

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Heather Zuo, Project Manager
Water Rights Permitting Team

DATE: December 12, 2024

SUBJECT: The Nature Conservancy
ADJ 4594
CN600908842, RN103189346
Application No. 04-4594B to Amend Certificate of Adjudication
No. 04-4594
Texas Water Code § 11.122, Not Requiring Notice
Cypress Creek, Cypress Creek Basin
Marion County

The application was received on November 8, 2024, and fees were received on December 10, 2024. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on December 12, 2024. No notice pursuant to Title 30 Texas Administrative Code § 295.158(c)(1).

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

Heather Zuo

Heather Zuo, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required ☐ YES ☒ NO

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 12, 2024

Mr. Ryan Smith, Director of Freshwater
The Nature Conservancy
2632 Broadway St., Ste. 201S #201
San Antonio, TX 78215-1141

VIA E-MAIL

RE: The Nature Conservancy
ADJ 4594
CN600908842, RN103189346
Application No. 04-4594B to Amend Certificate of Adjudication No. 04-4594
Texas Water Code § 11.122, Not Requiring Notice
Cypress Creek, Cypress Creek Basin
Marion County

Dear Mr. Smith:

This acknowledges receipt on November 8, 2024, of the application, and on December 10, 2024, of fees in the amount of \$112.50 (Receipt No. M548028, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on December 12, 2024. 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 Heather.Zuo@tceq.texas.gov or by telephone at (512) 239-4636.

Sincerely,

A handwritten signature in cursive script that reads "Heather Zuo".

Heather Zuo, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



10-DEC-24 04:22 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u>	<u>Ref#1</u> <u>Ref#2</u> <u>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	M548028	2256927		BS00112881	10-DEC-24	-\$112.50
	WUP	ADJ44594	121024	N	D5801347		
WATER USE PERMITS		NATURE	RHDAVIS	CK			
		CONSERVANCY					
		(THE)					
WUP	WUP	M548029	3439		BS00112881	10-DEC-24	-\$100.00
WUP	WUP	ADJ232777A	121024	N	D5801347		
WATER USE PERMITS		FENDER,	RHDAVIS	CK			
		HARRIS R					

Total (Fee Code) :

-\$212.50

RECEIVED
DEC 12 2024
Water Availability Division

RECEIVED
DEC 12 2024
Water Availability Division

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): The Nature Conservancy

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 Information

N Additional Co-Applicant Signature Pages

N Written Evidence of Signature Authority

N **Technical Information Report**

Y USGS Map (or equivalent)

N Map Showing Project Details

N Original Photographs

N Water Availability Analysis

Y **Worksheet 1.0**

N Recorded Deeds for Irrigated Land

N Consent for Irrigated Land

N **Worksheet 1.1**

N Addendum to Worksheet 1.1

N **Worksheet 1.2**

N **Worksheet 2.0**

N Additional W.S. 2.0 for Each Reservoir

N Dam Safety Documents

N Notice(s) to Governing Bodies

N Recorded Deeds for Inundated Land

N Consent for Inundated Land

Y/N

N **Worksheet 3.0**

N Additional W.S. 3.0 for each Point

N Recorded Deeds for Diversion Points

N Consent for Diversion Access

N **Worksheet 4.0**

N TPDES Permit(s)

N WWTP Discharge Data

N Groundwater Well Permit

N Signed Water Supply Contract

N **Worksheet 4.1**

N **Worksheet 5.0**

N Addendum to Worksheet 5.0

N **Worksheet 6.0**

N Water Conservation Plan(s)

N Drought Contingency Plan(s)

N Documentation of Adoption

N **Worksheet 7.0**

N Accounting Plan

Y **Worksheet 8.0**

Y Fees

N 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."

The Nature Conservancy respectfully requests TCEQ's review and authorization of the deposit of The Nature Conservancy's 200 AF portion of COA 04-4594 into the Texas Water Trust. TNC is working with the TWDB to submit a Water Trust Deposit Agreement, the draft of which is included as an attachment with the application. TNC recognizes the amendment will be subject to the execution of the TWDB Water Trust Deposit Agreement and will file that agreement with TCEQ Staff within 15 days of its execution. In addition, at the time of the execution of the Water Trust Deposit Agreement, TNC will also enter into a Voluntary Management Agreement with Texas Parks and Wildlife Department that outlining TPWD's role in management of the water right during its term in the Water Trust pursuant to Texas Water Code § 15.7031 and Texas Parks and Wildlife Code § 12.028(c).

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?

The Nature Conservancy

(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 : CN600908842 (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: Ryan Smith

Title: Director of Freshwater

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

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: The Nature Conservancy

Mailing Address: 2632 Broadway Suite 201

City: San Antonio State: TX ZIP Code: 78215

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: 53-8242652 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: Ryan Smith

Title: Director of Freshwater

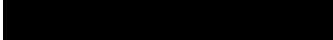
Organization Name: The Nature Conservancy

Mailing Address: 2632 Broadway St. Ste 201 S

City: San Antonio State: TX ZIP Code: 78215

Phone Number: 210-563-3677

Fax Number: _____

E-mail Address: 

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

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

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

First and Last Name: _____

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/SurveyStatus_PriorThreeYears

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

Yes / No NA

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

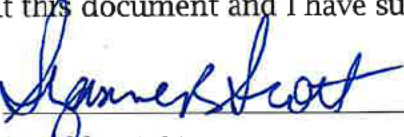
I, Suzanne B. Scott, Texas State Director, The Nature Conservancy

(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: 

(Use blue ink)

Date: 10/7/24

Subscribed and Sworn to before me by the said

on this 7th day of October, 20 24.

My commission expires on the 08 day of December, 20 27.

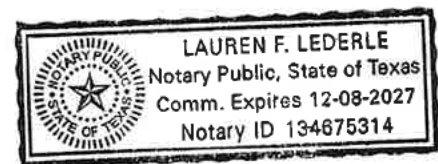
Notary Public

Lauren F. Lederle

Bexar

County, Texas

[SEAL]



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

The Nature
Conservancy



Protecting nature. Preserving life.™



SECRETARY'S CERTIFICATE – THE NATURE CONSERVANCY

I, JUSTIN G. RICE, the undersigned, certify as follows:

1. I am the duly appointed Assistant Secretary of The Nature Conservancy (“TNC”), a nonprofit corporation organized and existing under the laws of the District of Columbia.
2. Suzanne B. Scott is the duly appointed Texas State Director of TNC.
3. Suzanne B. Scott, as the Texas State Director of TNC, has the authority to take any and all actions (including the execution and delivery of legal documents) necessary in connection with TNC’s application to the Texas Commission on Environmental Quality for amending that certain water right held by TNC under **Certificate #04-4594, Marion County, Texas**, pursuant to Texas Water Code §11.22 and in accordance with Title 30 Texas Administrative Code §295.14.

IN WITNESS WHEREOF, I have signed my name as Assistant Secretary and have caused the Corporate Seal of said Corporation to be hereunto affixed this 3rd day of October 2024.

Justin G. Rice,
Assistant Secretary

STATE OF TEXAS §
COUNTY OF BEXAR §

This instrument was acknowledged before me on October 3, 2024, by JUSTIN G. RICE, Assistant Secretary of THE NATURE CONSERVANCY, a District of Columbia nonprofit corporation, on behalf of said corporation.



Notary Public, State of Texas

Texas Water Trust Deposit Agreement (Surface Water)

This form is an application and agreement to deposit a water right into the Texas Water Trust as administered by the Texas Water Development Board (31 Texas Administrative Code § 359.5, Water Bank Rules).

KNOW ALL MEN BY THESE PRESENTS that The Nature Conservancy- Texas (“Depositor”), does hereby intend and agree to deposit a water right into the Texas Water Trust administered by the Texas Water Development Board (“Administrator”), a state agency, to be dedicated to environmental needs, including instream flows, water quality, fish and wildlife habitat, or bay and estuary inflows as intended in Texas Water Code § 15.7031,

Name(s) The Nature Conservancy-Texas

Contact or Representative, if different from above Suzanne Scott

Mailing Address 2632 Broadway Suite 201S San Antonio ,TX 78215

Telephone No. (210) 563-3677

I (we) desire to deposit water in the amount of 200 acre feet per year into the Texas Water Trust:

☒ for a term of 10 years and 0 months

or,

☐ in perpetuity.

The term of the deposit is contingent upon, and subject to, the approval of the Texas Commission on Environmental Quality (“TCEQ”).

Water right number of permit, certificate of adjudication, or certified filing claim: 04-4594

(Attach a copy of the above identified certified filing, permit, or certificate of adjudication.)

Deposit to the Texas Water Trust is contingent upon, and subject to, the terms of an amendment to the water right for ‘instream uses’ by TCEQ.

A person who submits a Texas Water Trust Deposit Agreement is considered a depositor. The Texas Water Bank/Water Trust will notify a depositor if the deposit agreement is incomplete. The date of Trust deposit will be the later of: the date of execution of a Texas Water Trust Deposit Agreement; or, if applicable, the date on which TCEQ amends the water right for this purpose. Co-owners of the water right should be in agreement and should sign as co-depositors. If signing for depositor(s), so indicate on the signature line and attach documentation showing authorization to represent depositor(s).

I/we, the undersigned, attest to the truth, accuracy and completeness of the information I/we have provided on this form to the best of my/our knowledge, understand Water Bank Rules and my/our role as a participant in the Texas Water Bank.

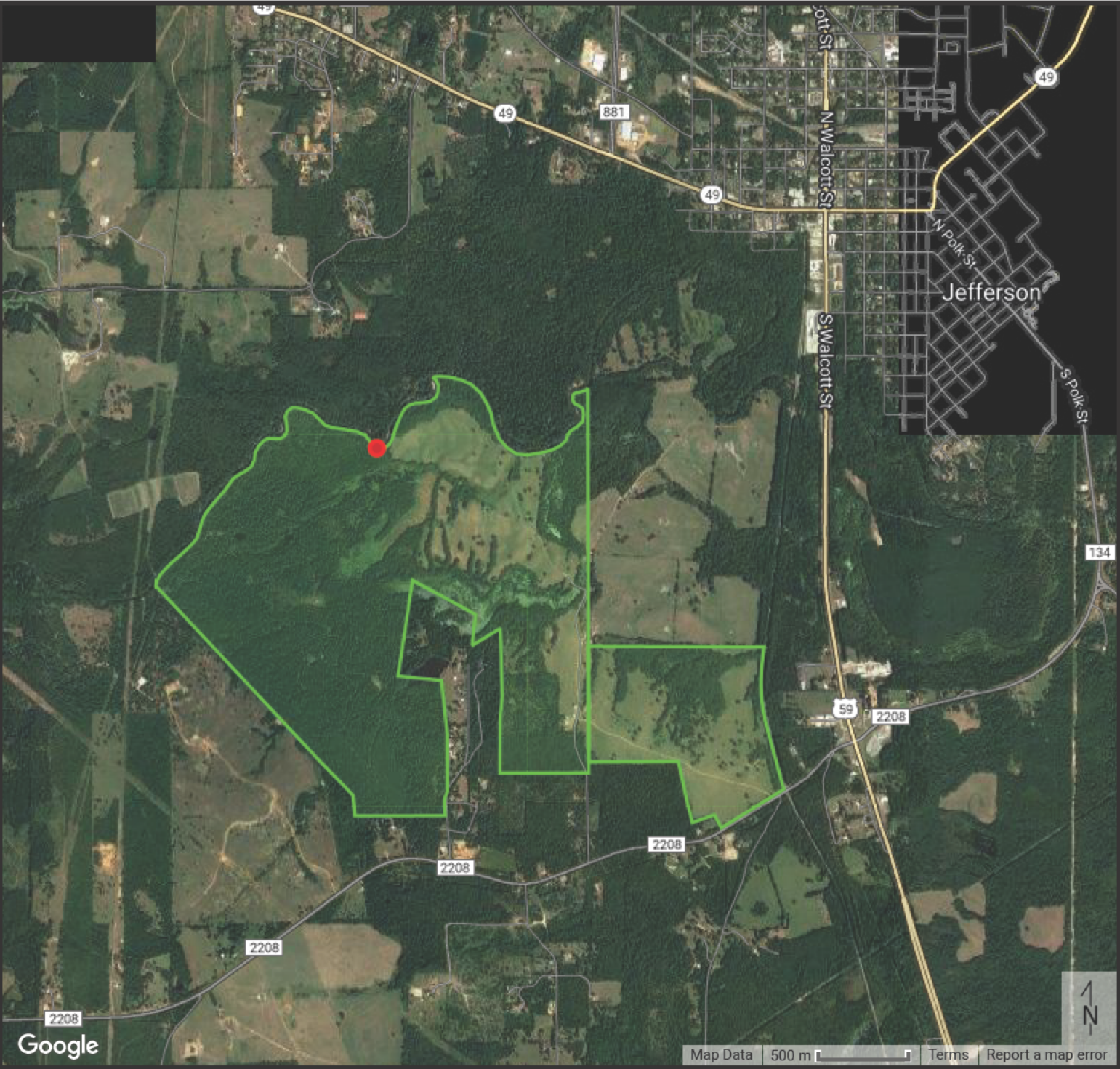
Depositor hereby binds itself, its heirs, executors, and administrators, to warrant and defend the said water right unto the Administrator, its successors and assigns, against every person.

Depositor:




<p>DEPOSITOR:</p> <p>By: _____</p> <p>The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____.</p> <div style="text-align: right; margin-top: 20px;">_____ Notary Public, State of Texas</div> <p>[SEAL]</p> <p>DEPOSITOR'S ADDRESS:</p>

Trustee and Administrator:

<p>DATED this ____ day of _____, 20__.</p> <p style="text-align: right;">FOR TRUSTEE AND ADMINISTRATOR:</p> <p style="text-align: right;">By: _____</p>



Dataset Layers
TX/NM Land Parcels

- Map Layers**
-  Diversion Point
 -  Sanders Parcel
 -  Sanders Parcel