

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Natalia Ponebshek, Project Manager
Water Rights Permitting Team

DATE: July 12, 2022

SUBJECT: Texas Department of Transportation
ADJ 844
CN600803456, RN101471241
Application No. 23-844D to Amend Certificate of Adjudication No. 23-844
Texas Water Code §§ 11.122, 11.085, Not Requiring Notice
Rio Grande, Rio Grande Basin and Nueces Rio Grande Coastal Basin
Cameron, Starr, Zapata, and Hidalgo Counties

The application was received on March 17, 2022. Additional information and fees were received on May 12, May 24, and June 30, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on July 12, 2022. Notice is not required pursuant to Title 30 Texas Administrative Code § 295.158(c)(1).

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

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality

OCC Mailed Notice Required ☐ YES ☒ NO

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 12, 2022

Ms. Monica Leal
Texas Department of Transportation
600 W Interstate 2
Pharr, TX 78577

VIA E-MAIL

RE: Texas Department of Transportation
ADJ 844
CN600803456, RN101471241
Application No. 23-844D to Amend Certificate of Adjudication No. 23-844
Texas Water Code §§ 11.122, 11.085, Not Requiring Notice
Rio Grande, Rio Grande Basin and Nueces Rio Grande Coastal Basin
Cameron, Starr, Zapata, and Hidalgo Counties

Dear Ms. Leal:

This acknowledges receipt, on May 12, May 24, and June 30, 2022, of additional information and fees in the amount of \$112.50 (Check No. 139040, receipt attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on July 12, 2022. Staff will continue processing the application for consideration by the Executive Director.

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

If you have any questions concerning the application, please contact me via email at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality

Attachment

Natalia Ponebshek

From: Monica Leal [REDACTED] >
Sent: Thursday, June 30, 2022 2:30 PM
To: Natalia Ponebshek
Cc: Bruce Gutierrez
Subject: RE: Diversion Reach and Conservation Plan Information

Good afternoon Natalia,

The below statement is a supplemental to the application previously submitted.

Regarding the Water Conservation Plan under Section B 3: Describe the device(s) and/or method(s) used to measure and account for the amount of water diverted from the supply source, and verify the accuracy is within plus or minus 5%.

The water we get is delivered by the district and monitored by the Water Master plus or minus 5%. Meters are certified by the Water Master.

I hope this helps.

Respectfully,

Monica Leal
Construction Records Auditor
956-702-6168

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Wednesday, June 1, 2022 3:29 PM
To: Monica Leal [REDACTED]
Cc: Bruce Gutierrez [REDACTED] >
Subject: RE: Diversion Reach and Conservation Plan Information

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Monica,

We have received your response and payment. I am working on a second request for information, for information needed by our technical staff. Please let me know if you have any additional questions.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

From: Monica Leal [REDACTED]
Sent: Wednesday, May 25, 2022 11:20 AM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Cc: Bruce Gutierrez [REDACTED]
Subject: RE: Diversion Reach and Conservation Plan Information

Good morning,

How much longer will the application process take?

Thank you,

Monica

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Tuesday, April 12, 2022 4:28 PM
To: Monica Leal [REDACTED]
Cc: Bruce Gutierrez [REDACTED]
Subject: RE: Diversion Reach and Conservation Plan Information

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Hello Monica,

I currently working on a request for information for information needed to complete the administrative review process. I will send it to you once completed, and you will have 30 days to provide the requested information. Please let me know if you have any additional questions.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

From: Monica Leal [REDACTED]
Sent: Tuesday, April 12, 2022 4:25 PM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Cc: Bruce Gutierrez [REDACTED]
Subject: RE: Diversion Reach and Conservation Plan Information

Hi Natalia,

Can you please provide me with status with the application?

Thank you,

Monica

From: Monica Leal
Sent: Thursday, February 10, 2022 3:39 PM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Cc: Bruce Gutierrez [REDACTED]
Subject: RE: Diversion Reach and Conservation Plan Information

Good afternoon Natalia,

Thank you for the information provided to us an the time going over the application.

Please note that we are no longer seeking to extend our boundaries to lake Amistad. We are only seeking to extend within our district boundaries.

Respectfully submitted,

Monica Leal

Construction Records Auditor
Texas Department of Transportation – Pharr District
600 W. Expressway 83
Pharr, TX 78577
O: 956-702-6168

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Thursday, January 20, 2022 2:24 PM
To: Monica Leal [REDACTED] >
Cc: Bruce Gutierrez [REDACTED]
Subject: Diversion Reach and Conservation Plan Information

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Monica,

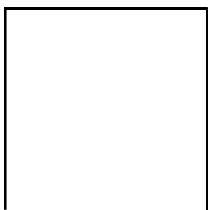
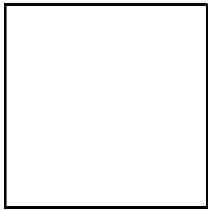
Per our discussion, please see the attached diversion reach and conservation plan information. If you have any questions, please reach out via phone or email.

Diversion Reach for Amistad to the Gulf:
US: 29.441406, -101.057069, in Val Verde County, Texas.
DS: 25.952481, -97.150431, in Cameron County, Texas.

Conservation Plan Information: https://www.tceq.texas.gov/permitting/water_rights/wr_technical-resources/conserve.html

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641





Basis2 - Receipt History Report

31-MAY-22 02:55 PM

<u>Bank Slip#</u>	<u>Slip Status</u>					<u>USAS Proj #</u>	<u>Paid For</u>	<u>Orig Tran Amnt</u>
<u>Document#</u>	<u>Site Code</u>	<u>Tran.Date</u>	<u>Tran.Code</u>	<u>Created By</u>	<u>Endorse #</u>	<u>Permit/Proj #</u>	<u>Vendor #</u>	<u>Corrected?</u>
<u>Fee Code</u>	<u>Account Name</u>		<u>Account #</u>	<u>Paid In By</u>	<u>Endorse.Date</u>	<u>Check Number</u>	<u>Pay Type</u>	<u>Corrected Tran Amnt</u>
BS00095013	Closed							
GT139040	RS	24-MAY-22	ITV	VACRUZ	GT139040	ADJ23844	AMEND	-\$112.50
WUP	WATER USE		WUP	TXDOT	051922	139040	ITV	-\$112.50
	PERMITS							
Grand Total:								-\$112.50

Natalia Ponebshek

From: Monica Leal [REDACTED] >
Sent: Thursday, May 12, 2022 1:52 PM
To: Natalia Ponebshek
Cc: Bruce Gutierrez
Subject: RE: TX DOT App No. 23-844D RFI
Attachments: 10214c down.pdf; TXDOT_Industrial_Water_Consvration_Plan-2019.pdf; RE: Outstanding Fees TxDOT - Pharr District

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Natalia,

As per your request, from the letter dated April 28, 2022 we have collected the pending documentation and is attached for your review and further processing. Note that payment for the filing and recording fees has been submitted to finance for processing in the amount of \$112.50.

I have also attached confirmation from Wichita Falls District on their payment of the WUF in the amount of \$7,250.

Should you require additional information or have any questions, please do not hesitate to contact our office.

Respectfully submitted,

Monica Leal

Construction Records Auditor
Texas Department of Transportation – Pharr District
600 W. Expressway 83
Pharr, TX 78577
[O: 956-702-6168](tel:956-702-6168)

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Thursday, April 28, 2022 3:49 PM
To: Monica Leal [REDACTED] >
Subject: TX DOT App No. 23-844D RFI

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please find the attached request for information for the abovementioned application. Please let me know if you have any questions. A response is due by May 30, 2022.

Thank you,

Natalia Ponebshek, Project Manager

Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641



Natalia Ponebshek

From: Mike Pettibon [REDACTED] >
Sent: Thursday, May 12, 2022 1:43 PM
To: Monica Leal
Cc: Bruce Gutierrez; Fernando Hernandez; Jessica Mueller; Jeff Chennault
Subject: RE: Outstanding Fees TxDOT - Pharr District

This invoice has already been submitted and is scheduled to be paid.

Regards,

Michael T. Pettibon, MS, PG, CHMM, SCTPP
Occupational Safety Specialist
Occupational Safety Division
Texas Department of Transportation

(940) 720-7819 - Office
(512) 914-4509 - Cellular

Mike.Pettibon@txdot.gov

KNOWLEDGE + SAFETY = ZERO

"Preparedness is the key to success and victory."

~General Douglas MacArthur~

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From: Monica Leal [REDACTED] >
Sent: Thursday, May 12, 2022 1:27 PM
To: Mike Pettibon [REDACTED] v>
Cc: Bruce Gutierrez [REDACTED]
Subject: FW: Outstanding Fees TxDOT - Pharr District

Good afternoon Mike,

I received noticed from TCEQ that the attached invoice belonged to the Pharr District. However, after further digging TCEQ has informed me that this may belong to you.

Can you please confirm?

Thank you,

Monica Leal

Construction Records Auditor
Texas Department of Transportation – Pharr District
600 W. Expressway 83
Pharr, TX 78577
O: 956-702-6168

From: AcctRec <AcctRec@tceq.texas.gov>
Sent: Tuesday, May 10, 2022 1:05 PM
To: Monica Leal [REDACTED]
Cc: Revenue; email account <revenue@tceq.texas.gov>
Subject: RE: Outstanding Fees TxDOT - Pharr District

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon Monica,

Thank you for taking my call this morning. From the attachment, Bernardine will be sending the report per your request so keep a look out on that report from her.

0644709E - Billing address - 1601 SOUTHWEST PKWY WICHITA FALLS TX 76302-4906 - Billing email - [REDACTED]

0646358E - Billing address - PO BOX 149148 AUSTIN TX 78714-9148 - Billing email - [REDACTED]

0650305E - Billing address - PO BOX 149148 AUSTIN TX 78714 -9148 - Billing email - [REDACTED]

0650308E - Billing address - PO BOX 14914 AUSTIN TX 78761-4914 - Billing email - [REDACTED]

20503393 – will not get billed as the permit got terminated last year.

I hope my email from Friday was helpful as well.

Respectfully,

Jose Enríquez

Financial Administration Division
Texas Commission on Environmental Quality
12100 Park 35 Circle, Building. A
Austin, Texas 78753-1808 MC – 214
Ph: 512-239-0366
C.C. Payment? <https://www3.tceq.texas.gov/epay/>

From: Monica Leal [REDACTED]
Sent: Tuesday, May 10, 2022 10:08 AM
To: Revenue; email account <revenue@tceq.texas.gov>
Subject: RE: Outstanding Fees TxDOT - Pharr District

Ms. Karen,

Can you please elaborate what these fees pertain too? Are these fees utilized by one of our contractors?

Please advise.

Thank you,

Monica

From: Revenue; email account <revenue@tceq.texas.gov>

Sent: Thursday, May 5, 2022 12:33 PM

To: Monica Leal [REDACTED]

Subject: RE: Outstanding Fees TxDOT - Pharr District

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I have researched the accounts below and here is what I discovered:

0644709R This account number is not valid. Please check the account number for accuracy.

0646358E T2PE Account; the only open invoice is T2E0004823 in the amount of \$6400; please see attached.

0650305E T2PE Account has a \$0 balance and nothing is currently due.

0650308E T2PE Account has a \$0 balance and nothing is currently due.

20503393 GPW Account has a \$0 balance and nothing is currently due.

Please let me know if you need anything else.

Respectfully,

Karen L. P. Reynosa

Karen L. P. Reynosa, CPM
Reconciliation and Reporting Team
TCEQ Financial Operations
512-239-3116



Please consider whether it is necessary to print this e-mail



From: Monica Leal [REDACTED] >

Sent: Thursday, May 5, 2022 11:40 AM

To: Revenue; email account <revenue@tceq.texas.gov>

Subject: Outstanding Fees TxDOT - Pharr District

Good morning,

I am trying to get copies of the following invoices.

Fees

The fees owed are for Water Use Fees (WUF) in the amount of \$7,250.00 for Account Nos. 0644709R, 0646358E, 0650305E, 0650308E, and 20503393.

Please provide as soon as possible or if you can please guide me to the right direction. I have been calling several individuals from your office, but have not had any luck yet.

We currently working with TCEQ on a application with your office and need to handle before our deadline of May 30th.

Any questions, please contact me at the number listed below or by email.

Respectfully,

Monica Leal

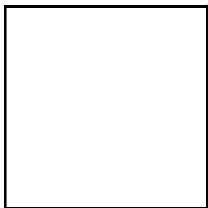
Construction Records Auditor

Texas Department of Transportation – Pharr District

600 W. Expressway 83

Pharr, TX 78577

O: 956-702-6168







Texas Commission on Environmental Quality

Water Availability Division

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

Telephone (512) 239-4691, FAX (512) 239-2214

Industrial Water Conservation Plan

This form is provided to assist entities in developing a water conservation plan for industrial water use. If you need assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4691.

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

Contact Information

Name: Robin Gelston

Address: 600 W. I2, Pharr, TX 78577

Telephone Number: (956)702-6130

Fax: (956)702-6110

Form Completed By: Robin Gelston

Title: Environmental Supervisor

Signature: Robin Gelston

Date: 11/21/19

A water conservation plan for industrial use must include the following requirements (as detailed in 30 TAC Section 288.3). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.

I. BACKGROUND DATA

A. Water Use

1. Annual diversion appropriated or requested (in acre-feet):

2,124.25 acres feet

2. Maximum diversion rate (cfs):

-33 acres feet

B. Water Sources

1. Please indicate the maximum or average annual amounts of water currently used and anticipated to be used (in acre-feet) for industrial purposes:

<i>Source</i>	<i>Water Right No.(s)</i>	<i>Current Use</i>	<i>Anticipated Use</i>
Surface Water	0844-001	343	360
Groundwater	0	0	0
Purchased	2124.25	0	0
Total	2124.25	343	360

2. How was the surface water data and/or groundwater data provided in B(1) obtained?

Master meter ; Customer meter ; Estimated ; Other X

3. Was purchased water raw or treated?

If both, % raw 100; % treated 0; and Supplier(s) 0

C. Industrial Information

1. Major product(s) or service(s) produced by applicant:

TXDOT uses the water in the construction of roadways.

2. North American Industry Classification System (NAICS):

2372

II. WATER USE AND CONSERVATION PRACTICES

A. Water Use in Industrial Processes

<i>Production Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Cooling, condensing, & refrigeration	0	0	0	0	0
Processing, washing, transport	0	100	0	0	380
Boiler feed	0	0	0	0	0
Incorporated into product	0	0	0	0	0

Other	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
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<i>Facility Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
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Cooling tower(s)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
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Pond(s)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
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Once through	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
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Sanitary & drinking water	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
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Irrigation & dust control	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
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1. Was fresh water recirculated at this facility? ☐ Yes ☒ No
2. Provide a detailed description of how the water will be utilized in the industrial process.

Water is being utilized in the construction of roadway projects.

3. Estimate the quantity of water consumed in production processes and is therefore unavailable for reuse, discharge, or other means of disposal.

343 acres feet was utilized in 2018 and none was available for refuse, discharge, or disposal.

4. Monthly water consumption for previous year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Consumption</i>
January	<u>28</u>	<u>0</u>	<u>28</u>
February	<u>29</u>	<u>0</u>	<u>29</u>
March	<u>31</u>	<u>0</u>	<u>31</u>
April	<u>31</u>	<u>0</u>	<u>31</u>
May	<u>30</u>	<u>0</u>	<u>30</u>

June	29	0	29
July	33	0	33
August	33	0	33
September	28	0	28
October	17	0	17
November	26	0	26
December	27	0	27
Totals	342	0	342

5. Projected monthly water consumption for next year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Consumption</i>
January	30	0	30
February	30	0	30
March	30	0	30
April	30	0	30
May	30	0	30
June	30	0	30
July	30	0	30
August	30	0	30
September	30	0	30
October	30	0	30
November	30	0	30
December	30	0	30
Totals	360	0	360

B. Specific and Quantified Conservation Goal

Water conservation goals for the industrial sector are generally established either for (1) the amount of water recycled, (2) the amount of water reused, or (3) the amount of water not lost or consumed, and therefore is available for return flow.

1. Water conservation goal (water use efficiency measure)

Type of goal(s):

0 % reused water

0 % of water not consumed and therefore returned

0 % Other (specify)

2. Provide specific, quantified 5-year and 10-year targets for water savings and the basis for development of such goals for this water use/facility.

If only 360 acres feet get used of the total 2124.25 acres feet, the remainder of water saved is 1,764.25 per year.

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

- a. 5-year goal: 8,821.25 acres feet
- b. 10-year goal: 17,642.5 acres feet

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

Irrigation Meter Valued at around \$7k. A Multiparameter Sonde can be used (Aqua Troll 500). This instrument is a cost-effective solution to monitor water levels on the supply source. The device is able to use base sensor configuration includes optical RDO (EPA-approved RDO technology), pH/ORP, turbidity, conductivity, temperature, and pressure, Salinity, resistivity, Total Dissolved Solids (TDS) and Density.

4. Provide a description of the leak-detection and repair, and water-loss accounting measures used.

HDPE meter pipe Schedule 80 above ground. Any leak will be visible and will be patched immediately. Pipeline monitoring using a flow liquid meter sensor. The location of leakage in this pipe will be sent by Arduino to the local host server on PC to be stored and will immediately transmit this data to the web server then is represented back to the client in the form of notification and information that there had been a leak. This notification contains information about the date, time, position and distance of the leak location in pipe from the sensor.

5. Describe the application of state-of-the-art equipment and/or process modifications used to improve water use efficiency.

Dust Surfactant System applies surfactant agents using a fully automated system to maintain consistent treatment application while avoiding surfactant agent waste, & Water Surfactant system. In addition, avoid using high capacity hoses for dust control and choose to use misting/atomizing systems which will use less water and are actually more effective.

6. Describe any other water conservation practice, method, or technique which the user shows to be appropriate for achieving the stated goal or goals of the water conservation plan:

Consider the use of rainwater harvesting on site, use proper equipment and ensure water efficiency is considered when discussing options with suppliers/subcontractors, tracking usage over time showing where water is being used (This will also help to identify any leaks or inefficiencies).

III. Water Conservation Plans submitted with a Water Right Application for New or Additional State Water

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

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

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

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. ☐ Diversion Point No.
2. ☒ Upstream Limit of Diversion Reach No.
3. ☐ Downstream Limit of Diversion Reach No.

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

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

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

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

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

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

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

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

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Rio Grande
- b. Zip Code: 78562
- c. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude 27.265045°, -99.453782° °N, Longitude DS: 25.952481, -97.150431, °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): GPS Google Maps
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

Natalia Ponebshek

From: Natalia Ponebshek
Sent: Friday, April 29, 2022 12:01 PM
To: Monica Leal
Cc: Bruce Gutierrez
Subject: RE: TX DOT App No. 23-844D RFI

Hello Monica,

Please see the attached screenshot. For any additional questions regarding past due fees, please contact one of the fee coordinators in the 2nd page of the fee letter.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

<u>Customer Name:</u> TEXAS DEPARTMENT OF TRANSPORTA						
<u>Account #:</u> 0644709E		<u>Debtcollpath Stage:</u>			<u>Calls:</u>	
T2PE	T2E0004744	TIER2 PUBL EMP FE FY22	50189	28-FEB-22	31-MAR-22	
Total of delinquent transactions (Account):						
<u>Account #:</u> 0646358E		<u>Debtcollpath Stage:</u>			<u>Calls:</u>	
T2PE	T2E0004742	TIER2 PUBL EMP FE FY22	50189	28-FEB-22	31-MAR-22	
T2PE	T2E0004743	TIER2 PUBL EMP FE FY22	50189	28-FEB-22	31-MAR-22	
T2PE	T2E0004625	TIER2 PUBL EMP FE FY22	50189	28-FEB-22	31-MAR-22	
T2PE	T2E0004823	TIER2 PUBL EMP FE FY22	50189	28-FEB-22	31-MAR-22	
Total of delinquent transactions (Account):						
<u>Account #:</u> 0650305E		<u>Debtcollpath Stage:</u>			<u>Calls:</u>	
T2PE	T2E0004741	TIER2 PUBL EMP FE FY22	50189	28-FEB-22	31-MAR-22	
Total of delinquent transactions (Account):						
<u>Account #:</u> 0650308E		<u>Debtcollpath Stage:</u>			<u>Calls:</u>	
T2PE	T2E0004745	TIER2 PUBL EMP FE FY22	50189	28-FEB-22	31-MAR-22	
Total of delinquent transactions (Account):						
<u>Account #:</u> 20503393		<u>Debtcollpath Stage:</u>			<u>Calls:</u>	
GPW	GPW0024735	GEN PMTS WASTEWTR	FY22	TXG830761	31-OCT-21	30-NOV-21
Total of delinquent transactions (Account):						
Total of delinquent transactions (Customer):						

From: Monica Leal [REDACTED] >
Sent: Friday, April 29, 2022 10:54 AM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Cc: Bruce Gutierrez [REDACTED]
Subject: RE: TX DOT App No. 23-844D RFI

Good morning Natatlia,

Can you please provide us with an RTI number and the Payee ID number?

Respectfully,

Monica

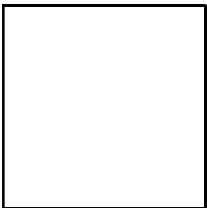
From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Thursday, April 28, 2022 3:49 PM
To: Monica Leal [REDACTED]
Subject: TX DOT App No. 23-844D RFI

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please find the attached request for information for the abovementioned application. Please let me know if you have any questions. A response is due by May 30, 2022.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641



Natalia Ponebshek

From: Natalia Ponebshek
Sent: Thursday, April 28, 2022 3:49 PM
To: Monica Leal
Subject: TX DOT App No. 23-844D RFI
Attachments: TX_DOT_23-844D_RFI_1_Sent_4.28.2022.pdf

Please find the attached request for information for the abovementioned application. Please let me know if you have any questions. A response is due by May 30, 2022.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 28, 2022

Ms. Monica Leal
Texas Department of Transportation
600 W Interstate 2
Pharr, TX 78577

VIA E-MAIL

RE: Texas Department of Transportation
ADJ 844
CN600803456, RN101471241
Application No. 23-844D to Amend Certificate of Adjudication No. 23-844
Texas Water Code §§ 11.122, 11.085, Not Requiring Notice
Rio Grande, Rio Grande Basin and Nueces Rio Grande Coastal Basin
Hidalgo County

Dear Ms. Leal:

This acknowledges receipt, on March 17, 2022, of the referenced application.

Additional information and fees are required before the application can be declared administratively complete.

1. Confirm that the application is requesting to add a diversion reach and provide a separate "Worksheet 3.0" for both the downstream limit and the upstream limit of the requested diversion reach.
2. Provide additional information concerning the submitted water conservation plan for industrial use to comply with Title 30 Texas Administrative Code (TAC) §288.3.
 - a. Confirm that the device(s) and/or method(s) used to measure and account for the amount of water diverted from the source of supply, is within an accuracy of plus or minus 5.0% (TCEQ Form-20839, Section II, B.3). Staff notes that in the applicant's submitted industrial water conservation plan, it indicated that Monthly Report Statements will be used to measure and account for the amount of water diverted; however, information about the device(s) and/or method's accuracy was not included.
 - b. Provide a description of the leak-detection and repair, and water-loss accounting measures used (Section II, B.4).
 - c. Provide a description of the application of state-of-the-art equipment and/or process modifications used to improve water use efficiency (Section II, B.5).

- d. Provide a description of any other water conservation practice, method, or technique which the user shows to be appropriate for achieving the stated goal or goals of the water conservation plan (Section II, B.6).
3. Remit fees in the amount of \$112.50 as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee (Amendment)	\$ 100.00
Recording Fee	\$ 12.50
TOTAL FEES	\$ 112.50
FEES RECEIVED	\$ 00.00
TOTAL FEES DUE	\$ 112.50

Please provide the requested information by May 30, 2022, or the application may be returned pursuant to 30 TAC § 281.18.

Commission records indicate that as of April 26, 2022, the Texas Department of Transportation has outstanding fees or penalties in the amount of \$7,250.00 within one or more program areas, see attachment. Please remit these fees as soon as possible to facilitate the processing of this application. You may contact Financial Administration at (512) 239-0300 for the latest outstanding balance and more detailed information on the amount owed.

If you have any questions concerning this matter, please contact me via email at natalia.ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality

Attachment

April 28, 2022

RE: Texas Department of Transportation
ADJ 844
CN600803456, RN101471241
Application No. 23-844D to Amend Certificate of Adjudication No. 23-844
Texas Water Code §§ 11.122, 11.085, Not Requiring Notice
Rio Grande, Rio Grande Basin and Nueces Rio Grande Coastal Basin
Hidalgo County

The staff of the Texas Commission on Environmental Quality (TCEQ) has determined that payment of the following fees and/or penalties by *Texas Department of Transportation* is required before your application for Certificate of Adjudication No. 23-844D can be declared administratively complete:

Fees

The fees owed are Water Use Fees (WUF) in the amount of **\$7,250.00** for Account Nos. 0644709R, 0646358E, 0650305E, 0650308E, and 20503393.

Please be advised that failure to pay fees/penalties within 30 days will result in additional administrative actions affecting your fee accounts and your application with TCEQ. With respect to fees and/or penalties, these actions may include enforcement and collections efforts to recover the debt owed to the state. Regarding your permit applications, additional administrative actions may include return of your applications (forfeiting the application fees), or a contested case hearing that may result in the denial of your applications.

If you believe that your liability for any portion of the delinquency noted above has been discharged in bankruptcy, or if you are presently a debtor in a pending bankruptcy proceeding, please immediately furnish the undersigned with file-stamped copies of the following pleadings from the bankruptcy court where your bankruptcy case was/is filed: (1) Bankruptcy Petition; (2) Schedules and Statement of Affairs; (3) Creditor Matrix/Matrices; and (4) Discharge Order or Confirmation Order. Please mail those copies to the TCEQ at P.O. Box 13087, Mail Code 132, Austin, TX 78711-3087, and include any additional documents from the bankruptcy court that you believe are relevant to your responsibilities for the noted delinquency. We will immediately review these pleadings and take appropriate action regarding your permit applications.

Payment may be made through the following methods: cash, check, ACH (electronic check), money order, or credit card through TCEQ's electronic payment portal (e-pay). Additional information regarding payment options is available at <https://www.tceq.texas.gov/agency/financial/fees/delin#payment>. Upon payment, please send documentation reflecting payment of all delinquent fees and penalties to the Water Use Assessment Team. If you have any questions regarding your application, you may contact Sarah Henderson at sarah.henderson@tceq.texas.gov. If you have any questions regarding the delinquencies, please use the attached list of fee coordinators for contact information. Please use Mail Code 160 when responding by mail.

TCEQ Program Fee Coordinators

FEE	FEE TYPE	PROGRAM FEE COORD.
AEF	AIR EMISSIONS FEE	AQPI Division (512) 239-1459
AST	ABOVEGROUND STORAGE TANKS	PST Registration Team (512) 239-2160
BLP	WATERSHED MGMT. BENEF. LAND APPLIC.	Michael Anstice (512) 239-4327
BWM	BRAZOS WATERMASTER	Molly Mohler (254) 761-3027
BYP	RADIOACTIVE BY-PRODUCT FEE	Tom Robichaux (512) 239-6455
CDP	HW COMMERCIAL (COUNTY)	Susie Medrano (512) 239-0517
CRW	CONCHO RIVER WATERMASTER	Alisha Multer (325) 481-8069
CWQ	CONSOLIDATED WATER QUALITY FEE	WQ Applications Team (512) 239-4671
DCR	DRYCLEANING REGISTRATION FEE	Drycleaner Reg. Team (512) 239-2160
EIF	AIR INSPECTION FEE	AQPI Division (512) 239-1459
GPS	GENERAL PERMIT STORMWATER FEE	Stormwater Permit Team (512) 239-3700
GPW	GENERAL PERMIT WASTEWATER FEE	Stormwater Permit Team (512) 239-4671
HWF	HAZARDOUS WASTE FACILITY	Susie Medrano (512) 239-0517
HWG	HAZARDOUS WASTE GENERATION	Andi Windham (512) 239-1325
HWX	HW COMMERCIAL (MGMT. FEES)	Susie Medrano (512) 239-0517
ILP	INNOCENT LANDOWNER	Jennifer Westerman (512) 239-4199
NWF	NONHAZARDOUS WASTE FACILITY	Susie Medrano (512) 239-0517
NWG	NONHAZARDOUS WASTE GENERATION	Andi Windham (512) 239-1325
PHS	PUBLIC HEALTH SERVICE	Public Drinking Water (512) 239-4691
RGR	RIO GRANDE WATERMASTER	Jose Davila (830) 773-5059
RLA	RADIOACTIVE SUBSTANCE LICENSING FEE	Kathryn Ploch (512) 239-6577
RAF	REGULATORY ASSESSMENT FEE	Teri Cisneros (512) 239-6963
SDP	SURFACE DISPOSAL FEE	Michael Anstice (512) 239-4327
STX	SOUTH TEXAS WATERMASTER	Alisha Multer (325) 481-8069
SWD	SOLID WASTE DISPOSAL FACILITIES	Susie Medrano (512) 239-0517
SWM	SOLID WASTE MEDICAL TRANSPORTER FEE	Gwinda Casper (512) 239-6814
T2M, T2NM, T2PE	TIER II CHEMICAL REPORTING	Ann Adams (512) 239-5064
TOX	TOXIC REPORTING FEE	Blake Kidd (512) 239-1441
UST	UNDERGROUND STORAGE TANKS	PST Registration Team (512) 239-2160
VCP	VOLUNTARY CLEAN-UP	Jennifer Westerman (512) 239-4199
WMB	WATERSHED MGMT. BENEF. LAND USE	ARP Team (512) 239-4671

WMS	WATERSHED MGMT. SLUDGE HAULERS	Gwinda Casper (512) 239-6814
WRU	WU REGULATORY ASSESSMENT FEES	Terri Cisneros (512) 239-6963
WTR	WASTEWATER TRTMT. RESRCH. COUNCIL	Pamela Ezeani (512) 239-0351
WUF	<u>WATER USE ASSESSMENT (WTR. RIGHTS)</u>	<u>Rebecca DuPont (512) 239-6329</u>

For invoice copies, or an explanation of late fees and cost recovery fees, please call the Revenue Section at (512) 239-5136 or (512) 239-0355. For an explanation of the fee assessment, please call the Program Fee Coordinator listed above for the applicable fee.

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 Department of Transportation

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**
____ Additional Co-Applicant Information
____ Additional Co-Applicant Signature Pages
____ Written Evidence of Signature Authority
____ **Technical Information Report**
____ USGS Map (or equivalent)
____ Map Showing Project Details
____ Original Photographs
____ Water Availability Analysis
____ **Worksheet 1.0**
____ Recorded Deeds for Irrigated Land
____ Consent For Irrigation Land
____ **Worksheet 1.1**
____ Addendum to Worksheet 1.1
____ **Worksheet 1.2**
____ Addendum to Worksheet 1.2
____ **Worksheet 2.0**
____ Additional W.S 2.0 for Each Reservoir
____ Dam Safety Documents
____ Notice(s) to Governing Bodies
____ Recorded Deeds for Inundated Land
____ Consent For Inundation Land

Y/N

Y **Worksheet 3.0**
Y **Additional W.S 3.0 for each Point**
____ Recorded Deeds for Diversion Points
____ Consent For Diversion Access
____ **Worksheet 4.0**
____ TPDES Permit(s)
____ WWTP Discharge Data
____ 24-hour Pump Test
____ Groundwater Well Permit
____ Signed Water Supply Contract
____ **Worksheet 4.1**
____ **Worksheet 5.0**
____ Addendum to Worksheet 5.0
____ **Worksheet 6.0**
____ Water Conservation Plan(s)
____ Drought Contingency Plan(s)
____ Documentation of Adoption
____ **Worksheet 7.0**
____ Accounting Plan
____ **Worksheet 8.0**
____ Fees

For Commission Use Only:

Proposed/Current Water Right Number: _____

Basin: _____ Watermaster area Y/N: _____

ADMINISTRATIVE INFORMATION REPORT

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

***** Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Staff to discuss Applicant's needs prior to submitting an application. Call the Water Rights Permitting Team to schedule a meeting at (512) 239-4691.**

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."

To add a place of use for industrial purpose in the Rio Grande basin and adjacent Coastal basin

within the adjacent, Nueces Coastal Basin Counties Hidalgo, Cameron, Starr, Zapata,

Willacy, Kennedy, Brooks and Jim Hogg.

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 Department of Transportation

(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 : 600803456 (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: Pedro Alvarez, P.E.

Title: District Engineer

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

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 Department of Transportation

Mailing Address: 600 W. Interstate 2

City: Pharr

State: TX

ZIP Code: 78577

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:

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

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

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

First and Last Name: **Monica Leal**

Title: **Auditor**

Organization Name: **Texas Department of Transportation**

Mailing Address: **600 W. I-2**

City: **Pharr**

State: **Texas**

ZIP Code: **78577**

Phone No.: **(956) 702-6168**

Extension: **6168**

Fax No.:

E-mail Address: **[REDACTED]**

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: N/A

Title:

Organization Name:

Mailing Address:

City:

State:

ZIP Code:

Phone No.:

Extension:

Fax No.:

E-mail Address:

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

- a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4691, prior to submitting your application.

1. Does Applicant or Co-Applicant owe any fees to the TCEQ? Yes / No **No**

If yes, provide the following information:

Account number:

Amount past due:

2. Does Applicant or Co-Applicant owe any penalties to the TCEQ? Yes / No **No**

If yes, please provide the following information:

Enforcement order number:

Amount past due:

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

Is the Applicant or Co-Applicant in good standing with the Comptroller? Yes / No

- c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use - if required. See TWC §16.012(m) and 30 TAC § 297.41(a)(5).

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Pedro Alvarez, P.E.

District Engineer

(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: 

Date: 3-4-2022

(Use blue ink)

Subscribed and Sworn to before me by the said

on this 4th day of March, 2022.

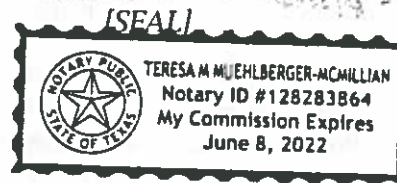
My commission expires on the 8th day of June, 2022.



Notary Public

Hidalgo

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, Applicant are directed to submit additional Worksheets (provided herein). A completed Administrative Information Report is also required for each application.

Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4600 to schedule a meeting. Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N N (If yes, date : _____).

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 _____
- b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? Y / N N (If yes, indicate the Certificate or Permit number: _____)

If Applicant answered yes to (a) or (b) above, does Applicant also wish to be considered for a term permit pursuant to TWC § 11.1381? Y / N N

- c. Applicant requests to extend an existing Term authorization or to make the right permanent? Y / N N (If yes, indicate the Term Certificate or Permit number: _____)

If Applicant answered yes to (a), (b) or (c), the following worksheets and documents are required:

- **Worksheet 1.0 - Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir requested in the application)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point and/or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach requested in the application)
- **Worksheet 5.0 - Environmental Information Worksheet**
- **Worksheet 6.0 - Water Conservation Information Worksheet**
- **Worksheet 7.0 - Accounting Plan Information Worksheet**
- **Worksheet 8.0 - Calculation of Fees**
- **Fees calculated on Worksheet 8.0 - see instructions Page. 34.**
- **Maps - See instructions Page. 15.**
- **Photographs - See instructions Page. 30.**

Additionally, if Applicant wishes to submit an alternate source of water for the project/authorization, see Section 3, Page 3 for Bed and Banks Authorizations (Alternate sources may include groundwater, imported water, contract water or other sources).

Additional Documents and Worksheets may be required (see within).

2. Amendments to Water Rights. TWC § 11.122 (Instructions, Page. 12)

This section should be completed if Applicant owns an existing water right and Applicant requests to amend the water right. *If Applicant is not currently the Owner of Record in the TCEQ Records, Applicant must submit a Change of Ownership Application (TCEQ-10204) prior to submitting the amendment Application or provide consent from the current owner to make the requested amendment. If the application does not contain consent from the current owner to make the requested amendment, TCEQ will not begin processing the amendment application until the Change of Ownership has been completed and will consider the Received Date for the application to be the date the Change of Ownership is completed. See instructions page. 6.*

Water Right (Certificate or Permit) number you are requesting to amend: 23-844

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? Y / N N (if yes, complete chart below):

List of water rights to sever	Combine into this ONE water right

- a. Applicant requests an amendment to an existing water right to increase the amount of the appropriation of State Water (diversion and/or impoundment)? Y / N N

If yes, application is a new appropriation for the increased amount, complete Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.

- b. Applicant requests to amend existing Term authorization to extend the term or make the water right permanent (remove conditions restricting water right to a term of years)? Y / N N

If yes, application is a new appropriation for the entire amount, complete Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.

- c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? Y / N Y

If yes, submit:

- **Worksheet 1.0 - Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 1.2 - Notice: "Marshall Criteria"**

- d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? Y / N Y

If yes, submit:

- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)
- **Worksheet 5.0 - Environmental Information** (Required for any new diversion points that are not already authorized in a water right)

- e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? Y / N N

If yes, submit: Worksheet 2.0 - Impoundment/Dam Information Worksheet (submit one worksheet for each impoundment or reservoir)

- f. Other - Applicant requests to change any provision of an authorization not mentioned above? Y / N N *If yes, call the Water Availability Division at (512) 239-4600 to discuss.*

Additionally, all amendments require:

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

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

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

If yes, submit a signed copy of the Water Supply Contract pursuant to 30 TAC §§ 295.101 and 297.101. Further, if the underlying Permit or Authorization upon which the Contract is based does not authorize Purchaser's requested Quantity, Purpose or Place of Use, or Purchaser's diversion point(s), then either:

- 1. Purchaser must submit the worksheets required under Section 1 above with the Contract Water identified as an alternate source; or*
- 2. Seller must amend its underlying water right under Section 2.*

- b. Applicant requests to convey water imported into the state from a source located wholly outside the state using the bed and banks of a watercourse? TWC § 11.042(a-1). Y / N

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

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

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

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":

This application is not in conflict with state and or regional water plans

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

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

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

WORKSHEET 1.0

Quantity, Purpose and Place of Use

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>
	N/A		

_____ 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**
2124.253			HIDALGO	Hidalgo, Brooks, Starr Cameron, Willacy, Kennedy, Jim Hogg and Zapata

*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 _____ 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.
 - Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____.

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

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

- 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_____

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

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

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

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

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

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

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

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

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

WORKSHEET 1.2

NOTICE. "THE MARSHALL CRITERIA"

This worksheet assists the Commission in determining notice required for certain amendments that do not already have a specific notice requirement in a rule for that type of amendment, and *that do not change the amount of water to be taken or the diversion rate*. The worksheet provides information that Applicant is required to submit for such amendments which include changes in use, changes in place of use, or other non-substantive changes in a water right (such as certain amendments to special conditions or changes to off-channel storage). These criteria address whether the proposed amendment will impact other water right holders or the on-stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

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

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

1. The "Marshall Criteria" (Instructions, Page. 21)

Submit responses on a supplemental attachment titled "Marshall Criteria" in a manner that conforms to the paragraphs (a) - (g) below:

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

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

WORKSHEET 2.0

Impoundment/Dam Information

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

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

1. Storage Information (Instructions, Page. 21)

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

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

2. Structure Location (Instructions, Page. 23)

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

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

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

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

Latitude_____°N, Longitude_____°W.

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

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

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

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

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

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

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

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

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

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

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

Applicant has calculated the drainage area. Y / N ☒

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Rio Grande
- b. Zip Code: 78562
- c. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude 27 265045° -99 453782° 'N, Longitude DS 25 952481, -97 150431 '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): GPS Google Maps
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 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 _____.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses _____% and explain the method of calculation: _____

Is the source of the discharged water return flows? Y / N _____ If yes, provide the following information:

1. The TPDES Permit Number(s). _____ (attach a copy of the current TPDES permit(s))
2. Applicant is the owner/holder of each TPDES permit listed above? Y / N _____

PLEASE NOTE: If Applicant is not the discharger of the return flows, 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, 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) _____.
- c. Is the source of the water being discharged groundwater? Y / N _____ If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped: _____
 2. Any 24 hour pump test for the well if one has been conducted. 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.
- ci. Is the source of the water being discharged a surface water supply contract? Y / N _____ If yes, provide the signed contract(s).
- cii. 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 78563
- f. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.
- g. Point is at:
Latitude _____ 'N, Longitude _____ 'W.
**Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*
- h. 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 29.**

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

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

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

a. Identify the appropriate description of the water body.

☒ Stream

☐ Reservoir

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

☐ Other, specify: _____

b. Flow characteristics

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

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

☐ Intermittent with Perennial Pools - enduring pools

☒ Perennial - normally flowing

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

☐ USGS flow records

☐ Historical observation by adjacent landowners

☐ Personal observation

☐ Other, specify: _____

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

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	112.50
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		\$

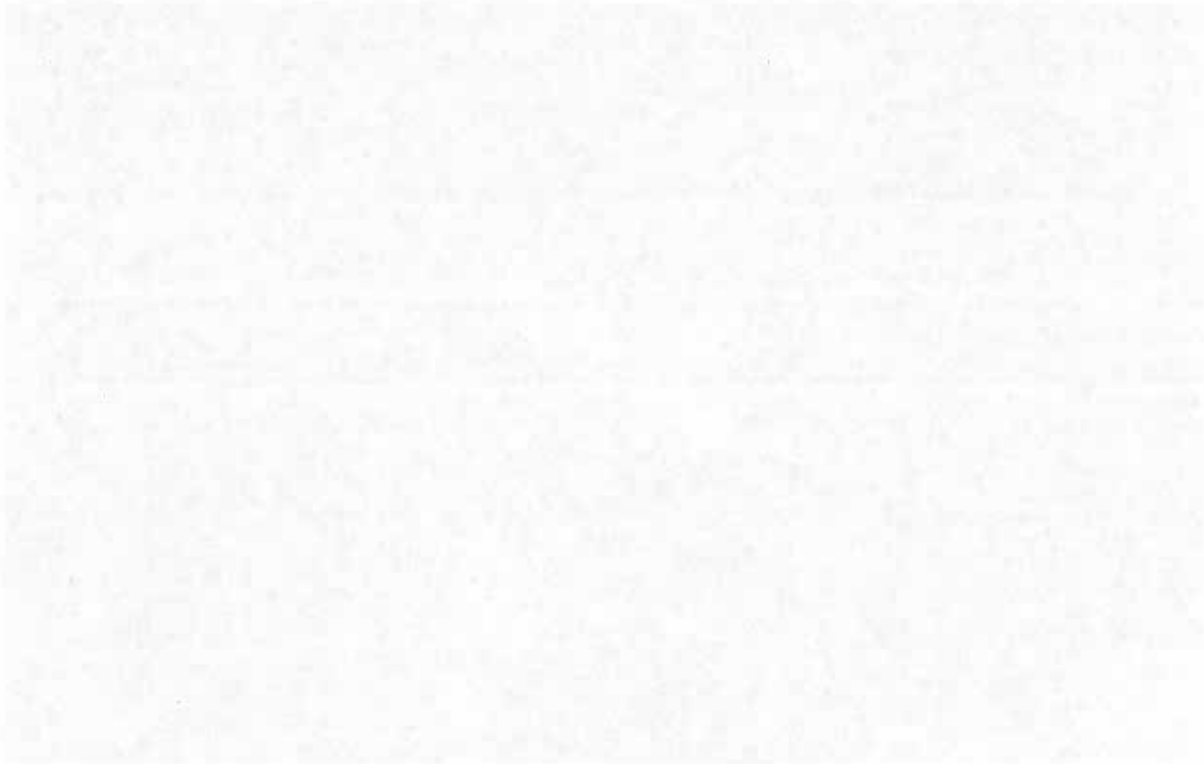
2. AMENDMENT OR SEVER AND COMBINE

	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		\$







Texas Commission on Environmental Quality

Water Availability Division

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

Telephone (512) 239-4691, FAX (512) 239-2214

Industrial Water Conservation Plan

This form is provided to assist entities in developing a water conservation plan for industrial water use. If you need assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4691.

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

Contact Information

Name: Robin Gelston

Address: 600 W. I2, Pharr, TX 78577

Telephone Number: (956)702-6130 Fax: (956)702-6110

Form Completed By: Robin Gelston

Title: Environmental Supervisor

Signature: _____ Date: ____/____/____

A water conservation plan for industrial use must include the following requirements (as detailed in 30 TAC Section 288.3). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.

I. BACKGROUND DATA

A. Water Use

1. Annual diversion appropriated or requested (in acre-feet):

2,124.25 acres feet

2. Maximum diversion rate (cfs):

-33 acres feet

B. Water Sources

1. Please indicate the maximum or average annual amounts of water currently used and anticipated to be used (in acre-feet) for industrial purposes:

<i>Source</i>	<i>Water Right No.(s)</i>	<i>Current Use</i>	<i>Anticipated Use</i>
Surface Water	0844-001	343	360
Groundwater	0	0	0
Purchased	2124.25	0	0
Total	2124.25	343	360

2. How was the surface water data and/or groundwater data provided in B(1) obtained?

Master meter ; Customer meter ; Estimated ; Other X

3. Was purchased water raw or treated?

If both, % raw 100; % treated 0; and Supplier(s) 0

C. Industrial Information

1. Major product(s) or service(s) produced by applicant:

TXDOT uses the water in the construction of roadways.

2. North American Industry Classification System (NAICS):

2372

II. WATER USE AND CONSERVATION PRACTICES

A. Water Use in Industrial Processes

<i>Production Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Cooling, condensing, & refrigeration	0	0	0	0	0
Processing, washing, transport	0	100	0	0	380
Boiler feed	0	0	0	0	0
Incorporated into product	0	0	0	0	0

Other	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
-------	----------	----------	----------	----------	----------

<i>Facility Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Cooling tower(s)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Pond(s)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Once through	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Sanitary & drinking water	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Irrigation & dust control	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

1. Was fresh water recirculated at this facility? ☐ Yes ☒ No

2. Provide a detailed description of how the water will be utilized in the industrial process.

Water is being utilized in the construction of roadway projects.

3. Estimate the quantity of water consumed in production processes and is therefore unavailable for reuse, discharge, or other means of disposal.

343 acres feet was utilized in 2018 and none was available for refuse, discharge, or disposal.

4. Monthly water consumption for previous year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Consumption</i>
January	<u>28</u>	<u>0</u>	<u>28</u>
February	<u>29</u>	<u>0</u>	<u>29</u>
March	<u>31</u>	<u>0</u>	<u>31</u>
April	<u>31</u>	<u>0</u>	<u>31</u>
May	<u>30</u>	<u>0</u>	<u>30</u>

June	29	0	29
July	33	0	33
August	33	0	33
September	28	0	28
October	17	0	17
November	26	0	26
December	27	0	27
Totals	342	0	342

5. Projected monthly water consumption for next year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Consumption</i>
January	30	0	30
February	30	0	30
March	30	0	30
April	30	0	30
May	30	0	30
June	30	0	30
July	30	0	30
August	30	0	30
September	30	0	30
October	30	0	30
November	30	0	30
December	30	0	30
Totals	360	0	360

B. Specific and Quantified Conservation Goal

Water conservation goals for the industrial sector are generally established either for (1) the amount of water recycled, (2) the amount of water reused, or (3) the amount of water not lost or consumed, and therefore is available for return flow.

1. Water conservation goal (water use efficiency measure)

Type of goal(s):

0 % reused water

0 % of water not consumed and therefore returned

0 % Other (specify)

2. Provide specific, quantified 5-year and 10-year targets for water savings and the basis for development of such goals for this water use/facility.

If only 360 acres feet get used of the total 2124.25 acres feet, the remainder of water saved is 1,764.25 per year.

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

- a. 5-year goal: 8,821.25 acres feet
 - b. 10-year goal: 17,642.5 acres feet
3. Describe the device(s) and/or method(s) used to measure and account for the amount of water diverted from the supply source, and verify the accuracy is within plus or minus 5%.

The method used to measure and account for the monthly diversion rate are the TCEQ Monthly Report Statement for the Adjudication Certificate of 0844-001 over a 12 month cycle.
 4. Provide a description of the leak-detection and repair, and water-loss accounting measures used.
 5. Describe the application of state-of-the-art equipment and/or process modifications used to improve water use efficiency.
 6. Describe any other water conservation practice, method, or technique which the user shows to be appropriate for achieving the stated goal or goals of the water conservation plan:

III. Water Conservation Plans submitted with a Water Right Application for New or Additional State Water

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

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

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



MEMO

September 24, 2020

To: File/Staff

From: Mr. Pedro R. Alvarez, P.E.
Pharr District Engineer

DocuSigned by:

Pedro R. Alvarez

EABA335C2DAA48C...

Subject: Delegation Signature of Authority and Approval Authority

DELEGATION: As the District Engineer of the Pharr District, I am authorized to sign those documents described in Chapter 3 of the Legal Manual, addressing signature authority.

I further delegate the signature and approval authority to the individuals listed on the following pages.

TERM: The signatures of the individuals specified below are considered as binding on the department as that of the responsible official and these individuals will be held accountable jointly with the responsible official for the propriety and policy compliance of the documents as specified above.

Attachment

cc: Stephen Stewart, CPA, Director, Financial Management Division
Kenneth Stewart, Director of Contract Services Division

OUR GOALS

MAINTAIN A SAFE SYSTEM ▪ ADDRESS CONGESTION ▪ CONNECT TEXAS COMMUNITIES ▪ BEST IN CLASS STATE AGENCY

An Equal Opportunity Employer

CATEGORY	TYPE	SIGNATURE AUTHORITY DELEGATED TO
Agency Delegation		
General	Execute contract claim settlement agreement less than \$100,000 [43 TAC §9.1]	<ul style="list-style-type: none"> District Engineer (No further delegation permitted)
	Execute settlement of claim for damage to department property when the difference between the claim and settlement is less than \$100,000	<ul style="list-style-type: none"> District Engineer Deputy District Engineer
	<ul style="list-style-type: none"> Terminate contract Sign supplemental agreement Sign amendment to contract 	Unless otherwise specified in this document, the same as the signature authority for the original contract
Agreements with the Federal Government	Execute pre-construction notice or permit application filed with the US Army Corps of Engineers for individual permits	<ul style="list-style-type: none"> District Engineer Deputy District Engineer
Building Facilities	Execute low-bid routine building facility contract (engineer's estimate less than \$25,000 and with contractor's bid less than \$25,000)	<ul style="list-style-type: none"> District Engineer Deputy District Engineer
	Execute utility extension agreement (district facility)	<ul style="list-style-type: none"> District Engineer Deputy District Engineer
	Execute lease of real property to TxDOT (space in the districts)	<ul style="list-style-type: none"> District Engineer (No further delegation permitted)
	Approve non-capital building maintenance purchase of services (when estimate will involve amount for which formal bids are not required under Government Code, Chap 2155, Subchapter C) [43 TAC §9.21]	<ul style="list-style-type: none"> District Engineer Deputy District Engineer
Grants	<ul style="list-style-type: none"> Execute traffic safety program grant agreement for local project (less than \$100,000) Execute project celebration agreement 	<ul style="list-style-type: none"> District Engineer Deputy District Engineer
Environmental	<ul style="list-style-type: none"> Execute agreement for access to Texas Department of Transportation right of way during hazardous substance investigation Execute project agreement with Texas Commission on Environmental Quality: petroleum substance investigation (state lead) Execute agreement with private entity regarding petroleum substance investigation 	<ul style="list-style-type: none"> District Engineer Deputy District Engineer
	Execute agreement concerning a National Pollutant Discharge Elimination System Permit	<ul style="list-style-type: none"> District Engineer (No further delegation permitted)

	Execute agreement to pay fees to approved private wetlands or habitat preserves and banks in lieu of mitigation	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer <p>(No further delegation permitted)</p>
	Execute well monitoring agreement with private entity	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer • District Director of Maintenance
	<p>Execute documents relating to Texas Commission on Environmental Quality's Texas Pollutant Discharge Elimination System (TPDES) General Permits, including:</p> <ul style="list-style-type: none"> • Notices of Intent (NOIs) • Notices of Termination (NOTs) • Notice of Change (NOCs) • Storm Water Pollution Prevention Plans (SW3Ps) • inspection reports • Discharge Monitoring Reports (DMRs) • certifications • similar documents 	<ul style="list-style-type: none"> • District Engineer Limited delegation, see November 14, 2003 memo
	<ul style="list-style-type: none"> • File Notice of Intent with TCEQ • File Notice of Termination with TCEQ • File Notice of Change with TCEQ • File Low Rainfall Erosivity Waiver Application with TCEQ • Construction Site Notice 	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer • District Director of Maintenance, Construction, or Operations • Area Engineer (delegation limited by November 14, 2003, memorandum)
	<ul style="list-style-type: none"> • Certify Inspection Report • Certify Discharge Monitoring Reports (DMRs) • Respond to reports and information requested by the TCEQ executive director 	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer • District Director of Maintenance, Construction, or Operations • Area Engineer • Assistant Area Engineer • Project Architect or Engineer • Project Inspector with overall responsibility

		for the project and trained in Storm Water Construction General Permit Regulations, or Discharge of Petroleum Contaminated Water General Permit Requirements (delegation limited by November 14, 2003, memorandum)
	Approve determination of categorical exclusion	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer • District Director of Transportation Planning and Development • Advance Project Development Director • Environmental Supervisor • Environmental Specialist IV,V

Highway Improvements: Construction	Execute Comprehensive Development Agreement, Design-Build Contract, Capital Maintenance Agreement, and Comprehensive Maintenance Agreement Change Orders, Supplemental Agreements, and Amendments in amounts less than \$10 million and when the cumulative amount of approved change orders, supplemental agreements, and amendments is \$30 million or less	<ul style="list-style-type: none"> • District Engineer No further delegation permitted
	Execute construction contract settlement agreement less than \$100,000 [43 TAC §9.2]	<ul style="list-style-type: none"> • District Engineer No further delegation permitted
	Execute construction contract change order	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer • District Director of Construction • Area Engineer • (No further delegation) see May 30, 2012 memo see May 30, 2012 memo

	Waive audited financial qualification requirements [43 TAC §9.12(c)]	<ul style="list-style-type: none"> District Engineer <p>No further delegation permitted</p>
	Conduct public hearing on environmental impact of highway project or on design and schematic layout of highway project that bypasses or goes through a county or municipality [Transportation Code, §203.021; 43 TAC §§1.5, 2.43.]	<ul style="list-style-type: none"> District Engineer Deputy District Engineer District Director of Transportation Planning and Development
	Conduct public hearings concerning environmental review of projects or programs (except highway projects subject to the public hearing requirement in Transportation Code, §203.021 [Transportation Code, §203.021, 43 TAC §1.5(b)])	<ul style="list-style-type: none"> District Engineer Deputy District Engineer District Director of Transportation Planning and Development <p>(No further delegation)</p>
	<p>Terminate contract</p> <p>Default contract</p>	<ul style="list-style-type: none"> District Engineer Deputy District Engineer District Director of Construction <p>No further delegation permitted</p>
	Act as the “Engineer” in accordance with the Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridge (2014)	<ul style="list-style-type: none"> District Engineer Deputy District Engineer District Director of Construction Area Engineer <p>No further delegation permitted</p>
Highway Improvements: Emergency, Local Project, Service, or Claim	Execute advance funding agreement for voluntary local contribution to a transportation improvement project, including local project	<ul style="list-style-type: none"> District Engineer Deputy District Engineer
	Award contracts for emergency work \$1 million or less (§223.102, Transportation Code) (43 TAC §9.19)	<ul style="list-style-type: none"> District Engineer <p>No further delegation permitted</p>
	<ul style="list-style-type: none"> Approve a voluntary project (less than \$300,000) [43 TAC §15.56 (d)] Authorize the performance of project or activity appurtenant to a state highway when the project or 	<ul style="list-style-type: none"> District Engineer <p>No further delegation permitted</p>

	activity will be performed by employees of a local government [43 TAC §15.52(8)(B)(ii)(II)]	
	<ul style="list-style-type: none"> • Approve the use of probationer labor from the Community Supervision and Corrections Department • Approve the use of inmate labor from the County Sheriff Department) • Approve the use of inmate labor from the Texas Department of Criminal Justice • Execute a community service work program agreement 	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer
	Execute funding agreement for border colonia access program	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer
	Execute agreement for in-state materials testing and inspection for others	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer
	Conduct public hearing concerning applications for International Bridge facilities [43 TAC §15.75(c), 43 TAC §1.5(b)]	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer
	Execute gateway monument agreement	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer
	Certify an emergency under 43 TAC § 9.19(b)(1)	<ul style="list-style-type: none"> • Deputy Executive Director <p>No further delegation permitted</p>
	Terminate contract Default contract	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer • District Director of Maintenance <p>No further delegation permitted</p>
Highway Improvements: Maintenance	Act as the “Engineer” in accordance with the Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges (2014)	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer • Director of Maintenance • Area Engineer <p>No further delegation permitted</p>
	Execute maintenance contract change order	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer • Director of Maintenance • Area Engineer <p>see May 30, 2012 memo</p>

		see May 30, 2012 memo
	Execute maintenance contract settlement agreement less than \$100,000 [43 TAC §9.2]	<ul style="list-style-type: none"> District Engineer No further delegation permitted
	Execute routine maintenance contract (engineer's estimate less than \$300,000 and with contractor's bid less than \$300,000) [43 TAC §9.17(f)]	<ul style="list-style-type: none"> District Engineer Deputy District Engineer District Director of Maintenance District Maintenance Engineer No further delegation permitted
	<ul style="list-style-type: none"> Execute Landscape Maintenance Agreement Execute Adopt-A-Highway or Adopt-A-Freeway or Adopt-A-Project Agreement 	<ul style="list-style-type: none"> District Engineer Deputy District Engineer
	Waive audited financial qualification requirements [43 TAC §9.12(c)]	<ul style="list-style-type: none"> District Engineer No further delegation permitted
	Terminate contract Default contract	<ul style="list-style-type: none"> District Engineer Deputy District Engineer District Director of Maintenance No further delegation permitted
	Act as the "Engineer" in accordance with the Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges	<ul style="list-style-type: none"> District Engineer Deputy District Engineer District Director of Maintenance Area Engineer No further delegation permitted
Intelligent Transportation Systems	Execute data sharing agreement for traffic data obtained from district Traffic Management Center system, including access lease	<ul style="list-style-type: none"> District Engineer Deputy District Engineer District Director of Traffic Operations
Motor Vehicle Assignment	Assign vehicle to employee on a regular or everyday basis [43 TAC §1.600]	<ul style="list-style-type: none"> District Engineer No further delegation permitted

Official Documents	Approve travel for TxDOT employees to other states, Canada, or Mexico	<ul style="list-style-type: none"> District Engineer No further delegation permitted
	Execute state letter of authority	<ul style="list-style-type: none"> District Engineer Deputy District Engineer District Director of Transportation Planning and Development (No further delegation)
	<ul style="list-style-type: none"> Review out-of-state travel by consultants, contractors, and other agencies to determine appropriateness of billing Telecommuting agreement Waive or reduce fees charged for public information, under jurisdiction 	<ul style="list-style-type: none"> District Engineer No further delegation permitted
	Approve employee education assistance (BA, MA)	<ul style="list-style-type: none"> District Engineer Deputy District Engineer No further delegation
	<ul style="list-style-type: none"> Approve requests and licenses allowing distribution of copies of TxDOT intellectual property [43 TAC §22.22(c)] Waive or reduce fees for copies of TxDOT intellectual property [43 TAC §22.22(e)(2)] Execute confidentiality agreements 	<ul style="list-style-type: none"> District Engineer Deputy District Engineer
	<ul style="list-style-type: none"> Approve time sheets Approve travel expense account Approve Invoice 	Supervisor (as it pertains to their oversight of authority)

	<ul style="list-style-type: none">• Execute utility pole agreement• Execute TxDOT permit to approve request to construct access driveway facilities on highway right of way when variance is indicated• Execute traffic signal authorization agreements• Execute municipal maintenance agreement• Execute pay telephone installation agreement (district facility)• Execute vending machine agreement (district facility)• Execute agricultural use agreement• Execute county historical commission roadside marker agreement• Approve transfer of material• Execute safety/continuous lighting agreement• Execute right of entry agreement for access to state property• Grant application for permit to use right of way for vending [43 TAC §22.14]• Execute letter authorizing use of right of way for geophysical survey	<ul style="list-style-type: none">• District Engineer• Deputy District Engineer• District Director of Maintenance• District Director of Transportation Operations
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	<ul style="list-style-type: none"> • Execute TxDOT permit to approve request to construct access driveway facilities on highway right of way 	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer • District Director of Maintenance • District Director of Transportation Operation • Area Engineer
	<ul style="list-style-type: none"> • Execute TxDOT permit to deny request to construct access driveway facilities on highway right of way • Execute TxDOT permit to deny request to construct access driveway facilities on highway right of way when variance is indicated 	<ul style="list-style-type: none"> • District Engineer No further delegation
	<ul style="list-style-type: none"> • Execute agreement for the furnishing and installing of traffic signal equipment by a municipality (federal or state funds) • Execute agreement for the furnishing and installing of film/video traffic signal equipment by a municipality (federal or state funds) • Execute congestion mitigation and air quality improvement agreement for the furnishing and installing of traffic signals by a municipality • Execute local agreements with cities and counties with no expenditures of funds involved • Approve notice of proposed installation utility line on non-controlled access highway or in non-controlled access areas of controlled access highway, except utility bridges, areas of scenic beauty, and exceptions to policy 	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer • District Director of Transportation Operations
	Execute agreement for the temporary closure of state right of way [43 TAC §22.12]	<ul style="list-style-type: none"> • District Engineer (No further delegation)
	Execute utility service agreement	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer
	Approve application for permit to use right of way for temporary signs [43 TAC §22.15]	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer • District Director of Maintenance • Area Engineers (No further delegation)
Other Services	<ul style="list-style-type: none"> • Execute interagency contract (less than \$50,000) [Government Code, Chapter 771] • Execute letter agreement or memorandum of understanding [Government Code, Chapter 771] 	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer (No further delegation)

	<ul style="list-style-type: none"> • Execute state use program agreements (less than \$300,000) 	
	Execute agreement for use of conference facilities	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer
	Execute interlocal work authorizations	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer
	Authorization for the addition and deletion of meters to energy contracts.	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer • Transportation Engineer Supervisor • Transportation Engineer • Traffic Systems Supervisor
Professional Services	Execute expert witness contract (any subject)	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer
	<ul style="list-style-type: none"> • Execute work authorization for engineering, architectural or surveying, \$1 million or less • Execute supplemental work authorization for engineering, architectural, or surveying when the work authorization cumulative value is \$1 million or less 	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer • District Director of Transportation Planning and Development • Advance Project Development Director • District Director of Construction • District Director of Maintenance • District Director of Transportation Operations

Real Property	<ul style="list-style-type: none"> • Execute Emergency Work Authorization Post-Highway Letting • Execute Standard Utility Agreement • Execute Utility Agreement Supplemental Agreement 	<ul style="list-style-type: none"> • District Engineer No further delegation permitted
	<ul style="list-style-type: none"> • Execute Utility Installation Request • Execute Temporary Utility Installation Request 	<ul style="list-style-type: none"> • District Engineer • Deputy District Engineer
	Execute license agreement for wastewater discharges onto right of way	<ul style="list-style-type: none"> • District Engineer No further delegation permitted
Transportation Planning and Programming Division	Documents that adjust the minimum local matching funds requirement for any eligible project under §15.55 for the Economic Disadvantaged Counties Program [43 TAC §15.55]	<ul style="list-style-type: none"> • District Engineer No further delegation permitted
	Conduct public hearing concerning rural planning activities [43 TAC § 15.7(m)(2)]	<ul style="list-style-type: none"> • District Engineer • Deputy District
Internal District Delegation		

