

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Sarah Henderson, Project Manager
Water Rights Permitting Team

DATE: July 1, 2025

SUBJECT: The Dow Chemical Company
WRTP 14134
CN600356976, RN112227814
Application No. 14134 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Brazos River, Brazos River Basin
Fort Bend County

The application was received on June 5, 2025, additional information was received on June 13, 2025, and fees were received on June 20, 2025. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on July 1, 2025. Mailed notice to the diverters of record with the commission who are located below the Applicant's proposed point of diversion and above the Applicant's point of diversion authorized under Certificate of Adjudication No. 12-5328, as amended, in the Brazos River Basin is required pursuant to Title 30 Texas Administrative Code § 295.154(a).

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



Sarah Henderson, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required X YES NO

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 1, 2025

Mr. Timothy Finley, Senior M&E Fellow
The Dow Chemical Company
332 SH 332 E, Texas Innovation Center
Lake Jackson, Texas 77566

VIA E-MAIL

Subject: The Dow Chemical Company
WRTP 14134
CN600356976, RN112227814
Application No. 14134 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Brazos River, Brazos River Basin
Fort Bend County

Dear Mr. Finley:

This acknowledges receipt, on June 5, 2025, of the referenced application, on June 13, 2025 of additional information, and on June 20, 2025 of fees in the amount of \$120.00 (Receipt No. M558695, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on July 1, 2025. 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 this matter, please contact me via email at sarah.henderson@tceq.texas.gov or by telephone at (512) 239-2535.

Sincerely,

A handwritten signature in dark ink that reads "Sarah Henderson".

Sarah Henderson, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



23-JUN-25 12:14 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP	M558695	1202		BS00115882	23-JUN-25	-\$120.00
	WUP	14134	062325	N	D5803112		
	WATER USE PERMITS	LAW OFFICES OF KEN RAMIREZ PLLC	RHDAVIS	CK			
	WUP	M558696	15133		BS00115882	23-JUN-25	-\$100.00
	WUP	ADJ192121	062325	N	D5803112		
	WATER USE PERMITS	CRENWELGE, DALE A	RHDAVIS	CK			
						Total (Fee Code):	-\$220.00
						Grand Total:	-\$2,027.00

RECEIVED

JUN 25 2025

Water Availability Division



From: kenneth ramirez [REDACTED]
Subject: Check for Dow Temporary Water Rights Application
Date: June 16, 2025 at 11:55 AM
To: Humberto Galvan Humberto.Galvan@tceq.texas.gov, Kathy Alexander kathy.alexander@tceq.texas.gov

Enclosed is a check for \$120 to cover fees for the Dow Temporary Water Rights Application that Tim Finley electronically transmitted to the TCEQ on June 5, 2025.

Thanks.

-Ken Ramirez

Managing Partner
Law Offices of Ken Ramirez, PLLC
3005 South Lamar Blvd.
Suite D-109, No. 361
Austin, Texas 78704
Main: 512-657-7967

RECEIVED

JUN 20 2025

Water Availability Division

Sarah Henderson

From: Kathy Alexander
Sent: Friday, June 13, 2025 3:13 PM
To: Sarah Henderson
Cc: Chris Kozlowski
Subject: Fwd: Dow Temporary Water Rights Permit Application Submittal
Attachments: Map of Proposed Additional Temporary Diversion Point v2.pptx

From: "Finley, Tim (TD)" <[REDACTED]>
Date: June 13, 2025 at 2:48:01 PM CDT
To: Kathy Alexander <kathy.alexander@tceq.texas.gov>
Cc: "Moreno, Carlos (CJ)" <[REDACTED]>, ken <[REDACTED]>
Subject: RE: Dow Temporary Water Rights Permit Application Submittal

Thanks Kathy,

Updated map is attached. I plotted the coordinates in Google Earth and it hit the mark.

Regards,
Tim

General Business

From: Finley, Tim (TD)
Sent: Thursday, June 5, 2025 2:54 PM
To: Garrard, Jason (JL) <[REDACTED]>; Moreno, Carlos (CJ) <[REDACTED]>; ken <[REDACTED]>; Kathy Alexander <kathy.alexander@tceq.texas.gov>; /EXT Duve, Holly (H) <[REDACTED]>; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Hampton, Sherman (S) <[REDACTED]>; Falcon, Fran (FQ) <[REDACTED]>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Cc: WRPT@tceq.texas.gov
Subject: Dow Temporary Water Rights Permit Application Submittal

Hi Kathy,

cc. All

Attached are the competed/updated documents for the Dow Temporary Water Rights (Diversion point amendment) application, post our pre-application meeting last week.

Hopefully, it accurately addresses the questions/adjustments request at our meeting. If not, or if there are any outstanding questions, please reach out.

Ken Ramirez will follow up shortly (anticipated tomorrow) with both a hard copy submittal and a check to cover fees for the application.

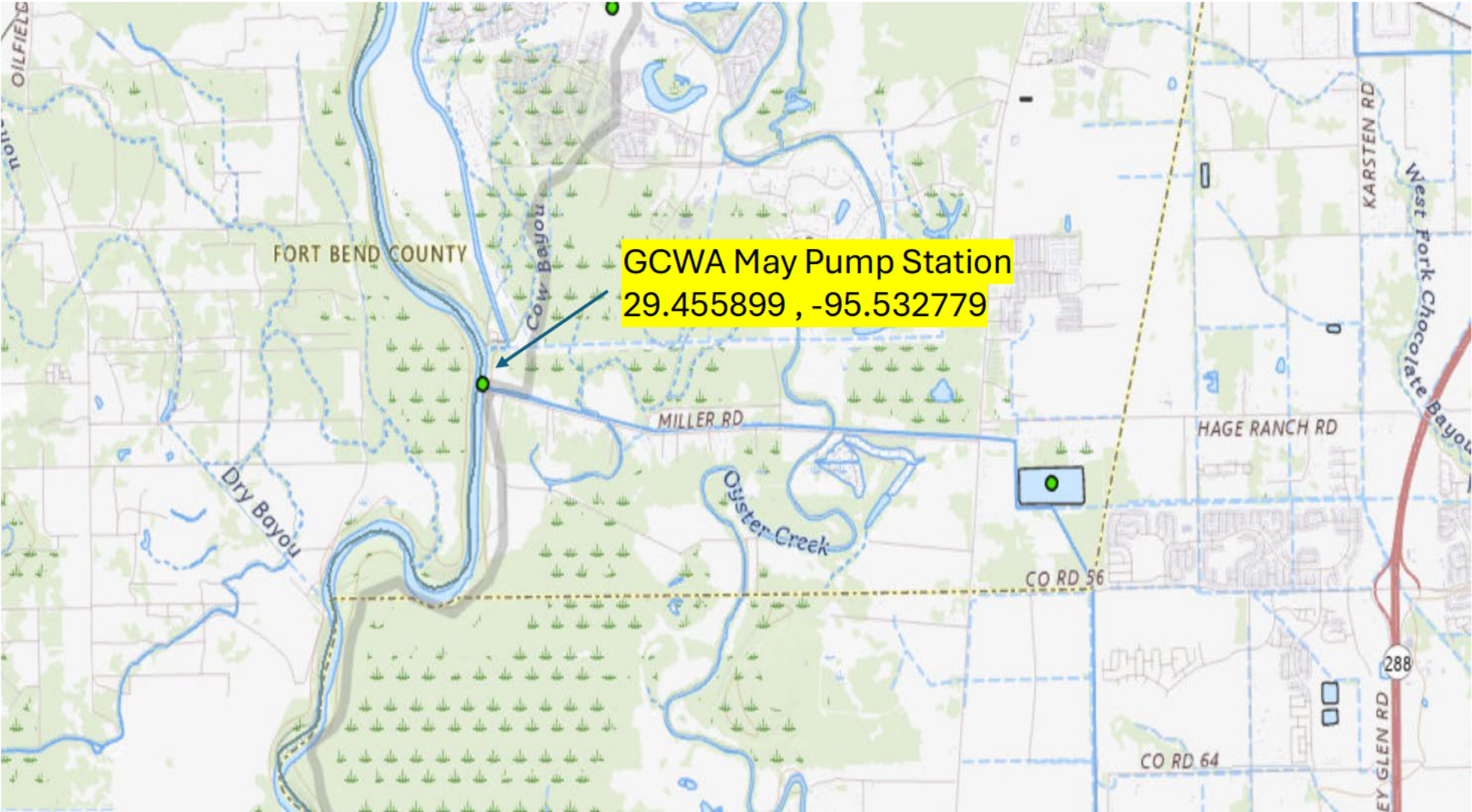
Again, we appreciate your support!!

Regards,
Tim Finley

Senior M&E Fellow
Dow, Inc

[REDACTED] [REDACTED]

Map of Proposed Additional Temporary Diversion Point for. Cert of Adj. 12 -5328





TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
TEMPORARY WATER RIGHTS PERMIT
APPLICATION

Application for a temporary water use permit for more than 10 acre-feet of water and/or for a diversion period longer than one calendar year but not exceeding three years or for a temporary bed and banks authorization.

This form may be used for an application for a temporary water use permit to divert state water under Section 11.138, Texas Water Code. Any permit granted by this application may be suspended at any time by the applicable TCEQ Office if it is determined that sufficient water is no longer available.

This form may also be used for a temporary bed and banks authorization.

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 of the Water Availability Division to schedule a meeting at (512) 239-4600.

Date of pre-application meeting: 5/28/2025

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).
Instructions, Page 5.

Y/N

Y

Administrative Information

N

Additional Co-Applicant Information

N

Additional Co-Applicant Signatures

Y

Written Evidence of Signature Authority

Y

USGS Map (or equivalent)

Y

Worksheet 1.0

N

Recorded Deeds for Irrigated Land

N

Consent for Irrigated Land

Y

Worksheet 1.1

Y

Worksheet 2.0

N

Additional W.S. 2.0 for each Point

N

Recorded Deeds for Diversion Point(s)

Y

Consent for Diversion Access

Y/N

N

Worksheet 3.0

N

Ground Water Well Permit

N

Signed Water Supply Contract

N

Worksheet 3.1

N

Worksheet 4.0

N

Worksheet 5.0

N

Accounting Plan

Y

Worksheet 6.0

Y

Fees

RECEIVED

JUN 05 2025

Water Availability Division

ADMINISTRATIVE INFORMATION

1. TYPE OF APPLICATION (Instructions, Page 6)

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

☒ Temporary Appropriation of State Water

☐ Temporary Bed and Banks Authorization

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

The applicant (The Dow Chemical Company) seeks a temporary authorization to allow the applicant's Brazos River Water diversion rights, permitted via existing water Cert of Adj. 12 -5328, to be diverted at the Gulf Coast Water Authority (GCWA) May Pump Station (29.503864, -95.553439 ; coord from TCEQ Water Rights Viewer) for a period of up to 12 months, starting June 1, 2025 until May, 31, 2026.

Additional Background:

This temporary authorization is being sought to enable the applicant to continue to supply/source water for a targeted period while maintenance is being completed to repair the applicant's Harris Pump Station (GPS coord 29 14 36.00 N, 95 33 43.98 W ; Coord. from Google Earth).

If authorized, the Cert of Adj. 12 -5328 water that is diverted at May Pump Station will be discharging to Oyster Creek where it is anticipated that it will flow, without Bed and Banks protection, to the applicant's Lake Jackson Pump Station. At the Lake Jackson Pump Station, the water would then, again, be diverted for purposes authorized by the Applicants (Dow's) Oyster Creek and Brazos Water Rights.

It is anticipated that Diversion of the applicant's water by GCWA, at GCWA's May pump station, will be coordinated with the Brazos Watermaster and accounted for using both Declaration of Intent (DOIs) and Pump Operating Reports (PORs). Details of metering, accounting and assignment of water to both Dow and GCWAs respectively at the GCWA May pump station will be established with the Brazos Watermaster.

The applicants water diverted by GCWA will be discharged to Oyster Creek at a specified location (29 27 7.69 N, 95 29 22.11 W ; Coord. from Google Earth) where it will flow, unprotected by a bed and banks authorization, to the applicant's Lake Jackson Pump Station (29 3 14.15 N, 95 27 52.33 W Coord. from Google Earth).

Please note: The applicant has both the most senior water right for pumping the natural flow of Oyster Creek and an existing Bed and Banks for moving water diverted from the Brazos river via Cert of Adj. 12 -5328 from the existing Harris Reservoir (29 14 44.28 N, 95 31 43.83 W;Coord. from Google Earth) to the applicant's Lake Jackson Pump Station (29 3 14.15 N, 95 27 52.33 W;Coord. from Google Earth).

The applicant is aware of just two intervening water rights on the Brazos River between the applicant's existing diversion reach and the proposed diversion point. The two noted diversion rights are: ADJ 52223 (WR ID 224591 - Beverly T McDonald ET AL) and ADJ 5327 (WR ID 224599 - Texas Dept. of Crimianl Justice)

2. APPLICANT INFORMATION (Instructions, Page 6)

Indicate the number of Applicants/Co-Applicants ¹ _____
(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?
The Dow Chemical Company

(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
www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch

CN : 600356976 _____ (leave blank if you do not yet have a CN).

What is the name and title of the person or persons signing the application?

First/Last Name: Francine Falcon

Title: EH&S Regional Leveraged Delivery Director

Unless an application is signed by an individual applicant, the person or persons must submit written evidence that they meet the signatory requirements in Title 30, Texas Administrative Code (30 TAC), Section 295.14.

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

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 **Look Up a ZIP Code**
tools.usps.com/go/ZipLookupAction!input.action.

Name: The Dow Chemical Company

Mailing Address: 2301 N Brazosport Blvd

City: Freeport State: TX ZIP Code: 77541

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 checked="" 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: TBD SOS Charter (filing) Number: TBD

3. APPLICATION CONTACT INFORMATION (Instructions, Page 8)

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: Timothy Finley

Title: Senior M&E Fellow

Organization Name: The Dow Chemical Company

Mailing Address: 332 SH 332 E, Texas Innovation Center,

City: Lake Jackson, State: Texas ZIP Code: 77566

Phone Number: 979 236 0121

Fax Number: _____

E-mail Address: [REDACTED]

4. 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 N

If yes, provide the following information:

Account number: N/A Amount past due: N/A

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

If yes, please provide the following information:

Enforcement order number: N/A Amount past due: N/A

- 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 mycpa.cpa.state.tx.us/coa/

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

- 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 Section 16.012(m) and 30 TAC Section 297.41(a)(5). Applicants should check survey status on the TWDB website prior to filing:
www3.twdb.texas.gov/apps/reports/WU/SurveyStatus_PriorThreeYears

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

5. SIGNATURE PAGE (Instructions, Page 10)

Applicant:

I, Francine Falcon

EH&S Regional Leveraged Delivery Director

(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 Section 295.14 to sign and submit this document and I have submitted written evidence of my signature authority.

Signature: *FF Falcon*

Date: 6-3-25

(Use blue ink)

Subscribed and Sworn to before me by the said

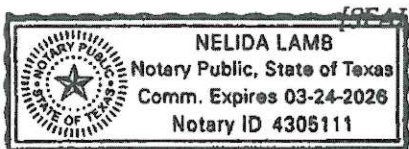
on this 3rd day of June, 2025.

My commission expires on the 24th day of March, 2026.

Nelida Lamb

Notary Public

Brewer County, Texas



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

TECHNICAL INFORMATION

1. TYPE OF REQUEST (Instructions, Page 11)

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 Section 11.021.*

Applicant requests a new temporary appropriation of State Water? Y / N N

If Applicant answered yes, the following information is required:

- **Worksheet 1.0 - Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - 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 6.0- Calculation of Fees**
- **Fees calculated on Worksheet 6.0**
- **Maps - See instructions Page. 13**

Applicant requests a temporary bed and banks authorization? (Water sources may include groundwater, contract water, or other sources). Y/N N

If Applicant answered yes, the following information is required:

- **Worksheet 1.0 - Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - 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 3.0 - Discharge Information Worksheet** (submit one worksheet for each discharge point)
- **Worksheet 4.0 - Environmental Information Worksheet**
- **Worksheet 5.0 - Accounting Plan Information Worksheet**
- **Worksheet 6.0 - Calculation of Fees**
- **Fees calculated on Worksheet 6.0**
- **Maps - See instructions Page. 13**

2. BED AND BANKS. TWC Section 11.042 (Instructions, Page 11)

- 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 Section 11.042(a). Y/N N

If yes, submit a signed copy of the Water Supply Contract pursuant to 30 TAC Sections 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 required worksheets for a request for a temporary bed and banks application with the Contract Water identified as an alternate source; or*
2. *Seller must amend its underlying water right. For more information about amending a water right, please contact the Water Rights Permitting Team at (512) 239-4600.*

- b. 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 N
- c. Applicant requests to convey water from any other source, other than (a) or (b) above, using the bed and banks of a watercourse? TWC Section 11.042(c). Y / N N

WORKSHEET 1.0

Quantity, Purpose, and Place of Use

1. New Temporary Authorizations (Instructions, Page 13)

Submit the following information regarding quantity, purpose and place of use for requests for a temporary appropriation of State Water or temporary Bed and Banks authorization:

Quantity (acre- feet) <i>(Include losses for Bed and Banks)</i>	State Water Source (River Basin) or Alternate Source <i>*each alternate source also requires completion of Worksheet 3.0</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>
170,000 ac-ft	Dow 1929 & 1942 Brazos rights authorized by Cert of Adj CA 12-5328	Matches existing authorization	Brazoria County (San Jacinto Brazos Basin)

170,000 ac-ft Total amount of water in acre-feet *(include losses for Bed and Banks applications)* to be used within a period of 12 months. (specify term period not to exceed a three year term)

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 N/A acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of N/A acres in N/A County, TX.
- ii. Location of land to be irrigated: In the N/A Original Survey No. N/A, Abstract No. N/A.

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.

WORKSHEET 1.1

INTERBASIN TRANSFERS, TWC Section 11.085

1. Interbasin Transfer Request (Instructions, Page 15)

Only interbasin transfers that meet certain criteria for exemption as identified in TWC Section 11.085(v) can be authorized under a temporary water right permit. Submit the information below for an application for a temporary water right which requests to transfer State Water from its river basin of origin for use in a different river basin. A river basin is defined and designated by the Texas Water Development Board by rule pursuant to TWC Section 16.051.

- a. Applicant requests to transfer State Water to another river basin within the State? Y / N Y

If yes, provide the following information:

- i. Basin of Origin Brazos River
- ii. Quantity of water to be transferred (acre-feet) < 170,000 ac-ft
- iii. Basin(s) and count(y/ies) where use will occur in the space below:
San-Jacinto Brazos / Brazoria County

- b. 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 N

- c. The proposed transfer is from a basin to an adjoining coastal basin? Y/N Y

- d. 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 TWC 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 N

WORKSHEET 2.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This information is **required** for each diversion point or diversion reach. Submit a worksheet for each diversion point. For a reach, the worksheet should be submitted twice (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 16)

a. This Worksheet is to add new (select 1 of 3 below):

1. ☒ Diversion Point No. TBD
2. ☐ Upstream Limit of Diversion Reach No. _____
3. ☐ Downstream Limit of Diversion Reach No. _____

b. Maximum Rate of Diversion for this new point 290 cfs (cubic feet per second) or gpm (gallons per minute)

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

d. Has the applicant received a temporary application from a TCEQ Regional or Watermaster office for this diversion point? Y/N N

1. If yes, provide the date the application was issued _____ and write **Existing** in the table below.
2. If no, write **Proposed** in the table below.

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

Check one		Write: Existing or Proposed
<input checked="" type="checkbox"/>	Directly from stream	Proposed
<input type="checkbox"/>	From an on-channel reservoir	
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	Other method (explain fully, use additional sheets if necessary)	

f. Is the diversion from a reservoir? Y/N N

1. Was it constructed to be an exempt structure under TWC Section 11.142? Y / N N/A
 - i. If no, has the structure been issued a notice of violation by TCEQ? Y / N N/A

2. Is the reservoir already authorized under a water right? Y/N N/A

If yes, provide the following information:

- i. Water Right Number N/A
- ii. If the applicant is not the water right holder, has consent been provided to the applicant by the water right holder pursuant to 30 TAC Section 295.10? Y/N N/A

g. 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 currently authorized under a water right).

Diversion of water will utilize existing GCWA May pumping station, which is at a point on the Brazos River in the William Pettus Grant, Abstract, Fort Bend County, Texas

2. Diversion Location (Instructions, Page 17)

- a. On watercourse (USGS name): Brazos River
- b. Zip Code: 77459
- c. Location of point: In the Brazos River Original Survey No. W P grant,
Abstract No. 68 Fort Bend countv 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 29.503864 °N, Longitude -95.553439 °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): Obtained from TCEQ Water Rights Viewer
- f. Map submitted must clearly identify each diversion point and/or reach. Does the application include required maps? (Instructions, Page 13) Y/N Y

WORKSHEET 3.0

DISCHARGE INFORMATION

This information is required for any requested authorization to use the bed and banks of a State watercourse for conveyance and later withdrawal or in-place use. Worksheet 3.1 is also required for each Discharge point location requested. **Instructions, Page. 18.**

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).
 1. Explain the method of calculation: _____
- c. 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 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. Is the groundwater well located in a Groundwater District (GCD)? Y/N ____

If yes, provide 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.
- ci. Is the source of the water being discharged a surface water supply contract? Y / N ____

If yes, provide the signed contract(s).
- cii. Identify any other source of the water _____

WORKSHEET 3.1

DISCHARGE POINT INFORMATION

This information is required for each discharge point. Submit one worksheet 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 19.

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): _____
- h. Map submitted must clearly identify each discharge point. Does the application include required maps? (Instructions, Page. 13) Y/N _____

WORKSHEET 4.0

ENVIRONMENTAL INFORMATION

1. Bed and Banks Applications

This information is required for bed and banks applications. **Instructions, Page 20.**

- a. 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. If groundwater and/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.

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

WORKSHEET 5.0

ACCOUNTING PLAN INFORMATION

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. **Instructions, Page 20.**

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 with complex environmental flow requirements;
- For applications with an alternate source of water where the water is conveyed and diverted; and

2. Accounting Plan Requirements

a. A **text file** that includes:

1. an introduction explaining the temporary water use permit authorizations;
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 diversion from an existing water right location with 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, if applicable;
2. Method for accounting for inflows if needed;
3. Reporting of all water use;
4. An accounting for all sources of water;
5. For bed and banks applications, the accounting plan must track the discharged water from the point of delivery to the final point of diversion;
6. Accounting for conveyance losses.

WORKSHEET 6.0

CALCULATION OF FEES

This worksheet is for calculating required application fees. Applications are not Administratively Complete until all required fees are received. **Instructions, Page 21.**

	Description	Amount (\$)
Filing Fee	10 acre-feet or less	\$100.00
	OR	
	Greater than 10 acre-feet	\$250.00
Use Fee	Multiply \$1.00 x _____ acre-feet of water (or fraction thereof)	
Recording Fee		\$20.00
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		

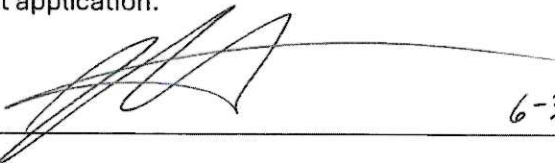
Letter of Consent

To the Texas Commission on Environmental Quality:

The Gulf Coast Water Authority ("GCWA") does hereby consent to The Dow Chemical Company ("Dow") requesting and obtaining TCEQ approval for a proposed Temporary Water Rights Permit Amendment that envisions use of GCWA's existing May Plant pumping facilities, as a point of diversion, to divert and discharge water authorized under Dow Certificate of Adjudication 12-5328 from the Brazos River to Oyster Creek.

The proposed diversion of water authorized under Dow Certificate of Adjudication 12-5328 at GCWA's May Plant intake facilities will be contractually facilitated and supported by GCWA in a manner that will not interfere with GCWA's ability to pump its existing water rights. It is envisioned that a Declaration of Intent ("DOI") request for pumping water authorized under Dow Certificate of Adjudication 12-5328 at the May Plant pumping station and associated Pumping Operating Reports ("POR"), or the appropriate allocation of pump operating reports, will be effectively communicated to the Brazos Water Master in a coordinated approach that will allow the Brazos Water Master to appropriately assign diverted flow to both Dow and GCWA water rights.

For the avoidance of doubt, GCWA's consent to the conditional use of GCWA's May Plant Pumping Station as a diversion location for the proposed Temporary Water Rights Permit Amendment does not grant Dow any legal rights to the use of GCWA's assets or water conveyance system beyond the rights that are expressly agreed to by GCWA in a yet to be established contractual agreement to support the proposed temporary permit application.



6-3-2025

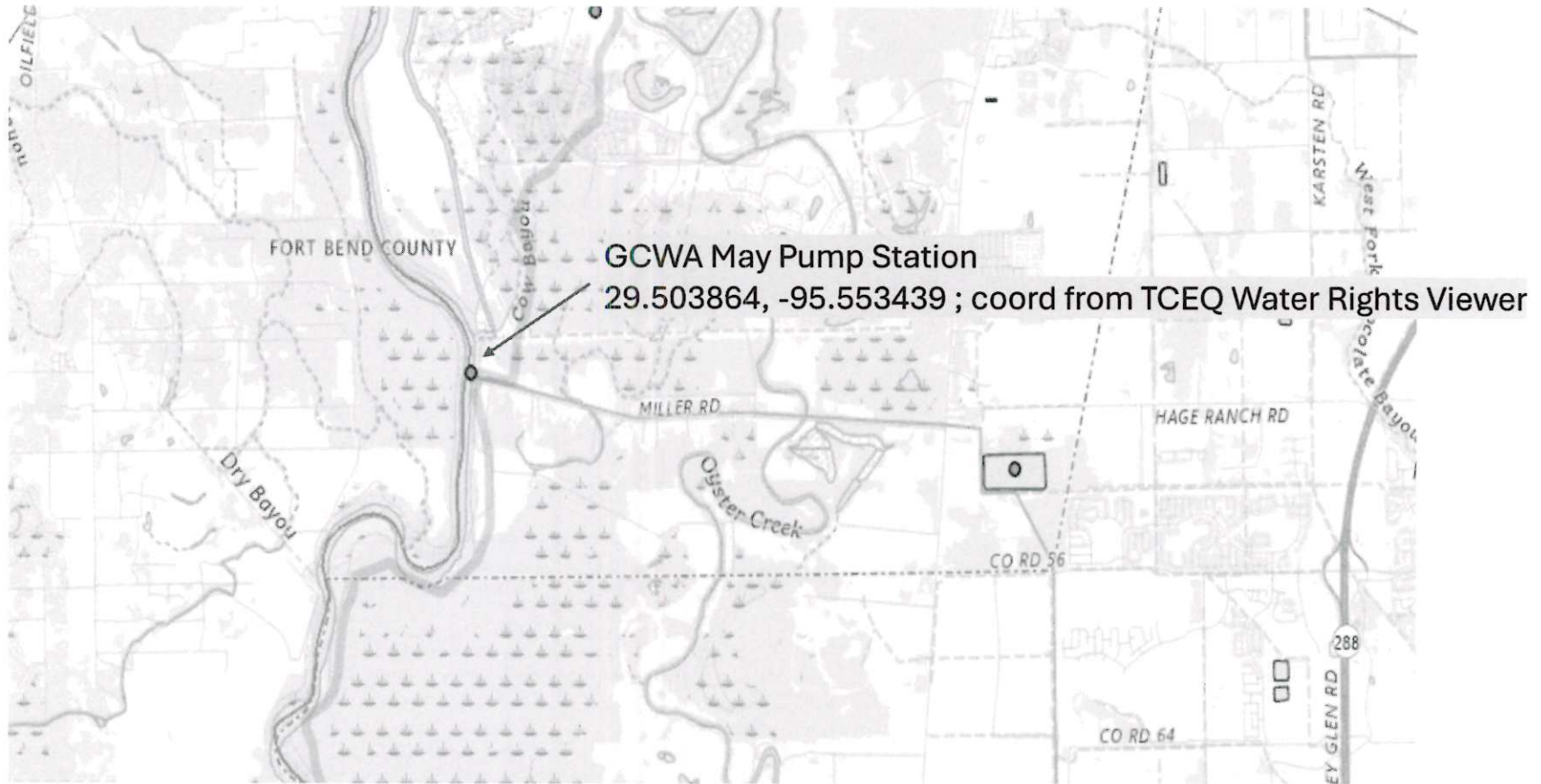
Jake Hollingsworth, Deputy General Manager /COO
Gulf Coast Water Authority

Dow hereby acknowledges that it is only entitled to use GCWA's facilities by agreement with GCWA, and that the proposed temporary surface water right permit amendment will not grant Dow an independent right to use GCWA's facilities for the delivery of water.



Denise Delaune, Vice President of Operations,
Dow U.S. Gulf Coast Site Director, Dow Texas Operations

Map of Proposed Additional Temporary Diversion Point for. Cert of Adj. 12 -5328





June 26, 2024

RE: DELEGATION OF AUTHORITY

I delegate to the following individual the authority to sign and execute documents on behalf of The Dow Chemical Company (the "Company") in the areas identified below associated with The Dow Chemical Company – Texas Operations site:

Name: Francine Quinlan Falcon
Position: EH&S Regional Leveraged Delivery Director
Facility: The Dow Chemical Company – Texas Operations Site
Address: 2301 N. Brazosport Boulevard, Freeport, Texas 77541

To the fullest extent permitted by law, this delegation includes the authority to sign all reports and permit applications under regulations implementing federal, state, or local environmental, health and safety laws and regulations, and to provide, where appropriate, other relevant information requested by the Administrator of the U.S. EPA or other federal, state or local environmental, health and safety agencies. Any environmental, health and safety documents signed or executed by Francine Quinlan Falcon shall have the same force and effect and shall bind The Company as if done by me. Without limiting the generality of the foregoing, I am an authorized signatory for the Company as defined in 40 CFR 98.4, 40 CFR 122.22, 40 CFR 144.32, and 40 CFR 270.11, and a Responsible Official as defined in 40 CFR 70.2.

In accordance with the Authorization Policy of the Company, I explicitly stipulate that the individual named above may re-delegate any authority granted by this Delegation provided that any such re-delegation must be executed in writing and approved by the Law Department as meeting requirements of the environmental regulations referenced in the paragraph above.

This Delegation shall remain in effect until rescinded or modified by me or my successor, in writing, and shall expire on June 30, 2027. This Delegation supersedes and replaces any prior delegations.

July 8, 2024
Date

John M. Sampson
John Sampson
Senior Vice President

STATE OF MICHIGAN)
) ss.
COUNTY OF MIDLAND)

July 8

The foregoing instrument was acknowledged before me on ~~June 26~~ July 8, 2024, by John Sampson, Senior Vice President of The Dow Chemical Company, a Delaware corporation, on behalf of the corporation.

Angela B. Brooks
Notary Public
Midland County, Michigan
My commission expires: April 6, 2025