

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team


FROM: Jeremy Walker-Lee, Project Manager
Water Rights Permitting Team

DATE: June 15, 2023

SUBJECT: San Felipe Agricultural, Manufacturing & Irrigation Company
ADJ 2664
CN600838940, RN101578615
Application No. 23-2664C to Amend Certificate of Adjudication No.
23-2664
Texas Water Code § 11.122, Not Requiring Notice
San Felipe Creek, Rio Grande Basin
Val Verde County

The application and fees were received on June 07, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on June 15, 2023. Notice is not required pursuant to HB 1964 and Title 30 Texas Administrative Code § 295.158(c)(2)(A).

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



Jeremy Walker-Lee, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required YES NO

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 15, 2023

Mr. Ed McCarthy
McCarthy & McCarthy, LLP
1122 Colorado St., Suite 2399
Austin, TX, 78701

VIA EMAIL

RE: San Felipe Agricultural, Manufacturing & Irrigation Company
ADJ 2664
CN600838940, RN101578615
Application No. 23-2664C to Amend Certificate of Adjudication No. 23-2664
Texas Water Code § 11.122, Not Requiring Notice
San Felipe Creek, Rio Grande Basin
Val Verde County

Dear Mr. McCarthy:

This acknowledges receipt, on June 07, 2023, of the referenced application and of fees in the amount of \$112.50 (Receipt No. M317343, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on June 15, 2023. Staff will continue processing the application for consideration by the Executive Director.

If you have any questions concerning the application, please contact me via email at Jeremy.walker-lee@tceq.texas.gov or by phone at 512-239-0637.

Sincerely,

A handwritten signature in black ink that reads "Jeremy Walker-Lee".

Jeremy Walker-Lee, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



09-JUN-23 10:38 AM

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	M317343	2220		BS00103454	09-JUN-23	-\$112.50
	WUP	232664	060923	N	D3802776		
WATER USE PERMITS	MCCARTHY	MCCARTHY	BLOGGINS	CK			
	AND	MCCARTHY					
	MCCARTHY	LLP					
	WUP	M317344	28717420691		BS00103454	09-JUN-23	-\$100.00
	WUP	141060	060923	N	D3802776		
WATER USE PERMITS	SALINAS,	SALINAS,	BLOGGINS	MO			
	YOLANDA	YOLANDA					
Total (Fee Code):							-\$212.50
Grand Total:							-\$20,986.14

RECEIVED
JUN 12 2023
Water Availability Division

RECEIVED
JUN 12 2023
Water Availability Division

Application of the San Felipe Agricultural,
Manufacturing and Irrigation Company to
Amend Certificate of Adjudication No. 23-2664
Pursuant to Section 11.122(b), Water Code

June 2, 2023
(Revised June 6, 2023)

Applicant:

San Felipe AM&I Co.
Attn: Darrell Davis, General Manager
109 Griner Street
Del Rio, Texas 78840
(830) 703-0920
[REDACTED]

Applicant's Counsel:

Ed McCarthy
McCarthy & McCarthy, LLP
1122 Colorado St., Suite 2399
Austin, Texas 78701
(512) 904-2313
(512) 692-2826 (Fax)
[REDACTED]

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I. Introduction

**San Felipe AM&I Company's
Application to Amend COA 23-2664**

Introduction

San Felipe Agricultural, Manufacturing and Irrigation Company (the "Company") was formed in 1875. Since that date the Company has operated a commercial canal system to provide irrigation water to supply some 1,700 acres of land in Val Verde County with valuable reliable water supplies primarily for agricultural irrigation. The Company's water rights, evidenced by Certificate of Adjudication No. 23-2664 ("COA 23-2664"), have a priority date of October 15, 1875 – one of the State's most senior rights. A true and correct copy of COA 23-2664 is attached hereto Appendix "A."

Over the years, the once rural farmland that made up the Company's 1,700-acre service area has become more urbanized with "settlers" building homes along and adjacent to the company's canal system. Over the years, homeowners amenable to comply with the Company's operating rules and tariff have relied upon the waters in the Company's canal to supply some of their domestic needs, including water for lawn irrigation. In response to recent guidance from Staff of the TCEQ's Rio Grande Watermaster, the Company is filing this Application to amend COA 23-2664 for the limited purpose of adding the authorization for the additional beneficial use of "domestic and livestock purposes."

The Company does *not* seek to increase the volume or rate of diversion of its appropriation, nor does Applicant seek to change the location of its diversion points, or increase the number of them. Finally, Applicant does *not* seek to change its impound rights in its existing authorized reservoir, or in any way modify the reservoir.

As the diversions for domestic and livestock uses occur directly from the Company's canals within its service area, at points beyond its authorized diversion points, the additional purposes of use will *not* affect any downstream users or riverine habitat any differently than the Company's existing operations impact them.

Applicant believes that this application can be processed administratively pursuant to Section 11.122(b), (b-3), Water Code, without the need for technical review or publication of any notice.

Included with this Application is Check No. 2220 payable to TCEQ in the amount of \$112.50 to cover the application and filing fees for the Application. If additional fees are required, please advise the Applicant's Legal Counsel, Ed McCarthy, who will arrange for the remittance of the additional fees. Similarly, if additional information is required, please forward any such request to Mr. McCarthy for processing.

II. Administrative Information Report

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): San Felipe AM&I Company

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).

<u>Y</u> /N	<u>Y</u> Administrative Information Report	Y/N	<u>N</u> Worksheet 3.0
<u>N</u>	Additional Co-Applicant Information	<u>N</u>	Additional W.S. 3.0 for each Point
<u>N</u>	Additional Co-Applicant Signature Pages	<u>N</u>	Recorded Deeds for Diversion Points
<u>Y</u>	Written Evidence of Signature Authority	<u>N</u>	Consent for Diversion Access
<u>Y</u>	Technical Information Report	<u>N</u>	Worksheet 4.0
<u>N</u>	USGS Map (or equivalent)	<u>N</u>	TPDES Permit(s)
<u>N</u>	Map Showing Project Details	<u>N</u>	WWTP Discharge Data
<u>N</u>	Original Photographs	<u>N</u>	Groundwater Well Permit
<u>N</u>	Water Availability Analysis	<u>N</u>	Signed Water Supply Contract
<u>Y</u>	Worksheet 1.0	<u>N</u>	Worksheet 4.1
<u>N</u>	Recorded Deeds for Irrigated Land	<u>N</u>	Worksheet 5.0
<u>N</u>	Consent for Irrigated Land	<u>N</u>	Addendum to Worksheet 5.0
<u>Y</u>	Worksheet 1.1	<u>N</u>	Worksheet 6.0
<u>N</u>	Addendum to Worksheet 1.1	<u>N</u>	Water Conservation Plan(s)
<u>Y</u>	Worksheet 1.2	<u>N</u>	Drought Contingency Plan(s)
<u>N</u>	Worksheet 2.0	<u>N</u>	Documentation of Adoption
<u>N</u>	Additional W.S. 2.0 for Each Reservoir	<u>N</u>	Worksheet 7.0
<u>N</u>	Dam Safety Documents	<u>N</u>	Accounting Plan
<u>N</u>	Notice(s) to Governing Bodies	<u>Y</u>	Worksheet 8.0
<u>N</u>	Recorded Deeds for Inundated Land	<u>Y</u>	Fees
<u>N</u>	Consent for Inundated Land	<u>Y</u>	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 seeks to amend COA 23-2664 pursuant to Section 11.122(b), Water Code, to add the additional beneficial use of "domestic and livestock" purposes. The amendment does not seek to increase the volume of the existing authorized diversion amount, nor will it change the points of diversion, or the rate of diversion.

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?

San Felipe Agricultural, Manufacturing and Irrigation Company

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

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?

You may search for your CN on the TCEQ website at

<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: Darrell Davis

Title: General Manager/ Superintendent

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

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

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

Name: San Felipe AM&I Co., Attn: Darrell Davis, General Manager

Mailing Address: 109 Griner Street

City: Del Rio State: TX ZIP Code: 78840

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 Irrigation Company

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: Ed McCarthy

Title: Attorney

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: 

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: N/A Amount past due: N/A

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: N/A Amount past due: N/A

b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicant's may check their status with the Comptroller at <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/SurveyStatus_PriorThreeYears

Applicant has submitted all required TWDB surveys of groundwater and surface water?

Yes / No Yes

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Darrell Davis General Manager/Superintendent
(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: Darrell Davis Date: 06/01/2023
(Use blue ink)

Subscribed and Sworn to before me by the said

on this 1st day of June, 2023.

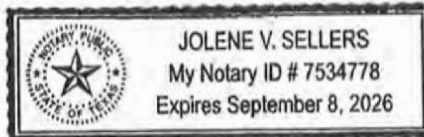
My commission expires on the 8 day of September, 2023.

Jolene V. Sellers

Notary Public

Val Verde

County, Texas



[SEAL]

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

III. Technical Information Report

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: June 5, 2023

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 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: COA 23-2664

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
N/A	

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 N
If yes, submit:

- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)
- **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)

- **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 seeks authorization to provide raw water to landowners whose properties abut its canal to irrigate their lawns as a "domestic" purpose and provide water for personal livestock (not commercial herds or feedlot operations). The use of raw water avoids the need to rely upon more valuable and expensive potable water supplies. Use of the applicant's available water maintains vegetative cover, which prevents soil erosion, sediment transfer into the canal system as well as protects the integrity of the canal structure itself, and providing water to livestock.

- 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

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

Quantity (acre-foot) <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>

5012 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: N/A

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**
	Irrigation	Irrigation, and Domestic and Livestock		

*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: N/A

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

A copy of the deed(s) describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds. If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other legal right for Applicant to use the land described.

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

c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin. N/A

d. See Worksheet 1.2, Marshall Criteria, and submit if required. **See Attached.**

e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required. **See Attached.**

WORKSHEET 1.1

INTERBASIN TRANSFERS, TWC § 11.085

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

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

- 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.

**The “Marshall Criteria”
(Worksheet 1.2)**

COA 23-2664, as amended, authorizes Applicant to divert and beneficially use 5012 acre-feet per year for agricultural irrigation purposes within its 1700-acre service area in Val Verde County, Texas. *See* Appendix “A.” Due to urbanization of the area, many of the agricultural fields have been developed as subdivisions. Today, private homes abut the Applicant’s canals, and homeowners desire to use the water available from the canals for domestic purposes, including irrigation of their lawns.

For this reason, Applicant seeks to amend COA 23-2664 to add the additional beneficial use of “domestic purposes” to its water right. There are no other substantive changes to the COA 23-2664 being requested in this Amendment.

- a) **Administrative Requirements & Fees:** Applicant believes it has submitted all required applications and fees necessary to secure the requested amendment to COA 23-2664.
- b) **Beneficial Use:** Applicant’s proposed amendment to authorize the use of its historically appropriated water for the additional purpose of “domestic and livestock use” is a statutorily recognized “beneficial use.”
- c) **Public Welfare:** The proposed amendment will have no negative impact on the Public Welfare. The addition of the “domestic purposes” authorization will allow raw water to be substituted for treated potable water resources, which provides a public benefit. Additionally, the use of the water to maintain lawns as a vegetative cover will prevent soil erosion, and loss of bank stability for the Applicant’s existing earthen canal system, and to maintain personal livestock are beneficial and essential. It will also reduce/prevent sediment build-up in Applicant’s canal system which would reduce delivery efficiencies, increases travel time and cause some increases in evaporative losses during transport. Livestock watering reduces demand on other potable water resources.
- d) **Groundwater Effects:** The proposed amendment will have no negative effect on groundwater. To the extent that use of the water for the amended purposes is used to water livestock, or is applied to the domestic purpose of lawn irrigation, the applied water could have the beneficial effect of recharging the aquifer to some degree. Additionally, use of Applicant’s available surface water will avoid the need for landowners to drill groundwater wells to secure an irrigation source supply.
- e) **State Water Plan:** As there is no additional volume of water for consumptive use being made, and the requested additional beneficial use of “domestic and livestock purposes” is a statutorily recognized use that has unmet supply demand identified in the State Water Plan, the proposed amendment is consistent with both the State and Regional Water Plans.
- f) **Waste Avoidance:** The Applicant has operated to beneficially use its appropriated rights for almost 150 years for agricultural irrigation. Accordingly, Applicant understands and values the concepts of good land and water management and stewardship, including water conservation. Applicant intends to prepare an updated Water Conservation Plan to address the addition of the “domestic and livestock purposes” beneficial use.
- g) **Impacts on Water Rights or On-Stream Environment:** The Application seeks to amend an existing water right without any change to, or increase in, the volume, or the rate or location of its diversions. There should be no impact to any water rights or to the On-Stream Environment resulting from the addition of “domestic and livestock purposes” as a beneficial use.

WORKSHEET 2.0

Impoundment/Dam Information N/A

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

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

1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: _____
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: _____.
- c. The impoundment is on-channel _____ or off-channel _____ (mark one)
 - 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):_____ N/A _____
- 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 N/A

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

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

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

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

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

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

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

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

Applicant has calculated the drainage area. Y / N _____

If yes, the drainage area is _____ sq. miles.

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): _____
- b. Zip Code: _____
- c. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure.

For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude _____°N, Longitude _____°W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): _____
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 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.

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 _____

N/A

WORKSHEET 4.1
DISCHARGE POINT INFORMATION

This worksheet is required for **each** discharge point. Submit one Worksheet 4.1 for each discharge point. If there is more than one discharge point, the numbering of the points should be consistent throughout the application and on any supplemental documents (e.g., maps).
Instructions, Page 27.

For water discharged at this location provide:

- a. The amount of water that will be discharged at this point is _____ acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of _____ cfs or _____ gpm.
- c. Name of Watercourse as shown on Official USGS maps: _____
- d. Zip Code _____
- 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.**

N/A

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. N/A
 2. Request to amend water right to increase appropriation of State Water. N/A
 3. Request to amend water right to extend a term. N/A
 4. Request to amend water right to change a place of use.
**does not apply to a request to expand irrigation acreage to adjacent tracts.* N/A
 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.* N/A
- b. If Applicant is requesting any authorization in section (1)(a) above, indicate each use for which Applicant is submitting a Water Conservation Plan as an attachment:
1. ____ Municipal Use. See 30 TAC § 288.2. **
 2. ____ Industrial or Mining Use. See 30 TAC § 288.3.
 3. ____ Agricultural Use, including irrigation. See 30 TAC § 288.4.
 4. ____ Wholesale Water Suppliers. See 30 TAC § 288.5. **
- **If Applicant is a water supplier, Applicant must also submit documentation of adoption of the plan. Documentation may include an ordinance, resolution, or tariff, etc. See 30 TAC §§ 288.2(a)(1)(J)(i) and 288.5(1)(H). Applicant has submitted such documentation with each water conservation plan? Y / N____**
- c. Water conservation plans submitted with an application must also include data and information which: supports applicant's proposed use with consideration of the plan's water conservation goals; evaluates conservation as an alternative to the proposed

appropriation; and evaluates any other feasible alternative to new water development. See 30 TAC § 288.7.

Applicant has included this information in each applicable plan? Y / N____

2. Drought Contingency Plans

- a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above - indicate each that applies:
1. ____Municipal Uses by public water suppliers. See 30 TAC § 288.20.
 2. ____Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
 3. ____Wholesale Water Suppliers. See 30 TAC § 288.22.
- b. If Applicant must submit a plan under section 2(a) above, Applicant has also submitted documentation of adoption of drought contingency plan (*ordinance, resolution, or tariff, etc.* See 30 TAC § 288.30) Y / N____

WORKSHEET 7.0 N/A

ACCOUNTING PLAN INFORMATION WORKSHEET

The following information provides guidance on when an Accounting Plan may be required for certain applications and if so, what information should be provided. An accounting plan can either be very simple such as keeping records of gage flows, discharges, and diversions; or, more complex depending on the requests in the application. Contact the Surface Water Availability Team at 512-239-4600 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.

IV. Appendices

Appendix A

Copy of COA 23-2664

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 23-2664 OWNER: San Felipe Agricultural,
 Manufacturing and Irrigation Company
 109 Griner Street
 Del Rio, Texas 78840

COUNTY: Val Verde PRIORITY DATE: October 15, 1875

WATERCOURSE: San Felipe Creek, BASIN: Rio Grande
 tributary of the Rio Grande

WHEREAS, by final judgement and decree of the 200th Judicial District Court of Travis County, Texas, in Cause No. 233,018, In Re: The Adjudication of the Middle Rio Grande and contributing Texas tributaries, dated November 9, 1982, a right was recognized under Certified Filing 551 authorizing San Felipe Agricultural, Manufacturing and Irrigation Company to appropriate waters of the State of Texas as set forth below;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Rio Grande Basin is issued to San Felipe Agricultural, Manufacturing and Irrigation Company, subject to the following terms and conditions:

1. IMPOUNDMENT

(A) Owner is authorized to maintain an existing dam and reservoir on San Felipe Creek and impound therein not to exceed 4.4 acre-feet of water. The dam is located in the Sortines Corroasco Survey 184, Abstract 1614, Val Verde County, Texas.

(B) Owner is authorized to maintain an existing dam and reservoir on San Felipe Creek and impound therein not to exceed 13 acre-feet of water. The dam is located in the James Mitchell Survey 183, Abstract 1295, Val Verde County, Texas.

2. USE

Owner is authorized to divert and use not to exceed 5000 acre-feet of water per annum from San Felipe Creek to irrigate a maximum of 1700 acres of land out of a larger tract located in the W. Lockhart Survey 157, Abstract 1293; the M. R. Perez Survey 158, Abstract 1675; the C. S. Brown Survey 159, Abstract 136; the W. Fisbaugh Survey 160, Abstract 383; the F. Ponsa Survey 161, Abstract 1676; the F. Canales Survey 162, Abstract 142; the F. Valdez Survey 163, Abstract 1694 and the J. Mitchell Survey 183, Abstract 1295, Val Verde County, Texas, said larger tract being all of the aforesaid Surveys 159, 160 and 161; that portion of Surveys 162 and 163 which lies south of the Southern Pacific Railroad and east of Cienegas Creek; that portion of Surveys 157 and 158 which lies west of San Felipe Creek; and that portion of Survey 183 which lies south of the city limits of Del Rio and west of San Felipe Creek.

3. DIVERSION

A. Location:
 At two points on San Felipe Creek in the Sortines Corroasco Survey 184, Abstract 1614 and the James Mitchell Survey 183, Abstract 1295, Val Verde County, Texas.

B. Maximum combined rate: 40.11 cfs (18,000 gpm).

4. PRIORITY

The time priority of owner's right is October 15, 1875.

5. SPECIAL CONDITION

Owner shall maintain a suitable outlet in the aforesaid dams authorized herein to allow the free passage of water that owner is not entitled to divert or impound.

The locations of pertinent features related to this certificate are shown on Page 1 of the Middle Rio Grande Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Department of Water Resources, Austin, Texas, the Rio Grande Watermaster, Eagle Pass, Texas, and the office of the County Clerk.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final judgement and decree of the 200th Judicial District Court of Travis County, Texas, in Cause No. 233,018, In Re: The Adjudication of the Middle Rio Grande and contributing Texas tributaries, dated November 9, 1982, and supersedes all rights of the owner asserted in that cause.

This certificate of adjudication is issued subject to senior and superior water rights in the Rio Grande Basin.

This certificate of adjudication is issued subject to the Rules of the Texas Department of Water Resources and its continuing right of supervision of State water resources consistent with the public policy of the State as set forth in the Texas Water Code.

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.

TEXAS WATER COMMISSION

/s/ Felix McDonald
Felix McDonald, Chairman

DATE ISSUED:

AUG 15 1983

ATTEST:

/s/ Mary Ann Hefner
Mary Ann Hefner, Chief Clerk

AMENDMENT TO
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 23-2664A

TYPE: AMENDMENT

Name:	San Felipe Agricultural, Manufacturing & Irrigation Company	Address:	109 Griner Street Del Rio, Texas 78840
Filed:	October 13, 1988	Granted:	December 6, 1988
Purpose:	Irrigation	County:	Val Verde
		Watershed:	Rio Grande Basin

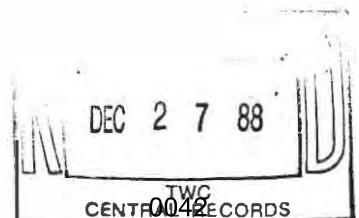
Watercourse: San Felipe Creek, tributary Rio Grande

WHEREAS, Certificate of Adjudication No. 23-2664 was issued to San Felipe Agricultural, Manufacturing & Irrigation Company on August 15, 1983 and authorized owner to maintain two existing dams and reservoirs on San Felipe Creek, tributary of the Rio Grande and to impound 4.4 acre-feet and 13 acre-feet of water in the reservoirs. Owner is authorized to divert and use not to exceed 5000 acre-feet of water per annum from two points on San Felipe Creek at a maximum combined diversion rate of 40.11 cfs (18,000 gpm) to irrigate a maximum of 1700 acres of land, approximately 3/4 of a mile east of the county courthouse in Del Rio, Val Verde County, Texas; and

WHEREAS, the time priority of the owner's right is October 15, 1875; and

WHEREAS, San Felipe Agricultural, Manufacturing & Irrigation Company has acquired the entire 6 acre-feet of irrigation water rights per annum from San Felipe Creek authorized under Certificate No. 23-2667 from Mrs. W. Robert Jones; and

WHEREAS, San Felipe Agricultural, Manufacturing & Irrigation Company has acquired the entire 6 acre-feet of irrigation water rights per annum from San Felipe Creek authorized under Certificate No. 23-2668 from Frank R. Jones; and



WHEREAS, San Felipe Agricultural, Manufacturing & Irrigation Company has requested that the 5000 acre-feet of water right authorized by Certificate No. 23-2664; the 6 acre-feet of water right authorized by Certificate No. 23-2667 and the 6 acre-feet of water right authorized by Certificate No. 23-2668, owned by the applicant, be combined under Certificate No. 23-2664; and

WHEREAS, by Commission order approved on December 6, 1988, the water rights authorized under Certificate Nos. 23-2664, 23-2667 and 23-2668, owned by San Felipe Agricultural, Manufacturing & Irrigation Company, were combined under Certificate No. 23-2664, to be so designated by this amendment; and

WHEREAS, San Felipe Agricultural, Manufacturing & Irrigation Company has also requested an amendment to Certificate No. 23-2664, as combined, to change the diversion point and places of use for the aforesaid 12 acre-feet of water rights; to divert the water at a new combined maximum diversion rate by adding the diversion rates from Certificate Nos. 23-2664, 23-2667 and 23-2668 and restate the authorized uses of the certificate; 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 amendment.

NOW, THEREFORE, this amendment to Paragraphs 2 and 3 of Certificate No. 23-2664 is issued to San Felipe Agricultural, Manufacturing & Irrigation Company as follows:

1. USE

In lieu of the previous authorization stated in Paragraph 2 of Certificate No. 23-2664, certificate owner is authorized:

To divert and use not to exceed 5012 acre-feet of water per annum from San Felipe Creek for irrigation purposes to irrigate 1700 acres of land as described in the certificate in Val Verde County, Texas; and

2. DIVERSION

In lieu of the previous authorization stated in Paragraph 3. B. of Certificate of Adjudication No. 23-2664, certificate owner is authorized:

To divert water at a maximum diversion rate of 43.01 cfs (19,300 gpm).

3. PRIORITY

The time priority of this amendment is October 15, 1875, as to the diversion and use of 5000 acre-feet of water and diversion rate of 40.11 cfs (18,000 gpm) and the time priority is January 1, 1932 as to the diversion and use of 12 acre-feet of water and diversion rate of 2.90 cfs (1300 gpm).

4. SPECIAL CONDITION

Permittee's diversions of 12 acre-feet per annum and diversion rate of 2.9 cfs (1300 gpm) are subject to the intervening water rights under Certificate Nos. 23-2912, 23-2665 and 23-2666.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 23-2664, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Rio Grande Basin.

Certificate owner 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 Water Commission and to the right of continuing supervision of State water resources exercised by the Commission.

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.

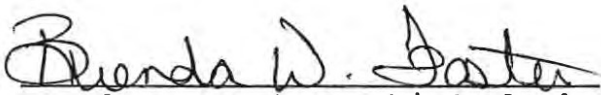
TEXAS WATER COMMISSION



B. J. Wynne, III, Chairman

DATE ISSUED: December 16, 1988

ATTEST:



Brenda W. Foster, Chief Clerk

TEXAS WATER COMMISSION



COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a Texas Water Commission document, the original of which is filed in the permanent records of the Commission. Given under my hand and seal of office on DEC 16 1988

Brenda W. Foster
Brenda W. Foster
Chief Clerk
Texas Water Commission

AN ORDER combining the water rights owned by San Felipe Agricultural, Manufacturing & Irrigation Company under Certificate of Adjudication Nos. 23-2664, 23-2667 and 23-2668 under Certificate No. 23-2664

On December 6, 1988, came on to be considered before the Texas Water Commission the matter of combining the 5000 acre-feet of irrigation water rights owned under Certificate No. 23-2664 with the 6 acre-feet of irrigation water rights owned under Certificate No. 23-2667 and the 6 acre-feet of irrigation water rights owned under Certificate No. 23-2668 by San Felipe Agricultural, Manufacturing & Irrigation Company under Certificate No. 23-2664.

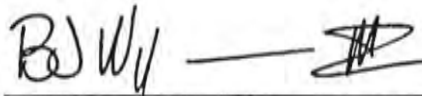
The Commission has jurisdiction to consider this matter and after hearing all of the evidence pertaining to the matter, the Commission is of the opinion and so finds that the water rights owned by San Felipe Agricultural, Manufacturing & Irrigation Company under Certificate Nos. 23-2664, 23-2667 and under Certificate No. 23-2668, which equal a total of 5012 acre-feet of irrigation water rights, should be combined under its Certificate No. 23-2664 and should be so designated by an amendment to said Certificate No. 23-2664.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS WATER COMMISSION that the 5012 acre-feet of irrigation water rights owned by San Felipe Agricultural, Manufacturing & Irrigation Company under Certificate Nos. 23-2664, 23-2667 and 23-2668 are hereby combined under its Certificate No. 23-2664 and are to be so designated by amendment to said Certificate No. 23-2664. All other terms and conditions contained in Certificate No. 23-2664 which are not specifically contrary to the terms of the certificate, as herein combined and to be so designated as Certificate No. 23-2664A by amendment, shall remain in full force and effect.

The Chief Clerk of the Commission is directed to forward a certified copy of this order to San Felipe Agricultural, Manufacturing & Irrigation Company, to the County Clerk of Val Verde County, to the Rio Grande Watermaster (Eagle Pass Office).

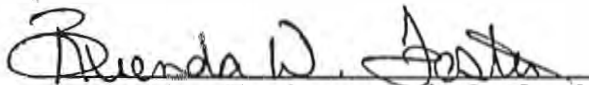
Signed this the 16th day of December, 1988.

TEXAS WATER COMMISSION



B. J. Wynne, III, Chairman

ATTEST:



Brenda W. Foster, Chief Clerk

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION


 AMENDMENT TO
 CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 23-2664B

TYPE: AMENDMENT

Name:	San Felipe Agricultural, Manufacturing & Irrigation Co.	Address:	109 Griner St. Del Rio, Texas 78840
Filed:	October 4, 1994	Granted:	OCT 31 1994
Purpose:	Irrigation & Industrial	County:	Val Verde
Watercourse:	San Felipe Creek, tributary of the Rio Grande	Watershed:	Rio Grande Basin

WHEREAS, Certificate of Adjudication No. 23-2664, as amended, includes authorization for San Felipe Agricultural, Manufacturing & Irrigation Company to divert and use not to exceed 5,012 acre-feet of water per annum from two points on San Felipe Creek for irrigation use in Val Verde County; and

WHEREAS, the Commission staff has determined the latitude and longitude of the most downstream diversion point; and

WHEREAS, San Felipe Agricultural, Manufacturing & Irrigation Company has requested an amendment to Certificate No. 23-2664, as amended, to change the purpose of use of not to exceed 50 acre-feet of the 5,012 acre-feet of water per annum authorized for irrigation use to industrial use until December 31, 1996; and

WHEREAS, the Texas Natural Resource Conservation 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 Natural Resource Conservation Commission in issuing this amendment.

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 23-2664 is issued to San Felipe Agricultural, Manufacturing & Irrigation Company as follows:

1. USE

In lieu of previous use authorizations in Certificate No. 23-2664, as amended, certificate owner is authorized the following:

Owner is authorized to divert and use not to exceed 50 acre-feet of water per annum from San Felipe Creek for industrial use and 4,962 acre-feet of water per annum from San Felipe Creek for irrigation use in Val Verde County, Texas.

2. DIVERSION

Owner is authorized to divert water from the two previously authorized diversion points, the most downstream of which is at Latitude 29.136° N and Longitude 100.322° W.

3. CONSERVATION

Owner shall maintain a water conservation plan that provides 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.

4. SPECIAL CONDITION

The authorization in this amendment to divert and use not to exceed 50 acre-feet of water per annum for industrial use shall revert to irrigation use on December 31, 1996, and this amendment shall expire and become null and void without further Commission action.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate No. 23-2664 except as herein amended.

This amendment is issued subject to all superior and senior water rights in the Rio Grande Basin.

Owner 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 Natural Resource Conservation Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

William R Campbell

For the Commission

DATE ISSUED: OCT 31 1994

ATTEST:

Gloria A. Vasquez

Gloria A. Vasquez, Chief Clerk

Appendix B

Resolution Authorizing Execution by General Manager

BOARD RESOLUTION
OF
SAN FELIPE AGRICULTURAL, MANUFACTURING & IRRIGATION CO.

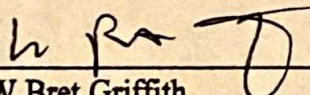
We, the undersigned, being all the Directors of San Felipe Agricultural, Manufacturing & Irrigation Co., organized and existing under the laws of Texas, and having its principal place of business at 109 Griner St, Del Rio, Texas 78840 (the "Corporation"), hereby certify that the following is a true and correct copy of a resolution duly adopted at a meeting of the Directors of the Corporation duly held and convened on April 30, 2023, at which a quorum of the Board of Directors was present and voting throughout, and that such resolution has not been modified, rescinded or revoked, and is at present in full force and effect:

Therefore, it is resolved:

That Darrell Davis, Manager of SFAM&I, has been granted authority to sign and negotiate on behalf of the Company in any and all matters concerning the TCEQ and water rights .

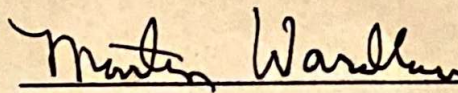
We further certify that this Corporation is duly organized and existing, and has the power to take the action called for by the foregoing resolution.

DIRECTORS



W Bret Griffith
President

4-30-23
Date



Martin Wardlaw

4-30-23
Date



Jim Perry

4/30/23
Date

Appendix C

Copy of Check No. 2220 for Application Filing Fees

Appendix D

Public Involvement Plan



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.

Applicant seeks only to add an additional beneficial use (domestic) without increasing the volume of the appropriation, the rate of diversion, the location or number of diversion points.

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)