

# TCEQ Interoffice Memorandum

To: Office of Chief Clerk  
Texas Commission on Environmental Quality

CID 113259

Thru: *Ch* Christopher Kozlowski, Team Leader  
Water Rights Permitting Team

From: Martha Todd, Project Manager  
Water Rights Permitting Team

Date: August 31, 2018

Subject: Robert and Edythe Michel  
ADJ 1935  
CN603993619, CN604858225, RN101470680  
Application No. 18-1935B to amend Certificate of Adjudication No. 18-1935A  
Texas Water Code § 11.122, Requiring Mailed and Published Notice  
North Fork of the Guadalupe River, Guadalupe River Basin  
Kerr County

2018 AUG 31 AM 8:57  
CHIEF CLERK'S OFFICE  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

The application and partial fees were received on July 16, 2018. Additional fees were received on August 28, 2018. The application was declared administratively complete and filed with the Office of the Chief Clerk on August 31, 2018. Full Basin mailed and published notice to water right holders of record in the Guadalupe River Basin is required pursuant to Title 30 Texas Administrative Code § 295.158.

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

*Martha Todd*

Martha Todd, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

OCC Mailed Notice Required  YES  NO

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niemann, *Commissioner*  
Stephanie Bergeron Perdue, *Interim Executive Director*



**COPY**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

*Protecting Texas by Reducing and Preventing Pollution*

August 15, 2018

Mr. John J. Carlton  
The Carlton Law Firm, PLLC  
4301 Westbank Dr, Suite B-130  
Austin, TX 78746-6568

**CERTIFIED MAIL**

830028 227

STATE OF TEXAS  
DEPARTMENT OF  
STATE COMPTROLLER  
TCEQ

RE: Robert P. Michel and Edythe S. Michel  
ADJ 1935  
CN603993619, CN604858225, RN101470680  
Application No. 18-1935B to Amend Certificate of Adjudication No. 18-1935  
Texas Water Code § 11.122, Requiring Mailed and Published Notice  
North Fork of the Guadalupe River, Guadalupe River Basin  
Kerr County

Dear Mr. Carlton:

This acknowledges receipt, on July 16, 2018, of the referenced application and fees in the amount of \$112.50 (Receipt No. M827856, enclosed).

Before the application can be declared administratively complete, remit fees in the amount of **\$336.52** as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (Amendment)	\$	100.00
Recording Fee	\$	12.50
Postage Fee (Guadalupe River Basin)	\$	336.52
<b>Total Fees</b>	<b>\$</b>	<b>449.02</b>
Fees Received	\$	112.50
<b>Fees Due</b>	<b>\$</b>	<b>336.52</b>

Please provide the requested fees by **September 14, 2018** 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 email at [martha.todd@tceq.texas.gov](mailto:martha.todd@tceq.texas.gov) or by telephone at (512) 239-4022.

Sincerely,

A handwritten signature in cursive script that reads "Martha Todd".

Martha Todd, 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](http://tceq.texas.gov)

How is our customer service? [tceq.texas.gov/customersurvey](http://tceq.texas.gov/customersurvey)  
printed on recycled paper

# The Carlton Law Firm, P.L.L.C.

4301 Westbank Drive, Suite B-130  
Austin, Texas 78746

Phone: (512) 614-0901  
Facsimile: (512) 900-2855

John J. Carlton  


August 23, 2018

**VIA FIRST CLASS MAIL**

TCEQ, Financial Administration Division  
Cashier's Office, MC-214  
PO Box 13087  
Austin, Texas 78711-3087

RE: Submission of Additional Payment – Robert P. Michel and Edythe S. Michel; ADJ 1935; CN603993619, CN604858225, RN101470680  
Application No. 18-1935B to Amend Certificate of Adjudication No. 18-1935, Texas Water Code §11.122, Requiring Mailed and Published Notice

Dear Clerk:

Enclosed please find check number 3368, in the amount of \$336.52, and made payable to "TCEQ." This payment is being submitted pursuant to correspondence received from Martha Todd and dated August 15, 2018, a copy of which is also enclosed for your convenience.

Thank you for your attention to the enclosed and please do not hesitate to contact me if you have any questions or need anything further.

Sincerely,

**THE CARLTON LAW FIRM, P.L.L.C.**



John J. Carlton  
Attorney for Robert P. and Edythe S. Michel

RECEIVED

AUG 23 2018

WATER RIGHTS PERMITTING

Enclosures as stated.

cc: Martha Todd, with enclosures, via email to [martha.todd@tceq.texas.gov](mailto:martha.todd@tceq.texas.gov)



**Basis2 Historical Receipt Report**

Selected date range  
28-AUG-18 - 28-AUG-18

<u>Fee</u>	<u>Account Number &amp; Name</u>	<u>Endorse.#</u>	<u>T-Code</u>	<u>Fac/Per</u>	<u>Check #</u>	<u>Paid In By</u>	<u>Paid In For</u>	<u>Tran Date</u>	<u>Receipt Amount</u>
MUP	MUP:WATER USE PERMITS	M830028	N	ADJ181935B	3368	CARLTON LAW FIRM PLC (THE)	AMEND/MICHEL, ROBERT P/EDYTHE S	28-AUG-18	-\$336.52
		M830014A	N		60100607	LH WILDRIDGE LLC			
		M830029	N	ADJ142538	1629	EASON JR, C R	CHANGE OF OWNER/EASON JR, CARMON R	28-AUG-18	-\$134.90
		M830030	N	ADJ142539	1630	EASON JR, C R	CHANGE OF OWNER/EASON JR, CARMON R	28-AUG-18	-\$100.00
<b>Total (Fee Code) :</b>									<b>-\$671.42</b>

Report\_ID:

## Martha Todd

---

**From:** Katy Hennings [REDACTED]  
**Sent:** Thursday, August 23, 2018 2:38 PM  
**To:** Martha Todd  
**Cc:** John Carlton  
**Subject:** Robert and Edythe Michel - Application No. 18-1935B to Amend Certificate of Adjudication

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good afternoon, Ms. Todd.

Attached please find a courtesy copy of correspondence to the TCEQ Financial Administration Division, including its enclosures, regarding the above-referenced matter.

If you have any questions or need anything further, please let us know.

Thank you!  
Katy

**Please note our new office location below for your records, effective November 1, 2017.**

Katy Hennings  
Paralegal



4301 Westbank Drive, Suite B-130  
Austin, Texas 78746

[REDACTED]  
(512) 614-0901(o)  
(512) 900-2855(f)

*CONFIDENTIALITY NOTICE: This e-mail transmission (and any attachments) may contain confidential information belonging to the sender that is protected by the attorney-client privilege. If you receive this in error please contact the sender.*

# The Carlton Law Firm, P.L.L.C.

4301 Westbank Drive, Suite B-130  
Austin, Texas 78746

Phone: (512) 614-0901  
Facsimile: (512) 900-2855

John J. Carlton  


August 23, 2018

**VIA FIRST CLASS MAIL**

TCEQ, Financial Administration Division  
Cashier's Office, MC-214  
PO Box 13087  
Austin, Texas 78711-3087

RE: Submission of Additional Payment – Robert P. Michel and Edythe S. Michel; ADJ 1935; CN603993619, CN604858225, RN101470680  
Application No. 18-1935B to Amend Certificate of Adjudication No. 18-1935, Texas Water Code §11.122, Requiring Mailed and Published Notice

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Thank you for your attention to the enclosed and please do not hesitate to contact me if you have any questions or need anything further.

Sincerely,

**THE CARLTON LAW FIRM, P.L.L.C.**



John J. Carlton  
Attorney for Robert P. and Edythe S. Michel

Enclosures as stated.

cc: Martha Todd, with enclosures, via email to [martha.todd@tceq.texas.gov](mailto:martha.todd@tceq.texas.gov)

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Stephanie Bergeron Perdue, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 15, 2018

Mr. John J. Carlton  
The Carlton Law Firm, PLLC  
4301 Westbank Dr, Suite B-130  
Austin, TX 78746-6568

**CERTIFIED MAIL**

RE: Robert P. Michel and Edythe S. Michel  
ADJ 1935  
CN603993619, CN604858225, RN101470680  
Application No. 18-1935B to Amend Certificate of Adjudication No. 18-1935  
Texas Water Code § 11.122, Requiring Mailed and Published Notice  
North Fork of the Guadalupe River, Guadalupe River Basin  
Kerr County

Dear Mr. Carlton:

This acknowledges receipt, on July 16, 2018, of the referenced application and fees in the amount of \$112.50 (Receipt No. M827856, enclosed).

Before the application can be declared administratively complete, remit fees in the amount of **\$336.52** as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (Amendment)	\$	100.00
Recording Fee	\$	12.50
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Sincerely,

A handwritten signature in cursive script that reads "Martha Todd".

Martha Todd, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Enclosure

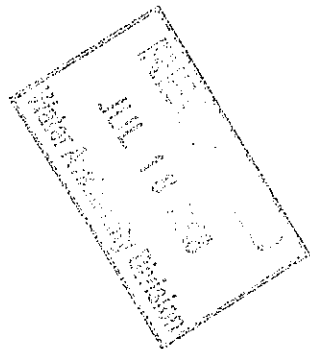


16-JUL-18 04:13 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u>	<u>Account#</u>	<u>Ref#1</u>	<u>Check Number</u>	<u>CC Type</u>	<u>Slip Key</u>	<u>Tran Date</u>	<u>Tran Amount</u>
		<u>Account Name</u>	<u>Ref#2</u>	<u>Card Auth.</u>	<u>Tran Code</u>	<u>Document#</u>		
			<u>Paid In By</u>	<u>User Data</u>	<u>Rec Code</u>			
WTR USE PERMITS	WUP		M827856	3330		B800067339	16-JUL-18	-\$112.50
	WUP	WATER USE PERMITS	ADJ181935	071618	N	D8806981		
			CARLTON LAM	SPREDEAU	CK			
			FIRM PLLC					
			(THE)					

Total (Fee Code) : -\$112.50





Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Stephanie Bergeron Perdue, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 15, 2018

Mr. John J. Carlton  
The Carlton Law Firm, PLLC  
4301 Westbank Dr, Suite B-130  
Austin, TX 78746-6568

**CERTIFIED MAIL**

9489 0090 0027 6009 3701 19

RE: Robert P. Michel and Edythe S. Michel  
ADJ 1935  
CN603993619, CN604858225, RN101470680  
Application No. 18-1935B to Amend Certificate of Adjudication No. 18-1935  
Texas Water Code § 11.122, Requiring Mailed and Published Notice  
North Fork of the Guadalupe River, Guadalupe River Basin  
Kerr County

Dear Mr. Carlton:

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If you have any questions concerning this matter, please contact me via email at [martha.todd@tceq.texas.gov](mailto:martha.todd@tceq.texas.gov) or by telephone at (512) 239-4022.

Sincerely,

A handwritten signature in cursive script that reads "Martha Todd".

Martha Todd, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Enclosure

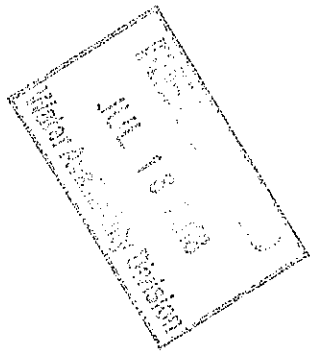


16-JUL-18 04:13 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u>	<u>Account#</u>	<u>Ref#1</u>	<u>Ref#2</u>	<u>Check Number</u>	<u>CC Type</u>	<u>Tran Code</u>	<u>Slip Key</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP		M827856		3330			B500067339	16-JUL-18	-\$112.50
	WUP		ADJ181935		071618		N	D8806981		
			CARLTON LAW		SPREDEAU		CK			
			FIRM PLLC							
			(THE)							

Total (Fee Code) : -\$112.50



# The Carlton Law Firm, P.L.L.C.

4301 Westbank Drive, Suite B-130  
Austin, Texas 78746

Phone: (512) 614-0901  
Facsimile: (512) 900-2855

John J. Carlton  
[REDACTED]

July 16, 2018

**Via Hand Delivery**

TCEQ, Financial Administration Division  
Cashier's Office, MC-214  
Building A, 3<sup>rd</sup> Floor  
12100 Park 35 Circle  
Austin, Texas 78711-3088

827855 #16  
PAY TO THE ORDER  
OF STATE COMPTROLLER  
TCEQ

RE: Submission of Payment for Application to Amend Water Rights for Certificate of Adjudication No. 18-1935, owned by Robert P. Michel (CN603993619) and Edythe S. Michel (CN604858225).

Dear Clerk:


Enclosed please find check number 3330, in the amount of \$112.50, and made payable to "TCEQ." Also enclosed is completed Worksheet 8.0, detailing the calculation of the enclosed fees.

These materials are being submitted pursuant to the above-referenced Application to Amend Water Rights for Certificate of Adjudication No. 18-1935, owned by Robert P. Michel and Edythe S. Michel.

Thank you for your attention to the enclosed and please do not hesitate to contact me if you have any questions or need anything further.

Sincerely,

**THE CARLTON LAW FIRM, P.L.L.C.**



John J. Carlton  
Attorney for Robert P. and Edythe S. Michel

Enclosures as stated.

cc: TCEQ Water Availability Division, via hand delivery, with enclosures.

ACKNOWLEDGED  
JUL 13 2018  
Water Availability Division

## 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

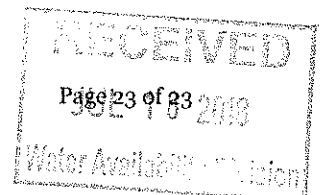
	Description	Amount (\$)
<b>Filing Fee</b>	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under <b>Amount (\$)</b> . <u>In Acre-Feet</u>	
	a. Less than 100	\$100.00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

### 2. AMENDMENT OR SEVER AND COMBINE

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

### 3. BED AND BANKS

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



# The Carlton Law Firm, P.L.L.C.

4301 Westbank Drive, Suite B-130  
Austin, Texas 78746

Phone: (512) 614-0901  
Facsimile: (512) 900-2855

John J. Carlton  
[REDACTED]

July 13, 2018

**Via Hand Delivery**

TCEQ  
Water Availability Division, MC-160  
Building F, Suite 3101  
12100 Park 35 Circle  
Austin, Texas 78753

RECEIVED  
2018 JUL 16 P 1:46  
WATER AVAILABILITY DIV.

RE: Application to Amend Water Rights for Certificate of Adjudication No. 18-1935, owned by Robert P. Michel (CN603993619) and Edythe S. Michel (CN604858225).

Dear Clerk:

Enclosed please find one original and six copies of an application for water rights amendment, submitted on behalf of Robert P. Michel and Edythe S. Michel.

Please note that the payment associated with the enclosed amendment, in the amount of \$112.50, is being submitted separately to the TCEQ Cashier's Office. A courtesy copy of check number 3330 and the transmittal letter are enclosed for your convenience.

Thank you for your attention to the enclosed materials and please do not hesitate to contact me if you have any questions or need anything further.

Sincerely,

**THE CARLTON LAW FIRM, P.L.L.C.**



John J. Carlton  
Attorney for Robert P. and Edythe S. Michel

Enclosures as stated.

cc: TCEQ Cashier's Office, via hand delivery, without enclosures.

# 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): Robert P. Michel and Edythe S. Michel

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

**For Commission Use Only:**

Proposed/Current Water Right Number: \_\_\_\_\_

Basin: \_\_\_\_\_ Watermaster area Y/N: \_\_\_\_\_

RECEIVED  
2018 JUL 16 P 1:48  
WATER AVAILABILITY DIV.

# 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.**

## I. 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."

Amendment to Certificate of Adjudication No. 18-1935 to increase the authorized withdrawal rate

from 40 gpm to 110 gpm. The annual diversion would remain unchanged at 8.45 acre-feet from

the North Fork of the Guadalupe River, Guadalupe River Basin.

**2. APPLICANT INFORMATION (Instructions, Page. 6 )**

**a. Applicant**

Indicate the number of Applicants/Co-Applicants 2  
(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?

Robert P. Michel

*(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 : 603993619 ( 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: Robert P. Michel

Title: Co-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: Robert P. Michel

Mailing Address: 712 Sparks Ave

City: Austin

State: TX

ZIP Code: 78705-3103

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: \_\_\_\_\_ SOS Charter (filing) Number: \_\_\_\_\_



**2. APPLICANT INFORMATION (Instructions, Page. 6 )**

**a. Applicant**

Indicate the number of Applicants/Co-Applicants 2  
(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?

Edythe S. Michel

*(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 : 604858225 ( 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: Edythe S. Michel

Title: Co-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: Edythe S. Michel

Mailing Address: 712 Sparks Ave

City: Austin

State: TX

ZIP Code: 78705-3103

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: \_\_\_\_\_ SOS Charter (filing) Number: \_\_\_\_\_

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

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

First and Last Name: John J. Carlton

Title: Attorney

Organization Name: The Carlton Law Firm, P.L.L.C.

Mailing Address: 4301 Westbank Dr., B-130

City: Austin


State: TX

ZIP Code: 78746

Phone No.: 512-614-0901

Extension: N/A

Fax No.: 512-900-2855

E-mail Address: 

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

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

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

First and Last Name: Robert P. Michel

Title: Co-Owner

Organization Name:

Mailing Address: 712 Sparks Avenue

City: Austin

State: TX

ZIP Code: 78705-3103

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 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 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, Robert P. Michel CO-OWNER  
(Typed or printed name) (Title)

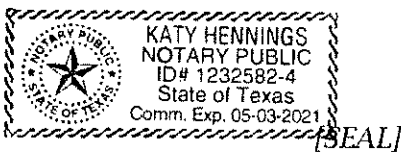
certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the 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: [Handwritten Signature] Date: June 8th 2018  
(Use blue ink)

Subscribed and Sworn to before me by the said  
on this 8th day of June, 2018.  
My commission expires on the 3rd day of May, 2021.

[Handwritten Signature]  
Notary Public



Travis County, Texas

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

**6. SIGNATURE PAGE (Instructions, Page. 11)**

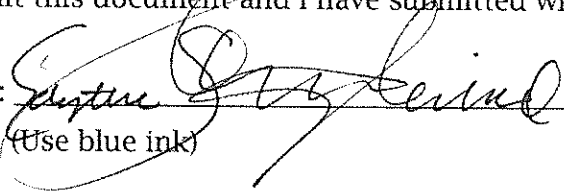
Applicant:

I, Edythe S. Michel  
(Typed or printed name)

CO-OWNER  
(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: June 8, 2018

Subscribed and Sworn to before me by the said

on this 8th day of June, 2018.

My commission expires on the 3rd day of May, 2021.

  
Notary Public



Travis 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 Y (If yes, date : January 26, 2018 ).

### 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 Y (If yes, indicate the Certificate or Permit number: 18-1935 )

*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/A (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:*

- N/A • **Worksheet 1.0 - Quantity, Purpose, and Place of Use Information Worksheet**
- N/A • **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)
- N/A • **Worksheet 5.0 - Environmental Information Worksheet**
- N/A • **Worksheet 6.0 - Water Conservation Information Worksheet**
- N/A • **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: 18-1935

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? **Y / N 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 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 Y**

*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

*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":

Yes, see 2017 State Water Plan, page 79.

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- 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 Y

**Robert P. Michel, et ux**

45.1-acre Tract in Kerr Co., TX  
1456 FM 1340, Hunt, TX 78024  
Certificate of Adjudication 18-1935

**Legend**

📍 1456 FM 1340

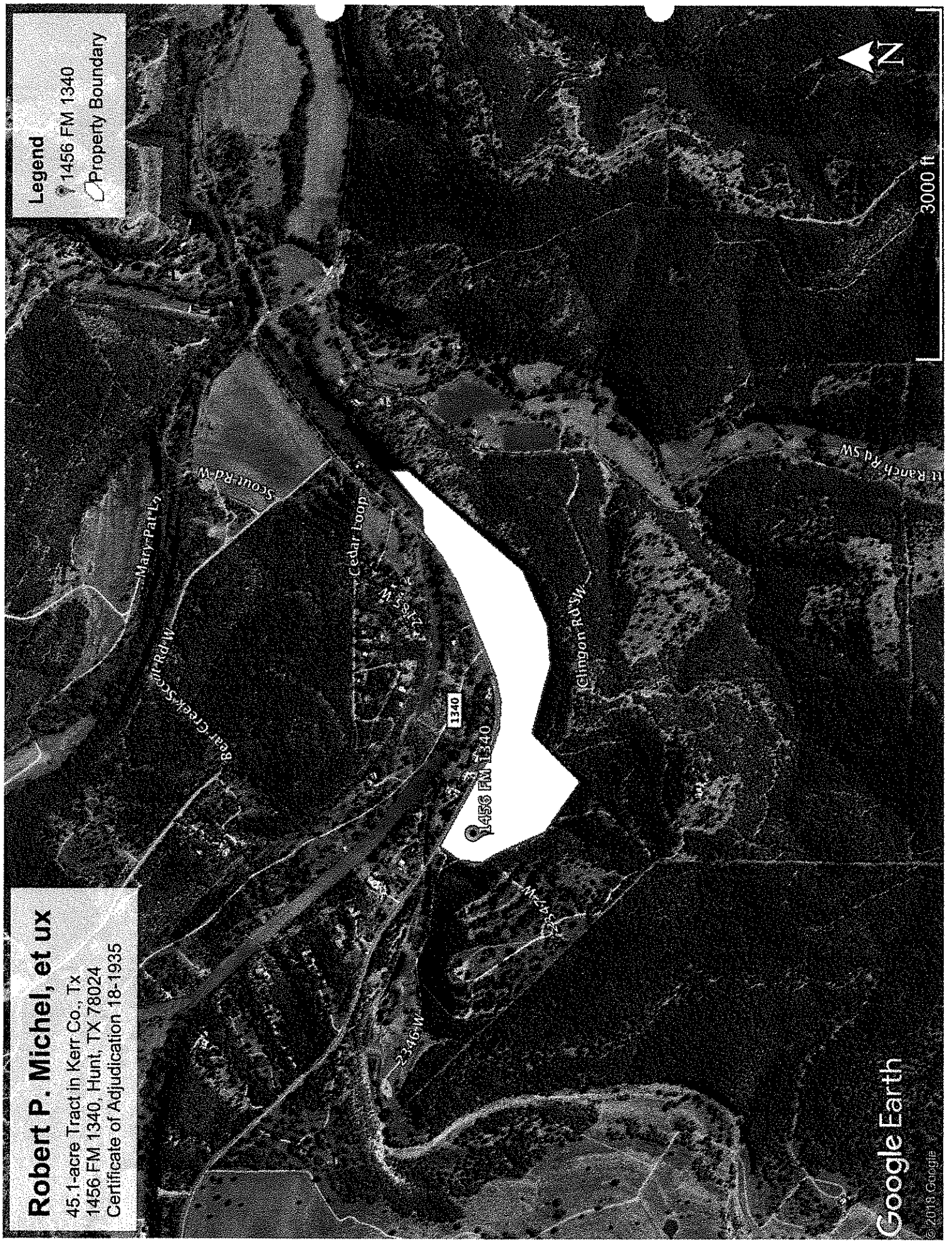
📏 Property Boundary



3000 ft

Google Earth

© 2018 Google



# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

N/A

### I. New Authorizations (Instructions, Page. 16)

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

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

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

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

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**

*\*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**

**N/A**

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

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

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

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

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

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

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

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

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

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

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



## WORKSHEET 1.2

### NOTICE. “THE MARSHALL CRITERIA”

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

N/A

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

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

### 1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: \_\_\_\_\_
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: \_\_\_\_\_.
- c. The impoundment is on-channel \_\_\_\_\_ or off-channel \_\_\_\_\_ (mark one)
  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.   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** \_\_\_\_\_ cfs (cubic feet per second) or <sup>110</sup> \_\_\_\_\_ gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? Y / NN  
*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 / NN

*\*\* 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
X	Directly from stream	EXISTING
	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 / NN

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): North Fork Guadalupe River
- 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): NO PROPOSED CHANGE IN POINT OF DIVERSION – SAME AS EXISTING WATER RIGHT
- 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 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.

- 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).



- 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 \_\_\_\_\_.

## 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](mailto: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 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

N/A

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 (\$)
<b>Filing Fee</b>	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 <b>Amount (\$)</b> . <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	
<b>Recording Fee</b>		\$25.00
<b>Agriculture Use Fee</b>	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
<b>Use Fee</b>	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
<b>Recreational Storage Fee</b>	<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.	
<b>Storage Fee</b>	<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.	
<b>Mailed Notice</b>	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4691.	
<b>TOTAL</b>		\$

### 2. AMENDMENT OR SEVER AND COMBINE

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

### 3. BED AND BANKS

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