

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

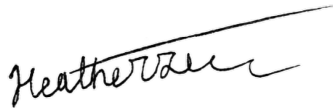
FROM: Heather Zuo, Project Manager
Water Rights Permitting Team

DATE: October 21, 2025

SUBJECT: Texas Parks and Wildlife Department
ADJ 4412
CN600134852, RN104074620
Application No. 06-4412B to Amend Certificate of
Adjudication No. 06-4412
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Indian Creek, Neches River Basin
Jasper County

The application was received on September 15, 2025. Additional information was received on September 30, 2025, and October 13, 2025. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on October 21, 2025. Mailed notice to the record holders is required pursuant to Title 30 Texas Administrative Code § 295.158(c)(2)(A).

No fees are applicable, and the application is sufficient for filing.



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

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

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 23, 2025

Mr. Marty Kelly, Water Resources Program Coordinator
Texas Parks and Wildlife Department
4200 Smith School Rd.
Austin, TX 78744-3218

VIA E-MAIL

RE: Texas Parks and Wildlife Department
ADJ 4412
CN600134852, RN104074620
Application No. 06-4412B to Amend Certificate of Adjudication No. 06-4412
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Indian Creek, Neches River Basin
Jasper County

Dear Mr. Kelly:

This acknowledges receipt, on September 30 and October 13, 2025, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on October 21, 2025. 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 Heather.Zuo@tceq.texas.gov or by telephone at (512) 239-4636.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Zuo", written over a horizontal line.

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

Heather Zuo

From: Marty Kelly <Marty.Kelly@tpwd.texas.gov>
Sent: Monday, October 13, 2025 9:49 AM
To: Heather Zuo
Cc: Humberto Galvan; Chris Kozlowski
Subject: Re: TPWD Application No. 06-4412B RFI

Good Day,

In response to the RFI dated October 2, 2025, TPWD confirms that the application is not requesting to amend the existing authorized diversion for ADJ 06-4412B, only to add 'instream use' and the terms of dedication to the Texas Water Trust. Additionally, TPWD confirms that the application is not requesting a bed and banks authorization.

Thank you and please let me know if there are any other questions.

Marty Kelly

From: Heather Zuo <Heather.Zuo@tceq.texas.gov>
Sent: Thursday, October 2, 2025 12:04 PM
To: Marty Kelly <Marty.Kelly@tpwd.texas.gov>
Cc: Humberto Galvan <Humberto.Galvan@tceq.texas.gov>; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>
Subject: TPWD Application No. 06-4412B RFI

ALERT: This email came from an external source. Do not open attachments or click on links in unknown or unexpected emails.

Good afternoon Mr. Kelly,

Please see the attached letter and provide a response by November 3, 2025. If you have any questions let me know.

Best,
Heather Zuo
Project Manager
Water Rights Permitting Team, Water Availability Division
Texas Commission on Environmental Quality
heather.zuo@tceq.texas.gov | (512)-239-4636

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 2, 2025

Mr. Marty Kelly, Water Resources Program Coordinator
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, TX 78744

VIA E-MAIL

RE: Texas Parks and Wildlife Department
ADJ 4412
CN600134852, RN104074620
Application No. 06-4412B to Amend Certificate of Adjudication No. 06-4412
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Indian Creek, Neches River Basin
Jasper County

Dear Mr. Kelly:

This acknowledges receipt, on September 15, 2025, of the referenced application.

Additional information is required before the application can be declared administratively complete.

1. Confirm that the application is not requesting to amend the existing authorized diversion.
2. Confirm that the application is not requesting a bed and banks authorization. Staff notes portions of Worksheet 4.0 *Discharge Information* were completed.

Please provide the requested information by November 3, 2025 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact me via e-mail at Heather.Zuo@tceq.texas.gov or by telephone at (512) 239-4636.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Zuo", written over a horizontal line.

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

Heather Zuo

From: Kathy Alexander
Sent: Tuesday, September 30, 2025 10:32 AM
To: Heather Zuo
Cc: Chris Kozlowski; Humberto Galvan
Subject: FW: TPWD Signatory Authority
Attachments: op-03-03-signature-and-approval-authority-policy.pdf

From: Marty Kelly <Marty.Kelly@tpwd.texas.gov>
Sent: Tuesday, September 30, 2025 10:30 AM
To: Kathy Alexander <kathy.alexander@tceq.texas.gov>
Subject: TPWD Signatory Authority

Hi Kathy,

Please find the attached TPWD Policy describing signatory authority. Water Rights is on the table on the bottom of page 5. The policy states that Division Director or Deputy Division Director have signing authority for Water Rights and I assume since Dr. Yoskowitz is TPWD's Executive Director that his authority trumps our Division Directors.

Thanks and please let me know if you have any questions.

Marty Kelly

Water Resources Program Coordinator

Office (512) 389 – 8214

Cell (512) 413 – 1631

Signature and Approval Authority Policy

POLICY NUMBER: OP-03-03

TYPE OF POLICY: Operations

EFFECTIVE DATE: September 1, 2025

The most current version of this policy will always be the online version.

PURPOSE

This policy designates appropriate signature and approval authority for Texas Parks and Wildlife Department (TPWD) documents and transactions.

BACKGROUND

This policy affects all TPWD employees as it pertains to the signature authority and approval of documents and transactions on behalf of TPWD.

DEFINITIONS

contract

for purposes of this policy, any agreement (including electronic) between TPWD and any other party in which TPWD or another party commits to taking any action or disbursing or receiving anything of value. This includes but is not limited to purchasing contracts, revenue contracts, memoranda of agreement, memoranda of understanding, letters of agreement, surface use agreements, easements, leases, state park concession contracts, construction contracts, land contracts, and grant agreements.

total contract value (“value”)

the contract amount to be expended or received by TPWD, in any form, including but not limited to money, land, rights, materials, goods, or services, throughout the contract term, to include any value that is donated or is a match requirement per the terms of the contract.

ABBREVIATIONS

The abbreviations used in this policy and their meanings are as follows:

Abbreviation	Full Title
CFO	Chief Financial Officer (Director of Financial Resources Division)
Commission	Texas Parks and Wildlife Commission
COO	Chief Operating Officer
DBC	Division Budget Coordinator

Abbreviation	Full Title
DD	Division Director
Deputy DD	Deputy Division Director
ED	Executive Director
Fed GA	Federal Grants Administrator in the Financial Resources Division
Fed GC	Division Federal Grant Coordinator
GC	General Counsel
GLO	General Land Office
HR	Human Resources Division
HR DD	Human Resources Division Director
INF DD	Infrastructure Division Director
INF KBM	Infrastructure Contracting Branch Manager
IT DD	Information Technology Division Director
LCP Director	Director of Land Conservation Program in the Executive Office
Legal	Legal Division Attorney
ORL	Division Open Records Liaison
PC Director	Director of the Purchasing and Contracting Branch
PM	Property Manager in the Financial Resources Division
SP DD	State Parks Division Director
SPRG Director	State Parks Recreation Grants Director

POLICY STATEMENT

The TPWD Executive Director (ED) has delegated the authority to sign and/or approve documents and transactions on behalf of TPWD to certain TPWD employees as stated in this policy. The approval listed is the lowest level at which each document type or action may be approved unless a designee is authorized in writing, after all appropriate and required levels of review or coordination. Higher approval levels retain the authority to approve the listed documents, after proper review. The person to whom such signature/approval authority is delegated is the final signature/approval authority for the item listed. However, additional reviews prior to final

signature/approval may be required and coordinated with the Purchasing and Contracting Branch, the Legal Division, and/or the Infrastructure Division, as discussed below.

Supervisors and other approvers are required to approve certain documents (e.g., travel, membership authorization, leave requests) **prior** to submission. A person who is serving in an “acting” capacity is authorized to sign/approve for that position, except for the State Agency Uniform Nepotism Disclosure Form developed by the State Auditor’s Office. In addition, a signatory/approver may authorize another individual to be their designee in the event the signatory/approver is unavailable. TPWD employees who report directly to the Chief Operating Officer (COO) or ED must obtain COO signature/approval for their own requests.

All TPWD documents and transactions must be approved in accordance with this policy. Supervisors should provide guidance to employees on when it is acceptable to use alternatives to original signatures, such as electronic signatures and email confirmation of approval.

If a signatory/approver believes that they may need to recuse themselves due to a conflict of interest in signing or approving the document, they should consult with the Legal Division to determine whether another signatory/approver is appropriate.

LEGAL REVIEW

Many documents and transactions require review by the appropriate attorney in the Legal Division prior to signature. This includes the following:

- All documents and transactions where this policy requires approval by the Executive Office (i.e., PC Director, COO, or ED), and any document presented to the Commission.
- All contracts. However, the appropriate Legal Division attorney may determine that a particular contract, such as an agreement on an approved template, does not require legal review. Such determinations should be documented (e.g., email).
- Other items listed below that are marked with an asterisk (*).

In the event it is unclear whether a document requires legal review, an employee should contact the GC for guidance.

PURCHASING AND CONTRACTING

The Purchasing and Contracting Branch serves as the agency coordinator for all contracts, except for state park concession contracts, recreation grant agreements, construction contracts, and contracts for construction-related professional services (e.g., engineering or architectural services). Construction contracts and contracts for construction-related professional services will be coordinated through the Contracting Branch of the Infrastructure Division. State Park concession contracts and recreation grants will be coordinated through the State Parks Division.

Each division must assign at least one point-of-contact or administrator to work with the Purchasing and Contracting Branch for contract documents. The person to whom signature/approval authority is delegated by this policy and the divisional point-of-contact for

contract documents are responsible for ensuring that appropriate review, coordination, routing, and reporting take place.

All contract documents, once executed, must be provided to the Purchasing and Contracting Branch, Infrastructure Division, or the designated purchaser as appropriate. All contract documents should be entered into the financial system upon receipt of a fully signed contract, preferably within 7 business days of receipt. Additionally, contracts that exceed certain dollar thresholds must be reported to the Legislative Budget Board (LBB) as well as any other oversight reporting as required and as outlined in the TPWD Contract Management Guide ([BF-18-01](#)).

SIGNATURES/APPROVALS REQUIRED

General Documents

General Documents	Signature/Approval Required
Advance Notice to LBB and Governor—Expected to Exceed \$50,000 Expenditure on Residence	INF DD or DD of division managing project
Authorization for Full or Partial Donation to a Governmental Entity or Qualified Nonprofit Organization	COO
Bank Account Opening/Closing	CFO
Boat Ramps—Elimination from State Inventory	COO
Budget Change Requests \$250,000 or more	Commission
Commuting in State Vehicle Authorization	ED
Donation Acceptance—\$500 or more	Commission
Donation Acceptance—less than \$500	DD or Designee
Membership Authorization	DD or Designee
Operation Game Thief (OGT)—Checks for Approved Disbursements from the OGT Fund	OGT Program Coordinator, or Chief or Assistant Chief of Wildlife Enforcement
Park Grant Land Acquisitions—Request for Waiver of Retroactivity (submitted to National Park Service)	State Liaison Officer or Alternate State Liaison Officer
Park Grant Land Acquisitions—Waiver of Retroactivity for Pass-through Entities	SPRG Director or Local Park Grants Manager

General Documents	Signature/Approval Required
Park Planning Assistance Approval or Disapproval	COO with briefing document provided to ED at time of approval
Permit—Denials	Permit Program for affected permit
Permit or License—Revocation or Suspension	ED or Designee
Personal Vehicle—When Used for State Business Outside of Employee’s Designated HQ	DD or Designee
Personal Vehicle—Mileage Reimbursement When Used for State Business (must comply with state guidelines)	DD or Deputy DD
Prohibited Technologies—Exceptions to DIR List	ED (Designee not permitted)
Sand, Shell, Gravel, and Marl Permits: Uncontested General Permits	Sand and Gravel Program Leader
Sand, Shell, Gravel, and Marl Permits: Uncontested Individual Permits	COO
Sand, Shell, Gravel, and Marl Permits: Contested Permits	Commission
Surplus Property Designation (Division Excess Equipment Notice)	PM
Travel—In State	Supervisor (prior to start of travel) per BF-20-01
Travel—Out-of-State (within the U.S. including Hawaii, Alaska, and U.S. Territories, Canada, and Mexico)	Written Authorization from DD and COO (prior to start of travel) per BF-20-01
Travel—Outside the U.S., Canada, or Mexico	Written Authorization from DD, COO, and ED (prior to start of travel) per BF-20-01
Travel—Travel Voucher for Reimbursement	Supervisor (see BF-20-01 for additional approval requirements)
Wastewater Permit Applications and Related Documents	DD or Deputy DD
Water Right Applications	DD or Deputy DD*

Legal Documents

Legal Documents	Signature/Approval Required
Attorney General Opinion Requests	ED
Attorney General Open Records Opinion Requests	GC or Designated Attorney
Litigation and Claim-Related Documents, Motions, and Pleadings, Except Settlement Agreements	GC
Non-Disclosure Agreements for Open Records Requests	GC
Attorney General Representation Requests	GC
Certification of Official Records as Custodian	DD or GC
Employees Who May Administer Oaths Designation	Commission
Outside Counsel Contracts of \$100,000 or more	ED
Outside Counsel Contracts of less than \$100,000	GC with approval by DD for Division providing funding

Settlement Agreements

Settlement Agreements	Signature/Approval Required
Settlement Agreements that Require a Change in TPWD Policy	ED
Settlement Agreements that Impact more than One Division or with a TPWD-wide Impact	ED
Settlement Agreements Related to TPWD's Regulatory Authority	ED
Settlement Agreements Not Listed Elsewhere that Provide for the Payment to or by TPWD of less than \$100,000	DD of Division impacted by the Settlement Agreement*

Settlement Agreements	Signature/Approval Required
Settlement Agreements Not Listed Elsewhere that Provide for the Payment to or by TPWD of \$100,000 or more	ED
Settlement Agreements Not Listed Elsewhere that Impact a Single Division	DD of Division impacted by the Settlement Agreement*
Settlement Agreements Regarding Damage to TPWD Property of less than \$25,000	DD of Division Impacted or Designee*

Contract Documents

Contract documents with values of \$1M or more:

Contracts and Related Documents with a Value \$1,000,000 or more	Signature/Approval Required
All Contracts (Includes Grant Agreements)	ED after review by PC Director or INF KBM (if applicable), and COO

Contract documents with a value less than \$1M:

Contracts and Related Documents with a Value of less than \$1,000,000 – General	Signature/Approval Required
Artifact Loan Agreements	SP DD or Deputy DD
Artificial Reef Material Donation Agreements	COO
Boat Ramp Agreement Termination	SP DD or Designee
Construction Contracts and Associated Change Orders; Professional Design Services and Associated Modifications Between \$500,000 and \$1,000,000	INF DD or Deputy DD; Designees per BF-07-02
Construction Contracts and Associated Change Orders; Professional Design Services and Associated Modifications \$500,000 or less	INF KBM; Designees per BF-07-02
Contract Termination—Non-Construction Contracts	PC Director or Designee per BF-18-01

Contracts and Related Documents with a Value of less than \$1,000,000 – General	Signature/Approval Required
Contract Termination—Construction-Related Contracts	INF DD or Deputy DD
Cooperative Agreement for Confidential Information Sharing with Non-disclosure Agreement	COO after review by PC Director or Designee
Direct Contract Execution Form	ED after review and approval by PC Director or INF Contracting Branch Manager
Direct Contract Justification Memo	ED after review and approval by PC Director or INF Contracting Branch Manager
Emergency Purchases—Non-Construction Contracts	• DD or Designee and • PC Director or Designee per BF-07-02
Emergency Purchases—Construction-Related Contracts	• DD or Designee and • INF DD or Deputy DD
Expert Witness Contracts Between \$1,000,000 and \$500,000	COO after review by PC Director or Designee
Expert Witness Contracts less than \$500,000	PC Director or Designee
Filming Agreements (See Media Productions on Department Lands (CO-95-01))	DD or Deputy DD
IT Contracts Under the Department of Information Resources (DIR) Delegated Authority	PC Director or Designee per BF-07-02
Memoranda of Agreement (MOAs), including Interagency Cooperation (IAC) and Interlocal Cooperation (ILC) Agreements, When a Single Division is Impacted, and the MOA Does Not Involve Expenditures or Revenues	DD after review by PC Director or Designee per BF-07-02
Park Special Events Contracts—7 Days or less	RD
Park Concession Contracts, Amendments, and Terminations	SP DD or Deputy DD
Purchase Orders less than \$10,000	Field Purchasers if authorized by BF-07-02
Purchase Orders \$10,000 or more	PC Director or Designee per BF-07-02

Contracts and Related Documents with a Value of less than \$1,000,000 – General	Signature/Approval Required
Solicitation Documents for Goods/Services Under the Comptroller of Public Accounts Statewide Procurement Division (SPD) Delegated Authority	PC Director or Designee per BF-07-02

All other contract documents not addressed elsewhere with a value less than \$1M:

All other Contracts and Related Documents not addressed elsewhere above with a Value of less than \$1,000,000	Signature/Approval Required for total contract value less than \$500,000	Signature/Approval Required for total contract value of \$500,000 or more, but less than \$1,000,000
Competitive Contracts and Contract Amendments—Other than Infrastructure-Managed Contracts	PC Director or Designee per BF-07-02	COO after review by PC Director or Designee per BF-07-02
Grant Agreements—Federal (excluding LWCF Grants) Note: All Federal Grant Agreements Must Follow Reviews and Signature Authorization as Set Out in the Federal Aid Monitoring and Reporting Policy (BF-19-01) and Federal Grants Guidance Manual	DD or Fed GC after review by Fed GA	COO after review by Fed GA
Grant Agreements—Land and Water Conservation Fund (LWCF)	State Liaison Officer or Alternate State Liaison Officer	State Liaison Officer or Alternate State Liaison Officer
Grant Agreements—State Park Recreation (state funds)	SPRG Director or Grant Manager	SPRG Director after ED or Commission approval
Memoranda of Agreement (MOAs), including Interagency Cooperation (IAC) and Interlocal Cooperation (ILC) Agreements, When More	PC Director or Designee per BF-07-02	COO after review by PC Director or Designee per BF-07-

than One Division is Impacted or the MOA Involves Expenditures or Revenues*		02 and, if applicable, Fed GA
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HR Documents

HR allows a designee to be authorized in writing to sign/approve for the DD, COO, and ED unless otherwise noted. The chart below references the most common types of personnel, salary, and leave transactions. For approval requirements for other leave awards not listed here, refer to the Standard Leaves Policy ([HR-03-14](#)).

Human Resources/Personnel Related Documents	Approval Required
Alternative Work Schedule	DD
Centralized Accounting and Payroll/Personnel System (CAPPS) HR Security Request	DD
Disciplinary Action—Grievance Review	COO or Designated DD
Disciplinary Action—Written Reprimand, Suspension, Demotion, or Termination	• DD • HR DD and • Legal
External Training Requiring Out-of-State Travel	• Supervisor and • DD
Fair Labor Standards Act (FLSA) Status Change	HR DD
Job Posting—Exceptions to Posting Requirements	• DD and • HR DD
Job Posting—Posting a Vacancy	DD
Leave Award—Administrative Leave for Outstanding Performance	DD (delegated by ED)
Leave Award—Compliance with Subpoena	• ED (Designee not permitted)
Leave Award—Death of a Family Member (additional 16 hours for 300+ miles travel each way)	• DD and • HR DD
Leave Award—Death of a Family Member (additional 16 hours for other extenuating	• COO

Human Resources/Personnel Related Documents	Approval Required
circumstances beyond travel or estate management)	
Leave Award—Emergency Leave for Inclement Weather and Facility Closures	• ED (Austin sites) • RD, Program Director, or LE Major, or their designees (field sites)
Leave Award—Emergency Leave Other Good Cause	• COO
Leave Award—Family and Medical Leave Act (FMLA)	HR Special Leaves
Leave Award—Family Leave Pool	HR DD
Leave Award—Investigative Leave	• DD • HR DD • Legal and • Internal Affairs if necessary
Leave Award—Mental Health Leave for Peace Officers	DD
Leave Award—Military Leave	HR
Leave Award—Parental Leave	HR Special Leaves
Leave Award—Sick Leave Pool	HR DD
Leave Without Pay (2 weeks or less)	• Supervisor and • HR
Leave Without Pay (greater than 2 weeks)	• DD and • HR
Merit Salary Increase (less than 6.8%)	DD
Merit Salary Increase (6.8 – 8.0%)	• DD and • HR DD
Merit Salary Increase (more than 8.0%)	COO
Merit Payment—One-Time (\$7,500 or less)	DD
Merit Payment—One-Time (more than \$7,500)	COO

Human Resources/Personnel Related Documents	Approval Required
Merit Payment—One-Time Emergency	ED (Designee not permitted)
New Hire (Position Below DD)	DD
New Hire (Position of DD and Above)	ED
New Position Numbers Approval	• DD • DBC and • HR Classification Team
Outside Employment	• DD • Legal and • HR DD
Personnel Action (Position or Data Change)	DD
Position Reclassification	DD
Promotion (Position Below DD, less than 6.8% salary increase)	DD
Promotion (Position Below DD, more than 6.8% salary increase)	COO
Promotion (Position of DD and Above)	COO
Promotion—Management Directed (less than 6.8% salary increase)	DD
Promotion—Management Directed (more than 6.8% salary increase)	COO
Recruitment and Retention Bonus	ED
Rescinded Resignation—Acceptance/Denial	DD
Salary Equity Adjustments (less than 6.8%)	DD
Salary Equity Adjustments (6.8 – 8.0%)	• DD and • HR DD
Salary Equity Adjustments (more than 8.0%)	COO
Salary Reduction for Poor Performance	DD after review by HR*

Human Resources/Personnel Related Documents	Approval Required
Telework Agreement—Regular Telework (less than 3 telework days per week)	DD (as designated by ED)
Telework Agreement—Regular Telework (3 or more telework days per week)	• COO and • ED
Telework Agreement—Situational Telework (HB 5196 (89R 2025) not applicable to situational telework)	DD
Tuition Assistance Reimbursement Request	ED (Designee not permitted)

Land-Related Documents

In addition to the signatures/approvals required above, easements, surface use, and related agreements must comply with the Third-Party Use of Department Lands Policy ([LF-12-02](#)).

Land-Related Documents with a Value of less than \$1,000,000	Signature/Approval Required for total contract value less than \$500,000	Signature/Approval Required for total contract value of \$500,000 or more, but less than \$1,000,000
Agreements—Boundary/Fence Line Agreements	DD of affected division after review by LCP Director*	DD of affected division after review by LCP Director*
Agreements—Land Transaction Due Diligence Agreements, including but not limited to Surveys, Environmental Assessments, Mineral and Title Runs, Appraisals	LCP Director	LCP Director
Agreements—River Access Agreements	PC Director or Designee	COO after review by PC Director
Agreements—Surface Use Agreements for TPWD-Owned Properties	DD or Deputy DD of affected division after review by LCP Director*	COO after review by LCP Director*

Land-Related Documents with a Value of less than \$1,000,000	Signature/Approval Required for total contract value less than \$500,000	Signature/Approval Required for total contract value of \$500,000 or more, but less than \$1,000,000
Contracts for Land Sale or Purchase	ED or COO, pending approval by Commission	ED or COO, pending approval by Commission
Driveway Licenses	DD or Deputy DD of affected division after review by LCP Director*	DD or Deputy DD of affected division after review by LCP Director*
Easements—Conservation Easements TPWD as Grantor on TPWD Land or TPWD as Grantee or Holder with Right of Enforcement on Non-TPWD Land	COO or Designee after review by LCP Director, pending approval by Commission	COO or Designee after review by LCP Director, pending approval by Commission
Easements—Initial Easement on TPWD Land (regardless of value and excepting utility easements primarily to serve TPWD facilities)	ED or COO, after Commission approval	ED or COO, after Commission approval
Easements—Renewals	COO after review by LCP Director	COO after review by LCP Director
Easements—Utility Primarily to Serve TPWD Facilities	COO after review by LCP Director	COO after review by LCP Director
Geophysical (Seismic) Permits	DD or Deputy DD of affected division after review by LCP Director*	DD or Deputy DD of affected division after review by LCP Director*
Grant Applications—LWCF	State Liaison Officer or Alternate State Liaison Officer	State Liaison Officer or Alternate State Liaison Officer
Grant Applications—Land Acquisitions (non-LWCF Grants)	LCP Director after review by DD of affected division	LCP Director after review by DD of affected division
Leases—Grazing	PC Director	PC Director

Land-Related Documents with a Value of less than \$1,000,000	Signature/Approval Required for total contract value less than \$500,000	Signature/Approval Required for total contract value of \$500,000 or more, but less than \$1,000,000
Leases—Mineral	GLO	GLO
Leases—Third-Party Lands for Hunting	DD	COO after review by PC Director or Designee
Leases—Third-Party Lands to TPWD for Management of Conservation and/or Recreation Purposes (Includes Surface Leases and Coastal Leases to TPWD)	ED after review by PC Director, upon recommendation by DD or Deputy DD of affected division	ED after review by PC Director, upon recommendation by DD or Deputy DD of affected division
Leases—TPWD Land	PC Director or Designee	COO after review by PC Director
Leases—Other (Boat Storage; Storage Facility; Office Space; Radio Tower Site or Space; etc.)	PC Director or Designee	COO after review by PC Director
Real Estate Acquisition and Disposition Closing Documents, Excluding Real Estate Deeds	LCP Director or Designee after Commission approval of the acquisition or disposition	LCP Director or Designee after Commission approval of the acquisition or disposition
Real Estate Deeds	ED or COO after Commission approval of the acquisition or disposition	ED or COO after Commission approval of the acquisition or disposition
Rights of Entry or Licenses Granting Access to TPWD Land for Reconnaissance, Survey, or Other Third-Party Investigation	DD, Deputy DD, or Designee after review by LCP Director*	DD, Deputy DD, or Designee after review by LCP Director*

HISTORY

Original publication date and subsequent revisions:

- 2025 September 1: revised to update approval requirements for telework agreements.
- 2024 March 1: revised resulting from Governor Abbott's directive pertaining to prohibited technologies, an effort to streamline the lowest level of authority in the policy, and to

comply with updated in the 88th Legislative Session pertaining to salary adjustment thresholds in the Compensation and Salary Administration Policy ([HR-03-03](#)).

- 2023 April 1: minor revision to update approval requirements for external training requests.
- 2022 October 1: revised to add new leave-related categories based on legislative changes and revisions to other TPWD policies.
- 2021 August 1: revised to address use of electronic signatures and approvals
- 2021 March 1: revised
- 2017 July: revised
- 2003 June: original effective date

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): Texas Parks and Wildlife Department

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

 Additional Co-Applicant Signature Pages

N Written Evidence of Signature Authority

Y **Technical Information Report**

N 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**

N Fees

N Public Involvement Plan

Received

Date: 09/15/2025

By: Water Availability Division

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."

Texas Parks and Wildlife Department (TPWD) respectfully requests TCEQ's review and authorization of an amendment to COA 06-4412A to add instream use and to deposit 611 acre-feet into the Texas Water Trust in perpetuity. TPWD is working with the Texas Water Development Board (TWDB) to submit a Water Trust Deposit Agreement, the draft of which is included as an attachment with the application. TPWD 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 30 days of its execution.

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?

Texas Parks and Wildlife Department

(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 : CN600134852 (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: David Yoskowitz, Ph.D.

Title: Executive Director

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

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

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

Name: Texas Parks and Wildlife Department

Mailing Address: 4200 Smith School Road

City: Austin State: Texas ZIP Code: 78744

Indicate an X next to the type of Applicant:

☐ Individual	☐ Sole Proprietorship-D.B.A.
☐ Partnership	☐ Corporation
☐ Trust	☐ Estate
☐ Federal Government	☒ State Government
☐ County Government	☐ City Government
☐ Other Government	☐ Other _____

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: _____ SOS Charter (filing) Number: _____

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

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

First and Last Name: Marty Kelly

Title: Water Resources Program Coordinator

Organization Name: Texas Parks and Wildlife Department

Mailing Address: 4200 Smith School Road

City: Austin State: Texas ZIP Code: 78744

Phone Number: (512) 389 - 8214

Fax Number: _____

E-mail Address: marty.kelly@tpwd.texas.gov

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_REP/SurveyStatus_PriorThreeYears
Applicant has submitted all required TWDB surveys of groundwater and surface water?
Yes / No _____

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

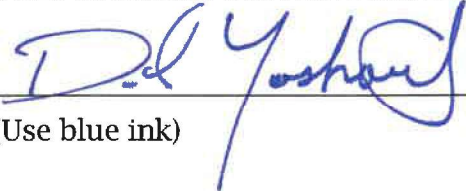
I, David Yoskowitz, Ph.D., Executive Director, Texas Parks and Wildlife Department

(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: 9/12/2025

Subscribed and Sworn to before me by the said

on this 12th day of September, 20 25.

My commission expires on the 31 day of January, 20 28.

Dee Halliburton

Notary Public



[SEAL]

Trawls
County, Texas

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

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

This Report is required for applications for new or amended water rights. Based on the Applicant's responses below, Applicants are directed to submit additional Worksheets (provided herein). A completed Administrative Information Report is also required for each application.

Applicants are 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: July 16, 2025

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: N/A)

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: 06-4412

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	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”:

The state and regional water plans generally do not address every possible change in individual water rights. This application is consistent with the 2021 Region I Water Plan and the 2022 State Water Plan because there is nothing in the plans that conflict with this application.

- b. Did the Applicant perform its own Water Availability Analysis? Y / N N

If the Applicant performed its own Water Availability Analysis, provide electronic copies of any modeling files and reports.

- c. Does the application include required Maps? (Instructions Page. 15) Y / N N

N/A

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

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

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

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

a. Location Information Regarding the Lands to be Irrigated

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

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

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

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

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

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

Quantity (acre- feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
611	Agricultural and Wetlands	Instream Use	Jasper County	Jasper County

**If the request is to add additional purpose(s) of use, include the existing and new purposes of use under "Proposed Purpose(s) of Use."*

***If the request is to add additional place(s) of use, include the existing and new places of use under "Proposed Place(s) of Use."*

Changes to the purpose of use in the Rio Grande Basin may require conversion. 30 TAC § 303.43.

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- Applicant proposes to irrigate a total of N/A 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 N/A acres in N/A County, TX.
 - Location of land to be irrigated: In the N/A Original Survey No. N/A, Abstract No. N/A.

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.

- Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
- See Worksheet 1.2, Marshall Criteria, and submit if required.
- See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

WORKSHEET 1.1 INTERBASIN TRANSFERS, TWC § 11.085

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:

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

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

WORKSHEET 2.0

Impoundment/Dam Information

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

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

1. Storage Information (Instructions, Page. 21)

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

N/A

3. Applicants **shall** give notice by certified mail to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir to be constructed, will be located. (30 TAC § 295.42). Applicant must submit a copy of all the notices and certified mailing cards with this Application. Notices and cards are included? Y / N_____
- iii. Additional information required for **on-channel** storage:
 1. Surface area (in acres) of on-channel reservoir at normal maximum operating level:_____.
 2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option. Applicant has calculated the drainage area. Y/N_____ If yes, the drainage area is_____sq. miles. (If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

2. Structure Location (Instructions, Page. 23)

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

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

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

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

Latitude _____°N, Longitude _____°W.

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

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

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

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

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

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

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

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

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

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

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

Applicant has calculated the drainage area. **Y / N** N

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Indian Creek
- b. Zip Code: 75951
- c. Location of point: In the M.B. Lewis Original Survey No. 342, Abstract No. _____, Jasper 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 30.943466 °N, Longitude -94.127844 °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): Google Earth Pro
- 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

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

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** 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** N
If yes, provide the signed contract(s).
- dii. Identify any other source of the water _____

WORKSHEET 4.1

DISCHARGE POINT INFORMATION

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

Instructions, Page 27.

For water discharged at this location provide:

- a. The amount of water that will be discharged at this point is _____ 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

1. Impingement and Entrainment

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

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

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

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

a. Identify the appropriate description of the water body.

☐ Stream

☐ Reservoir

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

☐ Other, specify: _____

b. Flow characteristics

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

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

☐ Intermittent with Perennial Pools – enduring pools

☐ Perennial – normally flowing

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

☐ USGS flow records

☐ Historical observation by adjacent landowners

N/A

☐ 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 map submitted with the application indicating the location of the photograph and the direction of the shot.
2. If the application includes a proposed reservoir, also include:
 - i. A brief description of the area that will be inundated by the reservoir.
 - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
 - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

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

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

a. For all bed and banks applications:

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

b. For all alternate source applications:

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

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

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

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

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans

This form is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plans is required and to specify the requirements for plans.
Instructions, Page 31.

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

1. Water Conservation Plans

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

1. Request for a new appropriation or use of State Water.
2. Request to amend water right to increase appropriation of State Water.
3. Request to amend water right to extend a term.
4. Request to amend water right to change a place of use.
**does not apply to a request to expand irrigation acreage to adjacent tracts.*
5. Request to amend water right to change the purpose of use.
**applicant need only address new uses.*
6. Request for bed and banks under TWC § 11.042(c), when the source water is State Water.
**including return flows, contract water, or other State Water.*

- b. If Applicant is requesting any authorization in section (1)(a) above, indicate each use for which Applicant is submitting a Water Conservation Plan as an attachment:

1. ____Municipal Use. See 30 TAC § 288.2. **
2. ____Industrial or Mining Use. See 30 TAC § 288.3.
3. ____Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. ____Wholesale Water Suppliers. See 30 TAC § 288.5. **

****If Applicant is a water supplier, Applicant must also submit documentation of adoption of the plan. Documentation may include an ordinance, resolution, or tariff, etc. See 30 TAC §§ 288.2(a)(1)(J)(i) and 288.5(1)(H). Applicant has submitted such documentation with each water conservation plan? Y / N____**

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

N/A

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

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

2. Drought Contingency Plans

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

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

The following information provides guidance on when an Accounting Plan may be required for certain applications and if so, what information should be provided. An accounting plan can either be very simple such as keeping records of gage flows, discharges, and diversions; or, more complex depending on the requests in the application. Contact the Surface Water Availability Team at 512-239-4600 for information about accounting plan requirements, if any, for your application. **Instructions, Page 34.**

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

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

WORKSHEET 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

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

2. AMENDMENT OR SEVER AND COMBINE

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

3. BED AND BANKS

	Description	Amount (\$)
Filing Fee		\$100.00
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$ 0.00



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.

The amendment adds instream uses and terms of dedication to the Texas Water Trust.

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)

Marshal Criteria – Addendum

- 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.*

RESPONSE: Based upon a review of the completed responses to the application to amend CoA 06-4412 to add instream uses and dedicate 611 ac-ft/yr to the Texas Water Trust, including a review of the requirements of Chapter 11, Texas Water Code, and Chapters 281, 295 and 297 of Title 30 of the Texas Administrative Code, and Chapter 8503, Texas Special District Local Laws Code, TPWD believes the application to be complete. TPWD further believes the application includes all the required documentation including maps and appropriate fees.

- 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.*

RESPONSE: The proposed amendment does not request a new appropriation of water, diversion point(s), or change in discharge rates. The proposed amendment requests to add 611 ac-ft/yr of water to the Texas Water Trust, which will help maintain environmental flows in the Neches River basin pursuant to 30 TAC §298.280. Donations to the Texas Water Trust meet beneficial use criteria listed in TWC § 11.023 such as providing water for recreation and pleasure.

- 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.*

RESPONSE: The proposed amendment does not request a new appropriation of water, diversion point(s), or change in discharge rates. The proposed amendment requests to add 611 ac-ft/yr of water to the Texas Water Trust, which will help maintain environmental flows in the Neches River basin and should not have any detrimental impacts to the public.

- D. **Groundwater Effects.** *Discuss effects of proposed amendment on groundwater or groundwater recharge.*

RESPONSE: The proposed amendment does not request a new appropriation of water, diversion point(s), or change in discharge rates. Therefore, the proposed amendment should not have any new or additional impact on groundwater or groundwater recharge. No groundwater is anticipated to be used to satisfy the amendment, subject to the Commission's hydrologic water availability analysis.

- 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.*

RESPONSE: The state and regional water plans generally do not address every possible change in individual water rights. This application is consistent with the 2021 Region I Water Plan and the 2022 State Water Plan because there is nothing in the plans that conflict with this application.

- F. **Waste Avoidance.** *Provide evidence that reasonable diligence will be used to avoid waste and achieve water conservation as defined in TWC § 11.002. Examples of evidence could include, but are not limited to, a water conservation plan or, if required, a drought contingency plan, meeting the requirements of 30 TAC Chapter 288.*

RESPONSE: TPWD is committed to avoiding wasteful use of the water resources associated with this Amendment. The proposed amendment does not request a new appropriation of water, diversion point(s), or change in discharge rates. By adding instream uses and dedicating 611 ac-ft/yr of water to the Texas Water Trust, TPWD ensures that water will not be diverted away from Indian Creek within the specified bounds. The water management plan also includes provisions to help meet environmental flow needs in the Neches River Basin.

- 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.*

RESPONSE: The proposed amendment does not request a new appropriation of water, diversion point(s), or change in discharge rates. Dedicating 611 ac-ft/yr of water to the Texas Water Trust will ensure the on-stream and downstream environment and water right holders meet their water needs even in times of drought. The water management

plan includes provisions to help meet environmental flow needs in the Neches River Basin.