TCEQ Interoffice Memorandum

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

Thru: Chris Kozlowski, Team Leader
Water Rights Permitting Team

From: Joshua Schauer, Project Manager
Water Rights Permitting Team

Date: October 12, 2020

Subject: Larry Wayne Adams
ADJ 2814
CN602673691, RN106506710
Application No. 12-2814B to Sever a Portion of Certificate of Adjudication No. 12-3653 and Combine it with and Amend Certificate of Adjudication No. 12-2814
Texas Water Code § 11.122, Limited Mailed Notice Required
Leon River, Brazos River Basin
Comanche County

The application and partial fees were received on July 29, 2020. Additional information and fees were received on September 22 and 29, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on October 12, 2020. Notice to interjacent water right holders of record in the Brazos River Basin is required pursuant to Title 30 Texas Administrative Code § 295.158 (c)(3)(D).

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

Joshua Schauer

Joshua Schauer, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required **X YES** ☐**NO**

October 12, 2020

Mr. Richard George, Environmental Consultant
Enviro-Ag Engineering, Inc.
9855 FM 847
Dublin, Texas 76446

VIA E-MAIL

RE: Larry Wayne Adams
ADJ 2814
CN602673691, RN106506710
Application No. 12-2814B to Sever a Portion of Certificate of Adjudication No. 12-3653 and Combine it with and Amend Certificate of Adjudication No. 12-2814
Texas Water Code § 11.122, Limited Mailed Notice Required
Leon River, Brazos River Basin
Comanche County

Dear Mr. George:

This acknowledges receipt, on September 22, September 29, of the additional information and fees in the amount of $120.58 (Receipt No. M100964 attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on October 12, 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 this matter please contact me via email at Joshua.schauer@tceq.texas.gov or by phone at (512) 239-1371.

Sincerely,

Joshua Schauer

Joshua Schauer, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment

Basis2 Receipt Report by Endorsement Number

SEP-30-20 10:41 AM

Acct. #: WUP Account Name: WATER USE PERMITS

Paid For	Endors. #	Ref #2	Paid In By	PayTyp	Chk #	Card#	Bank Slip	Tran.Date	Receipt Amnt.
	M100964	122814B	ADAMS FARM PARTNERSHIP	CK	1018		BS00082902	29-SEP-20	$20.58

Joshua Schauer

From: Richard George [redacted]
Sent: Tuesday, September 22, 2020 10:01 AM
To: Joshua Schauer
Cc: Corey Mullin
Subject: Larry Adams 12-2814B
Attachments: Scanned Response.pdf

Mr. Schauer, attached is the response to the RFI for Larry Adams. The hard copy with payment is going out in the mail today.

Thanks,

Richard George
Environmental Consultant
NMP Specialist
Enviro-Ag. Engineering Inc.

Office Direct# 254-233-9948
Cell# 254-485-3436

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ENVIRO-AG ENGINEERING, INC.
AMARILLO · STEPHENVILLE · ARTESIA

Corporate Office:
3404 Airway Blvd.
Amarillo TX 79118

Central Texas:
9855 FM 847
Dublin TX 76446

New Mexico:
203 East Main Street
Artesia NM 88210

September 22, 2020

TCEQ
Attn: Joshua Schauer
Water Rights Permitting & Availability (MC-160)
P.O. Box 13087
Austin, TX 78711-3087

Re: Larry Wayne Adams
App. No. 12-2814B

Mr. Schauer,

Attached please find the response to the RFI dated September 15, 2020 for the above referenced application. Please call or email me if you have any questions.

Respectfully Submitted,

Richard George
Enviro-Ag Engineering, Inc.
Office # 254-233-9948
[redacted]

Larry Wayne Adams Adj 12-2814

RFI Response:

1. The state and regional water plans generally do not address every possible change in individual water rights. The application is consistent with the 2016 Region G Water Plan and the 2017 State Water Plan because there is nothing in the plans that conflict with the application.
2. Attached please find a check for $20.58 for the fees due.

Basis2 Receipt Report by Endorsement Number

SEP-30-20 10:41 AM

Acct. #: WUP Account Name: WATER USE PERMITS

Paid For	Endors. #	Ref #2	Paid In By	PayTyp	Chk #	Card#	Bank Slip	Tran.Date	Receipt Amnt.
	M100964	122814B	ADAMS FARM PARTNERSHIP	CK	1018		BS00082902	29-SEP-20	$20.58

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

September 15, 2020

Mr. Richard George, Environmental Consultant
Enviro-Ag Engineering, Inc.
9855 FM 847
Dublin, Texas 76446

VIA E-MAIL

RE: Larry Wayne Adams
ADJ 12-2814
CN602673691, RN106506710
Application No. 12-2814B to Sever a Portion of Certificate of Adjudication No. 12-2536 and Combine it with 12-2814 and Amend Certificate of Adjudication No. 12-2814
Texas Water Code § 11.122, Limited Mailed Notice Required
Leon River, Brazos River Basin
Comanche County

Dear Mr. George:

This acknowledges receipt, on July 29, 2020, of the referenced application and fees in the amount of $112.50 (Receipt No. M023145, copy attached).

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

1. Provide information regarding how the application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan (Section 4.a. of the Technical Information Report). Refer to the second example on page 15 from the Instructions for Completing the Water Right Permitting Application (Form TCEQ-10214A-inst) for assistance.

2. Remit fees in the amount of $2.94 as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee	$	100.00
Recording Fee	$	12.50
Notice Fee ($2.94 x 7 WR Holder)	$	20.58
Total Fees	$	133.08
Fees Received	$	112.50
Fees Due	$	20.58

Please provide the requested information and fees by October 15, 2020 or the application may be returned pursuant to 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact me via email at joshua.schauer@tceq.texas.gov or by telephone at (512) 239-3071.

Sincerely,

Joshua Schauer

Joshua Schauer, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment

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): Larry Wayne Adams

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

For Commission Use Only:
Proposed/Current Water Right Number: _____
Basin: _____ Watermaster area Y/N: _____

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

X_____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."

Larry Wayne Adams would like to sever authorization of 3 on-channel impoundments (dams/ reservoirs) from COA 12-3653 and combine them with COA 12-2814. Mr. Adams would like to use his water in COA 12-2814 as the alternate source of water to account for annual evaporation losses estimated by TCEQ staff to be 3 acre feet. Mr. Adams would like the 3 acre-feet of evaporation losses to be deducted from his total diversion amount in 12-2814. No other changes are being proposed in this application to COA 12-3653 or 12-2814.

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?

Larry Wayne Adams

(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 : 602673691 (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: Larry Wayne Adams

Title: Owner

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

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: Larry Wayne Adams

Mailing Address: P.O. Box 172

City: Gustine State: TX ZIP Code: 76455

Indicate an X next to the type of Applicant:

X Individual	___Sole Proprietorship-D.B.A.
___Partnership	___Corporation
___Trust	___Estate
___Federal Government	___State Government
___County Government	___City Government
___ Other Government	___Other_____

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

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: Richard George

Title: Environmental Consultant

Organization Name: Enviro-Ag. Engineering, Inc

Mailing Address: 9855 FM 847

City: Dublin State: TX ZIP Code: 76446

Phone No.: 254-233-9948 Extension:

Fax No.: E-mail Address: [redacted]

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: N/A

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** 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** N/A

   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** N/A

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** N/A

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Larry Wayne Adams Owner
(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: _____ Date: 7-27-2020
(Use blue ink)

Subscribed and Sworn to before me by the said

on this 27th day of July, 2020.

My commission expires on the 25th day of February, 2024.

Richard Lyn George
Notary Public

Erath
County, Texas

(SEAL)
RICHARD LYN GEORGE
Notary Public, State of Texas
Comm. Expires 02-25-2024
Notary ID 132374303

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** N (If yes, date : N/A).

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** 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** 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? N **Y / N**

c. Applicant requests to extend an existing Term authorization or to make the right permanent? **Y / N** 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: 12-2814

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

List of water rights to sever	Combine into this ONE water right
3 on-channel impoundments from 12-3653	12-2814

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** 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** 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** 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** 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** 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** 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).**

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** N/A

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** 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** 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** 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** 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":

N/A

b. Did the Applicant perform its own Water Availability Analysis? **Y / N** 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** **requests to move state water out of basin also require completion of Worksheet 1.1 Interbasin Transfer*
		N/A	

_____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.

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**
		N/A		

**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.

WORKSHEET 1.1
INTERBASIN TRANSFERS, TWC § 11.085

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

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

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

a. Provide the Basin of Origin. N/A

b. Provide the quantity of water to be transferred (acre-feet)._____

c. Provide the Basin(s) and count(y/ies) where use will occur in the space below:

_____

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

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

a. The proposed transfer, which in combination with any existing transfers, totals less than 3,000 acre-feet of water per annum from the same water right. **Y/N**

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

c. The proposed transfer from the part of the geographic area of a county or municipality, or the part of the retail service area of a retail public utility as defined by Section 13.002, that is within the basin of origin for use in that part of the geographic area of the county or municipality, or that contiguous part of the retail service area of the utility, not within the basin of origin? **Y/N**

d. The proposed transfer is for water that is imported from a source located wholly outside the boundaries of Texas, except water that is imported from a source located in the United Mexican States? **Y/N**

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

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

a. the contract price of the water to be transferred (if applicable) (also include a copy of the contract or adopted rate for contract water);

b. a statement of each general category of proposed use of the water to be transferred and a detailed description of the proposed uses and users under each category;

c. the cost of diverting, conveying, distributing, and supplying the water to, and treating the water for, the proposed users (example - expert plans and/or reports documents may be provided to show the cost);

d. describe the need for the water in the basin of origin and in the proposed receiving basin based on the period for which the water supply is requested, but not to exceed 50 years (the need can be identified in the most recently approved regional water plans. The state and regional water plans are available for download at this website: (http://www.twdb.texas.gov/waterplanning/swp/index.asp);

e. address the factors identified in the applicable most recently approved regional water plans which address the following:

(i) the availability of feasible and practicable alternative supplies in the receiving basin to the water proposed for transfer;

(ii) the amount and purposes of use in the receiving basin for which water is needed;

(iii) proposed methods and efforts by the receiving basin to avoid waste and implement water conservation and drought contingency measures;

(iv) proposed methods and efforts by the receiving basin to put the water proposed for transfer to beneficial use;

(v) the projected economic impact that is reasonably expected to occur in each basin as a result of the transfer; and

(vi) the projected impacts of the proposed transfer that are reasonably expected to occur on existing water rights, instream uses, water quality, aquatic and riparian habitat, and bays and estuaries that must be assessed under Sections 11.147, 11.150, and 11.152 in each basin *(if applicable)*. If the water sought to be transferred is currently authorized to be used under an existing permit, certified filing, or certificate of adjudication, such impacts shall only be considered in relation to that portion of the permit, certified filing, or certificate of adjudication proposed for transfer and shall be based on historical uses of the permit, certified filing, or certificate of adjudication for which amendment is sought;

(f) proposed mitigation or compensation, if any, to the basin of origin by the applicant; and

(g) the continued need to use the water for the purposes authorized under the existing Permit, Certified Filing, or Certificate of Adjudication, if an amendment to an existing water right is sought.

WORKSHEET 1.2
NOTICE. "THE MARSHALL CRITERIA"

This worksheet assists the Commission in determining notice required for certain **amendments** that do not already have a specific notice requirement in a rule for that type of amendment, and *that do not change the amount of water to be taken or the diversion rate.* The worksheet provides information that Applicant **is required** to submit for 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.

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

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).
No changes are proposed to current authorized impoundments--application is to sever & combine with 12-2814.

1. Storage Information (Instructions, Page. 21)

a. Official USGS name of reservoir, if applicable:_____

b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: _____.

c. The impoundment is on-channel_____ or off-channel_____ (mark one)

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:_____

2. Was it constructed to be an exempt structure under TWC § 11.142? **Y / N**
   a. If Yes, is Applicant requesting to proceed under TWC § 11.143? **Y / N**
   b. If No, has the structure been issued a notice of violation by TCEQ? **Y / N**

3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? **Y / N**
   a. If yes, provide the Site No. _____and watershed project name_____;
   b. Authorization to close "ports" in the service spillway requested? **Y / N**

ii. For **any** proposed new structures or modifications to structures:

1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application.* Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? **Y / N**
   Provide the date and the name of the Staff Person_____

2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
   a. No additional dam safety documents required with the Application. **Y / N**
   b. Plans (with engineer's seal) for the structure required. **Y / N**
   c. Engineer's signed and sealed hazard classification required. **Y / N**
   d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. **Y / N**

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

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level:_____.

2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option.
Applicant has calculated the drainage area. **Y/N**
If yes, the drainage area is_____ sq. miles.
(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4691).

2. Structure Location (Instructions, Page. 23)

a. On Watercourse (if on-channel) (USGS name):_____

b. Zip Code: _____

c. In the _____Original Survey No. _____, Abstract No._____, _____County, Texas.

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

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

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

Latitude _____°N, Longitude _____°W.

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

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

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. N/A_____Diversion Point No.
2. _____Upstream Limit of Diversion Reach No.
3. _____Downstream Limit of Diversion Reach No.

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

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

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

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

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

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

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

Applicant has calculated the drainage area. Y / N

If yes, the drainage area is_____ sq. miles.
(*If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application*)

2. Diversion Location (Instructions, Page 25)

a. On watercourse (USGS name): N/A

b. Zip Code: _____

c. Location of point: In the _____Original Survey No. _____, Abstract No._____, _____County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

d. Point is at:
Latitude _____°N, Longitude _____°W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places

e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):_____

f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 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 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 N/A_____.

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/gwdbrpt.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_____

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 N/A 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

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: N/A

☐ 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).

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 N/A

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)(J)(i) and 288.5(1)(H). Applicant has submitted such documentation with each water conservation plan? **Y / N

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

appropriation; and evaluates any other feasible alternative to new water development. See 30 TAC § 288.7.
Applicant has included this information in each applicable plan? **Y / N**

2. Drought Contingency Plans

a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above - indicate each that applies:

1. _____Municipal Uses by public water suppliers. See 30 TAC § 288.20.

2. _____Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.

3. _____Wholesale Water Suppliers. See 30 TAC § 288.22.

b. If Applicant must submit a plan under section 2(a) above, Applicant has also submitted documentation of adoption of drought contingency plan (*ordinance, resolution, or tariff, etc. See 30 TAC § 288.30*) **Y / N**

WORKSHEET 7.0
ACCOUNTING PLAN INFORMATION WORKSHEET

The following information provides guidance on when an Accounting Plan may be required for certain applications and if so, what information should be provided. An accounting plan can either be very simple such as keeping records of gage flows, discharges, and diversions; or, more complex depending on the requests in the application. Contact the Surface Water Availability Team at 512-239-4691 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 ($)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under **Amount ($)**. In Acre-Feet 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	*Only for those with an Irrigation Use.* Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
Use Fee	*Required for all Use Types, **excluding Irrigation Use.*** Multiply $1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
Recreational Storage Fee	*Only for those with Recreational Storage.* Multiply $1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
Storage Fee	*Only for those with Storage, **excluding Recreational Storage.*** Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
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 1__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	$

CID# 121628

Georgia Carroll-Warren

From: Joshua Schauer
Sent: Monday, October 12, 2020 3:49 PM
To: OCC-WR
Cc: Georgia Carroll-Warren
Subject: Larry Wayne Adams 12-2814B ADC

Hi Georgia,

The attached application id administratively complete and ready to be filed with the OCC. Please let me know if you have any problems with the file. Thanks.
Larry Wayne Adams 12-2814B ADC.pdf

Joshua Schauer, Project Manager
TCEQ, Water Rights Permitting Section
(512) 239-1371