

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 Coordinator
Water Rights Permitting and Data Section

DATE: June 6, 2026

SUBJECT: Michael James Pawelek Living Trust
WRPERM 5308
CN606364826, RN101296333
Application No. 5308A to Amend Water Use Permit No. 5308
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Cibolo Creek, San Antonio River Basin
Karnes County

Partial fees were received on September 25, 2025, and the application was received on January 23, 2026. Additional information and fees were received on June 9 and 11, 2026, respectively. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on June 6, 2026. Limited mailed notice to interjacent water right holders in the San Antonio River Basin is required pursuant to Title 30 Texas Administrative Code § 295.158(c)(3)(C).

All fees are paid and the application is sufficient for filing.



Joshua Schauer, Project Coordinator
Water Rights Permitting and Data Section
Water Availability Division

OCC Mailed Notice Required xYES ☐ NO

Brooke T. Paup, *Chairwoman*
Catrina R. Gonzales, *Commissioner*
Tonya R. Miller, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 6, 2026

Edmond R. McCarthy, Jr., Attorney at Law
McCarthy & McCarthy, LLP
1122 Colorado St., Ste 2399
Austin, TX 78701-2132

VIA E-MAIL

RE: Michael James Pawelek Living Trust
WRPERM 5308
CN606364826, RN101296333
Application No. 5308A to Amend Water Use Permit No. 5308
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Cibolo Creek, San Antonio River Basin
Karnes County

Dear Mr. McCarthy:

This acknowledges receipt, on June 9, 2026, of additional information and on June 11, 2026, of additional fees in the amount of \$5.88 (Receipt No. M656391, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on June 6, 2026. Staff will continue processing the application for consideration by the Executive Director.

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

If you have any questions concerning the application, please contact me via email at Joshua.schauer@tceq.texas.gov or by telephone at 512-239-1371.

Sincerely,

A handwritten signature in blue ink that reads "Joshua Schauer".

Joshua Schauer, Project Coordinator
Water Rights Permitting and Data Section
Water Availability Division

Attachment



11-JUN-26 03:57 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
NOTICE FEES-WUP- WATER USE PERM	PTGU PTGU NOTICE FEES WUP WATER USE PERMITS	M656391 5308 MCCARTHY & MCCARTHY LLP	2918 061126 VTORREZ	 N CK	BS00122785 D6802816	11-JUN-26	-\$5.88
Total (Fee Code):							-\$5.88

RECEIVED
JUN 12 2026
Water Availability Division

From: [REDACTED]
To: [Joshua Schauer](#); [Angela Sander](#)
Cc: [REDACTED]
Subject: Michael James Pawelek, Trustee's Application to Amend Permit No. 5308
Date: Tuesday, June 9, 2026 12:53:26 PM
Attachments: [RFI Response to TCEQ re Notice Fee - Diversion Rate 6-9-26.pdf](#)

Joshua

Attached please find a copy of the Request for information and fees in connection with the above referenced Permit No. 5308. The original letter with the check has been mailed to you.

By copy of this letter I am advising Angela Sander, South Texas Watermaster of the filing.

Thank you, and please let me know if you need anything else to finalize this amendment for Mr. Pawelek.

Best wishes.

Ed

Cc: Michael James Pawelek, Trustee
Angela Sander, South Texas Watermaster

LAW OFFICES OF
McCARTHY & MCCARTHY, L.L.P.

1122 COLORADO STREET, SUITE 2399
AUSTIN, TEXAS 78701
(512) 904-2310
(512 692-2826 (FAX)

June 9, 2026

Joshua Schauer, Project Coordinator (MC 160)
Water Rights Permitting Team
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

via U.S. Mail

RE: Michael James Pawelek Living Trust
WRPERM 5308A
CN606364826, RN101296333
Application No. 5308A to Amend Water Use Permit No. 5308
Texas Water Code § 11.122, Limited Mailed Notice Required
Cibolo Creek, San Antonio River Basin
Karnes County

Dear Joshua:

Pursuant to your letter requesting additional fees and information dated June 8, 2026, I am responding on behalf of the Applicant, Michael Pawelek. Trustee of the Michael James Pawelek Living Trust. Each of your two requests, and Mr. Pawelek's responses are set forth below.

1. Confirm that the application is not requesting a change in the diversion rate. Staff notes that the currently authorized maximum diversion rate is 1.8 cfs (800 gpm).

RESPONSE: The Applicant desires to retain the currently authorized maximum diversion rate is 1.8 cfs (800 gpm). No change in the maximum diversion rate is requested.

2. Remit fees in the amount of **\$5.88** 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
Notice Fee (\$2.94 x 2 Water Right Holders)	\$ 5.88
TOTAL FEES	\$ 118.38
FEES RECEIVED	\$ 112.50
BALANCE DUE	\$ 5.88

RESPONSE: Enclosed please find this Firm's Check No. 2918 in the amount of \$5.88 payable to TCEQ in payment of the Notice Fee/Balance.

June 9, 2026

Page 2

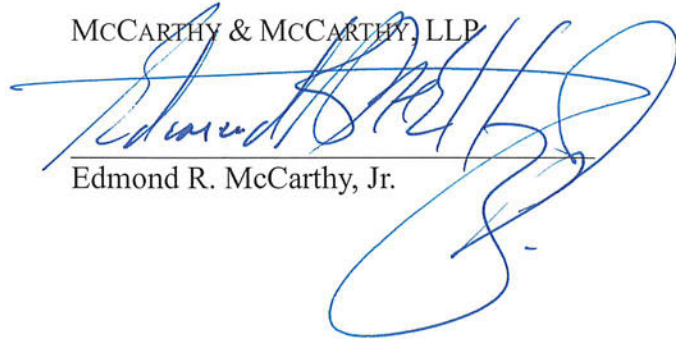
If you have any questions concerning this matter, please contact me via email at ed@ermlawfirm.com, or by telephone at (512) 426-7138.

Thank you for your assistance.

Best wishes.

Sincerely,

MCCARTHY & MCCARTHY, LLP

A handwritten signature in blue ink, appearing to read "Edmond R. McCarthy, Jr.", is written over a horizontal line. The signature is stylized with a large, looping "E" and "M".

Edmond R. McCarthy, Jr.

ERM/tn

Encl.

cc: Michael James Pawelek, Trustee
Angela Sander, South Texas Watermaster

McCARTHY & McCARTHY LLP1122 COLORADO ST STE 2399
AUSTIN, TX 78701-2132

88-794/1119

CHECK ARMOR
FRAUD PROTECTION

6/9/2026

PAY TO THE ORDER OF Texas Commission on Environmental Quality

\$ **5.88

Five and 88/100*****

DOLLARS

Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711

AUTHORIZED SIGNATURE

MP

MEMO

Notice Fee



THIS DOCUMENT MUST HAVE A COLORED BACKGROUND, ULTRAVIOLET FIBERS AND AN ARTIFICIAL WATERMARK ON THE BACK - VERIFY FOR AUTHENTICITY.

McCARTHY & McCARTHY LLP

2918

Texas Commission on Environmental Quality

6/9/2026

Additional filing fee (Notice Fee) requested by TCEQ

5.88

Firm Checking 3496 Notice Fee

5.88

McCARTHY & McCARTHY LLP

2918

Texas Commission on Environmental Quality

6/9/2026

Additional filing fee (Notice Fee) requested by TCEQ

5.88

Firm Checking 3496 Notice Fee

5.88



104071

Brooke T. Paup, *Chairwoman*
Catarina R. Gonzales, *Commissioner*
Tonya R. Miller, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 8, 2026

Edmond R. McCarthy, Jr., Attorney at Law
McCarthy & McCarthy, LLP
1122 Colorado St., Ste 2399
Austin, TX 78701-2132

VIA E-MAIL

RE: Michael James Pawelek Living Trust
WRPERM 5308A
CN606364826, RN101296333
Application No. 5308A to Amend Water Use Permit No. 5308
Texas Water Code § 11.122, Limited Mailed Notice Required
Cibolo Creek, San Antonio River Basin
Karnes County

Dear Mr. McCarthy:

This acknowledges receipt of fees in the amount of \$112.50 (Receipt No. M640488, attached), on September 25, 2025, and the referenced application on January 23, 2026. Additional information and fees are required before the application can be declared administratively complete.

1. Confirm that the application is not requesting a change in the diversion rate. Staff notes that the currently authorized maximum diversion rate is 1.8 cfs (800 gpm).
2. Remit fees in the amount of \$5.88 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
Notice Fee (\$2.94 x 2 Water Right Holders)	\$	5.88
<u>TOTAL FEES</u>	<u>\$</u>	<u>118.38</u>
<u>FEES RECEIVED</u>	<u>\$</u>	<u>112.50</u>
BALANCE DUE	\$	5.88

Please submit the requested information by July 8, 2026 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) 239-1371.

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua Schauer".

For: Joshua Schauer, Project Coordinator
Water Rights Permitting Team
Water Permitting and Data Section

Attachment

JS/hz

From: [Heather Zuo](#)
To: [REDACTED]
Cc: [Chris Kozlowski](#); [Humberto Galvan](#); [Joshua Schauer](#)
Subject: Michael J. Pawelek Application No. 19-5308A RFI
Date: Monday, June 8, 2026 3:41:47 PM
Attachments: [Pawelek_5308A_RFI_Sent_6.8.26.pdf](#)

Good afternoon Mr. McCarthy,

Please see the attached letter and provide a response by July 8, 2026. If you have any questions let me know.

Best,

Heather Zuo

Project Coordinator

Water Rights Permitting Team, Water Availability Division

Texas Commission on Environmental Quality

heather.zuo@tceq.texas.gov | (512)-239-4636

Brooke T. Paup, *Chairwoman*
Catarina R. Gonzales, *Commissioner*
Tonya R. Miller, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 8, 2026

Edmond R. McCarthy, Jr., Attorney at Law
McCarthy & McCarthy, LLP
1122 Colorado St., Ste 2399
Austin, TX 78701-2132

VIA E-MAIL

RE: Michael James Pawelek Living Trust
WRPERM 5308A
CN606364826, RN101296333
Application No. 5308A to Amend Water Use Permit No. 5308
Texas Water Code § 11.122, Limited Mailed Notice Required
Cibolo Creek, San Antonio River Basin
Karnes County

Dear Mr. McCarthy:

This acknowledges receipt of fees in the amount of \$112.50 (Receipt No. M640488, attached), on September 25, 2025, and the referenced application on January 23, 2026. Additional information and fees are required before the application can be declared administratively complete.

1. Confirm that the application is not requesting a change in the diversion rate. Staff notes that the currently authorized maximum diversion rate is 1.8 cfs (800 gpm).
2. Remit fees in the amount of **\$5.88** 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
Notice Fee (\$2.94 x 2 Water Right Holders)	\$	5.88
TOTAL FEES	\$	118.38
FEES RECEIVED	\$	112.50
BALANCE DUE	\$	5.88

Please submit the requested information by July 8, 2026 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) 239-1371.

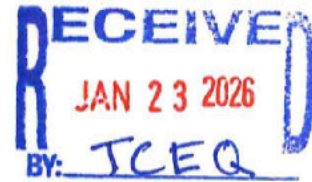
Sincerely,

A handwritten signature in black ink, appearing to read "Joshua Schauer".

For: Joshua Schauer, Project Coordinator
Water Rights Permitting Team
Water Permitting and Data Section

Attachment

JS/hz



**Application of the
Michael James Pawelek Living Trust
to Amend Permit No. 5308**

Points of Contact:

Applicant:

Mike Pawelek, Trustee
6630 Shady Bend Drive
San Antonio, Texas
Tel.: (210) 288-0508
E-mail: [REDACTED]

Attorney:

McCarthy & McCarthy LLP
Attn: Ed McCarthy
1122 Colorado, Suite 2399
Austin, Texas 78701
Tel.: (512) 904-2313
Cell: (512) 426-7138
Fax: (512) 692-2826
E-mail: [REDACTED]

Table of Contents

	<u>Page No.</u>
I. PIP Form.....	003
II. Permit Application to Amend Permit No. 5308.....	008
III. Appendix “A” – Permit No. 5308	043
IV. Appendix “B” – Permit No. 5635	047
V. Appendix “C” – Map of Locations of Permits 5308 and 5635	055
VI. Appendix "D" - Water Conservation Plan, Agricultural Use including Irrigation (30 TAC §2884.4)	058
VII. Appendix "E" - Recorded Deed for irrigated land from Aloys Pawelek, et al to Michael Pawelek.....	063
VIII. Appendix "E" - Recorded Deed from Michael Pawelek to Michael James Pawelek, Trustee of the Michael James Pawelek Living Trust.....	070

I.
PIP Form



Texas Commission on Environmental Quality

Public Involvement Plan Form for Permit and Registration Applications

The Public Involvement Plan is intended to provide applicants and the agency with information about how public outreach will be accomplished for certain types of applications in certain geographical areas of the state. It is intended to apply to new activities; major changes at existing plants, facilities, and processes; and to activities which are likely to have significant interest from the public. This preliminary screening is designed to identify applications that will benefit from an initial assessment of the need for enhanced public outreach.

All applicable sections of this form should be completed and submitted with the permit or registration application. For instructions on how to complete this form, see TCEQ-20960-inst.

Section 1. Preliminary Screening

- ☐ New Permit or Registration Application
☒ New Activity – modification, registration, amendment, facility, etc. (see instructions)

If neither of the above boxes are checked, completion of the form is not required and does not need to be submitted.

Section 2. Secondary Screening

- ☒ Requires public notice,
☐ Considered to have significant public interest, and
☒ Located within any of the following geographical locations:

- Austin
- Dallas
- Fort Worth
- Houston
- San Antonio
- West Texas
- Texas Panhandle
- Along the Texas/Mexico Border
- Other geographical locations should be decided on a case-by-case basis

**If all the above boxes are not checked, a Public Involvement Plan is not necessary.
 Stop after Section 2 and submit the form.**

- ☒ Public Involvement Plan not applicable to this application. Provide **brief** explanation.

This project does not meet the criteria for a PIP.

Section 3. Application Information

Type of Application (check all that apply):

Air ☐ Initial ☐ Federal ☐ Amendment ☐ Standard Permit ☐ Title V
 Waste ☐ Municipal Solid Waste ☐ Industrial and Hazardous Waste ☐ Scrap Tire
☐ Radioactive Material Licensing ☐ Underground Injection Control

Water Quality

☐ Texas Pollutant Discharge Elimination System (TPDES)
☐ Texas Land Application Permit (TLAP)
☐ State Only Concentrated Animal Feeding Operation (CAFO)
☐ Water Treatment Plant Residuals Disposal Permit
☐ Class B Biosolids Land Application Permit
☐ Domestic Septage Land Application Registration

Water Rights New Permit

☐ New Appropriation of Water
☐ New or existing reservoir

Amendment to an Existing Water Right

☐ Add a New Appropriation of Water
☐ Add a New or Existing Reservoir
☐ Major Amendment that could affect other water rights or the environment

Section 4. Plain Language Summary

Provide a brief description of planned activities.

Section 5. Community and Demographic Information

Community information can be found using EPA's EJ Screen, U.S. Census Bureau information, or generally available demographic tools.

Information gathered in this section can assist with the determination of whether alternative language notice is necessary. Please provide the following information.

(City)

(County)

(Census Tract)

Please indicate which of these three is the level used for gathering the following information.

☐

City

☐

County

☐

Census Tract

- (a) Percent of people over 25 years of age who at least graduated from high school
- (b) Per capita income for population near the specified location
- (c) Percent of minority population and percent of population by race within the specified location
- (d) Percent of Linguistically Isolated Households by language within the specified location
- (e) Languages commonly spoken in area by percentage
- (f) Community and/or Stakeholder Groups
- (g) Historic public interest or involvement

Section 6. Planned Public Outreach Activities

(a) Is this application subject to the public participation requirements of Title 30 Texas Administrative Code (30 TAC) Chapter 39?

☐ Yes ☐ No

(b) If yes, do you intend at this time to provide public outreach other than what is required by rule?

☐ Yes ☐ No

If Yes, please describe.

If you answered "yes" that this application is subject to 30 TAC Chapter 39, answering the remaining questions in Section 6 is not required.

(c) Will you provide notice of this application in alternative languages?

☐ Yes ☐ No

Please refer to Section 5. If more than 5% of the population potentially affected by your application is Limited English Proficient, then you are required to provide notice in the alternative language.

If yes, how will you provide notice in alternative languages?

- ☐ Publish in alternative language newspaper
- ☐ Posted on Commissioner's Integrated Database Website
- ☐ Mailed by TCEQ's Office of the Chief Clerk
- ☐ Other (specify)

(d) Is there an opportunity for some type of public meeting, including after notice?

☐ Yes ☐ No

(e) If a public meeting is held, will a translator be provided if requested?

☐ Yes ☐ No

(f) Hard copies of the application will be available at the following (check all that apply):

- ☐ TCEQ Regional Office ☐ TCEQ Central Office
- ☐ Public Place (specify)

Section 7. Voluntary Submittal

For applicants voluntarily providing this Public Involvement Plan, who are not subject to formal public participation requirements.

Will you provide notice of this application, including notice in alternative languages?

☐ Yes ☐ No

What types of notice will be provided?

- ☐ Publish in alternative language newspaper
- ☐ Posted on Commissioner's Integrated Database Website
- ☐ Mailed by TCEQ's Office of the Chief Clerk
- ☐ Other (specify)

II.

Application to Amend Permit No. 5308

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): Michael J. Pawelek, Trustee of Michael James Pawelek Living Trust, a Texas Trust

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 **Administrative Information Report**N Additional Co-Applicant InformationN Additional Co-Applicant Signature PagesY Written Evidence of Signature AuthorityY **Technical Information Report**Y USGS Map (or equivalent)N Map Showing Project DetailsN Original PhotographsN Water Availability AnalysisN **Worksheet 1.0**Y Recorded Deeds for Irrigated LandN Consent for Irrigated LandN **Worksheet 1.1**N Addendum to Worksheet 1.1Y **Worksheet 1.2**N **Worksheet 2.0**N Additional W.S. 2.0 for Each ReservoirN Dam Safety DocumentsN Notice(s) to Governing BodiesN Recorded Deeds for Inundated LandN Consent for Inundated Land

Y/N

Y **Worksheet 3.0**Y Additional W.S. 3.0 for each PointY Recorded Deeds for Diversion PointsN Consent for Diversion AccessN **Worksheet 4.0**N TPDES Permit(s)N WWTP Discharge DataN Groundwater Well PermitN Signed Water Supply ContractN **Worksheet 4.1**N **Worksheet 5.0**N Addendum to Worksheet 5.0Y **Worksheet 6.0**Y Water Conservation Plan(s)N Drought Contingency Plan(s)N Documentation of AdoptionN **Worksheet 7.0**N Accounting PlanY **Worksheet 8.0**Y FeesY Public Involvement Plan

ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

☐ New Appropriation of State Water

☒ Amendment to a Water Right *

☐ Bed and Banks

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

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

Applicant owns three water rights located in the Region L Planning Group in relatively close proximity along Cibolo Creek, a tributary of the San Antonio River in Karnes and Wilson Counties. Two of them are Permit Nos. 5308 and 5635, as amended. Applicant seeks to delete the diversion point currently authorized by Paragraph 2.a. of Permit 5308 and add an existing location downstream which is the Diversion Point identified in Permit 5635 in Paragraph 2.b. located at Latitude 29.000000° N, Longitude 97.916667° W, also, bearing S12°E, 1065 feet from the northwest corner of the Manuel Lopez Survey, Abstract No. 181. Copies of Permit Nos. 5308 and 5635 are attached hereto as Appendices "A" and "B," respectively. Attached as Appendix "C" are maps generated using the TCEQ's Water Right View Finder App showing the location of the two water rights along Cibolo Creek.

Relying upon the new downstream diversion point authorized by Permit 5635, the water authorized for diversion pursuant to Permit 5308 would now be put to beneficial use for agricultural and irrigation purposes on the acreage described in paragraph 1. "Use" identified in Permit 5635.

The Applicant has used a handheld device in the vicinity of the diversion works authorized by Permit 5635 to improve the coordinates for the diversion point quoted above, and requests revision of the Permit 5635 point of diversion to be amended to read:

Latitude: 28.99957 N

Longitude: 97.91760 W

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?

Michael James Pawelek, Trustee of the Michael James Pawelek Living Trust, a Texas Trust

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

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?
You may search for your CN on the TCEQ website at

<http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

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

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

First/Last Name: Michael James Pawelek

Title: Trustee

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

What is the applicant's mailing address as recognized by the US Postal Service (USPS)? You may verify the address on the USPS website at

<https://tools.usps.com/go/ZipLookupAction!input.action>.

Name: Michael James Pawelek, Trustee

Mailing Address: 6630 Shady Bend Drive

City: San Antonio State: TX ZIP Code: 78256

Indicate an X next to the type of Applicant:

☐ 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: _____ 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: Edmond R. McCarthy, Jr.

Title: Attorney at Law

Organization Name: McCarthy & McCarthy, LLP

Mailing Address: 1122 Colorado St., Suite 2399

City: Austin State: TX ZIP Code: 78701

Phone Number: 512-904-2313

Fax Number: 512-692-2826

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: **N/A**

First and Last Name: _____

Title: _____

Organization Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Phone Number: _____

Fax Number: _____

E-mail Address: _____

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

- a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your application.
1. Does Applicant or Co-Applicant owe any fees to the TCEQ? **Yes / No** 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** Yes
- c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use - if required. See TWC §16.012(m) and 30 TAC § 297.41(a)(5). Applicants should check survey status on the TWDB website prior to filing:
https://www3.twdb.texas.gov/apps/reports/WU_REP/SurveyStatus_PriorThreeYears
 Applicant has submitted all required TWDB surveys of groundwater and surface water?
Yes / No N/A

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Michael James Pawelek, Trustee, Michael James Pawelek Living Trust

(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: Michael James Pawelek

(Use blue ink)

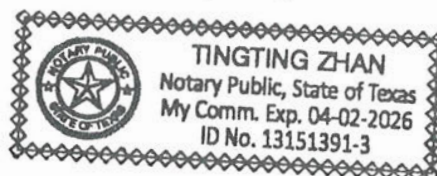
Date: 4-5-2025Subscribed and Sworn to before me by the said Michael James Pawelek, in his capacity as Trustee,on this 5th day of April, 20 25.My commission expires on the 02nd day of April, 20 26.

Notary Public

Tingting Zhan

[SEAL]

County, Texas

Bexar County, TX

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

Date of pre-application meeting: _____

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

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

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y / N 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? 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. If the application does not contain consent from the current owner to make the requested amendment, TCEQ will not begin processing the amendment application until the Change of Ownership has been completed and will consider the Received Date for the application to be the date the Change of Ownership is completed. See instructions page. 6.***

Water Right (Certificate or Permit) number you are requesting to amend: Permit No. 5308

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 Y
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)
- **Worksheet 5.0 – Environmental Information** (Required for any new diversion points that are not already authorized in a water right)

- e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? Y / N 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) 239-4600 to discuss.*

Additionally, all amendments require:

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

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

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

- ⁰¹⁹ **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”:

Applicant's requested Amendment will avoid waste, and ensure maximum beneficial use, of the State water authorized by Permit No. 5308. The Amendment will facilitate Applicant's ability to irrigate pasture lands to feed his cattle, as well as provide livestock water for the cattle. The state and regional water plans do not address every possible change in individual water rights such as Permit 5308. The Application is consistent with both the 2021 Region L Water Plan and the 2022 State Water Plan. The requested Amendment is not counter to or in conflict with either, and the Amendment avoids the need for Applicant to go and acquire or develop a new or alternative water supply source, which makes any such alternative water supply available for other users at this time.

- 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

WORKSHEET 1.0

Quantity, Purpose and Place of Use

N/A

1. New Authorizations (Instructions, Page. 16)

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

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

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

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

a. Location Information Regarding the Lands to be Irrigated

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

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

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

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

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

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

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
100	Irrigation Agriculture	Irrigation Agriculture	see Appendix A, Paragraph 1., "USE"	see Appendix B, Paragraph 1.A., "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:
- Applicant proposes to irrigate a total of 250 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 250 acres in Kames County, TX.
 - Location of land to be irrigated: In the Manuel Lopez Original Survey No. —, Abstract No. 181, described in Volume 277, Pages 215-221 of the Deed Records.

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. SEE APPENDICES B, E & F.

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.

- Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin. **N/A**
- See Worksheet 1.2, Marshall Criteria, and submit if required.
- 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 amendments such as certain amendments to special conditions or changes to off-channel storage. These criteria address whether the proposed amendment will impact other water right holders or the on- stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

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

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

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

Submit responses on a supplemental attachment titled “Marshall Criteria” in a manner that conforms to the paragraphs (a) – (g) below **See attached Pages.**

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

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

WORKSHEET 1.2

MARSHALL CRITERIA

This Application involves a simple “amendment” to an existing permit (Permit No. 5308) to relocate the existing authorized diversion point downstream to another existing diversion point that is authorized by a separate permit (Permit No. 5635), which is also owned by Applicant. Addressing the Commission’s “Marshall Criteria” provides an opportunity for Applicant to highlight aspects and characteristics of its proposed permit amendment that enhances the foundation for its expeditious issuance.

This is an amendment to facilitate the maximum beneficial use of a portion of the state water Applicant already has permitted as Permit 5308 (Appendix “A”) to address an existing need in support of Applicant’s cattle operations at the downstream location. The requested new diversion point for Permit No. 5308 application is an existing diversion point authorized by Applicant’s separate Permit No. 5635.

In addition to the direct benefits the Applicant will derive from the amendment, the segment of Cibolo Creek between the current diversion point and the proposed new diversion point will also benefit due to the additional flow that will pass through the downstream segment enroute to the newly requested diversion point. This additional flow will provide for a more stable flow in the stream to support habitat for both terrestrial and aquatic species in the segment.

- a. **Administrative Requirements and Fees.** Confirm whether application meets the administrative requirements for a water use permit pursuant to TWC Chapter 11 and Title 30 Texas Administrative Code (TAC) Chapters 281, 295, and 297, including, but not limited to, a sworn application, maps, completed conservation plan, fees, etc.

RESPONSE: Based upon a review of the Application, including a review of the requirements of Chapter 11, Texas Water Code, and Chapters 281, 295 and 297 of Title 30 of the Texas Administrative Code, Applicant believes that its Application to be complete. Applicant further believes its Application includes all of the required documentation, including maps and appropriate fees, and is, therefore, compliant with the requirements of Texas law.

- b. **Beneficial Use.** Discuss how proposed permit 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 permit is requested.

RESPONSE: The proposed permit amendment maximizes the beneficial use of Applicant’s existing authorization to use state water appropriated by Permit No. 5308, address water shortages Applicant is experiencing with its existing cattle operations due to prolonged drought conditions that preclude full use of Applicant’s water rights under its multiple permits, which threatens both Applicant’s investment in its cattle operations, and consumers’ access to hearty Texas Beef at their local supermarket meat counter. As noted, the requested Amendment will have practical benefits on multiple levels, *e.g.*, ecological,

environmental, recreational and socio-economic by enhancing the stability of the water resources available to Applicant of its downstream diversion point and place of use. Allowing stream flows to remain in the watercourse to the new diversion point will enhance both the aquatic and terrestrial habitat, as well as serve Applicant's needs for its agricultural activities. With the Amendment, Applicant can accomplish its objectives while maximizing the limited available state water and not seeking additional appropriation of state water that will remain available for beneficial uses for other purposes by other permittees. Additionally, granting the Amendment to facilitate the use of Applicant's existing surface water appropriation benefits groundwater resources in the region by reducing the need to drill and produce groundwater for the Applicant's beneficial purposes at the place of use. As the water Applicant seeks to use is already appropriated for the purposes intended by Applicant, it is not a new appropriation of state water subject to the restrictions or limitations typically placed on the first time permitting of new appropriations of state water for environmental purposes, nor does the Amendment have the impact on state resources a new appropriation would have.

- c. **Public Welfare.** Explain how the permit 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.

RESPONSE: Again, Applicant seeks to amend an existing water right, without changing its use, or increasing either the rate or volume of its use. Consistent with the beneficial uses described in paragraph b. above, the public welfare will be benefitted by having water supplies made available for Applicant's continued beneficial uses for agricultural purposes related to his cattle operations, including water for irrigating agriculture for growing of food sources, and water available for his cattle are beneficial uses that necessarily support the public welfare. All of the proposed uses and benefits associated with Applicant's amendment request for authorization to move the diversion point downstream, rather than either appropriate additional State Water or drill wells to produce groundwater for Applicant's intended beneficial uses described in the Applicant's application, benefit the public welfare on multiple levels. Moreover, the objectives of Applicant's permit are consistent with the water needs and proposed strategies identified in both the Regional Plan and State Water Plan. None of the changes requested by the amendment threatens or counters the objections of those water plans.

- d. **Groundwater Effects.** Discuss effects of permit on groundwater or groundwater recharge.

RESPONSE: The effects, if any, on groundwater or groundwater recharge should be positive. Applicant is not seeking an appropriation of any new water, but the right to beneficially use water already appropriated. This not only avoids the need for Applicant to pursue alternative water sources, *i.e.*, groundwater produced from regional aquifers to accomplish the same beneficial purposes, Applicant's plan to relocate his diversion point downstream to an existing authorized diversion point will leave water in the watercourse for a longer period, which provides opportunity for recharge to underlying aquifers. Any such recharge will enhance the availability of groundwater within the region. Additionally, Applicant's avoidance of developing groundwater resources for its planned beneficial

purposes will have the beneficial effect of allowing fresh groundwater to remain *in situ*, and available for other purposes.

- e. **State Water Plan.** Describe how permit 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 beneficial reuse of groundwater based effluent 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>.

RESPONSE: The Regional Water Plan incorporated into the State Water Plan, includes components for beneficial use of existing appropriated water rights as well as encourages conservation of available groundwater resources, in addition to identifying multiple demands for water to meet the needs of the Region's ever growing population. The above responses to the various Marshall Criterion enumerate multiple ways in which Applicant's proposed amendment to Permit No. 5308 addresses water supply needs consistent with both the Regional and State Water Plans. As the amendment application does not contemplate an appropriation of additional new state water, but rather the use of already appropriated state water for beneficial purposes, the criteria requirement for compliance with State Water Plan, while not truly applicable, it is satisfied by the proposed amendment.

- 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.

RESPONSE: The Applicant's proposed amendment reflects an avoidance of waste, in part, from maximized beneficial use of its existing appropriative rights compliant with both Section 11.002, Texas Water Code, and Chapter 288, Title 30 of the Texas Administrative Code. Applicant intends to apply the water to a beneficial use for its established agricultural purpose, *i.e.*, its cattle operations, at an established diversion point. Additionally, Applicant's diversions are coordinated with and overseen by the South Texas Watermaster.

- g. **Impacts on Water Rights or On-stream Environment.** Explain how the permit 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.

RESPONSE: Applicant's proposed amendment to Permit 5308 to utilize beneficially existing appropriated water rights (Appendix "A") will not have a negative impact on either downstream water rights or on-stream environment. The distance between the Applicant's existing and proposed new diversion point is not significant, and Applicant assumes that in addition to his coordination with the Watermaster to avoid conflicts with any intervening water rights holders, that TCEQ Staff will recommend appropriate special conditions in the amended Permit No. 5308 that recognize that his rights, and priority of use, would be subordinated to some extent vis-à-vis the rights of any junior priority appropriators whose points of diversion are located between the existing point of diversion authorized in Permit

5308 and the new point of diversion, which is the existing point of diversion authorized in Permit 5635 affected by the proposed amendment.

WORKSHEET 2.0 N/A

Impoundment/Dam Information

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

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

1. Storage Information (Instructions, Page. 21)

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

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

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

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

2. Structure Location (Instructions, Page. 23)

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

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

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

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

Latitude_____°N, Longitude_____°W.

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

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

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

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

b. Maximum Rate of Diversion for **this new point** 1.18 cfs (cubic feet per second)
or 500 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / N 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 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	Existing - Permit 5635A
☐	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 N

If yes, the drainage area is sq. miles.

(If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application)

* Applicant is abandoning the existing diversion point upstream authorized by Permit No. 5308.

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Cibolo Creek, a Tributary of the San Antonio River
- b. Zip Code: 78117
- c. Location of point: In the Manuel Lopez Original Survey No. , Abstract No. 181, Karnes 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 28.99957 °N, Longitude 97.91760 °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): Handheld GPS Device
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

The requested Diversion Point is an existing Diversion Point authorized by both COA 19-1168 and Permit No. 5635 owned by Applicant. See Appendices A, B, E and F.

WORKSHEET 4.0 DISCHARGE INFORMATION

N/A

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

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

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

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

WORKSHEET 4.1 N/A

DISCHARGE POINT INFORMATION

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

Instructions, Page 27.

For water discharged at this location provide:

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

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

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

N/A

1. Impingement and Entrainment

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

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

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

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

a. Identify the appropriate description of the water body.

☐ Stream

☐ Reservoir

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

☐ Other, specify: _____

b. Flow characteristics

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

☐ Intermittent – dry for at least one week during most years

☐ Intermittent with Perennial Pools – enduring pools

☐ Perennial – normally flowing

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

☐ USGS flow records

☐ Historical observation by adjacent landowners

☐ Personal observation

☐ Other, specify: _____

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

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

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

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

a. For all bed and banks applications:

- i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

b. For all alternate source applications:

- i. If the alternate source is treated return flows, provide the TPDES permit number _____
- ii. If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:
Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

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

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

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

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans

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

Instructions, Page 31.

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

1. Water Conservation Plans

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

1. Request for a new appropriation or use of State Water.
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. **See attached Appendix "C."**
**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. **See Appendix "D"**
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

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 512-239-4600 for information about accounting plan requirements, if any, for your application. **Instructions, Page 34.**

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

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

WORKSHEET 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

	Description	Amount (\$)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$) . <u>In Acre-Feet</u> a. Less than 100 \$100.00 b. 100 - 5,000 \$250.00 c. 5,001 - 10,000 \$500.00 d. 10,001 - 250,000 \$1,000.00 e. More than 250,000 \$2,000.00	
Recording Fee		\$25.00
Agriculture Use Fee	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
Use Fee	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
Recreational Storage Fee	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
Storage Fee	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	
TOTAL		\$ N/A

2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
Filing Fee	Amendment: \$100	\$100.00
	OR Sever and Combine: \$100 x _____ of water rights to combine	
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		\$ N/A

III.

Appendix “A” – Permit No. 5308

PERMIT TO
APPROPRIATE STATE WATER

APPLICATION NO.	5308	PERMIT NO.	5308	TYPE:	\$11.121
Permittee:	Sam Jarzombek	Address:	Rt. 1, Box 37A Falls City, Texas 78113		
Filed:	August 14, 1990	Granted:	November 28, 1990		
Purpose:	Irrigation	Counties:	Wilson & Karnes		
Watercourse:	Cibolo Creek, tributary of San Antonio River	Watershed:	San Antonio River Basin		

WHEREAS, Sam Jarzombek seeks authorization to divert 100 acre-feet of water per annum from Cibolo Creek for irrigation purposes in Wilson and Karnes Counties; and

WHEREAS, the Texas Water Commission finds that jurisdiction over the application is established; and

WHEREAS, no person protested the granting of this application; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Water Commission in issuing this permit.

NOW, THEREFORE, this permit to appropriate and use State water is issued to Sam Jarzombek, subject to the following terms and conditions:

1. USE

Permittee is authorized to divert and use not to exceed 100 acre-feet of water per annum from Cibolo Creek, tributary of the San Antonio River for the irrigation of 50 acres of land out of a 250-acre tract of land in the St. Clair Patton Survey, Abstract No. 249 in Wilson County and the St. Clair Patton

Survey, Abstract No. 230 in Karnes County, approximately 14½ miles southeast of Floresville, Texas. Said land is conveyed to the applicant and described in a Warranty Deed recorded in Volume 233, page 567 of the Karnes County Deed Records and Volume 284, page 292 of the Wilson County Deed Records.

2. DIVERSION

a. Point of Diversion: Located on the right, or east, bank of Cibolo Creek at Latitude 29° 04.1' N, Longitude 97° 57.31' W and also being S 10° W, 800 feet from the northwest corner of the aforesaid St. Clair Patton survey in Wilson County.

b. Maximum Diversion Rate: 1.8 cfs (800 gpm).

3. SPECIAL CONDITION

For purposes of protecting instream uses and senior downstream water rights, permittee is authorized to divert water hereunder only when the flow of Cibolo Creek at the USGS Gaging Station No. 08186000 at Falls City equals or exceeds at least 25 cfs during the months May through August. If permittee diverts water prior to installation of the reference device, this permit shall expire and become null and void.

This permit is issued subject to all superior and senior water rights in the San Antonio River Basin.

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

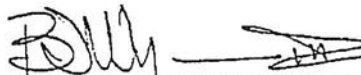
Permittee shall use those practices, techniques, and technologies that will reduce the loss or waste of water and improve the efficiency and use of water so that only so much water as can be beneficially used will be diverted. Furthermore, diversion and use will occur only when reasonably necessary because of prevailing climatic conditions and subject to the terms and conditions of this permit.

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

This water right is appurtenant to and is an undivided part of the above described land within which irrigation is authorized. A transfer of any portion of the land described includes, unless otherwise specified, a proportionate amount of the water right owned by the owner or seller at the time of the transaction.

This permit is issued subject to the Rules of the Texas Water Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS WATER COMMISSION



B. J. Wynne, III, Chairman

DATE ISSUED: JAN 03 1991

ATTEST:


Brenda W. Foster, Chief Clerk

IV.

Appendix “B” – Permit No. 5635

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

THE STATE OF TEXAS
COUNTY OF TRAVISI hereby certify that this is a true and correct copy of a Texas Natural Resource Conservation Commission document, which is filed in the permanent records of the Commission.
Given under my hand and the seal of office on

JAN 12 2001

La Donna Castañuela, Chief Clerk
Texas Natural Resource
Conservation CommissionPERMIT TO APPROPRIATE
AND USE STATE WATER

APPLICATION NO. 5635	PERMIT NO. 5635	TYPE: Section 11.121
Permittee: Michael Pawelek	Address: 16400 Henderson Pass #913 San Antonio, TX 78232	
Filed: June 23, 1999	Granted: JAN 05 2001	
Purposes: Irrigation	County: Karnes	
Watercourse: Cibolo Creek, tributary of San Antonio River	Watershed: San Antonio River Basin	

WHEREAS, applicant seeks authorization to divert 350 acre-feet of water per annum, at a maximum diversion rate not to exceed 1.11 cfs (500 gpm), from a point on Cibolo Creek, tributary of the San Antonio River, directly to the fields for irrigation, or from the same point on Cibolo Creek to an off-channel reservoir, with a surface area of approximately 1 acre and a capacity of approximately 5 acre-feet of water, for subsequent irrigation of 191 acres of land out of a 250 acre tract of land in the Manuel Lopez Survey, Abstract No. 181, approximately 8 miles north of Karnes City, Karnes County; and

WHEREAS, the Texas Natural Resource Conservation Commission finds that jurisdiction over the application is established; and

WHEREAS, the Executive Director has determined that there is adequate streamflow and sufficient unappropriated water to support a water right of 55 acre-feet per annum without term restrictions; and

WHEREAS, the Executive Director has determined that there is adequate streamflow and sufficient term water which has been appropriated but is to date not fully utilized, to support a water right of 295 acre-feet per annum with term restrictions; and

WHEREAS, in order to provide maintenance flows for existing instream uses, the Executive Director recommends that the requested diversions be subject to specific streamflow restrictions; and

WHEREAS, no person protested the granting of this application.

NOW, THEREFORE, this permit to appropriate and use State water is issued to Michael Pawelek, subject to the following terms and conditions:

1. USE

- a) Permittee is authorized to divert and use not to exceed 295 acre-feet of water per annum for a term of years described herein, from Cibolo Creek, tributary of the San Antonio River, directly for irrigation purposes, or to the off-channel reservoir described herein, for subsequent diversion to irrigate 191 acres of land out of a total of 250 acres of land in the Manuel Lopez Survey, Abstract 181, and described in Volume 277, Page 215 of the official Deed Records of Karnes County, Texas
- b) Permittee is authorized to divert and use not to exceed 55 acre-feet of water per annum without term restrictions from the point on Cibolo Creek and for the purposes and place of use described herein.

2. DIVERSION

- a) Maximum Rate: 1.11 cfs (500 gpm)
- b) Location: At a point on Cibolo Creek at Latitude 29°N, Longitude 97.55° W, bearing 12° South and 1065 feet distance from the northwest corner of the aforesaid survey.

3. PRIORITY DATE

The priority date for both perpetual and term water use of this permit and all extensions granted for the term water use shall be June 23, 1999.

4. TERM

Permittee is granted water use for 295 acre-feet of water per annum for a term of years which shall expire and become null and void on December 31, 2010, unless prior to such date permittee applies for an extension hereof and such application is subsequently granted for an additional term or in perpetuity.

5. SPECIAL CONDITIONS

- a) In order to provide maintenance flows for existing instream uses, diversions from the point on Cibolo Creek will be limited to times when the streamflow at U.S.G.S. gage No. 08186000 near Falls City equals or exceeds 18 cubic feet per second during March through June, and 13 cubic feet per second during July through February.
- b) Permittee shall install and maintain a metering device at the pump site located on Cibolo Creek, having an accuracy of +/- 5%.

- c) Permittee shall contact the South Texas Water Master prior to diversion of water authorized herein.

4. WATER CONSERVATION

Owner shall implement a water conservation plan that provides for the utilization of those practices, techniques, and technologies that reduce the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

This permit is issued subject to all superior and senior water rights in the San Antonio River Basin.

Permittees agree to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

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

This permit is issued subject to the Rules of the Texas Natural Resource Conservation Commission and to the right of continuing supervision of State water resources exercised by the Commission.

Texas Natural Resource
Conservation Commission


For the Commission

DATE ISSUED: **JAN 05 2001**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

THE STATE OF TEXAS
COUNTY OF TRAVISI hereby certify that this is a true and correct copy of a
Texas Commission on Environmental Quality document,
which is filed in the permanent records of the Commission.
Given under my hand and the seal of office on

SEP 23 2009

AMENDMENT TO WATER USE PERMIT

LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality

PERMIT NO. 5635A

TYPE: §11.122

Permittee: Michael Pawelek

Address: 6630 Shady Bend Drive
San Antonio, Texas

Filed: February 26, 2009

Granted: SEP 15 2009

Purposes: Agriculture

County: Karnes

Watercourse: Cibolo Creek,
Tributary of San Antonio River

Watershed: San Antonio River Basin

WHEREAS, Water Use Permit No. 5635 authorizes the permittee to divert and use not to exceed 55 acre-feet of water per year from Cibolo Creek, tributary of the San Antonio River, San Antonio River Basin, for agricultural (irrigation) purposes, or for storage in an off-channel reservoir for subsequent diversion to irrigate 191 acres out of a total of 250 acres of land in Karnes County, Texas with a priority date of June 23, 1999; and

WHEREAS, permittee is also authorized on a term basis to divert and use not to exceed 295 acre-feet of water per year from the same diversion point for irrigation of the same 191 acres; and

WHEREAS, the permit contains a special condition which states the authorization to divert and use the 295-acre-foot portion of water shall expire on December 31, 2010; and

WHEREAS, Applicant has applied to amend Water Use Permit No. 5635 to extend the expiration date of the 295-acre-foot portion of water from Cibolo Creek for agricultural purposes; and

WHEREAS, Applicant has indicated that the off-channel reservoir was drained and the area landscaped to its original condition; and

WHEREAS, Applicant also seeks to correct the Longitude of the authorized diversion point from 97.55° to 97° 55' or 97.916667°W; and

WHEREAS, the diversion point is located at Latitude 29.000000°N, Longitude 97.916667°W, also bearing S 12° E, 1,065 feet from the northwest corner of the Manuel Lopez Survey, Abstract No. 181; and

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

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

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

WHEREAS, the Executive Director recommends granting the request for diversion of 295 acre-feet of water on a term basis for a ten year period, and recommends the off-channel reservoir should be deleted from the permit; and

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

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

NOW, THEREFORE, this amendment to Permit No. 5635, designated Water Use Permit No. 5635A, is issued to Michael Pawelek subject to the following terms and conditions:

1. USE

In lieu of the previous authorizations, Permittee is now authorized the following:

- A. Permittee is authorized to divert and use not to exceed 55 acre-feet of water per year from Cibolo Creek, tributary of the San Antonio River, San Antonio River Basin, for agricultural purposes to irrigate 191 acres of land out of a total of 250 acres of land in the Manuel Lopez Survey, Abstract 181, and described in Volume 277, Page 215 of the Official Deed Records of Karnes County, Texas.
- B. Permittee is also authorized to divert and use not to exceed 295 acre-feet of water per year for a term of ten years from Cibolo Creek for agricultural purposes to irrigate the same 191 acres described above.

2. DIVERSION

- A. In lieu of Diversion Paragraph 2.b., Permittee can now divert the authorized water at a point located at Latitude 29.000000°N, Longitude 97.916667°W, also, bearing S 12° E, 1065 feet from the northwest corner of the Manuel Lopez Survey, Abstract No. 181.

- B. The maximum diversion rate shall not exceed 1.11 cfs (500 gpm).

3. TIME PRIORITY

- A. The priority date for the perpetual 55 acre-feet of water is June 23, 1999.
- B. The priority date for 295 acre-feet of term water is February 26, 2009.

4. CONSERVATION

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

5. SPECIAL CONDITIONS

- A. The authorization in Use Paragraph 1.B., to divert and use 295 acre-feet of water per year, shall expire and become null and void on December 31, 2020 without further Commission action.
- B. No diversion of water shall be made when such water is required to satisfy domestic and livestock demands downstream, or when necessary to satisfy senior and superior water rights and instream needs.
- C. In order to provide maintenance flows for existing instream uses, diversions of the 55 acre-foot portion of water should be limited to times when streamflow at USGS Gage No. 08186000 near Falls City equals or exceeds 18 cubic feet per second during March through June, and 13 cubic feet per second during July through February.
- D. In order to provide sufficient flow for instream uses of Cibolo Creek, diversions of the 295-acre-foot portion of water should be limited to times when streamflow at USGS Gage No. 08186000 equals or exceeds:

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Flow (cfs)	15.0	15.0	20.0	18.5	21.0	20.0	15.0	15.0	15.0	15.0	15.0	15.0

This special condition is subject to adjustment by the commission if the commission determines, through an expedited public review process, that such adjustment is appropriate to achieve compliance with applicable environmental flow standards adopted pursuant to Texas Water Code § 11.1471. Any adjustment shall be made in accordance with the provisions of Texas Water Code § 11.147(e-1).

- E. Permittee shall contact the South Texas Watermaster prior to diversion of water authorized by this amendment.

This water right is appurtenant to and is an undivided part of the above-described land within which irrigation is authorized. A transfer of any portion of the land described includes, unless otherwise specified, a proportionate amount of the Permit by the owners or seller at the time of the transaction.

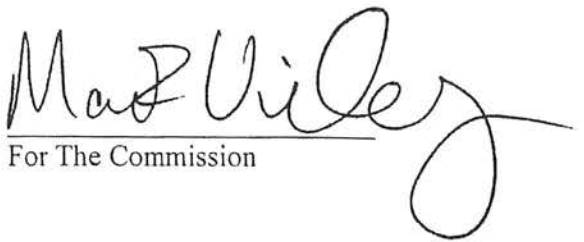
This amendment is issued subject to all terms, conditions, and provisions contained in Water Use Permit No. 5635, except as specifically amended herein.

This amendment is subject to all superior and senior water rights in the San Antonio River Basin.

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

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

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


For The Commission

DATE ISSUED: SEP 15 2009

Filed for Record in:
Karnes County
On: Oct 16, 2009 at 02:43P
As a:
No Fee
Document Number: 00085151
Amount: .00
Receipt Number - 23822
By:
Erica Gutierrez

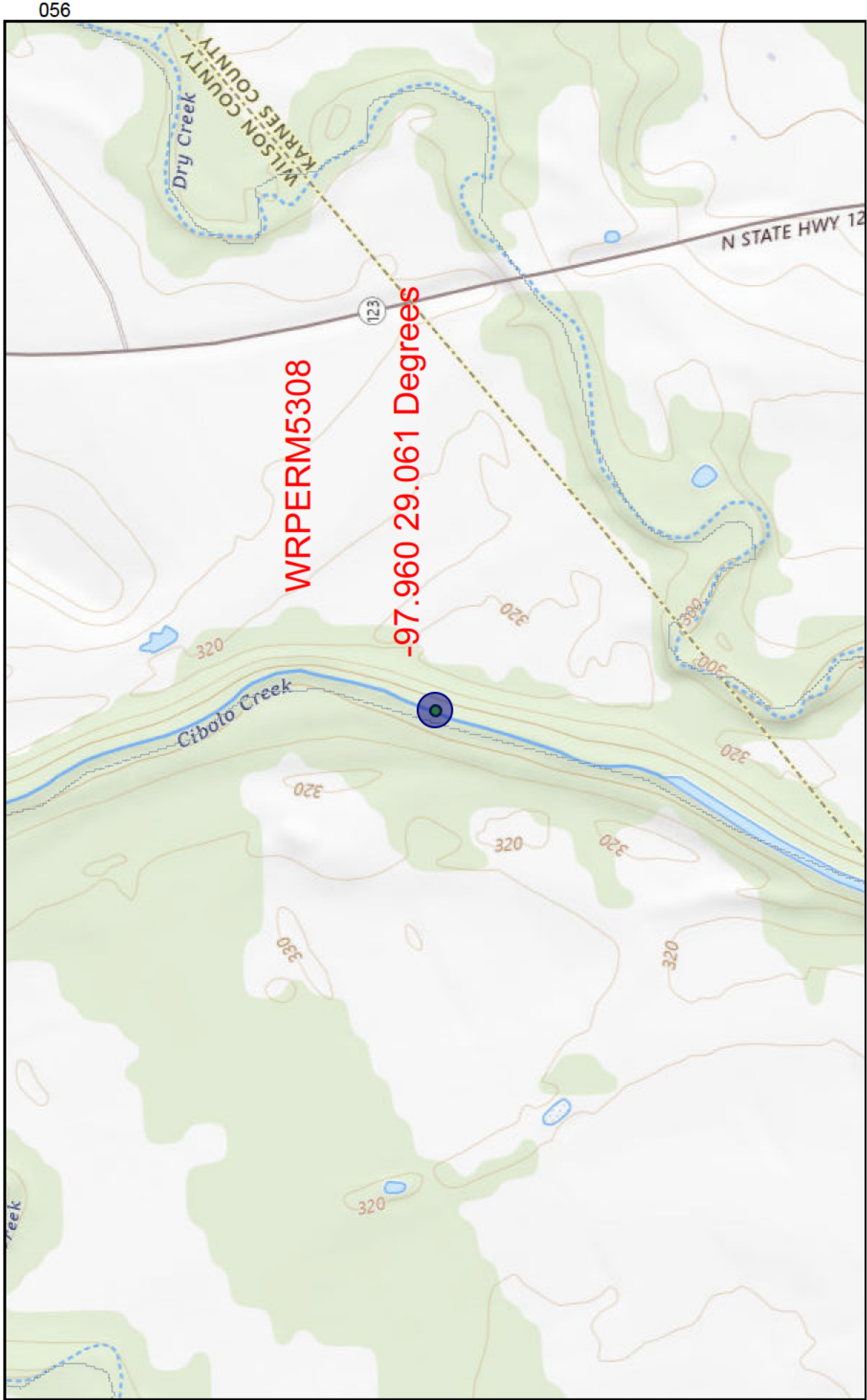
STATE OF TEXAS COUNTY OF KARNES
I hereby certify that this instrument was
filed on the date and time stamped herein by me
and was duly recorded in the volume and page
of the named records of:
Karnes County
as stamped hereon by me,
Oct 16, 2009

Alva Jones, County Clerk
Karnes County

Page 20

V.

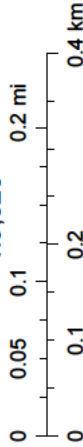
**Appendix “C” – Map of Locations
of Permit Nos. 5308 and 5635**

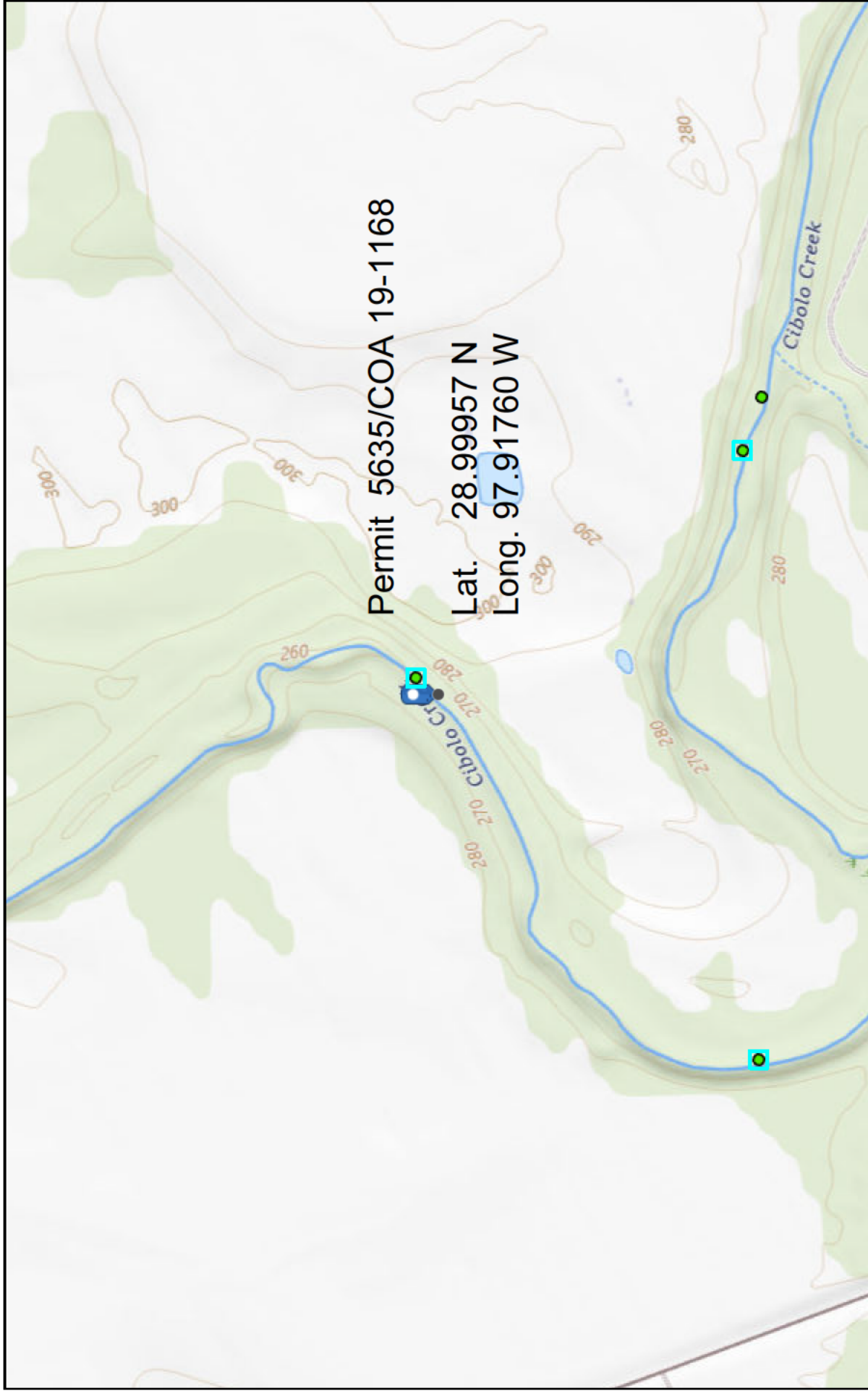


9/2/2025, 5:20:33 PM

- graphicsLayer4
- Texas Outline
- River Basin Boundary transparent
- Final Determination Watershed
 - 50,000 - 250,000
 - 15,000 - 50,000
 - 500 - 15,000
 - < 500
- All Water Rights
- Flow Forecast (cfs)
 - > 250,000

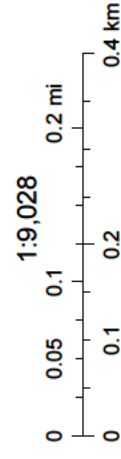
1:9,028





12/9/2025, 1:19:33 PM

- ☐ River Basin Boundary transparent
- ☐ Final Determination Watershed
- ☒ All Water Rights



USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography

USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset, USGS Global ArcGIS Web AppBuilder

VI.

Appendix “D” – Water Conservation Plan, Agricultural Use including Irrigation (30 TAC §288.4)



Texas Commission on Environmental Quality

Water Availability Division

MC-160, P.O. Box 13087 Austin, Texas 78711-3087

Telephone (512) 239-4600, FAX (512) 239-2214

System Inventory and Water Conservation Plan for Individually-Operated Irrigation Systems

This form is provided to assist entities in developing a water conservation plan for individually-operated irrigation systems. If you need assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4600.

Additional resources such as best management practices (BMPs) are available on the Texas Water Development Board's website <http://www.twdb.texas.gov/conservation/BMPs/index.asp>. The practices are broken out into sectors such as Agriculture, Commercial and Institutional, Industrial, Municipal and Wholesale. BMPs are voluntary measures that water users use to develop the required components of Title 30, Texas Administrative Code, Chapter 288. BMPs can also be implemented in addition to the rule requirements to achieve water conservation goals.

Contact Information

Name: Michael James Pawelek Living Trust
 Address: 6630 Shady Bend Dr. San Antonio Tx. 78256
 Telephone Number: (210)288-0508 Fax: ()
 Form Completed By: Michael James Pawelek
 Title: Owner/Operator
 Signature: *Michael James Pawelek* Date: 10/31/2025

A water conservation plan for agriculture use (individual irrigation user) must include the following requirements (as detailed in 30 TAC Section 288.4). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.

Centrifugal pump, with a pumping rate of approx. 500 gallons per minute, through irrigation pivots all having Low Drift Nozzles (LDN) set as close to the crop as practical. This WCP is not part of a water rights application.

2. Describe the device(s) and/or method(s) used to measure and account for the amount of water diverted from the supply source, and verify the accuracy is within plus or minus 5%.

McCrometer Turbine Water meter is used to measure and account for the amount of water. It is an accepted type of device used for this scenario and its accuracy is within plus or minus 5%.

3. Provide specific, quantified 5-year and 10-year targets for water savings including, where appropriate, quantitative goals for irrigation water use efficiency and a pollution abatement and prevention plan below in 3(a) and 3(b). Water savings may be represented in acre-feet or in water use efficiency. If you are not planning to change your irrigation system in the next five or ten years, then you may use your existing efficiencies or savings as your 5-year and /or 10-year goals. Please provide an explanation in the space provided below if you plan to use your existing efficiencies or savings.

I plan to use my existing equipment. The equipment includes no impact sprinklers; the pump is equipped with a Variable Frequency Driver (VFD) to control pressure and manage drift. My 5 and 10 year plan is to stay informed of, and implement new technologies that would help me get more production from the water pumped. A fall and winter rye grass crop is being tried to grow beef cattle during a cooler time of the year to save on water.

Quantified 5-year and 10-year targets for water savings:

- a. 5-year goal:
Savings in acre-feet or system efficiency as a percentage 90 %
- b. 10-year goal:
Savings in acre-feet or system efficiency as a percentage 90x %

(Examples of Typical Efficiencies for Various Types of Irrigation Systems - Surface: 50-80%; Sprinkler: 70-85%; LEPA: 80-90%; Micro-irrigation: 85-95%)

4. If there is an existing irrigation system, have any system evaluations been performed on the efficiency of the system?

☐ Yes x ☐ No

If yes, please provide the date of the evaluation, evaluator's name and the results of the evaluation:

C. Conservation practices

1. Describe any water conserving irrigation equipment, application system or method in the irrigation system (e.g., surge irrigation, low pressure sprinkler, drip irrigation, nonleaking pipe).

LDN Nozzles, no high-pressure impact sprinklers, VFD on pump as discussed above.

2. Describe any methods that will be used for water loss control and leak detection and repair.

Equipment is visually monitored and repaired as needed to prevent the loss of water and leaks.

3. Describe any water-saving scheduling or practices to be used in the application of water (e.g., irrigation only in early morning, late evening or night hours and/or during lower temperatures and winds) and methods to measure the amount of water applied (e.g. soil-moisture monitoring).

Irrigating during the cooler months of the year, managing the amount of grass cover in order to shade the ground, not overgrazing, controlling weeds and brush. The amount of water applied is calculated by use of the McCrometer Turbine Water meter and the acreage covered by the center pivot system.

4. Describe any water-saving land improvements or plans to be incorporated into the irrigation practices for retaining or reducing runoff and increasing infiltration of rain and irrigation water (e.g., land leveling, conservation tillage, furrow diking, weed control, terracing, etc.).

The grass fields are tilled with a tillage tool common for grass fields, weed and brush control.

5. Describe any methods for recovery and reuse of tail water runoff.

A center pivot system is not a flood irrigation method; therefore, it does not create a tail water runoff.

6. Describe any other water conservation practices, methods, or techniques for preventing waste and achieving conservation.

Review publications and irrigation studies for new ideas and technologies. Implement any water saving ideas if practical, water conservation also lowers the pumping cost because less water is used.

II. WATER CONSERVATION PLANS SUBMITTED WITH A WATER RIGHT APPLICATION FOR NEW OR ADDITIONAL STATE WATER

Water Conservation Plans submitted with a water right application for New or Additional State Water must include data and information which:

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;
2. evaluates conservation as an alternative to the proposed appropriation; and
3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

Additionally, it shall be the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists and that the requested amount of appropriation is necessary and reasonable for the proposed use.

Appendix “E”

**Deed from Aloys Pawelek et al to Michael Pawelek
Recorded in the Official Public Records of Karnes County,
Texas, at Vol. 606, Pages 119 *et seq.***

THE STATE OF TEXAS § WARRANTY DEED WITH VENDOR'S LIEN
COUNTY OF KARNES § KNOW ALL MEN BY THESE PRESENTS:

That we, ALOYS PAWELEK and wife, ROSE PAWELEK of the County of Karnes and State of Texas, hereinafter called "GRANTORS", for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration to us in hand paid by MICHAEL PAWELEK, hereinafter called "GRANTEE", and of the further consideration of the execution and delivery by GRANTEE of his one certain promissory note in the principal sum of NINETY SIX THOUSAND AND NO/100 DOLLARS (\$96,000.00) payable to FARM CREDIT BANK OF TEXAS, or order, at Kenedy, Karnes County, Texas, with interest thereon from date until paid at the rate of seven and 1/4 PER CENT (7.250%) per annum, as in said note provided; and said note expressly stating and acknowledging the same to be secured by a Vendor's Lien, as hereinafter retained and assigned, and as well the Deed of Trust executed and dated the 27 day of June, 1994, to ARNOLD R. HENSON, Trustee, as his additional obligation and security for the full, prompt and final payment of said note;

Have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY, unto the said MICHAEL PAWELEK, whose mailing address is ~~15255 Gary Ridge #821, Houston, TX. 77082~~ ^{AP} 16550 HENDERSON TR. 33, SWANTRAVIO Tr. 7B232 N50 that certain real property, together with any and all improvements thereon, lying and being situated in the County of Karnes and State of Texas and more particularly described as follows, to wit:

All that certain tract or parcel of land lying and being situated in the County of Karnes and the State of Texas and being a part of the Manuel Lopez Survey, Abstract 181, in said County and State and described by metes and bounds as follows:

BEGINNING at the lower corner of the Biela tract on the East bank of the Cibolo River, a pecan tree 24 inches in diameter marked 0 for corner from which another pecan tree marked "J" bears North 14.5 East 15 varas, another pecan tree marked S bears North 4 1/2 East 14.75 varas.

THENCE with the lower line of the Biela place North 61 East 1460 varas to a stake set for the East corner of this survey, or tract.

THENCE North 29 West 689 varas to a stake in the upper line of the old Biela place, set a stake for the North corner of this tract and the Northwest corner of a tract of 116 acres described in a deed from R. H. Fechner to Ben Pawelek, dated October 67, 1924, and recorded in Volume 73, Page 140, of the Deed Records of Karnes County, Texas.

Vol 660 Page 119

THENCE with the upper line South 61 west 1550 varas to a post on the bank of the Cibolo River from which a pecan tree marked X (old marks) bears South 35 East 5.4 varas.

THENCE down the Cibolo River with its meanders to the place of BEGINNING, containing 250 acres of land, more or less.

Being the same land described in a deed from Mrs. Susan Biela to Melheor Pawelek, dated November 3rd, 1919, and recorded in Volume 60, Page 483, of the Deed Records of Karnes County, Texas.

This conveyance is subject, however, to the following:

1. 11/12 mineral interest, the royalties, bonuses, rentals and other rights in Connection with said mineral rights, bonuses and rentals, described in instrument from Aloys Pawelek to Pella Pawelek, et al, dated February 19, 1960, recorded in Volume 276, Page 305, of the deed Records of Karnes County, Texas, reference to which instrument is here made for all purposes.
2. Easement shown in insrtument from Aloys J. Pawelek, et ux to Magnolia Pipe Line Co., dated April 8, 1961, recorded in Volume 296, Page 447, of the Deed Records of Karnes County, Texas.
3. Leasehold estate created in lease between Aloys J. Pawelek, et ux, and Magnolia Pipe Line Co., dated July 8, 1961, recorded in Volume 296, Page 474, of the Deed Records of Karnes County, Texas, and all terms, conditions and stipulations contained therein.
4. Easement shown in instrument from Aloys Pawelek, et ux to Lo Vaca Gathering Co., dated July 7, 1961, recorded in Volume 298, Page 142, of the Deed Records of Karnes County, Texas.
5. Easement shown in instrument from Aloys Pawelek to Standard Oil Co., of Texas dated June 4, 1963, recorded in Volume 317, Page 473, of the Deed Records of Karnes County, Texas.
6. Easement shown in instrument from Aloys Pawelek et ux, to Lo Vaca Gathering Co., dated April 5, 1968, recorded in Volume 370, Page 393, of the Deed Records of Karnes County, Texas.
7. Easement shown in instrument from Aloys Pawelek, et al, to Midhurst Oil Corp., dated January 22, 1969, recorded in Volume 380, Page 17, of the Deed Records of Karnes County, Texas.
8. Easement shown in instrument from Aloys Pawelek, et ux, to Shell Oil Co., dated January 26, 1972, recorded in Volume 410, Page 253, of the Deed Records of Karnes County, Texas.
9. Easement shown in instrument from Aloys J. Pawelek, et ux, to Mobile Pipe Line Co., dated March 23, 1978, recorded in Volume 475, Page 639, of the Deed Records of Karnes County, Texas.
10. Easement shown in instrument from Aloys Pawelek, et ux, to Shell Oil Co., dated January 6, 1983, recorded in Volume 533, Page 388, Deed Records of Karnes County, Texas.
11. Easement shown in instrument from Aloys Pawelek, et ux, to Black Gold Operating Co. Inc., dated April 25, 1983, Recorded in Volume 536, Page 1, Deed Records of Karnes County, Texas.

VIA 660 120

12. Easement shown in instrument from Ben Pawelek, et ux, to Black Gold Operating Co. Inc., dated April 25, 1983, Recorded in Volume 536, Page 3, Deed Records of Karnes County, Texas.
13. Easement shown in instrument from Aloys Pawelek to Nugget Pipeline Corp., dated June 30, 1987, recorded in Volume 572, Page 8, Deed Records of Karnes County, Texas.
14. Oil and gas lease shown in instrument from Aloys Pawelek to Black Gold Operating Co. Inc., dated January 1, 1991, recorded in Volume 617, Page 678, Deed Records of Karnes County, Texas.
15. Easement shown in instrument from Ben Pawelek et ux to Magnolia Pipe Line Co., dated July 22, 1926, and recorded in Volume 72, Page 454, of the Deed Records of Karnes County, Texas.
16. Easement shown in instrument from Ben A. Pawelek et ux to Magnolia Pipe Line Co., dated June 30, 1953, and recorded in Volume 218, Page 163, Deed Records of Karnes County, Texas.
17. Terms, conditions and stipulations of Oil, Gas and Mineral lease from Ben A. Pawelek et ux to Jack C. Doyle, dated June 27, 1957, and recorded in Volume 252, Page 626, of the Deed Records of Karnes County, Texas.
18. Royalty Deed from Ben A. Pawelek et ux to L.R. Sayers, Dated July 20, 1959, and recorded in Volume 269, Page 140, of the Deed Records of Karnes County, Texas.
19. Royalty Deed from Ben A. Pawelek et ux to Ben J. Pawelek, Jr., dated November 3, 1959, and recorded in Volume 273, Page 203, of the Deed Records of Karnes County, Texas.
20. Royalty Deed from Ben A. Pawelek et ux to Emelia Janysek, dated November 3, 1959, and recorded in Volume 273, Page 206, of the deed Records of Karnes County, Texas.
21. Royalty Deed from Ben A. Pawelek et ux to Henry A. Pawelek, dated November 3, 1959, and recorded in Volume 273, Page 209, of the Deed Records of Karnes County, Texas.
22. Easement shown in instrument from Ben J. Pawelek to Shell Co., dated July 21, 1961, and recorded in Volume 295, Page 565, of the Deed Records of Karnes County Texas.
23. Right-of-way shown in instrument from Ben J. Pawelek et ux to Magnolia Pipe Line Co., dated July 8, 1961, and recorded in Volume 296, Page 449, of the Deed Records of Karnes County, Texas.
24. Right-of-way shown in instrument from Ben J. Pawelek et ux to Lo-Vaca Gathering Co., dated July 17, 1961, and recorded in Volume 298, Page 144, of the Deed Records of Karnes County, Texas.
25. Right-of-way shown in instrument from Ben J. Pawelek et ux to Lo-Vaca Gathering Co., dated June 6, 1961, and recorded in Volume 298, Page 140, of the Deed Records of Karnes County, Texas.
26. Right-of-way shown in instrument from Ben Pawelek to Standard Oil Co., dated May 28, 1963, and recorded in Volume 317, Page 434, of the Deed Records of Karnes County, Texas.

VIA 660 121

VOL 660, PAGE 122

27. Right-of-way shown in instrument from Ben J. Pawelek Jr, et ux to Lo-Vaca Gathering Co., dated April 5, 1968, and recorded in Volume 370, Page 383, of the Deed Records of Karnes County, Texas.
28. Right-of-way shown in instrument from Ben J. Pawelek, Jr., et ux to Lo-Vaca Gathering Co., dated April 5, 1968, and recorded in Volume 370, Page 391, of the Deed Records of Karnes County, Texas.
29. Easement shown in instrument from Ben J. Pawelek, Jr., et ux to El Oso Area Water Supply Corp., dated May 18, 1978, and recorded in Volume 495, Page 280, of the Deed Records of Karnes County, Texas.
30. Terms, conditions and stipulations contained in the Will of Ben J. Pawelek, Jr., recorded in Cause No. 4507, of the Probate Records of Karnes County, Texas.

TO HAVE AND TO HOLD the above described property and premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said GRANTEE, his heirs and assigns forever; and we do hereby bind ourselves, our heirs, executors, assigns and administrators, to WARRANT AND FOREVER DEFEND all and singular the said property and premises unto the said GRANTEE, and to his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This conveyance is made subject to all the easements, rights-of-ways, and restrictions of record in the office of the County Clerk of Karnes County, Texas.

BUT IT IS EXPRESSLY AGREED AND STIPULATED that a Vendor's Lien and Superior Title is reserved against the above described property, premises and improvements until the above described note and all interest thereon is fully paid according to its face and tenor, effect and reading, when this Deed shall become absolute.

And, for and in consideration of the sum of NINETY SIX THOUSAND AND NO/100 DOLLARS (\$96,000.00) to us in hand paid by FARM CREDIT BANK OF TEXAS, the receipt of which is hereby acknowledged and confessed, we have caused the Note aforesaid to be made payable to the said FARM CREDIT BANK OF TEXAS, it having paid to us for the use and benefit of the GRANTEE herein, the said sum of NINETY SIX THOUSAND AND NO/100 DOLLARS (\$96,000.00) as part of the purchase money for the above described property and

premises; and the Vendor's Lien and Superior Title, and all right, title and estate, interest and equity reserved in this Deed, securing the payment of said Note is here now SOLD, TRANSFERRED AND ASSIGNED, without recourse on us unto the said FARM CREDIT BANK OF TEXAS, and to its successors and assigns, and the same being without reservation all and entire, such right, title, estate and interest and equity which we have, or might have, by virtue of said Vendor's Lien.

To Have And To Hold the same unto the said FARM CREDIT BANK OF TEXAS, and unto its successors and assigns forever; subject only to the right of the GRANTEE to pay off said Note and receive a discharge and release thereof of its security, in accordance with the terms thereof and such security as is given by the GRANTEE therewith.

EXECUTED on this the 27th day of June, 1994.

Aloys Pawelek
ALOYS PAWELEK

Rose Pawelek
ROSE PAWELEK

THE STATE OF TEXAS S

COUNTY OF KARNES S

This instrument was acknowledged before me on this the 27th day of June, 1994, by ALOYS PAWELEK and wife, ROSE PAWELEK.



Dorothy L. Kuhnle
Notary Public State of Texas
Dorothy L. Kuhnle

va 660/ae 123

000-151

VOL 660 PAGE 124

RECORDED IN OFFICIAL RECORDS
 FILE DATE June 27, 1994
 FILE TIME 4:00 O'CLOCK P.M.
 VOL. 660 PAGE 119



RECORDING DATE

June 27, 1994

ELIZABETH SWIZE
 COUNTY CLERK, KARNES COUNTY
 BY Marilyn Bedney

REGISTERED

40805

Filed For Record the 27
 day of June A.D. 1994
 At 4:00 o'clock P. M.
 ELIZABETH SWIZE
 Clerk County Court, Karnes County, Texas
 By Elizabeth Swize Deputy

Land 2.00

Appendix “F”

**Deed from Michael Pawelek to Michael James Pawelek, Trustee,
of the Michael James Pawelek Living Trust, Recorded in the
Official Public Records of Karnes County,
Texas, as Document No. 202300001907**

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GENERAL WARRANTY DEED

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
 COUNTY OF KARNES §

That, the undersigned, MICHAEL PAWELEK, (the "Grantor"), for good and valuable consideration to the Grantor paid by the Grantee herein named, the receipt of which is hereby acknowledged, have GRANTED, GIVEN AND CONVEYED, and by these presents do GRANT, GIVE AND CONVEY unto MICHAEL JAMES PAWELEK, Trustee of the MICHAEL JAMES PAWELEK LIVING TRUST, dated June 9, 2023, the following described real property, situated in Karnes County, Texas, subject to the exceptions, reservations and other matters hereinafter stated (the "Property"), to-wit:

Approximately 250 acres of land, surface estate only, of the property more particularly described in Exhibit "A" attached hereto and made a part hereof

This conveyance is made subject to all validly existing easements, restrictions, and reservations and all other validly existing matters of record.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee and Grantee's successors and assigns forever; and Grantors do hereby bind themselves, their heirs, successors and assigns to WARRANT AND FOREVER DEFEND, all and singular, the said premises unto the said Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

CERTIFIED COPY CERTIFICATE
 STATE OF TEXAS
 COUNTY OF KARNES

The above is a full true and correct photographic copy of the original record now in my lawful custody and possession, as the same is recorded in the Official Public records in my office, and I hereby certify on
 12/10/2025 10:27:59 AM

Note: Without effect upon or diminution of the warranty of title by Grantor herein, please be advised that this instrument was administratively prepared by Langley & Banack, Inc., based upon information provided by the Grantor. Langley & Banack, Inc. has not expressed any opinion as to title, nor should any such opinion be construed from this instrument. Langley & Banack, Inc., has not examined the title to the Property or otherwise verified the accuracy of the information provided.

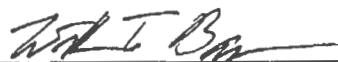
EXECUTED effective as of this 10th day of July 2023.

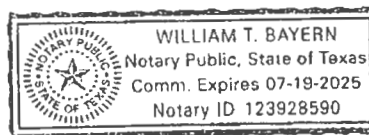

MICHAEL PAWELEK

Grantee's Address:
6630 Shady Bend Drive
San Antonio, Texas 78256

THE STATE OF TEXAS §
 §
COUNTY OF BEXAR §

THIS INSTRUMENT was acknowledged before me on the 10th day of July 2023, by
MICHAEL PAWELEK in the capacity stated therein.


Notary Public, State of Texas



Printed or Stamped Name of Notary,
with Date of Commission Expiration

-2-

CERTIFIED COPY CERTIFICATE
STATE OF TEXAS
COUNTY OF KARNES

The above is a full true and correct photographic copy of the original record now in my lawful custody and possession, as the same is recorded in the Official Public records in my office, and I hereby certify on
12/10/2025 10:27:59 AM

All that certain tract or parcel of land lying and being situated in the County of Karnes and the State of Texas and being a part of the Manuel Lopez Survey Abstract 181 in said County and State and described by metes and bounds as follows:

BEGINNING at the lower corner of the Biela tract on the East bank of the Cibolo River, a pecan tree 24 inches in diameter marked O for corner from which another pecan tree marked "J" bears North 14.5 East 15 varas, another pecan tree marked S bears North $4\frac{1}{2}$ East 14.75 varas.

THENCE with the lower line of the Biela place North 61 East 1460 varas to a stake set for the East corner of this survey, or tract.

THENCE North 29 West 689 varas to a stake in the upper line of the old Biela place, set a stake for the North corner of this tract and the Northwest corner of a tract of 116 acres described in a deed from R. H. Fechner to Ben Pawelek, dated October 6, 1924, and recorded in Volume 73, Page 140, of the Deed Records of Karnes County, Texas.

THENCE with the upper line South 61 west 1550 varas to a post on the bank of the Cibolo River from which a pecan tree marked X (old marks) bears South 35 East 5.4 varas.

THENCE down the Cibolo River with its meanders to the place of **BEGINNING**, containing 250 acres of land, more or less.

Being the same land described in a deed from Mrs. Susan Biela to Melheor Pawelek, dated November 3rd, 1919, and recorded in Volume 60, Page 483, of the Deed Records of Karnes County, Texas.

Together with all right, title, and interest in the following described easement.

An EASEMENT forty feet (40') in width with the center line of the said easement being located 20 feet South of and parallel to the North boundary of the following described tract of land.

All that certain tract or parcel of land out of the Manuel Lopez Original Survey in Karnes County, Texas, and described by metes and bounds as follows:

BEGINNING at a stake in the lower line of the Old Biela Place set for the East corner of 250 acres conveyed to Susan Biela and being the South corner of this tract;

THENCE with the N.E. line of said 250 acres, N.29 W. 689 vrs. to a stake in the upper line of the said Biela Place set for the North corner of said 250 acre tract;

THENCE with said line N.61 E. 939 vrs. to the West boundary line of the Helena and Floresville Road being 30 feet from the fence on the East side of said road;

THENCE with the West side of said road, S.33 E. 297 vrs.; S.24 $\frac{1}{2}$ E. 235 vrs.; S.30 $\frac{1}{2}$ E. 60 vrs.; S.55 $\frac{1}{2}$ E. 109 vrs. to the corner post on the West side of said road in the lower line of the Biela Place;

THENCE with the said line S.61 W. 995 vrs. to the place of **BEGINNING**, CONTAINING 116 acres of land, more or less.

And being the same land described in a Deed from R.H. Fechner to Ben Pawelek, dated October 6, 1924, recorded in Volume 73, Page 140, Deed Records of Karnes County, Texas.

CERTIFIED COPY CERTIFICATE
STATE OF TEXAS
COUNTY OF KARNES

The above is a full true and correct photographic copy of the original record now in my lawful custody and possession, as the same is recorded in the Official Public records in my office, and I hereby certify on
12/10/2025 10:27:59 AM

FILED AND RECORDED**Instrument Number: 202300001907**

Filing and Recording Date: 07/13/2023 01:33:09 PM Pages: 4 Recording Fee: \$34.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL RECORDS of Karnes County, Texas.

*Carol Swize*Carol Swize, County Clerk
Karnes County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

gcantu

CERTIFIED COPY CERTIFICATE
STATE OF TEXAS
COUNTY OF KARNES

The above is a full true and correct photographic copy of the original record now in my lawful custody and possession, as the same is recorded in the Official Public records in my office, and I hereby certify on 12/10/2025 10:27:50 AM



25-SEP-25 04:01 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP	M640488	2740		BS00116996	25-SEP-25	-\$112.50
	WUP	ADJ125308	092525	N	D6800137		
WATER USE PERMITS		MCCARTHY & MCCARTHY LLP	VTORREZ	CK			
						Total (Fee Code):	-\$112.50
						Grand Total:	-\$137,303.50

RECEIVED
SEP 26 2025
Water Availability Division