitation resigning from the Board and all positions with Indorama Ventures Ltd. and its affiliates.

AND BE IT FURTHER RESOLVED, that the execution and delivery by the Company of the Employment Letter and the performance of the Company’s obligations thereunder, and all of the transactions contemplated thereby, be, and the same hereby are, specifically ratified, approved, adopted, authorized and confirmed in all respects.

2. Removal of Interim Chief Construction Officer and Appointment of Chief Operating Officer of the Company.

WHEREAS, pursuant to Section 7.06 of the LLCA, the Board may designate one or more officers to perform such duties as may be delegated to them by the Board from time to time;

WHEREAS, Jeff Shea currently serves as the Interim Chief Construction Officer of the Company; and

WHEREAS, the Board deems it necessary, advisable and in the best interests of the Company to remove Jeff Shea from his position as Interim Chief Construction Officer of the Company and to appoint Jeff Shea as the Chief Operating Officer of the Company, in each case effective as of the Effective Date and contemporaneously with the appointment of Russ Wilson as Chief Executive Officer.

NOW, THEREFORE, BE IT RESOLVED, that Jeff Shea is hereby removed from his position as the Interim Chief Construction Officer of the Company as of the Effective Date; provided that Jeff Shea shall retain all duties, rights and responsibilities as Interim Chief Construction Officer of the Company until Effective Date, at which date which Jeff Shea will have no further duties, rights or responsibilities ascribed to the Interim Chief Construction Officer of the Company;

AND BE IT FURTHER RESOLVED, that the following individual (the “Appointed Officer”) be, and hereby is, appointed to the office of the Company set forth opposite his name below, to serve as such until his successor is duly appointed or, if earlier, until his death, resignation or removal from such office, effective as of the Effective Date:

Name.....Office

Jeff SheaChief Operating Officer

3. General Authorization; Ratification.

AND BE IT FURTHER RESOLVED, that each Appointed Officer be, and hereby is, authorized, empowered and directed, in the name and on behalf of the Company, to make all such arrangements, to take all such further action, to cause to be prepared and filed all such documents, to make all expenditures and incur all expenses and to execute and deliver, in the name of and on behalf of the Company, all agreements, instruments, certificates and documents as he deems necessary, appropriate or advisable in connection with the discharge of the respective Authorized Powers; and be it further

RESOLVED, that each officer of the Company be, and hereby is, authorized, empowered and directed, in the name and on behalf of the Company, to make all such arrangements, to take all such further action, to cause to be prepared and filed all such documents, to make all expenditures and incur all expenses and to execute and deliver, in the name of and on behalf of the Company, all agreements, instruments, certificates and documents as he deems necessary, appropriate or advisable in connection with the discharge of the foregoing resolutions; and be it further

RESOLVED, that this written consent may be executed in one or more counterparts, each of which shall be an original, but all of which taken together constitute one and the same instrument; and be it further

RESOLVED, that all acts and deeds of each Appointed Officer and each other officer of the Company taken prior to the date hereof in order to carry out the intent and accomplish the purposes of the foregoing resolutions are hereby approved, adopted, ratified, and confirmed in all respects as the acts and deeds of the Company.

[Signature page follows]

IN WITNESS WHEREOF, the undersigned, being all of the members of the Board of Managers,
have executed this written consent and made it to be effective as of the date first set forth above.



Ricardo Gutierrez



Chris Chang

Russ Wilson

IN WITNESS WHEREOF, the undersigned, being all of the members of the Board of Managers, have executed this written consent and made it to be effective as of the date first set forth above.

Ricardo Gutierrez

Chris Chang



Russ Wilson

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

This Report is required for applications for new or amended water rights. Based on the Applicant's responses below, Applicants are directed to submit additional Worksheets (provided herein). A completed Administrative Information Report is also required for each application.

Applicants are REQUIRED to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please contact the Water Availability Division at (512) 239-4600 or WRPT@tceq.texas.gov to schedule a meeting.

Date of pre-application meeting: _____

1. New or Additional Appropriations of State Water. Texas Water Code (TWC) § 11.121 (Instructions, Page. 12)

State Water is: *The water of the ordinary flow, underflow, and tides of every flowing river, natural stream, and lake, and of every bay or arm of the Gulf of Mexico, and the storm water, floodwater, and rainwater of every river, natural stream, canyon, ravine, depression, and watershed in the state. TWC § 11.021.*

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y / N _____
- b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? Y / N _____ (If yes, indicate the Certificate or Permit number: _____)

If Applicant answered yes to (a) or (b) above, does Applicant also wish to be considered for a term permit pursuant to TWC § 11.1381? Y / N _____

- c. Applicant requests to extend an existing Term authorization or to make the right permanent? Y / N _____ (If yes, indicate the Term Certificate or Permit number: _____)

If Applicant answered yes to (a), (b) or (c), the following worksheets and documents are required:

- **Worksheet 1.0 - Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir requested in the application)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point and/or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach requested in the application)
- **Worksheet 5.0 - Environmental Information Worksheet**
- **Worksheet 6.0 - Water Conservation Information Worksheet**
- **Worksheet 7.0 - Accounting Plan Information Worksheet**
- **Worksheet 8.0 - Calculation of Fees**
- **Fees calculated on Worksheet 8.0 - see instructions Page. 34.**
- **Maps - See instructions Page. 15.**
- **Photographs - See instructions Page. 30.**

Additionally, if Applicant wishes to submit an alternate source of water for the project/authorization, see Section 3, Page 3 for Bed and Banks Authorizations (Alternate sources may include groundwater, imported water, contract water or other sources).

Additional Documents and Worksheets may be required (see within).

2. Amendments to Water Rights. TWC § 11.122 (Instructions, Page. 12)

This section should be completed if Applicant owns an existing water right and Applicant requests to amend the water right. *If Applicant is not currently the Owner of Record in the TCEQ Records, Applicant must submit a Change of Ownership Application (TCEQ-10204) prior to submitting the amendment Application or provide consent from the current owner to make the requested amendment. If the application does not contain consent from the current owner to make the requested amendment, TCEQ will not begin processing the amendment application until the Change of Ownership has been completed and will consider the Received Date for the application to be the date the Change of Ownership is completed. See instructions page. 6.*

Water Right (Certificate or Permit) number you are requesting to amend: _____

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? Y / N _____ (if yes, complete chart below):

List of water rights to sever	Combine into this ONE water right

a. Applicant requests an amendment to an existing water right to increase the amount of the appropriation of State Water (diversion and/or impoundment)? Y / N _____

If yes, application is a new appropriation for the increased amount, complete Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.

b. Applicant requests to amend existing Term authorization to extend the term or make the water right permanent (remove conditions restricting water right to a term of years)? Y / N _____

If yes, application is a new appropriation for the entire amount, complete Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.

c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? Y / N _____
If yes, submit:

- **Worksheet 1.0 - Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 1.2 - Notice: "Marshall Criteria"**

d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? Y / N _____
If yes, submit:

- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)
- **Worksheet 5.0 - Environmental Information** (Required for any new diversion points that are not already authorized in a water right)

e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? Y / N _____
If yes, submit: Worksheet 2.0 - Impoundment/Dam Information Worksheet (submit one worksheet for each impoundment or reservoir)

- f. Other - Applicant requests to change any provision of an authorization not mentioned above? Y / N_____ *If yes, call the Water Availability Division at (512) 239-4600 to discuss.*

Additionally, all amendments require:

- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

3. Bed and Banks. TWC § 11.042 (Instructions, Page 13)

- a. Pursuant to contract, Applicant requests authorization to convey, stored or conserved water to the place of use or diversion point of purchaser(s) using the bed and banks of a watercourse? TWC § 11.042(a). Y/N_____

If yes, submit a signed copy of the Water Supply Contract pursuant to 30 TAC §§ 295.101 and 297.101. Further, if the underlying Permit or Authorization upon which the Contract is based does not authorize Purchaser's requested Quantity, Purpose or Place of Use, or Purchaser's diversion point(s), then either:

- 1. Purchaser must submit the worksheets required under Section 1 above with the Contract Water identified as an alternate source; or*
- 2. Seller must amend its underlying water right under Section 2.*

- b. Applicant requests to convey water imported into the state from a source located wholly outside the state using the bed and banks of a watercourse? TWC § 11.042(a-1). Y / N_____

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps and fees from the list below.

- c. Applicant requests to convey Applicant's own return flows derived from privately owned groundwater using the bed and banks of a watercourse? TWC § 11.042(b). Y / N_____

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.

- d. Applicant requests to convey Applicant's own return flows derived from surface water using the bed and banks of a watercourse? TWC § 11.042(c). Y / N_____

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 6.0, 7.0, 8.0, Maps, and fees from the list below.

****Please note, if Applicant requests the reuse of return flows belonging to others, the Applicant will need to submit the worksheets and documents under Section 1 above, as the application will be treated as a new appropriation subject to termination upon direct or indirect reuse by the return flow discharger/owner.***

- e. Applicant requests to convey water from any other source, other than (a)-(d) above, using the bed and banks of a watercourse? TWC § 11.042(c). Y / N_____

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.

Worksheets and information:

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)

- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

4. General Information, Response Required for all Water Right Applications (Instructions, Page 15)

- a. 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 (*not required for applications to use groundwater-based return flows*). Include citations or page numbers for the State and Regional Water Plans, if applicable. Provide the information in the space below or submit a supplemental sheet entitled “Addendum Regarding the State and Regional Water Plans”:

- b. Did the Applicant perform its own Water Availability Analysis? **Y / N**_____

If the Applicant performed its own Water Availability Analysis, provide electronic copies of any modeling files and reports.

- c. Does the application include required Maps? **(Instructions Page. 15) Y / N**_____

NOT REQUIRED

WORKSHEET 1.0
Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

Submit the following information regarding quantity, purpose and place of use for requests for new or additional appropriations of State Water or Bed and Banks authorizations:

Quantity (acre-feet) <i>(Include losses for Bed and Banks)</i>	State Water Source (River Basin) or Alternate Source <i>*each alternate source (and new appropriation based on return flows of others) also requires completion of Worksheet 4.0</i>	Purpose(s) of Use	Place(s) of Use <i>*requests to move state water out of basin also require completion of Worksheet 1.1 Interbasin Transfer</i>

_____ Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

If the Purpose of Use is Agricultural/Irrigation for any amount of water, provide:

a. Location Information Regarding the Lands to be Irrigated

i) 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, TX.

ii) Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____.

A copy of the deed(s) or other acceptable instrument describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds.

If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.

Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.

2. Amendments - Purpose or Place of Use (Instructions, Page. 12)

a. Complete this section for each requested amendment changing, adding, or removing Purpose(s) or Place(s) of Use, complete the following:

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**

**If the request is to add additional purpose(s) of use, include the existing and new purposes of use under "Proposed Purpose(s) of Use."*

***If the request is to add additional place(s) of use, include the existing and new places of use under "Proposed Place(s) of Use."*

Changes to the purpose of use in the Rio Grande Basin may require conversion. 30 TAC § 303.43.

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- i. 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, TX.
 - ii. Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____.

A copy of the deed(s) describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds. If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other legal right for Applicant to use the land described.

Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.

- c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
- d. See Worksheet 1.2, Marshall Criteria, and submit if required.
- e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

NOT REQUIRED

WORKSHEET 1.1 INTERBASIN TRANSFERS, TWC § 11.085

Submit this worksheet for an application for a new or amended water right which requests to transfer State Water from its river basin of origin to use in a different river basin. A river basin is defined and designated by the Texas Water Development Board by rule pursuant to TWC § 16.051.

Applicant requests to transfer State Water to another river basin within the State? Y / N_____

1. Interbasin Transfer Request (Instructions, Page. 20)

- a. Provide the Basin of Origin. _____
- b. Provide the quantity of water to be transferred (acre-feet). _____
- c. Provide the Basin(s) and count(y/ies) where use will occur in the space below:

2. Exemptions (Instructions, Page. 20), TWC § 11.085(v)

Certain interbasin transfers are exempt from further requirements. Answer the following:

- a. The proposed transfer, which in combination with any existing transfers, totals less than 3,000 acre-feet of water per annum from the same water right. Y/N__
- b. The proposed transfer is from a basin to an adjoining coastal basin? Y/N_____
- c. The proposed transfer from the part of the geographic area of a county or municipality, or the part of the retail service area of a retail public utility as defined by Section 13.002, that is within the basin of origin for use in that part of the geographic area of the county or municipality, or that contiguous part of the retail service area of the utility, not within the basin of origin? Y/N__
- d. The proposed transfer is for water that is imported from a source located wholly outside the boundaries of Texas, except water that is imported from a source located in the United Mexican States? Y/N__

3. Interbasin Transfer Requirements (Instructions, Page. 20)

For each Interbasin Transfer request that is not exempt under any of the exemptions listed above Section 2, provide the following information in a supplemental attachment titled "Addendum to Worksheet 1.1, Interbasin Transfer":

- a. the contract price of the water to be transferred (if applicable) (also include a copy of the contract or adopted rate for contract water);
- b. a statement of each general category of proposed use of the water to be transferred and a detailed description of the proposed uses and users under each category;
- c. the cost of diverting, conveying, distributing, and supplying the water to, and treating the water for, the proposed users (example - expert plans and/or reports documents may be provided to show the cost);

- d. describe the need for the water in the basin of origin and in the proposed receiving basin based on the period for which the water supply is requested, but not to exceed 50 years (the need can be identified in the most recently approved regional water plans. The state and regional water plans are available for download at this website: (<http://www.twdb.texas.gov/waterplanning/swp/index.asp>);
- e. address the factors identified in the applicable most recently approved regional water plans which address the following:
 - (i) the availability of feasible and practicable alternative supplies in the receiving basin to the water proposed for transfer;
 - (ii) the amount and purposes of use in the receiving basin for which water is needed;
 - (iii) proposed methods and efforts by the receiving basin to avoid waste and implement water conservation and drought contingency measures;
 - (iv) proposed methods and efforts by the receiving basin to put the water proposed for transfer to beneficial use;
 - (v) the projected economic impact that is reasonably expected to occur in each basin as a result of the transfer; and
 - (vi) the projected impacts of the proposed transfer that are reasonably expected to occur on existing water rights, instream uses, water quality, aquatic and riparian habitat, and bays and estuaries that must be assessed under Sections 11.147, 11.150, and 11.152 in each basin (*if applicable*). If the water sought to be transferred is currently authorized to be used under an existing permit, certified filing, or certificate of adjudication, such impacts shall only be considered in relation to that portion of the permit, certified filing, or certificate of adjudication proposed for transfer and shall be based on historical uses of the permit, certified filing, or certificate of adjudication for which amendment is sought;
- f. proposed mitigation or compensation, if any, to the basin of origin by the applicant; and
- g. the continued need to use the water for the purposes authorized under the existing Permit, Certified Filing, or Certificate of Adjudication, if an amendment to an existing water right is sought.

WORKSHEET 1.2

NOTICE. “THE MARSHALL CRITERIA”

This worksheet assists the Commission in determining notice required for certain **amendments** that do not already have a specific notice requirement in a rule for that type of amendment, and *that do not change the amount of water to be taken or the diversion rate*. The worksheet provides information that Applicant **is required** to submit for amendments such as certain amendments to special conditions or changes to off-channel storage. These criteria address whether the proposed amendment will impact other water right holders or the on- stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

*This worksheet is **not required for Applications in the Rio Grande Basin** requesting changes in the purpose of use, rate of diversion, point of diversion, and place of use for water rights held in and transferred within and between the mainstems of the Lower Rio Grande, Middle Rio Grande, and Amistad Reservoir. See 30 TAC § 303.42.*

*This worksheet is **not required for amendments which are only changing or adding diversion points, or request only a bed and banks authorization or an IBT authorization**. However, Applicants may wish to submit the Marshall Criteria to ensure that the administrative record includes information supporting each of these criteria*

1. The “Marshall Criteria” (Instructions, Page. 21)

Submit responses on a supplemental attachment titled “Marshall Criteria” in a manner that conforms to the paragraphs (a) – (g) below:

- a. Administrative Requirements and Fees. Confirm whether application meets the administrative requirements for an amendment to a water use permit pursuant to TWC Chapter 11 and Title 30 Texas Administrative Code (TAC) Chapters 281, 295, and 297. An amendment application should include, but is not limited to, a sworn application, maps, completed conservation plan, fees, etc.
- b. Beneficial Use. Discuss how proposed amendment is a beneficial use of the water as defined in TWC § 11.002 and listed in TWC § 11.023. Identify the specific proposed use of the water (e.g., road construction, hydrostatic testing, etc.) for which the amendment is requested.
- c. Public Welfare. Explain how proposed amendment is not detrimental to the public welfare. Consider any public welfare matters that might be relevant to a decision on the application. Examples could include concerns related to the well-being of humans and the environment.
- d. Groundwater Effects. Discuss effects of proposed amendment on groundwater or groundwater recharge.

- e. State Water Plan. Describe how proposed amendment 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 state and regional water plans are available for download at:
<http://www.twdb.texas.gov/waterplanning/swp/index.asp>.
- f. Waste Avoidance. Provide evidence that reasonable diligence will be used to avoid waste and achieve water conservation as defined in TWC § 11.002. Examples of evidence could include, but are not limited to, a water conservation plan or, if required, a drought contingency plan, meeting the requirements of 30 TAC Chapter 288.
- g. Impacts on Water Rights or On-stream Environment. Explain how the proposed amendment will not impact other water right holders or the on-stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

Worksheet 1.2 “The Marshall Criteria”

1.a Administrative Requirements and Fees

This application meets the administrative requirements for an amendment to Water use Permit 12986 pursuant to Texas Water Code (TWC), Chapter 11 and Title 30 of the Texas Administrative Code (TAC) Chapters 281, 295, and 297. This amendment application includes a sworn application, maps, completed fees, etc. as required.

This amendment is requested to correct a typographical error in the existing permit on Upstream Intake Zone coordinate for the authorized diversion segment. A transposed number was provided on the upstream coordinate which should be corrected using the correct Northerly upstream coordinate (N 27.838533) on the channel side.

This correction is requested in accordance with 30 TAC 297.61(5).

1.b Beneficial Use

This amendment is to an existing, permitted water right for approved beneficial uses. No change, other than the typographical correction, is requested.

1.c Public Welfare

This amendment is to an existing, permitted water right for approved beneficial uses. No change, other than the typographical correction, is requested. Accuracy of the coordinate of the upstream diversion point is useful to the administration of water rights. .

1.d Groundwater Effects

This amendment is to an existing, permitted water right. No change, other than the typographical correction, is requested. Therefore, no impacts to groundwater or groundwater recharge are anticipated as a result of this amendment.

1.e State Water Plan

The state and regional water plans generally do not address every possible change or correction in individual water rights. The application is consistent with the 2021 Region N Water Plan and the 2022 State Water Plan because there is nothing in the plans that conflict with the application to correct an error in transcription of the latitude for the upstream diversion point.

1.f Waste Avoidance

Corpus Christi Polymers, LLC will take reasonable steps to avoid waste and achieve water conservation as defined in TWC Chapter 11.002 and in accordance with Paragraph 4 of this existing water right..

1.g Impacts on Water Rights or On-Stream Environment

This amendment is to an existing, permitted water right. Only a typographical correction to the upstream latitude is requested; no change in diversion volume or diversion reach is proposed. The correction has no impacts on other existing water rights or the on-stream environment.

NOT REQUIRED

WORKSHEET 2.0

Impoundment/Dam Information

This worksheet **is required** for any impoundment, reservoir and/or dam. Submit an additional Worksheet 2.0 for each impoundment or reservoir requested in this application.

If there is more than one structure, the numbering/naming of structures should be consistent throughout the application and on any supplemental documents (e.g., maps).

1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: _____
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: _____.
- c. The impoundment is on-channel _____ or off-channel _____ (mark one)
 - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / N _____
 - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / N _____
- d. Is the impoundment structure already constructed? Y / N _____
 - i. For already constructed **on-channel** structures:
 1. Date of Construction: _____
 2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N _____
 - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N _____
 - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N _____
 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N _____
 - a. If yes, provide the Site No. _____ and watershed project name _____;
 - b. Authorization to close "ports" in the service spillway requested? Y / N _____
 - ii. For **any** proposed new structures or modifications to structures:
 1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? Y / N _____ Provide the date and the name of the Staff Person _____
 2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
 - a. No additional dam safety documents required with the Application. Y / N _____
 - b. Plans (with engineer's seal) for the structure required. Y / N _____
 - c. Engineer's signed and sealed hazard classification required. Y / N _____
 - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N _____

3. Applicants **shall** give notice by certified mail to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir to be constructed, will be located. (30 TAC § 295.42). Applicant must submit a copy of all the notices and certified mailing cards with this Application. Notices and cards are included? Y / N_____

iii. Additional information required for **on-channel** storage:

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level:_____.
2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option. Applicant has calculated the drainage area. Y/N_____ If yes, the drainage area is_____sq. miles. (If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name):_____
- b. Zip Code: _____
- c. In the_____Original Survey No._____, Abstract No._____, _____County, Texas.

**** A copy of the deed(s) with the recording information from the county records must be submitted describing the tract(s) that include the structure and all lands to be inundated.***

*****If the Applicant is not currently the sole owner of the land on which the structure is or will be built and sole owner of all lands to be inundated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.***

- d. A point on the centerline of the dam (on-channel) or anywhere within the impoundment (off-channel) is:

Latitude_____°N, Longitude_____°W.

****Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***

- i. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):_____
- ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N_____

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet **is required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g., maps).

1. Diversion Information (Instructions, Page. 24)

- a. This Worksheet is to add new (select 1 of 3 below): Correction requested to Upstream Limit of Diversion Reach No. 2
1. ___ Diversion Point No.
 2. ___ Upstream Limit of Diversion Reach No.
 3. ___ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** _____ cfs (cubic feet per second)
or _____ gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N** _____
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* _____ cfs or _____ gpm

d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / N** _____

*** An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed:

Check one		Write: Existing or Proposed
	Directly from stream	
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. **Y / N** _____

If yes, the drainage area is _____ sq. miles.
(If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application)

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): _____
- b. Zip Code: _____
- c. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure.

For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude _____°N, Longitude _____°W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): _____
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Doc# 2014035158



WATER USE PERMIT

PERMIT NO.	12986	TYPE §§	11.121, 11.085
Permittee:	M&G Resins USA, LLC	Address:	450 Gears Road Suite 240 Houston, Texas 77067
Filed:	January 14, 2014	Granted:	August 28, 2014
Purpose:	Industrial	County:	Nueces
Watercourse:	Corpus Christi Inner Harbor	Watershed:	Nueces River Basin and Nueces-Rio Grande Coastal Basin

WHEREAS, M&G Resins USA, LLC (Applicant) seeks a Water Use Permit to divert and use not to exceed 25,806 acre-feet of water per year from a diversion segment on the Corpus Christi Inner Harbor, Nueces-Rio Grande Coastal Basin at a maximum combined diversion rate of 35.65 cfs (16,000 gpm), for industrial purposes in Nueces County; and

WHEREAS, applicant also seeks an exempt interbasin transfer to those portions of Nueces County within the Nueces River Basin; and

WHEREAS, applicant indicates all water diverted but not consumed, be returned to Corpus Christi Inner Harbor, Nueces County; and

WHEREAS, the proposed upper limit of the diversion segment will be located within the town of Corpus Christi, Texas, at Latitude 27.835553°N, Longitude 97.506153°W, also bearing S 40°E, 3,762 feet from the northeast corner of the W.S. McGregor Survey, Abstract No. 1001 in Nueces County; and

WHEREAS, the proposed lower limit of the diversion segment will be located within the town of Corpus Christi, Texas, at Latitude 27.831375°N, Longitude 97.496139°W, also bearing S 46°E, 8,013 feet from the northeast corner of the W.S. McGregor Survey, Abstract No. 1001 in Nueces County; and

WHEREAS, this permit is subject to the Texas Coastal Management Program (CMP) and must be consistent with the CMP goals and policies; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, this permit, if granted, is subject to requirements and orders of the South Texas Watermaster; and

WHEREAS, the Executive Director recommends that special conditions be included in this permit; and

WHEREAS, no requests for a contested case hearing were received for this application; and

WHEREAS, the Texas Commission on Environmental Quality finds that the issuance of the permit is consistent with the goals and policies of the Texas CMP; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this permit;

NOW, THEREFORE, this permit, designated as Water Use Permit No. 12986, is issued to M&G Resins USA, LLC subject to the following terms and conditions:

1. USE

Permittee is authorized to divert and use 25,806 acre-feet of water per year for industrial purposes within Nueces County in the Nueces-Rio Grande Coastal Basin and within those portions of Nueces County within the Nueces River Basin.

2. DIVERSION

A. Permittee is authorized to divert the authorized water at a diversion segment located on the Corpus Christi Inner Harbor, Nueces-Rio Grande Coastal Basin. The diversion segment is defined as follows:

1. Upper limit of the diversion segment will be located within the town of Corpus Christi, Texas, at Latitude 27.835553°N, Longitude 97.506153°W, also bearing S 40° E, 3,762 feet from the northeast corner of the W.S. McGregor Survey, Abstract No. 1001 in Nueces County.
2. Lower limit of the diversion segment will be located within the town of Corpus Christi, Texas, at Latitude 27.831375°N, Longitude 97.496139°W, also bearing S 46° E, 8,013 feet from the northeast corner of the W.S. McGregor Survey, Abstract No. 1001 in Nueces County.

B. Maximum Combined Diversion Rate of 35.65 cfs (16,000 gpm).

3. PRIORITY DATE

The time priority of this right is January 14, 2014.

4. CONSERVATION

Permittee shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement

that in every water supply contract entered into, on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

5. SPECIAL CONDITIONS

- A. This authorization is subject to adjustment by the commission if the commission determines, through an expedited public review process, that such adjustment is appropriate to achieve compliance with applicable environmental flow standards adopted pursuant to Texas Water Code § 11.1471. Any adjustment shall be made in accordance with the provisions of Texas Water Code § 11.147(e-1).
- B. Permittee shall install measuring devices which accounts for, within 5% accuracy, the quantity of water diverted from the Nueces-Rio Grande Coastal Basin. Owner shall allow representatives of the TCEQ South Texas Watermaster reasonable access to the property to inspect the measuring device.
- C. Permittee shall contact the South Texas Watermaster prior to diversion of water authorized by this amendment.
- D. Within 90 days prior to diversion of water for industrial use, the owner or contract customer shall submit to the Executive Director a water conservation plan to comply with Title 30 TAC Chapter 288.3.

This permit is issued subject to all superior and senior water rights in the Nueces-Rio Grande Coastal Basin.

Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This permit is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of state water resources exercised by the Commission.



For the Commission

DATE ISSUED: **August 28, 2014**

E Zephyr Environmental Corporation
Attn Cindy Wilson
2600 Via Fortuna
Suite 450
Austin TX 78746

Doc# 2014035158
Pages 4
09/12/2014 11:26AM
Official Records of
NUECES COUNTY
DIANA T. BARRERA
COUNTY CLERK
Fees \$27.00

Any provision herein which restricts the Sale,
Rental or use of the described
REAL PROPERTY because of Race, Color,
Religion, Sex, Handicap, Familial Status, or
National Origin is invalid and unenforceable
under FEDERAL LAW, 3/12/89.

STATE OF TEXAS
COUNTY OF NUECES
I hereby certify that this instrument was FILED
in file number sequence on the date and at the
time stamped herein by me, and was duly RECORDED
in the Official Public Records of
Nueces County, Texas
Diana T. Barrera



Diana T. Barrera

PERMIT NO./CERTIFICATE NO.: 12986

NAME: MFG Resins USA, LLC

Date Recorded: Doc# 2014035158
5 Pages 4
09/12/2014 11:26AM

Volume Official Records of Page No.
NUECES COUNTY

of the DIANA T. BARRERA records of the
COUNTY CLERK

Fees \$27.00 records of the
 County, Texas.

By Alma Rose Vasquez
County Clerk and/or Deputy

TNRCC-0100 (Rev. 03-13-96)

ALMA ROSE VASQUEZ

Receipt# [REDACTED]

DIANA T. BARRERA
COUNTY CLERK
NUECES COUNTY
901 LEOPARD ST.
ROOM 201
CORPUS CHRISTI, TX
78401
(361) 888-0580

DUPLICATE RECEIPT
Printed: Sep 12 2014 11:26:55 AM

Doc#: 2014035158 Pgs: 4

Type: CERTIFIED COPY

RECORDING FEE	\$	[REDACTED]
RECORDS MANAGEMENT	\$	[REDACTED]
COURTHOUSE SECURITY	\$	[REDACTED]

Total	\$	[REDACTED]
Check(s) Tendered	\$	[REDACTED]
Balance	\$	[REDACTED]

CHECK Number	\$	[REDACTED]
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Total Documents: 1
Total Fees: 3

Client Name GENERAL PUBLIC
Filed By ZEPHYR ENVIRONMENTAL CORPORATIO
Sep 12 2014 11:26:54 AM

Cashier: AVASQUEZ

Comment:
512-329-5544

NOT REQUIRED
WORKSHEET 4.0
DISCHARGE INFORMATION

This worksheet required for any requested authorization to discharge water into a State Watercourse for conveyance and later withdrawal or in-place use. Worksheet 4.1 is also required for each Discharge point location requested. **Instructions Page. 26. Applicant is responsible for obtaining any separate water quality authorizations which may be required and for insuring compliance with TWC, Chapter 26 or any other applicable law.**

- a. The purpose of use for the water being discharged will be_____.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses _____(% or amount) and explain the method of calculation:_____
- c. Is the source of the discharged water return flows? Y / N_____If yes, provide the following information:
 1. The TPDES Permit Number(s)._____ (attach a copy of the **current** TPDES permit(s))
 2. Applicant is the owner/holder of each TPDES permit listed above? Y / N_____

PLEASE NOTE: If Applicant is not the discharger of the return flows, or the Applicant is not the water right owner of the underlying surface water right, or the Applicant does not have a contract with the discharger, the application should be submitted under Section 1, New or Additional Appropriation of State Water, as a request for a new appropriation of state water. If Applicant is the discharger, the surface water right holder, or the contract holder, then the application should be submitted under Section 3, Bed and Banks.

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
 4. The percentage of return flows from groundwater_____, surface water_____?
 5. If any percentage is surface water, provide the base water right number(s)_____.
- d. Is the source of the water being discharged groundwater? Y / N___ If yes, provide the following information:
 1. Source aquifer(s) from which water will be pumped:_____
 2. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers_____.
 3. Indicate how the groundwater will be conveyed to the stream or reservoir.
 4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.
 - di. Is the source of the water being discharged a surface water supply contract? Y / N___
If yes, provide the signed contract(s).
 - dii. Identify any other source of the water_____

NOT REQUIRED

WORKSHEET 4.1 DISCHARGE POINT INFORMATION

This worksheet is required for **each** discharge point. Submit one Worksheet 4.1 for each discharge point. If there is more than one discharge point, the numbering of the points should be consistent throughout the application and on any supplemental documents (e.g., maps).

Instructions, Page 27.

For water discharged at this location provide:

- a. The amount of water that will be discharged at this point is _____ acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of _____ cfs or _____ gpm.
- c. Name of Watercourse as shown on Official USGS maps: _____
- d. Zip Code _____
- e. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.
- f. Point is at:
Latitude _____ °N, Longitude _____ °W.
**Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*
- g. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): _____

Map submitted must clearly identify each discharge point. See instructions Page. 15.

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 28.**

2. New Appropriations of Water (Canadian, Red, Sulphur, and Cypress Creek Basins only) and Changes in Diversion Point(s)

This section is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins and in all basins for requests to change a diversion point. **Instructions, Page 30.**

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location),

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: _____

Other, specify: _____

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

Check the method used to characterize the area downstream of the new diversion location.

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: _____

c. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the stream segments affected by the application and the area surrounding those stream segments.

- Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional
- Natural Area: trees and/or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored
- Common Setting: not offensive; developed but uncluttered; water may be colored or turbid
- Offensive: stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

d. Waterbody Recreational Uses

Are there any known recreational uses of the stream segments affected by the application?

- Primary contact recreation (swimming or direct contact with water)
- Secondary contact recreation (fishing, canoeing, or limited contact with water)
- Non-contact recreation

e. Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the maps submitted with the application indicating the location of the photograph and the direction of the shot.
2. If the application includes a proposed reservoir, also include:
 - i. A brief description of the area that will be inundated by the reservoir.
 - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
 - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

3. Alternate Sources of Water and/or Bed and Banks Applications

This section is required for applications using an alternate source of water and bed and banks applications in any basins. **Instructions, page 31.**

- a. For all bed and banks applications:
 - i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.
- b. For all alternate source applications:
 - i. If the alternate source is treated return flows, provide the TPDES permit number _____
 - ii. If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:
Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

* Temperature must be measured onsite at the time the groundwater sample is collected.

- iii. If groundwater will be used, provide the depth of the well _____ and the name of the aquifer from which water is withdrawn _____.

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans

This form is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plans is required and to specify the requirements for plans.

Instructions, Page 31.

*The TCEQ has developed guidance and model plans to help applicants prepare plans. Applicants may use the model plan with pertinent information filled in. For assistance submitting a plan call the Resource Protection Team (Water Conservation staff) at 512-239-4600, or e-mail wras@tceq.texas.gov. The model plans can also be downloaded from the TCEQ webpage. **Please use the most up-to-date plan documents available on the webpage.***

1. Water Conservation Plans

a. The following applications must include a completed Water Conservation Plan (30 TAC § 295.9) for each use specified in 30 TAC, Chapter 288 (municipal, industrial or mining, agriculture - including irrigation, wholesale):

1. Request for a new appropriation or use of State Water. **No**
2. Request to amend water right to increase appropriation of State Water. **No**
3. Request to amend water right to extend a term. **No**
4. Request to amend water right to change a place of use. **No - typographical correction only**
**does not apply to a request to expand irrigation acreage to adjacent tracts.*
5. Request to amend water right to change the purpose of use. **No**
**applicant need only address new uses.*
6. Request for bed and banks under TWC § 11.042(c), when the source water is State Water. **No**
**including return flows, contract water, or other State Water.*

b. If Applicant is requesting any authorization in section (1)(a) above, indicate each use for which Applicant is submitting a Water Conservation Plan as an attachment:

1. _____ Municipal Use. See 30 TAC § 288.2. **
2. _____ Industrial or Mining Use. See 30 TAC § 288.3.
3. _____ Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. _____ Wholesale Water Suppliers. See 30 TAC § 288.5. **

If Applicant is a water supplier, Applicant must also submit documentation of adoption of the plan. Documentation may include an ordinance, resolution, or tariff, etc. See 30 TAC §§ 288.2(a)(1)(J)(i) and 288.5(1)(H). Applicant has submitted such documentation with each water conservation plan? **Y / N_____

c. Water conservation plans submitted with an application must also include data and information which: supports applicant's proposed use with consideration of the plan's water conservation goals; evaluates conservation as an alternative to the proposed

appropriation; and evaluates any other feasible alternative to new water development.
See 30 TAC § 288.7.

Applicant has included this information in each applicable plan? Y / N____

2. Drought Contingency Plans

- a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above - indicate each that applies:
1. ____Municipal Uses by public water suppliers. See 30 TAC § 288.20.
 2. ____Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
 3. ____Wholesale Water Suppliers. See 30 TAC § 288.22.
- b. If Applicant must submit a plan under section 2(a) above, Applicant has also submitted documentation of adoption of drought contingency plan (*ordinance, resolution, or tariff, etc.* See 30 TAC § 288.30) Y / N____

WORKSHEET 7.0
ACCOUNTING PLAN INFORMATION WORKSHEET

The following information provides guidance on when an Accounting Plan may be required for certain applications and if so, what information should be provided. An accounting plan can either be very simple such as keeping records of gage flows, discharges, and diversions; or, more complex depending on the requests in the application. Contact the Surface Water Availability Team at 512-239-4600 for information about accounting plan requirements, if any, for your application. **Instructions, Page 34.**

1. Is Accounting Plan Required

Accounting Plans are generally required:

- For applications that request authorization to divert large amounts of water from a single point where multiple diversion rates, priority dates, and water rights can also divert from that point;
- For applications for new major water supply reservoirs;
- For applications that amend a water right where an accounting plan is already required, if the amendment would require changes to the accounting plan;
- For applications with complex environmental flow requirements;
- For applications with an alternate source of water where the water is conveyed and diverted; and
- For reuse applications.

2. Accounting Plan Requirements

- a. A **text file** that includes:
1. an introduction explaining the water rights and what they authorize;
 2. an explanation of the fields in the accounting plan spreadsheet including how they are calculated and the source of the data;
 3. for accounting plans that include multiple priority dates and authorizations, a section that discusses how water is accounted for by priority date and which water is subject to a priority call by whom; and
 4. Should provide a summary of all sources of water.
- b. A **spreadsheet** that includes:
1. Basic daily data such as diversions, deliveries, compliance with any instream flow requirements, return flows discharged and diverted and reservoir content;
 2. Method for accounting for inflows if needed;
 3. Reporting of all water use from all authorizations, both existing and proposed;
 4. An accounting for all sources of water;
 5. An accounting of water by priority date;
 6. For bed and banks applications, the accounting plan must track the discharged water from the point of delivery to the final point of diversion;
 7. Accounting for conveyance losses;
 8. Evaporation losses if the water will be stored in or transported through a reservoir. Include changes in evaporation losses and a method for measuring reservoir content resulting from the discharge of additional water into the reservoir;
 9. An accounting for spills of other water added to the reservoir; and
 10. Calculation of the amount of drawdown resulting from diversion by junior rights or diversions of other water discharged into and then stored in the reservoir.

