

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Natalia Ponebshek Project Manager
Water Rights Permitting Team

DATE: July 31, 2020

SUBJECT: El Prado Stone, LP
ADJ 4169
CN604802546, RN108299280
Application No. 12-4169B to Amend Certificate of Adjudication
No. 12-4169
Texas Water Code § 11.122, Requiring Mailed and Published Notice
Unnamed tributary of Deadman Creek, Brazos River Basin
Shackelford County

The application was received on July 15, 2019. Additional information and fees were received on November 12, 2019 and June 25, June 29, July 1, and July 15, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on July 31, 2020. Full basin mailed and published notice is required to all water right holders in the Brazos River Basin pursuant to Title 30 Texas Administrative Code § 295.158(b).

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

Natalia Ponebshek

Natalia Ponebshek, 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*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 31, 2020

Mr. George Karutz
El Prado Stone, LP
115 W El Prado Dr Suite 1
San Antonio, TX 78212

VIA E-MAIL

RE: El Prado Stone, LP
ADJ 4169
CN604802546, RN108299280
Application No. 12-4169B to Amend Certificate of Adjudication No. 12-4169
Texas Water Code § 11.122, Requiring Mailed and Published Notice
Unnamed tributary of Deadman Creek, Brazos River Basin
Shackelford County

Dear Mr. Karutz:

This acknowledges receipt on June 25, June 29, July 1, and July 15, 2020 of additional information and fees in the amount of \$1,113.02 (Receipt No. M021587, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on July 31, 2020. 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 Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



Basis2 Receipt Report by Endorsement Number

JUL-28-20 02:48 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>
	M021587	ADJ124169	EL PRADO STONE LP	CK	3316		BS00081255	29-JUN-20	\$1113.02

Report_ID:

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Natalia Ponebshek

From: George Karutz <[REDACTED]>
Sent: Thursday, July 16, 2020 4:13 PM
To: Natalia Ponebshek
Cc: [REDACTED]
Subject: Re: Checking In

Thank you and appreciate your help getting all the open items addressed! Have a great day

Sent from my iPad

On Jul 16, 2020, at 3:33 PM, Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov> wrote:

Hello George,

I received your email with signature authority, and have forwarded it out to TCEQ staff for review. I will let you know as soon as the application becomes administratively complete.

Thank you,

Natalia Ponebshek, Project Manager

Water Rights Permitting Team

Water Rights Permitting and Availability Section

(512) 239-4641

From: George Karutz <[REDACTED]>
Sent: Thursday, July 16, 2020 3:22:31 PM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Cc: paul@championstonecompany.com <[REDACTED]>
Subject: Checking In

Natalia,

I just wanted to check back in with you to make sure my email got through with the Signature Authority?

Thanks,

George

Sent from my iPad

Natalia Ponebshek

From: George Karutz [REDACTED] >
Sent: Wednesday, July 15, 2020 5:50 PM
To: Natalia Ponebshek
Cc: [REDACTED]
Subject: Signature Authority Letter
Attachments: Signature Authority Letter - Executed.pdf

Natalia,

Find attached the Signature Authority documentation.

Please let me know that this got to you.

Thanks,

George



July 15, 2020

El Prado Stone, LP (d.b.a. Champion Stone Company)
115 W. El Prado Drive, Suite 1
San Antonio, Texas 78212

Subject: Signature Authority Acknowledgment - TCEQ

To: Texas Commission on Environmental Quality

This letter is to acknowledge that George E. Karutz is a General Partner of El Prado Stone, LP and as such has signature authority on behalf of the company and ability to execute documents and filing on behalf of the company with the Texas Commission on Environmental Quality (TCEQ).

Sincerely,

El Prado Stone, LP

RE: El Prado Stone - Deed

George Karutz <[REDACTED]>

Wed 7/1/2020 1:28 PM

To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>

Cc: [REDACTED]

 1 attachments (2 MB)

scan.pdf;

Natalia,

Please find attached the Notarized copy of the paperwork.

I sent the Deed in the 6/25/2020 email.

I am glad to put this into your preferred format (if it is not ok to submit via email). We will take reasonable measures to prevent impingement and entrainment of aquatic organisms, including putting a screen on the intake source.

Thank you,

George

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>**Sent:** Monday, June 29, 2020 5:46 PM**To:** George Karutz <[REDACTED]>**Cc:** [REDACTED]**Subject:** Re: El Prado Stone - Deed

Hello Mr. Karutz,

You can wait until all of the documents are together. The new deadline is July 13, 2020. If you have any questions, or need an extension for this deadline, please reach out.

Thank you,

Natalia Ponebshek, Project Manager

Water Rights Permitting Team

Water Rights Permitting and Availability Section

(512) 239-4641

From: George Karutz <[REDACTED]>**Sent:** Thursday, June 25, 2020 11:40 AM

To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>

Cc: [REDACTED]

Subject: El Prado Stone - Deed

Natalia,

Please find attached the Deed per your #2 additional information request on the El Prado Stone, LP letter dated 5/13/2020.

Also, I have all the other paperwork but am having trouble securing a Notary given all the Covid constraints. Would it be helpful if I send you what I have completed while we are looking for a Notary?

Thanks,

George

George Karutz, Jr. CFA

115 W. El Prado, Suite 1
San Antonio, Texas 78212
(210) 804-4240 Direct
(210) 363-7733 Mobile
(210) 579-1222 Fax

The information contained in this email is privileged and confidential. It is intended for the sole use of the addressee. Access to this email by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution, or action taken or omitted to be taken in reliance on it is prohibited and may be unlawful.

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, George Kantz
(Typed or printed name)General Partner
(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: _____

(Use blue ink)

Date: 6/25/2020

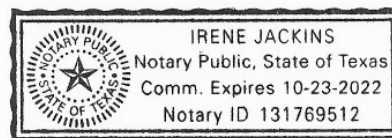
Subscribed and Sworn to before me by the said George Kantz
on this 25th day of June, 2020.

My commission expires on the 23rd day of October, 2022.

Irene Jackins
Notary Public

Bexar
County, Texas

[SEAL]



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

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 13, 2020

Mr. Paul Avidon
El Prado Stone, LP
7006 County Road 303
Lueders, TX 79533

VIA E-MAIL

RE: El Prado Stone, LP
ADJ 4169, CN604802546, RN108299280
Application No. 12-4169B to Amend Certificate of Adjudication No. 12-4169
Texas Water Code § 11.122, Requiring Mailed and Published Notice
Unnamed tributary of Deadman Creek, Brazos River Basin
Shackelford County

Dear Mr. Avidon:

This acknowledges receipt, on November 12, 2019, of additional information and fees in the amount of \$1,113.02 (Receipt Nos. M004965A and M004965B, copy enclosed).

Additional information is required before the application can be declared administratively complete.

1. Provide updated copies of Page 4 and Page 7 of the *Administrative Information Report* to reflect any changes in contact information for the application and to update the signature page. Note that if the person signing the application changes, updated signature authority must be provided.
2. Provide a recorded copy of the deed(s) for the property where the proposed reservoirs are located. The deed should include the legal description of the land (metes and bounds). Please note that the application must be in the name(s) of all landowners as shown on the deeds; otherwise, proper consent of the application must be provided pursuant to Title 30 Texas Administrative Code (TAC) §§ 295.10 - 295.12.
3. Confirm the applicant will implement reasonable measures to minimize impingement and entrainment of aquatic organisms. Such measures may include, but are not limited to, installation of screens on any new diversion structure(s).

Please provide the requested information by June 12, 2020 or the application may be returned pursuant to 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Enclosure

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • tceq.texas.gov

How is our customer service? tceq.texas.gov/customersurvey
printed on recycled paper

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: George Karut 2
Title: General Partner
Organization Name: El Prado Stone, LP
Mailing Address: 115 W. El Prado Drive, Suite 1
City: San Antonio State: TX ZIP Code: 78212
Phone No.: 210-363-7733 Extension:
Fax No.: E-mail Address: [REDACTED]



Basis2 Receipt Report by Endorsement Number

JUL-28-20 02:48 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>
	M021587	ADJ124169	EL PRADO STONE LP	CK	3316		BS00081255	29-JUN-20	\$1113.02

Report_ID:

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20150094 VOL. 405 PAGE 667
150202
SPECIAL WARRANTY DEED VOL. 573 PAGE 0933

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.
SPECIAL WARRANTY DEED

THE STATE OF TEXAS §

COUNTIES OF JONES AND §
SHACKELFORD §

THAT, CHAMPION STONE COMPANY, LLC, a Texas limited liability company (herein referred to as "Grantor") whose mailing address is P. O. Box 1509, Midland, Texas 79702, for and return of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid to Grantor by El Prado Stone, LP (herein referred to as "Grantee"), whose mailing address is 115 W. El Prado, Suite 1, San Antonio TX 78212, and other good and valuable consideration, the receipt and sufficiency of which consideration are hereby acknowledged, have GRANTED, SOLD AND CONVEYED and by these presents do GRANT, SELL and CONVEY unto Grantee, subject to the exceptions and encumbrances hereinafter set forth, those certain tracts of real property situated in Jones and Shackelford Counties, Texas more particularly described on Addendum A attached hereto, incorporated herein and made a part hereof for all purposes, together with (i) any and all improvements or fixtures located thereon; (ii) any and all appurtenant easements or rights of way affecting said real property and all of Grantor's rights to use same; (iii) any and all rights of ingress and egress to and from said real property and all of Grantor's rights to use same; (iv) any and all strips, gores or pieces of property abutting, bounding or which are adjacent or contiguous to said real property (whether owned or claimed by deed, limitations or otherwise); and (v) any and all mineral rights and interests of Grantor relating to said real property (present or reversionary) (vi) any and all water permits, any and all water rights owned by Grantor or relating to said real property [said real property together with any and all of the related improvements and rights are herein collectively referred to as the "Property"].

TO HAVE AND TO HOLD the Property together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, its successors and assigns forever, subject to the matters herein stated; and Grantor does hereby bind itself and its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor subject to any and all restrictions, covenants, conditions, mineral reservations and easements, if any, but only to the extent they are still in effect and shown of record in the above-mentioned Counties and State, all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect.

With respect to the physical condition of any and all improvements and personal property covered hereby and included in this conveyance, same are conveyed AS IS, WITH

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ALL FAULTS.

Grantor warrants that all ad valorem taxes and assessments for the Property for the year 2014 and all prior years have been fully paid. Subject to the foregoing, such taxes and assessments for the year 2015 have been prorated between the parties hereto as of the effective date of this Deed, and Grantee assumes liability for the payment thereof and for subsequent years. If such proration was based upon an estimate of such taxes and assessments for the year 2014, then upon demand the parties hereto, if necessary, shall promptly and equitably adjust all such taxes and assessments, as soon as actual figures for these items for calendar year 2015 are available.

This Deed is expressly subject to the Agreement to Purchase and Sell dated January 27, 2015 between Grantor and Grantee.

Champion Stone Company, LLC

By: 

Stephen C. Cole

It's:

Manager

THE STATE OF TEXAS

§
§
§

COUNTY OF MIDLAND

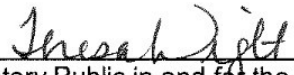
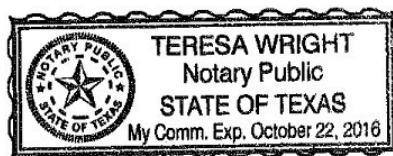
This instrument was acknowledged before me on January 27, 2015 by Stephen C. Cole as Manager of Champion Stone Company, LLC, a Texas limited liability company, on behalf of said company.

My commission expires:

10-22-16

After recording return to:

El Prado Stone, LP
115 W. Prado, Suite 1
San Antonio, Texas 78212


Notary Public in and for the State of TexasName Printed: 10-22-16 Teresa Wright

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ADDENDUM A
TO SPECIAL WARRANTY DEED

TRACT ONE:

320 acres of land, more or less, of the North half of Section 8, Block 14, T & P RR. Co. Lands, Jones and Shackelford Counties, Texas, and being more particularly described in 5 parcels as follows:

Parcel One:

161.40 acres of land, more or less out of and a part of the North ½ of Section 8, Block 14, T & P Railroad Company Survey in Jones and Shackelford Counties, Texas; said property was conveyed to Richard Schkade by deed dated April 4, 1978, of record in Volume 263, Page 504, Deed Records of Shackelford County, Texas; said 161.40 acres, more or less, is more particularly described as follows:

BEGINNING at a 5/8" iron pin set at the Northwest corner of said Section 8, same being the Southwest corner of Section 5, Block 14, T & P Railroad Company Survey for the Northwest corner of this tract;

THENCE North 83°20'39" East along the North boundary line of said Section 8, same being along the South boundary line of Section 5, same being along the South boundary line of a 634.85 acre tract conveyed to Lee Roy Nauert, et ux, by deed dated January 24, 1983, of record in Volume 287, Page 228, Deed Records of Shackelford County, Texas, a distance of 5,275.64 feet to a 5/8" iron pin set at the Northeast corner of said Section 8, same being the Southeast corner of said Nauert 634.85 acre tract for the Northeast corner of this tract;

THENCE South 6°07'25" East along the East boundary line of said Section 8, same being along the West boundary line of Section 7, Block 14, T & P Railroad Company Survey a distance of 1,132.81 feet to a 5/8" iron pin set for the Southeast corner of this tract;

THENCE South 81°14'55" West a distance of 2,399.99 feet to a 5/8" iron pin set for an interior corner of this tract;

THENCE South 5°31'07" East a distance of 225.55 feet to a 5/8" iron corner post set for the most southerly Southeast corner of this tract;

THENCE South 81°15'05" West a distance of 890.00 feet to a 5/8" iron corner post set on the South boundary line of this tract;

continued on following page

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ADDENDUM A
TO SPECIAL WARRANTY DEED
(CONTINUED)

THENCE South 84°33'48" West a distance of 2,001.80 feet to a 5/8" iron pin set on the West boundary line of said Section 8, said point also being in County Road No. 303, for the Southwest corner of this tract;

THENCE North 5° 31'07" West along the West boundary line of said Section 8 a distance of 1,436.20 feet to the point of beginning.

SAVE AND EXCEPT THE FOLLOWING TWO DESCRIBED PARCELS OF LAND:

Subparcel A:

29.94 acres of land, more or less, out of said Section No. 8, Block 14, T & P Railroad Company Survey, Shackelford County, Texas, described as follows:

BEGINNING at an iron pin for a corner said corner; said corner being 5°31'07" East 1,436.2 feet and North 84°33'48" East 2,000.8 feet from the Northwest corner of Section 8, Block 14, T & P Railroad Company Survey in Shackelford County, Texas; said corner also being the Northeast corner of a 53.83 acre survey made for Dennis Schkade on September 6, 1994, in Shackelford and Jones Counties.

THENCE South 84°33'48" West 300 feet along the North line of the 53.83 acre survey made for Dennis Schkade, to an iron pin set for the Southwest corner of this tract;

THENCE North 5°13'49" West 1,085.61 feet to an iron pin set for the northwest corner of this tract;

THENCE North 81°25'38" East 1,184.80 feet to an iron pin set for the Northeast corner of this tract;

THENCE South 5°31'07" East 1,100.00 feet to an iron pin set for the Southeast corner of this tract;

THENCE South 81°15'05" West 890.00 feet to the place of beginning.

Subparcel B:

Two acres of land, more or less, out of said Section No. 8, Block 14, T & P Railroad Company Survey, Jones County, Texas, described as follows:

COMMENCING at a 5/8" iron pin set at the Northwest corner of said Section 8, the same being the Southwest corner of Section 5, Block 14, T & P Railroad Company Survey;

continued on following page

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ADDENDUM A
TO SPECIAL WARRANTY DEED
(CONTINUED)

THENCE, South 5°31'07" East along the West boundary line of said Section 8 a distance of 80.00 feet to a point on said West boundary line, and also being in County Road No. 303, for the PLACE OF BEGINNING of this two acre tract;

THENCE, North 83°20'39" East a distance of 296.00 feet to a point for a corner;

THENCE, South 5°31'07" East a distance of 296.00 feet to a point for a corner;

THENCE, South 83°20'39" West a distance of 296.00 feet to a point for a corner on the West boundary line of said Section 8, said point also being in County Road No. 303;

THENCE, North 5° 31'07" West along the West boundary line of said Section 8 a distance of 296.00 feet to the PLACE OF BEGINNING.

Parcel Two:

The surface only of 29.94 acres of land out of and a part of Section No. 8, Block 14, T & P RR Company Lands, described by metes and bounds as follows to-wit:

BEGINNING at an iron pin for a corner said corner being 5°31'07" East 1,436.2 feet and North 84°33'48" East 2,000.8 feet for the Northwest corner of Section 8, Block 14, T & P Railroad Company Survey in Shackelford County, Texas; said corner also being the Northeast corner of a 53.83 acre survey made for Dennis Schkade on September 6, 1994, in Shackelford and Jones Counties.

THENCE South 84°33'48" West 300 feet along the North line of the 53.83 acre survey made for Dennis Schkade, to an iron pin set for the Southwest corner of this tract;

THENCE North 5°13'49" West 1,085.61 feet to an iron pin set for the northwest corner of this tract;

THENCE North 81°25'38" East 1,184.80 feet to an iron pin set for the Northeast corner of this tract;

THENCE South 5°31'07" East 1,100.00 feet to an iron pin set for the Southeast corner of this tract;

THENCE South 81°15'05" West 890.00 feet to the place of beginning.

continued on following page

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ADDENDUM A
TO SPECIAL WARRANTY DEED
(CONTINUED)

Parcel Three:

161.46 acres of land, more or less, out of and a part of the North ½ of Section 8, Block 14, T & P Railroad Company Survey in Jones and Shackelford Counties, Texas; said property was conveyed to Richard Schkade by deed dated April 4, 1978, of record in Volume 264, Page 504, Deed Records of Shackelford County, Texas; said 161.46 acres, more or less is more particularly described as follows:

BEGINNNING at a 5/8" iron pin set in the West boundary line of said Section 8 for the Northwest corner of this tract, said point being 1,436.20 feet South 5°31'07" East from the Northwest corner of said Section 8 and the Southwest corner of Section 5, Block 14, T & P Railroad Company Survey;

THENCE North 84°33'48" East a distance of 2,001.08 feet to a 5/8" iron corner post set on the North boundary line of this tract;

THENCE North 81°15'05" East a distance of 890.00 feet to a 5/8" iron corner post for an interior corner of this tract;

THENCE North 5°31'07" East a distance of 225.55 feet to a 5/8" iron pin set for the most westerly Northeast corner of this tract;

THENCE North 81°14'55" East a distance of 2,399.99 feet to a 5/8" iron pin set in the East boundary line of said Section 8, same being on the West boundary line of Section 7, Block 14, T & P Railroad Company Survey;

THENCE South 6°05'54" East along the East boundary line of said Section 8 a distance of 1,583.60 feet to a 5/8" iron pin set for the Southeast corner of this tract, said point being the Northeast corner of the Southeast ¼ of said Section 8;

THENCE South 84°41'11" West along the North boundary line of a 160 acre tract of land conveyed to the William Watt Matthews Royalty Trust by deed dated November 16, 1983, of record in Volume 294, Page 215, Deed Records of Shackelford County, Texas, at 2,632.80 feet pass the Northwest corner of said Matthews 160 acre tract same being the Northeast corner of a 160.01 acre tract of land conveyed to Jessie Deola Doby by deed dated August 5, 1988, of record in Volume 424, Page 731, Deed Records of Shackelford County, Texas, and continue along the North line of said Doby 160.01 acre tract a total distance of 3,300.06 feet to a 5/8" iron pin set in the South boundary line of this tract;

THENCE South 84°00'07" West continue along the North boundary line of said Doby 160.01 acre tract a distance of 2,002.48 feet to a 5/8" iron pin set in the West boundary line of said Section 8 for the Southwest corner of this tract, same being the Northwest corner of the said Doby 160.01 acre tract;

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ADDENDUM A
TO SPECIAL WARRANTY DEED
(CONTINUED)

THENCE North 5°31'07" West along the West boundary line of said Section 8 a distance of 1,181.00 feet to the point of beginning.

SAVE AND EXCEPT from the above described 161.46 acres of land, 53.83 acres, more or less, and being the same land conveyed to Diane Willson in Partition Deed dated August 23, 2001, recorded in Volume 481, Page 98, Official Public Records of Shackelford County, Texas, reference to which instrument is herein made for description purposes.

Parcel Four:

A tract of land out of Section 8, Block 14, T. & P. RR. Co. Lands in Shackelford and Jones Counties, Texas, to-wit:

BEGINNING at the most southerly corner of the 161.46 acre tract above described, the same being the Southwest corner of said tract;

THENCE North 05 degrees 31' 07" West 450 feet with the West line of said 161.46 acre tract;

THENCE in an Easterly direction, parallel with the south line of said 161.46 acre tract to a point in the East line of said 161.46 acre tract;

THENCE South with the east line of said 161.46 acre tract to the southeast corner of said 161.46 acre tract, said point being the NE corner of the SE/4 of said Section 8;

THENCE Westerly with the south boundary of said 161.46 acre tract to the place of beginning, being approximately 53.83 acres of land, and being the same land conveyed to Diane Willson in Partition Deed dated August 23, 2001, recorded in Volume 481, Page 98, Official Public Records of Shackelford County, Texas.

Parcel Five:

Two acres of land, more or less, out of said Section No. 8, Block 14, T & P Railroad Company Survey, Jones County, Texas, described as follows:

COMMENCING at a 5/8" iron pin set at the Northwest corner of said Section 8, the same being the Southwest corner of Section 5, Block 14, T & P Railroad Company Survey;

THENCE, South 5°31'07" East along the West boundary line of said Section 8 a distance of 80.00 feet to a point on said West boundary line, and also being in County Road No. 303, for the PLACE OF BEGINNING of this two acre tract;

continued on following page

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ADDENDUM A
TO SPECIAL WARRANTY DEED
(CONTINUED)

THENCE, North 83°20'39" East a distance of 296.00 feet to a point for a corner;

THENCE, South 5°31'07" East a distance of 296.00 feet to a point for a corner;

THENCE, South 83°20'39" West a distance of 296.00 feet to a point for a corner on the West boundary line of said Section 8, said point also being in County Road No. 303;

THENCE, North 5° 31'07" West along the West boundary line of said Section 8 a distance of 296.00 feet to the PLACE OF BEGINNING.

20150094

No. _____

FILED FOR RECORD
AT 10:46 O'CLOCK A M
ON THE 2nd DAY OF
Feb A.D. 2015.

STATE OF TEXAS

COUNTY OF SHACKELFORD

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the Official Public Records of Shackelford County, Texas.



Cheri Hawkins
Cheri Hawkins, County Clerk, Shackelford County, TX
mar 16

Cheri Hawkins
Cheri Hawkins, County Clerk, Shackelford County, Texas

OFFICIAL PUBLIC RECORDS

VOL. 573 PAGE 933RECORDED 2/2/2015

150202

No. _____

FILED FOR RECORD
AT 3 O'CLOCK P M
ON THE 2nd DAY OF
Feb A.D. 2015.

STATE OF TEXAS

COUNTY OF JONES

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the Official Public Records of Jones County, Texas.



LeeAnn Jennings
LeeAnn Jennings, County Clerk, Jones County, TX
BY J. Maria McNeely Deputy

LeeAnn Jennings
LeeAnn Jennings, County Clerk, Jones County, Texas

OFFICIAL PUBLIC RECORDS

VOL. 405 PAGE 667RECORDED 2-2-15

Natalia Ponebshek

From: Natalia Ponebshek
Sent: Thursday, June 18, 2020 2:37 PM
To: [REDACTED]
Cc: Sarah Henderson
Subject: El Prado Stone, L.P. Application No. 12-4169
Attachments: El_Prado_Stone_LP_12-4169_RFI #2_05.13.2020.pdf; El_Prado_Stone_LP_12-4169B_Follow up RFI #2_06.18.2020.pdf

Hello Mr. Avidon,

Please find the attached follow up for a request for information for the abovementioned application. A response is due by July 13, 2020.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 18, 2020

Mr. Paul Avidon
El Prado Stone, LP
7006 County Road 303
Lueders, TX 79533

VIA E-MAIL

RE: El Prado Stone, LP
ADJ 4169, CN604802546, RN108299280
Application No. 12-4169B to Amend Certificate of Adjudication No. 12-4169
Texas Water Code § 11.122, Requiring Mailed and Published Notice
Unnamed tributary of Deadman Creek, Brazos River Basin
Shackelford County

Dear Mr. Avidon:

This is a follow-up to our previous letter dated May 13, 2020 (copy enclosed) requesting additional information and fees for the referenced application. To date, a response has not been received.

Please submit the information requested by July 13, 2020 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Enclosure


El Prado Stone, LP Application No. 12-4169

Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>

Wed 5/13/2020 11:01 AM

To: [REDACTED]; Jason Manning

Cc: Sarah Henderson <sarah.henderson@tceq.texas.gov>

 2 attachments (665 KB)

El_Prado_Stone_LP_12-4169_Receipt#2.pdf; El_Prado_Stone_LP_12-4169_RFI#2_Signed.pdf;

Hello Mr. Manning,

Please find the attached request for information for the abovementioned application. A response is due by June 12, 2020.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 13, 2020

Mr. Paul Avidon
El Prado Stone, LP
7006 County Road 303
Lueders, TX 79533

VIA E-MAIL

RE: El Prado Stone, LP
ADJ 4169, CN604802546, RN108299280
Application No. 12-4169B to Amend Certificate of Adjudication No. 12-4169
Texas Water Code § 11.122, Requiring Mailed and Published Notice
Unnamed tributary of Deadman Creek, Brazos River Basin
Shackelford County

Dear Mr. Avidon:

This acknowledges receipt, on November 12, 2019, of additional information and fees in the amount of \$1,113.02 (Receipt Nos. M004965A and M004965B, copy enclosed).

Additional information is required before the application can be declared administratively complete.

1. Provide updated copies of Page 4 and Page 7 of the *Administrative Information Report* to reflect any changes in contact information for the application and to update the signature page. Note that if the person signing the application changes, updated signature authority must be provided.
2. Provide a recorded copy of the deed(s) for the property where the proposed reservoirs are located. The deed should include the legal description of the land (metes and bounds). Please note that the application must be in the name(s) of all landowners as shown on the deeds; otherwise, proper consent of the application must be provided pursuant to Title 30 Texas Administrative Code (TAC) §§ 295.10 - 295.12.
3. Confirm the applicant will implement reasonable measures to minimize impingement and entrainment of aquatic organisms. Such measures may include, but are not limited to, installation of screens on any new diversion structure(s).

Please provide the requested information by June 12, 2020 or the application may be returned pursuant to 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section


Enclosure

El Prado Stone LP Application No. 12-4169

Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>

Thu 2/20/2020 12:11 PM

To: jason [REDACTED] >

 1 attachments (321 KB)

El_Prado_Stone_LP_4169_Sign in sheet.pdf;

Hello,

Please find the attached sign in sheet from last week's conference call. Feel free to contact me if you have any questions.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

El Prado Stone, LP
Meeting Date: 02/14/2020
Conference Room f3107a

Name	Employer	Contact number or email
Natalia Ponebshek/ Project Manager	TCEQ, Water Rights Permitting	(512) 239-4641 Natalia.Ponebshek@tceq.texas.gov
Chris Kozlowski	TCEQ	512.239-1891
Andrew Garcia	TCEQ	
Chris Peters	TCEQ	512-239-1007

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 21, 2019

Mr. Jason Manning
El Prado Stone, LP
7006 County Road 303
Lueders, TX 79533

CERTIFIED MAIL

RE: El Prado Stone, LP
ADJ 4169
CN604802546, RN108299280
Application No. 12-4169B to Amend Certificate of Adjudication No. 12-4169
Texas Water Code § 11.122, Requiring Mailed and Published Notice
Unnamed Tributary of Deadman Creek, Brazos River Basin
Shackelford County

Dear Mr. Manning:

This is a follow-up to our previous letter dated September 11, 2019 (copy enclosed) requesting additional information and fees for the referenced application. To date, a response has not been received.

Please submit the information requested by November 11, 2019 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

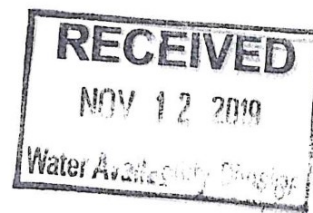
If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

A handwritten signature in blue ink, appearing to read "Natalia Ponebshek".

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Enclosure



Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 11, 2019

Mr. Jason Manning
El Prado Stone, LP
7006 County Road 303
Lueders, TX 79533

CERTIFIED MAIL

9489 0090 0027 6009 6490 86

RE: El Prado Stone, LP
ADJ 4169
CN604802546, RN108299280
Application No. 12-4169B to Amend Certificate of Adjudication No. 12-4169
Texas Water Code § 11.122, Requiring Mailed and Published Notice
Unnamed Tributary of Deadman Creek, Brazos River Basin
Shackelford County

Dear Mr. Manning:

This acknowledges receipt, on July 15, 2019, of the referenced application.

Additional information and fees are required before the application can be declared administratively complete.

1. Complete Item 1 in *Worksheet 5.0 Environmental Information*.
2. Complete *Worksheet 1.0 Quantity, Purpose and Place of Use*.
3. Remit fees in the amount of \$1,113.02 as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee (Amendment)	\$ 100.00
Recording Fee	\$ 12.50
Storage Fee (6.367 acre-feet)	\$ 3.18
Notice Fee (Brazos River Basin)	\$ 997.34
TOTAL FEES	\$ 1,113.02
FEES RECEIVED	\$ 0.00
TOTAL FEES DUE	\$ 1,113.02

Please provide the requested information and fees by October 11, 2019 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

Mr. Jason Manning
ADJ 4169
September 11, 2019
Page 2 of 2

If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

A handwritten signature in black ink, appearing to read 'Natalia Ponebshek', with a stylized, flowing script.

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

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**
TANK 1 4.20	none	Irrigation	CHAMPION STONE 7006 CR 303 LUEDERS, TX. 79533	SAME
TANK 2 2.17	none	Irrigation	CHAMPION STONE 7006 CR 303 LUEDERS, TX. 79533	SAME

*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 17.71 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 388 acres in Jones/Shackelford County, TX.

ii) Location of land to be irrigated: In the 99° 36' 49.45" W Original Survey No. 1, Abstract No. 1.

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.

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

This worksheet is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for: requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. **Instructions, Page 28.**

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

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

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 map submitted with the application indicating the location of the photograph and the direction of the shot.
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).
3. 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.

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

For all bed and banks applications:

- a. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).

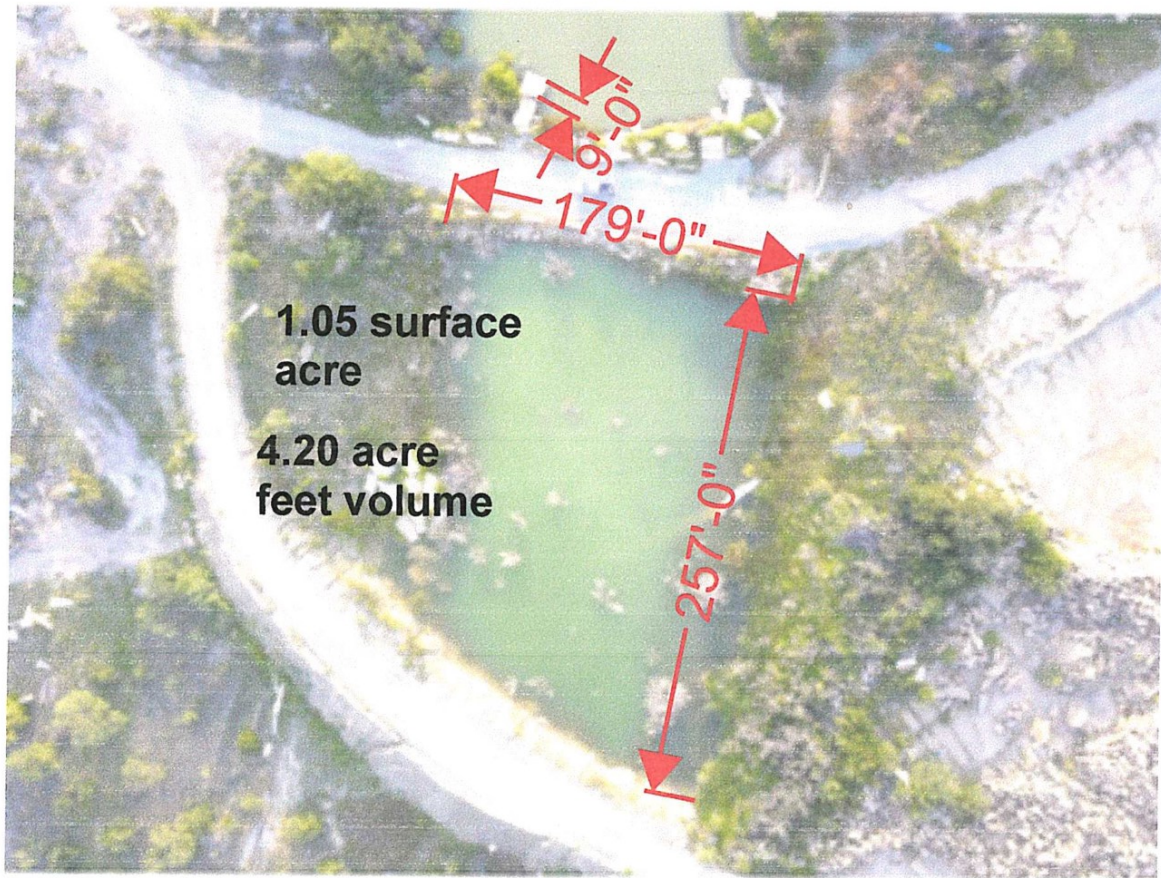
ADDENDUM TO WORKSHEET 5.0

1. See attached for photographs of impoundment areas
2. The applicant will not add to or modify the existing impoundment structure in any way. There are currently no screens or other filtration structures that would cause impingement or entrainment of aquatic organisms.
3. The applicant does not propose a proposed reservoir.

Done

2 of 3

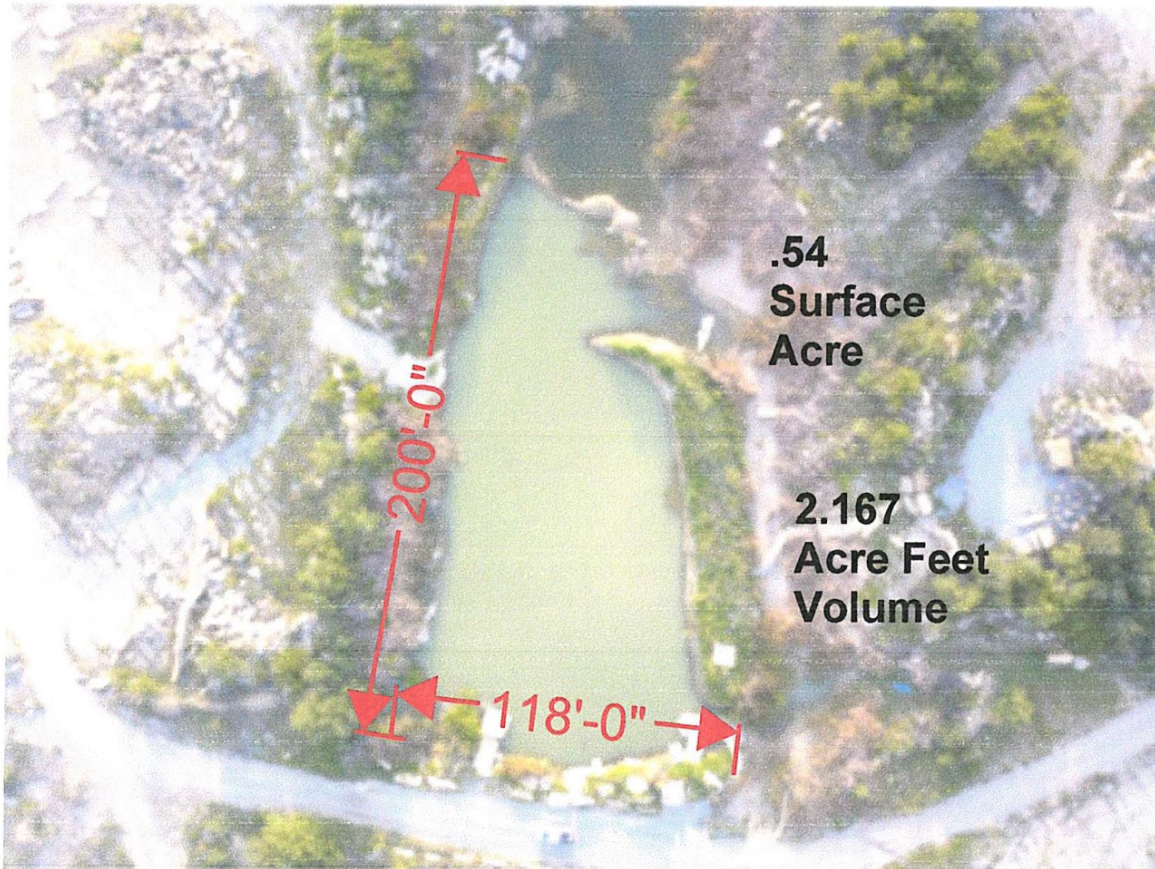
Tank 1



Done

3 of 3

Tank 2



Champion Stone Company

Total acreage 388. Total irrigation area 17.71 acres. Irrigation area is located in Jones County and two impoundments are located in Shackelford County.

Irrigation Area **17.71 Acres** 32°41'21.16"N 98°36'49.45"W

318.74 Acres

Tank 1 - 4.20 acre feet
Tank 2 - 2.17 acre feet

Champion Stone 75 acres

Jones County

Shackelford County

- Legend**
- Acres
 - Champion Stone Company
 - Feature 1

El Prado Stone, L.P. Application No. 12-4169

Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>

Fri 11/1/2019 9:31 AM

To: jason [REDACTED] m>

Cc: Sarah Henderson <sarah.henderson@tceq.texas.gov>

Good Morning Jason,

Per our phone call, below is the mailing address to send the check/ request for information response. Please let me know if you have any further questions.

P.O. Box 13087
Austin, TX 78711

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 21, 2019

Mr. Jason Manning
El Prado Stone, LP
7006 County Road 303
Lueders, TX 79533

CERTIFIED MAIL

9489 0090 0027 6009 6491 54

RE: El Prado Stone, LP
ADJ 4169
CN604802546, RN108299280
Application No. 12-4169B to Amend Certificate of Adjudication No. 12-4169
Texas Water Code § 11.122, Requiring Mailed and Published Notice
Unnamed Tributary of Deadman Creek, Brazos River Basin
Shackelford County

Dear Mr. Manning:

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Please submit the information requested by November 11, 2019 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

A handwritten signature in black ink, appearing to read "Natalia Ponebshek", written over a horizontal line.

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Enclosure

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 11, 2019

Mr. Jason Manning
El Prado Stone, LP
7006 County Road 303
Lueders, TX 79533

CERTIFIED MAIL

9489 0090 0027 6009 6490 86

RE: El Prado Stone, LP
ADJ 4169
CN604802546, RN108299280
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Shackelford County

Dear Mr. Manning:

This acknowledges receipt, on July 15, 2019, of the referenced application.

Additional information and fees are required before the application can be declared administratively complete.

1. Complete Item 1 in *Worksheet 5.0 Environmental Information*.
2. Complete *Worksheet 1.0 Quantity, Purpose and Place of Use*.
3. Remit fees in the amount of \$1,113.02 as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee (Amendment)	\$ 100.00
Recording Fee	\$ 12.50
Storage Fee (6.367 acre-feet)	\$ 3.18
<u>Notice Fee (Brazos River Basin)</u>	<u>\$ 997.34</u>
TOTAL FEES	\$ 1,113.02
<u>FEES RECEIVED</u>	<u>\$ 0.00</u>
TOTAL FEES DUE	\$ 1,113.02

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Mr. Jason Manning
ADJ 4169
September 11, 2019
Page 2 of 2

If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

A handwritten signature in black ink, appearing to be 'N. Ponebshek', with a stylized, flowing script.

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section


El Prado Stone, LP, ADJ 4169

Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>

Wed 9/11/2019 12:51 PM

To: jason [REDACTED] m>

Cc: Sarah Henderson <Sarah.Henderson@tceq.texas.gov>

 1 attachments (583 KB)

El_Prado_Stone_LP_4169_RFI#1_Final.pdf;

Hello Mr. Manning,

Please find the attached request for information for the abovementioned application. A response is due by October 11, 2019. A copy of this letter has been mailed.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 11, 2019

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El Prado Stone, LP
7006 County Road 303
Lueders, TX 79533

CERTIFIED MAIL

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Mr. Jason Manning
ADJ 4169
September 11, 2019
Page 2 of 2

If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

A handwritten signature in black ink, appearing to be 'N. Ponebshek', with a stylized, flowing script.

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

**Basis2 Receipt Report by Endorsement Number**

APR-21-20 08:17 AM

<u>Acct. #:</u>	<u>Account Name:</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>
PTGU	NOTICE FEES WUP WATER USE PERMITS									
<u>Paid For</u>										
		M004965B	ADJ124169B	EL PRADO STONE LP	CK	2431		BS00076629	13-NOV-19	\$997.34
 <u>Acct. #:</u>	 <u>Account Name:</u>									
WUP	WATER USE PERMITS									
<u>Paid For</u>										
AMEND		M004965A	ADJ124169B	EL PRADO STONE LP	CK	2431		BS00076629	13-NOV-19	\$115.68

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): El Prado Stone, LP - Jason Manning

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	
<u>Y</u>	Administrative Information Report	<u>Y</u>	Worksheet 3.0
<u>N</u>	Additional Co-Applicant Information	<u>Y</u>	Additional W.S 3.0 for each Point
<u>N</u>	Additional Co-Applicant Signature Pages	<u>Y</u>	Recorded Deeds for Diversion Points
<u>Y</u>	Written Evidence of Signature Authority	<u>Y</u>	Consent For Diversion Access
<u>Y</u>	Technical Information Report	<u>N</u>	Worksheet 4.0
<u>N</u>	USGS Map (or equivalent)	<u>N</u>	TPDES Permit(s)
<u>Y</u>	Map Showing Project Details	<u>N</u>	WWTP Discharge Data
<u>Y</u>	Original Photographs	<u>N</u>	24-hour Pump Test
<u>N</u>	Water Availability Analysis	<u>N</u>	Groundwater Well Permit
<u>N</u>	Worksheet 1.0	<u>N</u>	Signed Water Supply Contract
<u>N</u>	Recorded Deeds for Irrigated Land	<u>N</u>	Worksheet 4.1
<u>N</u>	Consent For Irrigation Land	<u>N</u>	Worksheet 5.0
<u>N</u>	Worksheet 1.1	<u>N</u>	Addendum to Worksheet 5.0
<u>N</u>	Addendum to Worksheet 1.1	<u>N</u>	Worksheet 6.0
<u>N</u>	Worksheet 1.2	<u>N</u>	Water Conservation Plan(s)
<u>N</u>	Addendum to Worksheet 1.2	<u>N</u>	Drought Contingency Plan(s)
<u>Y</u>	Worksheet 2.0	<u>N</u>	Documentation of Adoption
<u>Y</u>	Additional W.S 2.0 for Each Reservoir	<u>N</u>	Worksheet 7.0
<u>Y</u>	Dam Safety Documents	<u>N</u>	Accounting Plan
<u>N</u>	Notice(s) to Governing Bodies	<u>Y</u>	Worksheet 8.0
<u>Y</u>	Recorded Deeds for Inundated Land	<u>Y</u>	Fees
<u>Y</u>	Consent For Inundation Land		

For Commission Use Only:

Proposed/Current Water Right Number: _____

Basin: _____ Watermaster area Y/N: _____

RECEIVED

JUL 15 2019

Water Availability Division

ADMINISTRATIVE INFORMATION REPORT

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

*****Applicants are strongly encouraged 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) 239-4691.**

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."

Use existing water rights as an alternate

Source to permit two existing water resources

2. APPLICANT INFORMATION (Instructions, Page, 6)

a. Applicant

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?

(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: 604862546 (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: El Prado Stone, LP / Jason E. Manning

Title: Chief Operating Officer

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

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: El Prado Stone, LP DBA Champion Stone Co.

Mailing Address: 7006 County Rd. 303

City: Lueders State: Tx ZIP Code: 79533

Indicate an X next to the type of Applicant:

<input type="checkbox"/> Individual	<input type="checkbox"/> Sole Proprietorship-D.B.A.
<input checked="" 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 _____

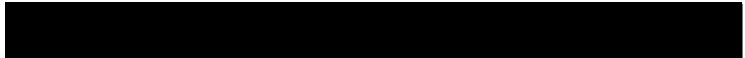
For Corporations or Limited Partnerships, provide:

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: Jason Manning
Title: Chief Operating Officer
Organization Name: El Prado Stone, LP DBA Champion Stone Co.
Mailing Address: 7006 CR 303
City: Lueders State: Tx ZIP Code: 79533
Phone No.: 325-548-2568 Extension:
Fax No.: E-mail Address:



N/A

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 No.:

Extension:

Fax No.:

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) 239-4691, 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).

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Jason E. Manning 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: [Signature] Date: 7/10/2019
(Use blue ink)

Subscribed and Sworn to before me by the said

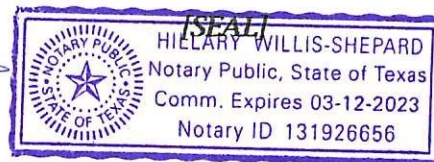
on this 10 day of July, 2019.

My commission expires on the 12 day of March, 2023.

Notary Public

[Signature]

County, Texas



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

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 strongly encouraged 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 call Water Availability Division at (512) 239-4691 to schedule a meeting. Applicant attended a pre-application meeting with TCEQ Staff for this Application? ☒ Y / N (If yes, date : 3/27/2019).

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. See instructions page. 6.*

Water Right (Certificate or Permit) number you are requesting to amend: 12-4169

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)

- 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) 239-4691 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).

N/A

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":

Not in Regional development Plan

Not inconsistent with Goals of regional water plan.

- 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

N/A

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) (Include losses for Bed and Banks)	State Water Source (River Basin) or Alternate Source *each alternate source (and new appropriation based on return flows of others) also requires completion of Worksheet 4.0	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:

1. 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.

N/A

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.

N/A

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 § 10.051.

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);

N/A

- 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.

N/A

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 such amendments which include changes in use, changes in place of use, or other non-substantive changes in a water right (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.

N/A

- 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 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 2.0

Impoundment/Dam Information - Reservoir 1

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: N/A
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 4.2 acre feet
- c. The impoundment is on-channel ☒ or off-channel ☐ (mark one)
1. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4691? Y / ☒ N
 2. 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: 6/15/2014
 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: 1.05.
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) 239-4691).

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): unnamed tributary of Deadman's creek
- b. Zip Code: 79533
- 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.*

Reservoir 1

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

Latitude 32.689469 °N, Longitude -99.603139 °W.

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

- di. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Maps
- dii. 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):

1. Point 1 Diversion Point No.
2. N/A Upstream Limit of Diversion Reach No.
3. N/A Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for this new point 1.67 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 1.67 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	Existing
	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) 239-4691, prior to submitting application)

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Unnamed tributary of Dead Man's Creek
- 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 32.689469 °N, Longitude -99.603137 °W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
Point 1 - Divert anywhere along perimeter
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Maps
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- 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.

WORKSHEET 2.0

Impoundment/Dam Information - Reservoir 2

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: N/A
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 2,167 acre Feet
- c. The impoundment is on-channel ☒ or off-channel ☐ (mark one)
 1. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4691? Y / ☒ N
 2. 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: 6/15/2014
 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: .54.
 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) 239-4691).

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): unamed tributary of Deadman's creek
- b. Zip Code: 79533
- 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. Reservoir 2
A point on the centerline of the dam (on-channel) or anywhere within the impoundment (off-channel) is:
Latitude 32.689501 °N, Longitude -99.602261 °W.
**Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*
- di. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Maps
- dii. 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):

1. Point 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 1.67 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 1.67 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	<u>Existing</u>
	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) 239-4691, prior to submitting application)

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Unnamed tributary of Dead Man's Creek
- 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 32.689501°N, Longitude -99.602261°W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- Point 1 - Divert anywhere along perimeter*
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Maps
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- 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.

N/A

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 _____ % and explain the method of calculation: _____

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, 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, 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) _____.

- 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. Any 24 hour pump test for the well if one has been conducted. 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.

- 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 _____

N/A

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: _____
- f. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.
- g. Point is at:
Latitude _____°N, Longitude _____°W.
**Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*
- h. 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

N/A

This worksheet is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for: requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. **Instructions, Page 28.**

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

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.

N/A

- ☐ Wilderness: outstanding natural beauty; usually wooded or ungrazed 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

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 map submitted with the application indicating the location of the photograph and the direction of the shot.
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).
3. 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.

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

For all bed and banks applications:

- a. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).

N/A

- b. 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.

If the alternate source is treated return flows, provide the TPDES permit number _____

If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:

- a. 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.

- b. 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 512-239-4691, 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.
 2. Request to amend water right to increase appropriation of State Water.
 3. Request to amend water right to extend a term.
 4. Request to amend water right to change a place of use.
**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.
**applicant need only address new uses.*
 6. Request for bed and banks under TWC § 11.042(c), when the source water is State Water
**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)(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

N/A
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

N/A

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 512-239-4691 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.

WORKSHEET 8.0 CALCULATION OF FEES

This worksheet is for calculating required application fees. Applications are not Administratively Complete until all required fees are received. Instructions, Page. 34

1. NEW APPROPRIATION

	Description	Amount (\$)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$). <u>In Acre-Feet</u> a. Less than 100 \$100.00 b. 100 - 5,000 \$250.00 c. 5,001 - 10,000 \$500.00 d. 10,001 - 250,000 \$1,000.00 e. More than 250,000 \$2,000.00	
Recording Fee		\$25.00
Agriculture Use Fee	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
Use Fee	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
Recreational Storage Fee	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
Storage Fee	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	997.34
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4691.	
TOTAL		\$

2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
Filing Fee	Amendment: \$100 OR Sever and Combine: \$100 x ___ of water rights to combine	100.00
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$ 112.50

3. BED AND BANKS

	Description	Amount (\$)
Filing Fee		\$100.00
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$ 1109.84