

# TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader  
Water Rights Permitting Team

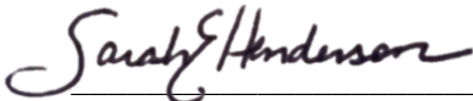
FROM: Sarah Henderson, Project Manager  
Water Rights Permitting Team

DATE: October 9, 2025

SUBJECT: Vistra Corporate Services Company  
ADJ 4097  
CN601703051, RN108508912  
Application No. 12-4097A to Amend Certificate of Adjudication  
No. 12-4097  
Texas Water Code § 11.122, Not Requiring Notice  
Panther Creek and Squaw Creek, Brazos River Basin  
Hood and Somervell Counties

The application was received on August 25, 2025 and fees were received on August 26, 2025. Additional information was received on September 26, 2025. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on October 9, 2025. No notice is required pursuant to House Bill 1964 and Title 30 Texas Administrative Code §§ 295.158(c)(2)(A) & 295.158(c)(2)(B).

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



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Sarah Henderson, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

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

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 9, 2025

Mr. Ryan M. Bayle, P.G.  
Vistra Corp  
6555 Sierra Drive  
Irving, TX 75039-2479

**VIA E-MAIL**

RE: Vistra Corporate Services Company  
ADJ 4097  
CN601703051, RN108508912  
Application No. 12-4097A to Amend Certificate of Adjudication No. 12-4097  
Texas Water Code § 11.122, Not Requiring Notice  
Panther Creek and Squaw Creek, Brazos River Basin  
Hood and Somervell Counties

Dear Mr. Bayle:

This acknowledges receipt, on September 26, 2025, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on October 9, 2025. Staff will continue processing the application for consideration by the Executive Director.

If you have any questions concerning the application, please contact me via email at [sarah.henderson@tceq.texas.gov](mailto:sarah.henderson@tceq.texas.gov) or by telephone at (512) 239-2535.

Sincerely,

A handwritten signature in black ink that reads "Sarah Henderson". The signature is fluid and cursive, with the first name "Sarah" and last name "Henderson" clearly distinguishable.

Sarah Henderson, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

**From:** [Bayle, Ryan](#)  
**To:** [Sarah Henderson](#)  
**Cc:** [Chris Kozlowski](#); [Humberto Galvan](#); [Collins, Renee](#)  
**Subject:** RE: Vistra Corporate Services Company ADJ No. 12-4097A  
**Date:** Friday, September 26, 2025 12:30:02 PM  
**Attachments:** [Renee Collins Signatory Authority.pdf](#)

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Good afternoon Sarah,

The following responses to your September 15, 2025, request for additional information are offered for your consideration:

1. *Confirm that the application is not requesting to change the authorized diversion locations.*

The Certificate of Adjudication currently authorizes diversions from the perimeter of Squaw Creek Reservoir. We are not seeking any additional diversion points in this amendment application.

2. *Staff acknowledges receipt of the Memorandum, dated August 21, 2025, providing delegation of signature authority for Comanche Peak Power Company LLC and Vistra Operation Company LLC; however, this document does not authorize the signatory to sign on behalf of Vistra Corporate Services Company.*

As requested, attached is a corrected delegation of signature authority that includes Vistra Corporate Services Company.

If you need any additional information, please do not hesitate to contact me.

Thank you,

Ryan Bayle, P.G.  
Environmental Manager

  
Vistra

6555 Sierra Drive | Irving, Texas, 75039  
M 214.212.2777

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**From:** Sarah Henderson <sarah.henderson@tceq.texas.gov>  
**Sent:** Monday, September 15, 2025 12:20 PM  
**To:** Bayle, Ryan  >  
**Cc:** Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan

<Humberto.Galvan@tceq.texas.gov>

**Subject:** Vistra Corporate Services Company ADJ No. 12-4097A

EXTERNAL EMAIL

Mr. Bayle,

Please find the attached request for additional information regarding the referenced water use amendment application.

A response is requested by October 15, 2025.

Sincerely,

Sarah

Sarah Henderson  
Water Rights Permitting Team  
Water Availability Division  
Texas Commission on Environmental Quality  
P.O. Box 13087/MC-160  
Austin, TX 78711-3087  
(P) 512.239.2535  
(F) 512.239.4770

**Confidentiality Notice:** This email message, including any attachments, contains or may contain confidential information intended only for the addressee. If you are not an intended recipient of this message, be advised that any reading, dissemination, forwarding, printing, copying or other use of this message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately by reply message and delete this email message and any attachments from your system.



Vistra Corp.  
6555 Sierra Drive  
Irving, TX 75039

Christopher Jackson  
Vice President,  
Comanche Peak Nuclear  
Power Plant

## MEMORANDUM

Comanche Peak Power Company LLC, Vistra Corporate Services Company, and Vistra Operations Company LLC

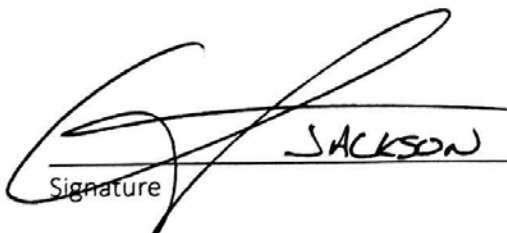
**Subject:** Delegation of Authority for Environmental Submissions for Comanche Peak Power Company LLC, Vistra Corporate Services Company, and Vistra Operations Company LLC – Comanche Peak Power Plant

This memorandum confirms the signatory and submission authority for environmental matters related to Comanche Peak Nuclear Power Plant owned and operated by Comanche Peak Power Company LLC, Vistra Corporate Services Company, and Vistra Operations Company LLC, which are indirect subsidiaries of Vistra Corp.

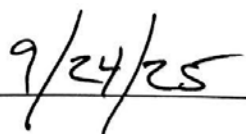
Comanche Peak Power Company LLC, Vistra Corporate Services Company, and Vistra Operations Company LLC hereby authorize Renee Collins, Senior Director of Environmental Services, to have delegated authority for all regulatory environmental and water-related submissions and signature authority for all environmental permitting including water-related permitting activities for the Comanche Peak Power Plant.

This delegation of authority is effective as of August 18, 2025, supersedes all previous delegations for this responsibility, and is valid until revoked or revised by Comanche Peak Power Company LLC, Vistra Corporate Services Company, and Vistra Operations Company LLC.

*I, Christopher Jackson, being Vice President of Comanche Peak Power Company LLC, Vistra Corporate Services, and Vistra Operations Company LLC, and designee in charge of certain business functions, policy or decision-making functions for the Comanche Peak Nuclear Plant, hereby delegate authority, as detailed herein, to Renee Collins, Senior Director.*

A handwritten signature in black ink, appearing to be "C. Jackson", written over a horizontal line. The signature is stylized with a large loop at the beginning.

Signature

A handwritten date "9/24/25" in black ink, written over a horizontal line.

Date

cc: David Mitchell – Managing Counsel, Environmental  
Christopher Jackson – Vice President

**From:** [Sarah Henderson](#)  
**To:** [REDACTED]  
**Cc:** [Chris Kozlowski](#); [Humberto Galvan](#)  
**Subject:** Vistra Corporate Services Company ADJ No. 12-4097A  
**Date:** Monday, September 15, 2025 12:20:00 PM  
**Attachments:** [Vistra Corporate Services Company 12-4097A RFI 15Sept2025.pdf](#)

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Mr. Bayle,

Please find the attached request for additional information regarding the referenced water use amendment application.

A response is requested by October 15, 2025.

Sincerely,

Sarah

Sarah Henderson  
Water Rights Permitting Team  
Water Availability Division  
Texas Commission on Environmental Quality  
P.O. Box 13087/MC-160  
Austin, TX 78711-3087  
(P) 512.239.2535  
(F) 512.239.4770

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 15, 2025

Mr. Ryan M. Bayle, P.G.  
Vistra Corp  
6555 Sierra Drive  
Irving, TX 75039-2479

**VIA E-MAIL**

RE: Vistra Corporate Services Company  
ADJ 4097  
CN601703051, RN108508912  
Application No. 12-4097A to Amend Certificate of Adjudication No. 12-4097  
Texas Water Code § 11.122, Not Requiring Notice  
Panther Creek and Squaw Creek, Brazos River Basin  
Hood and Somervell Counties

Dear Mr. Bayle:

This acknowledges receipt, on August 25, 2025, of the application and on August 26, 2025, of fees in the amount of \$112.50 (Receipt No. M560487, copy attached).

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

1. Confirm that the application is not requesting to change the authorized diversion locations.
2. Provide written evidence that Ms. Renee Collins is authorized to sign the application for Vistra Corporate Services Company, pursuant to Title 30 Texas Administrative Code (TAC) § 295.14(3) which states:

If the applicant is a corporation, public district, county, municipality, or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of bylaws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

Staff acknowledges receipt of the *Memorandum*, dated August 21, 2025, providing delegation of signature authority for Comanche Peak Power Company LLC and Vistra Operation Company LLC; however, this document does not authorize the signatory to sign on behalf of Vistra Corporate Services Company.

Please provide the requested information by October 15, 2025, or the application may be returned pursuant to Title 30 TAC § 281.18.

Vistra Corporate Services Company  
ADJ No. 12-4097A  
September 15, 2025  
Page 2 of 2

If you have any questions concerning this matter, please contact me via e-mail at [Sarah.Henderson@tceq.texas.gov](mailto:Sarah.Henderson@tceq.texas.gov) or by telephone at (512) 239-2535.

Sincerely,

A handwritten signature in dark ink, reading "Sarah Henderson". The signature is fluid and cursive, with the first name "Sarah" and last name "Henderson" clearly distinguishable.

Sarah Henderson, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment



26-AUG-25 09:36 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

| <u>Fee Description</u> | <u>Fee Code</u><br><u>Account#</u><br><u>Account Name</u> | <u>Ref#1</u><br><u>Ref#2</u><br><u>Paid In By</u> | <u>Check Number</u><br><u>Card Auth.</u><br><u>User Data</u> | <u>CC Type</u><br><u>Tran Code</u><br><u>Rec Code</u> | <u>Slip Key</u><br><u>Document#</u> | <u>Tran Date</u>  | <u>Tran Amount</u> |
|------------------------|-----------------------------------------------------------|---------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------|-------------------------------------|-------------------|--------------------|
| WTR USE PERMITS        | WUP                                                       | M560487                                           | 2552                                                         |                                                       | BS00116616                          | 26-AUG-25         | -\$112.50          |
|                        | WUP                                                       | ADJ124097                                         | 082625                                                       | N                                                     | D5803464                            |                   |                    |
|                        | WATER USE PERMITS                                         | BAYLE, RYAN                                       | RHDAVIS                                                      | CK                                                    |                                     |                   |                    |
|                        |                                                           | M/EMILY C                                         |                                                              |                                                       |                                     |                   |                    |
|                        |                                                           |                                                   |                                                              |                                                       |                                     | Total (Fee Code): | -\$112.50          |
|                        |                                                           |                                                   |                                                              |                                                       |                                     | Grand Total:      | -\$237,350.85      |

RECEIVED  
AUG 28 2025  
Water Availability Division



Renee Collins  
Sr. Director  
Luminant  
6555 Sierra Drive  
Irving, TX 75039  
o 214.875.8338

Delivered via Fed-Ex

TXX-25046

August 21, 2025

Ms. Sarah Henderson  
Texas Commission on Environmental Quality  
Water Availability Division, MC-160  
12100 Park 35 Circle  
Austin, Texas 78753

RECEIVED  
AUG 25 2025  
Water Availability Division

SUBJECT: Application to Amend Certificate of Adjudication No. 12-4097  
Pursuant to Texas Water Code § 11.122  
Applicant: Vistra Corporate Services Company

Dear Ms. Henderson,

Enclosed with this letter is an original copy of the application to amend Certificate of Adjudication No. 12-4097 filed on behalf of Vistra Corporate Services Company.

If you have any questions, or require additional information, please do not hesitate to contact Ryan Bayle at 214-212-2777 or via e-mail at [REDACTED]

Sincerely,

Renee Collins  
Senior Director, Environmental Services

# 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): Vistra Corporate Services Company

Indicate whether the following items are included in your application by writing either Y (for yes) or N (for no) next to each item (all items are not required for every application).

Y/N

Y **Administrative Information Report**

N Additional Co-Applicant Information

N Additional Co-Applicant Signature Pages

Y Written Evidence of Signature Authority

Y **Technical Information Report**

N USGS Map (or equivalent)

N Map Showing Project Details

N Original Photographs

N Water Availability Analysis

Y **Worksheet 1.0**

N Recorded Deeds for Irrigated Land

N Consent for Irrigated Land

N **Worksheet 1.1**

N Addendum to Worksheet 1.1

Y **Worksheet 1.2**

N **Worksheet 2.0**

N Additional W.S. 2.0 for Each Reservoir

N Dam Safety Documents

N Notice(s) to Governing Bodies

N Recorded Deeds for Inundated Land

N Consent for Inundated Land

Y/N

N **Worksheet 3.0**

N Additional W.S. 3.0 for each Point

N Recorded Deeds for Diversion Points

N Consent for Diversion Access

N **Worksheet 4.0**

N TPDES Permit(s)

N WWTP Discharge Data

N Groundwater Well Permit

N Signed Water Supply Contract

N **Worksheet 4.1**

N **Worksheet 5.0**

N Addendum to Worksheet 5.0

Y **Worksheet 6.0**

N Water Conservation Plan(s)

N Drought Contingency Plan(s)

N Documentation of Adoption

N **Worksheet 7.0**

N Accounting Plan

Y **Worksheet 8.0**

Y Fees

Y Public Involvement Plan

# ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

- ☐ New Appropriation of State Water  
☒ Amendment to a Water Right \*  
☐ Bed and Banks

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

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

- 1) Add Industrial, agricultural and recreational consumptive uses to Sections 2.A.;
- 2) Amend the use description in Section 2.A. to read "Owner is authorized to divert and use not to exceed 2,400 acre-feet of water per annum from Squaw Creek Reservoir for industrial, agricultural and recreational use.";
- 3) Add agricultural and recreational consumptive uses to Section 2.B.;
- 4) Amend the use description in Section 2.B. to delete "(condenser cooling)" from the currently authorized industrial use.;
- 5) Amend the diversion point to specify the location of use is located in Hood and Somervell Counties;
- 6) Amend the description in Section 3.B.1 to read "from Squaw Creek Reservoir for industrial, agricultural and recreational use.".

## 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?

Vistra Corporate Services Company

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

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

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

CN: 601703051 ( 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: Renee Collins

Title: Senior Director, Environmental Services

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

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

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

Name: Ryan M. Bayle, P.G.

Mailing Address: 6555 Sierra Drive

City: Irving State: Texas ZIP Code: 75039

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 checked="" type="checkbox"/> Corporation     |
| <input type="checkbox"/> Trust              | <input type="checkbox"/> Estate                     |
| <input type="checkbox"/> Federal Government | <input 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: 1750835281 SOS Charter (filing) Number: 010884300

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

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

First and Last Name: Ryan M. Bayle, P.G.

Title: Environmental Manager

Organization Name: Vistra Corp

Mailing Address: 6555 Sierra Drive

City: Irving State: TX ZIP Code: 75039

Phone Number: 214-875-8294

Fax Number: N/A

E-mail Address: [REDACTED]

## 5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

- a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your application.

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

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** N

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** Y

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

[https://www3.twdb.texas.gov/apps/reports/WU\\_REP/SurveyStatus\\_PriorThreeYears](https://www3.twdb.texas.gov/apps/reports/WU_REP/SurveyStatus_PriorThreeYears)

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

**Yes / No** Y

## 6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Renee Collins

Senior Director, Environmental Services

(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: Renee Collins

Date: 8/21/2025

(Use blue ink)

Subscribed and Sworn to before me by the said

on this 21<sup>st</sup> day of August, 20 25.

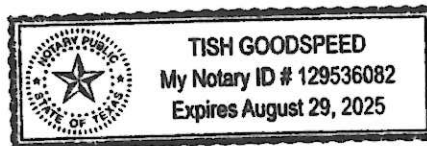
My commission expires on the 29<sup>th</sup> day of August, 20 25.

Tish Goodspeed

Notary Public

Dallas

County, Texas



[SEAL]

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

# TECHNICAL INFORMATION REPORT

## WATER RIGHTS PERMITTING

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

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

Date of pre-application meeting: 06/11/2025

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

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

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

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

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

*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: 12-4097

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 N

***If yes, submit:***

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

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

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

- f. Other - Applicant requests to change any provision of an authorization not mentioned above? Y / N      *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

*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”:

The Region G Regional Water Plan and the State Water Plan include water supply demands in the Brazos River Basin for agricultural, recreational, and industrial purposes. The proposed amendments seek to add flexibility to help meet those needs. The proposed uses are not inconsistent with, and does not conflict with, any projects in the Region G or State Water Plans.

The proposed use amendments will be utilized solely from Squaw Creek Reservoir, located in Hood and Somervell Counties, and do not include any requests for interbasin transfers.

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

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

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

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

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

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

a. Location Information Regarding the Lands to be Irrigated

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

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

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

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

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

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

| Quantity (acre-feet) | Existing Purpose(s) of Use      | Proposed Purpose(s) of Use*                                                                                                                                                                                              | Existing Place(s) of Use | Proposed Place(s) of Use**  |
|----------------------|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------------|
| 20,780               | Industrial (cooling condensing) | Amend the use description in Section 2.B. to delete "(condenser cooling)" from the currently authorized industrial use and add agricultural and recreational consumptive uses                                            |                          | Hood and Somervell Counties |
| 2,400                | Ancillary purposes              | Amend the use description in Section 2.A. to read "Owner is authorized to divert and use not to exceed 2,400 acre-feet of water per annum from Squaw Creek Reservoir for industrial, agricultural and recreational use." |                          | Hood and Somervell Counties |
|                      |                                 | Amend the description in Section 3.B.1 to read "from Squaw Creek Reservoir for industrial, agricultural and recreational use."                                                                                           |                          | Hood and Somervell Counties |

*\*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 TBD 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 1.2

### NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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

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

## WORKSHEET 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](mailto: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 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

ATTACHMENT A

Supplemental Information

## SUPPLEMENTAL INFORMATION

### INTRODUCTION AND BACKGROUND

Vistra Corporate Services Company LLC (Vistra) owns Certificate of Adjudication 12-4097 (the "Certificate"), which authorizes it to: (1) maintain an existing dam and reservoir on Panther Creek and an existing dam and reservoir on Squaw Creek and impound therein not to exceed a combined total of 151,500 acre-feet of water in the two reservoirs; and (2) divert and consumptively use not to exceed a combined 23,180 acre-feet of water per annum from the aforesaid reservoirs for the operation of owners nuclear-fueled electric power generating plant and industrial (condenser cooling) purposes. The Certificate is attached hereto as Attachment B.

The Certificate is the source of water for cooling and operating needs at the Comanche Peak Nuclear Power Plant (CPNPP). Vistra wishes to have the ability to sell or lease water appropriated under the Certificate to others so that the water may be beneficially used within Squaw Creek Reservoir, located within Hood and Somervell Counties.

Through this application, Vistra respectfully requests that the Texas Commission on Environmental Quality (the "Commission") amend the Certificate to 1) Add Industrial, agricultural and recreational consumptive uses to Sections 2.A.; 2) Amend the use description in Section 2.A. to read "Owner is authorized to divert and use not to exceed 2,400 acre-feet of water per annum from Squaw Creek Reservoir for industrial, agricultural and recreational use. 3) Add agricultural and recreational consumptive uses to Section 2.B. 4) Amend the use description in Section 2.B. to delete "(condenser cooling)" from the currently authorized industrial use. 5) Amend the diversion point to specify the location of use is located in Hood and Somervell Counties; 6) Amend the description in Section 3.B.1 to read "from Squaw Creek Reservoir for industrial, agricultural and recreational use."

No other amendment to the Certificate is requested.

## SUPPLEMENTAL INFORMATION

### WORKSHEET 1.0

#### Section 2: Amendments – Purpose or Place of Use

- 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:*

Vistra's purpose in requesting this amendment is to enable CPNPP to sell or lease water appropriated under the Certificate that the facility is not currently using for its own purposes. Should the Certificate or a portion of it be sold, the Commission will have the authority to require the new owner to submit a water conservation and/or drought contingency plan, as appropriate.

### WORKSHEET 3.0

#### Section 2: Amendments – Purpose or Place of Use

- 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:*

Vistra's purpose in requesting this amendment is to enable CPNPP to sell or lease water appropriated under the Certificate that the facility is not currently using for its own purposes. Should the Certificate or a portion of it be sold, the Commission will have the authority to require the new owner to submit a water conservation and/or drought contingency plan, as appropriate.

## SUPPLEMENTAL INFORMATION

### MARSHALL CRITERIA

- 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.*

The sworn Application provides all required information necessary to comply with the administrative requirements for amendment of a water rights permit, including Title 30, Texas Administrative Code Chapter 295 (related to water rights procedural rules) and the requirements of Chapter 11 of the Texas Water Code. Pursuant to Title 30, Texas Administrative Code Section and other TCEQ rules related to fees, a check for \$112.50 is enclosed. Vistra respectfully requests a determination of any additional fees that are due. Vistra will remit payment of additional fees upon receipt of the TCEQ's determination.

- 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.*

The proposed amendments include requests that would increase the flexibility of the water right, maximizing Vistra's ability to efficiently put to beneficial use the water appropriated to it within Squaw Creek Reservoir. Each of the uses proposed for the amended Certificate is specifically enumerated in Texas Water Code Section 11.023 as a beneficial use for which state water may be appropriated, stored, or diverted. The amendments also seek to cure ambiguous and ineffective provisions within the Certificate.

- 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.*

The proposed amendment would add flexibility to the beneficial purposes to which the appropriated water can be applied. The increased flexibility will allow Vistra to use the water it has been appropriated in the most efficient manner possible and to sell or lease water that it is not currently using under the Certificate. Maximizing efficiency of surface water use in Squaw Creek Reservoir is in the public interest and is not detrimental to the public welfare.

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

Under Texas Water Code Section 11.151, the Commission must consider the potential effects of the Application, if any, on groundwater or groundwater recharge. The Application requests only amendments that would add flexibility and clarification to the existing Certificate of Adjudication. It will have no impact on groundwater resources, either by withdrawal or 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>.*

As required by Texas Water Code Section 11.134(b)(3)(E), the proposed amendment addresses a water supply need in a manner that is consistent with the State Water Plan and the relevant approved regional water plan. The Region G Regional Water Plan and the State Water Plan include water supply demands in the Brazos River Basin for agricultural, recreational, and industrial purposes. The proposed amendment seeks to add flexibility to the Certificate so that it can be used to meet those needs. The proposed amendment is not inconsistent with, and does not conflict with, any project in the Region G Regional Water Plan or the State Water Plan.

- 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.*

Vistra's purpose in requesting this amendment is to enable Vistra to sell or lease water appropriated under the Certificate that the facility is not currently using for its own purposes. Should the Certificate or a portion of it be sold, the Commission will have the authority to require the new owner to submit a water conservation and/or drought contingency plan, as appropriate.

- 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.*

In its decision in *City of Marshall*, the Texas Supreme Court held that the Commission should evaluate whether a proposed amendment will affect other water rights holders or the environment "beyond or irrespective of" the full-use assumption. The Court gave some examples of changes that could have such potential effects, including moving a diversion point upstream from a senior water right holder or changing a use from a non-consumptive use to a consumptive use. The proposed amendments do not request a change in the existing diversion points, all of which are from an existing storage reservoir. The Application does not request any amendment that creates a potential adverse impact on other water rights holders or the environment beyond or irrespective of the full-use assumption. Additionally, this application does not include any requests for interbasin transfers.

## SUPPLEMENTAL INFORMATION

### WORKSHEET 6.0

Vistra's purpose in requesting this amendment is to enable it to sell or lease water appropriated under the Certificate that the facility is not currently using for its own purposes. Should the Certificate or a portion of it be sold, the Commission will have the authority to require the new owner to submit a water conservation and/or drought contingency plan, as appropriate.

# ATTACHMENT A

## Public Involvement Plan



Texas Commission on Environmental Quality

## Public Involvement Plan Form for Permit and Registration Applications

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

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

### Section 1. Preliminary Screening

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

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

### Section 2. Secondary Screening

- ☐ Requires public notice,  
☐ Considered to have significant public interest, and  
☐ Located within any of the following geographical locations:
- Austin
  - Dallas
  - Fort Worth
  - Houston
  - San Antonio
  - West Texas
  - Texas Panhandle
  - Along the Texas/Mexico Border
  - Other geographical locations should be decided on a case-by-case basis

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

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

### Section 3. Application Information

#### Type of Application (check all that apply):

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

#### Water Quality

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

#### Water Rights New Permit

- ☐ New Appropriation of Water
- ☐ New or existing reservoir

#### Amendment to an Existing Water Right

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

### Section 4. Plain Language Summary

Provide a brief description of planned activities.

## Section 5. Community and Demographic Information

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

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

(City)

(County)

(Census Tract)

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

☐

City

☐

County

☐

Census Tract

(a) Percent of people over 25 years of age who at least graduated from high school

(b) Per capita income for population near the specified location

(c) Percent of minority population and percent of population by race within the specified location

(d) Percent of Linguistically Isolated Households by language within the specified location

(e) Languages commonly spoken in area by percentage

(f) Community and/or Stakeholder Groups

(g) Historic public interest or involvement

### Section 6. Planned Public Outreach Activities

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

☐ Yes ☐ No

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

☐ Yes ☐ No

If Yes, please describe.

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

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

☐ Yes ☐ No

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

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

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

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

☐ Yes ☐ No

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

☐ Yes ☐ No

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

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

### Section 7. Voluntary Submittal

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

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

☐ Yes ☐ No

What types of notice will be provided?

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

## ATTACHMENT B

### Certificate of Adjudication No. 12-4097 Redline

CERTIFICATE OF ADJUDICATION

Vistra Corporate Services Company

CERTIFICATE OF ADJUDICATION: 12-4097

OWNER: ~~Texas Utilities Electric~~  
Company  
Attn: Environmental  
Service  
400 North Olive Street  
Lockbox 81  
Dallas, Texas 75201

COUNTIES: Somervell and Hood

PRIORITY DATE: April 25, 1973

WATERCOURSE: Panther Creek, tributary of Squaw Creek and Squaw Creek, tributary of Paluxy River, tributary of Brazos River

BASIN: Brazos River

WHEREAS, by final decree of the 91st Judicial District Court of Eastland County, in Cause No. 32,002, In Re: The Adjudication of Water Rights in the Brazos II River Segment of the Brazos River Basin, dated November 8, 1985, a right was recognized under Permit 2871 ABC authorizing the Dallas Power and Light Company, the Texas Electric Service Company, and the Texas Power and Light Company (Texas Utilities Services, Inc., Agent) to appropriate waters of the State of Texas as set forth below;

WHEREAS, by a Reorganization Agreement and Plan of Merger dated November 19, 1982, and a Certificate of Merger of Domestic Corporation, dated January 1, 1984, of which copies are on file in the Commission Records, the Dallas Power & Light Company, the Texas Electric Service Company and the Texas Power & Light Company merged into the Texas Utilities Electric Company;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Brazos River Basin is issued to Texas Utilities Electric Company, subject to the following terms and conditions:

1. IMPOUNDMENT

Owner is authorized to maintain an existing dam and reservoir on Panther Creek and an existing dam and reservoir on Squaw Creek and impound therein not to exceed a combined total of 151,500 acre-feet of water in the two reservoirs. The dam on Panther Creek is located in the William B. Smith Survey, Abstract 90 and the dam on Squaw Creek is located in the Jose Antonio Hernandez Survey, Abstract 41, Somervell County, Texas.

2. USE

- A. Owner is authorized to divert and use not to exceed 2400 acre-feet of water per annum from the Squaw Creek reservoir for ancillary purposes in the operation of owner's ~~nuclear-fueled electric power generating plant.~~  
**Industrial, agricultural and recreational use.**
- B. Owner is authorized to divert, circulate and recirculate water in the Squaw Creek reservoir and to consumptively use not to exceed 20,780 acre-feet of water per annum for industrial (condenser-cooling) purposes. **Add agricultural and recreational uses**

3. DIVERSION

- A. Location  
At the perimeter of the aforesaid reservoirs, **located in Hood and Somervell Counties**
- B. Maximum combined rate:
- (1) 4900 cfs (2,200,000 gpm) from Squaw Creek Reservoir for ~~normal operation of the power generating plant.~~  
**industrial, agricultural and recreational use**
  - (2) 200 cfs (90,000 gpm) from aforesaid reservoirs for emergency shutdown operations.

Certificate of Adjudication 12-4097

- (3) 37 cfs (16,660 gpm) from Squaw Creek Reservoir to Lake Granbury via pipeline.

4. PRIORITY

The time priority of owner's right is April 25, 1973.

5. SPECIAL CONDITIONS

- A. Owner shall maintain suitable outlets in the aforesaid dams authorized herein to allow the free passage of water that owner is not entitled to divert or impound.
- B. Water diverted from Squaw Creek Reservoir and not consumed will be returned to the reservoir at a point which bears N 45°E, 2930 feet from the south corner of the Wm. B. Smith Survey, Abstract 90, Somervell County, Texas.
- C. Water diverted from Squaw Creek Reservoir and not beneficially used will be returned at a point which bears N 60°15'E, 8120 feet from the south corner of the Jose Antonio Hernandez Survey, Abstract 41, Somervell County, Texas.
- D. Water pumped from Squaw Creek Reservoir to Lake Granbury for quality control purposes will enter Lake Granbury at a point which is S 79°E, 3235 feet from the east corner of the Alexander O'Brien Survey, Abstract 433, Hood County, Texas.
- E. Owner shall make sufficient releases from the reservoir or from the pipeline from Lake Granbury to maintain a minimum flow of 1.50 cfs at the Highway 144 crossing over Squaw Creek which is approximately 12,000 feet downstream from the dam.
- F. Owner shall maintain a continuous lake level measuring station for Squaw Creek Reservoir and maintain the following records, compiled monthly:
  - (1) Reservoir content;
  - (2) Consumptive use including forced evaporation;
  - (3) Discharges through the Squaw Creek Dam;
  - (4) Water pumped into Squaw Creek Reservoir from Lake Granbury;
  - (5) Water pumped from Squaw Creek Reservoir into Lake Granbury.
- G. Revised elevation-area-capacity tables based on new sediment surveys conducted at 10-year intervals following the first filling of the reservoir shall be submitted to the Commission.
- H. Owner is authorized to store water diverted from Lake Granbury under Contractual Permit 20 in the Squaw Creek Reservoir for subsequent diversion and use to the extent authorized herein.

The locations of pertinent features related to this certificate are shown on Page 20 of the Brazos II River Segment Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Water Commission, Austin, Texas and the Somervell County Clerk.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 91st Judicial District Court of Eastland County, Texas, in Cause No. 32.002, In Re: The Adjudication of Water Rights in the Brazos II River Segment of the Brazos River Basin, dated November 8, 1985, and supersedes all rights of the owner asserted in that cause.

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

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

TEXAS WATER COMMISSION

*Paul Hopkins*  
Paul Hopkins, Chairman

DATE ISSUED:

FEB 28 1985

ATTEST:

*Mary Ann Hefner*  
Mary Ann Hefner, Chief Clerk

## ATTACHMENT C

### Evidence of Signature Authority



Vistra Corp.  
6555 Sierra Drive  
Irving, TX 75039

Christopher Jackson  
Vice President,  
Comanche Peak Nuclear  
Power Plant

#### MEMORANDUM

Comanche Peak Power Company LLC and Vistra Operations Company LLC

**Subject: Delegation of Authority for Environmental Submissions for Comanche Peak Power Company LLC and Vistra Operations Company LLC – Comanche Peak Power Plant**

This memorandum confirms the signatory and submission authority for environmental matters related to Comanche Peak Nuclear Power Plant owned by Comanche Peak Power Company LLC and operated by Vistra Operations Company LLC, which are indirect subsidiaries of Vistra Corp.

Comanche Peak Power Company LLC and Vistra Operations Company LLC hereby authorizes Renee Collins, Senior Director of Environmental Services, to have delegated authority for all regulatory environmental and water-related submissions and signature authority for all environmental permitting including water-related permitting activities for the Comanche Peak Power Plant.

This delegation of authority is effective as of August 18, 2025, supersedes all previous delegations for this responsibility, and is valid until revoked or revised by Comanche Peak Power Company LLC and Vistra Operations Company LLC.

*I, Christopher Jackson, being Vice President of Comanche Peak Power Company LLC and Vistra Operations Company LLC, and designee in charge of certain business functions, policy or decision-making functions for the Comanche Peak Nuclear Plant, hereby delegate authority, as detailed herein, to Renee Collins, Senior Director.*

A handwritten signature in black ink, appearing to be "CJ", written over a horizontal line.

08/21/25

Signature

Date

cc: David Mitchell – Managing Counsel, Environmental  
Christopher Jackson – Vice President, Comanche Peak Nuclear Power Plant

## ATTACHMENT D

### Water Right Amendment Filing Fee

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

### 2. AMENDMENT OR SEVER AND COMBINE

|                       | Description                                                           | Amount (\$)      |
|-----------------------|-----------------------------------------------------------------------|------------------|
| <b>Filing Fee</b>     | Amendment: \$100                                                      | \$100.00         |
|                       | OR Sever and Combine: \$100 x _____ of water rights to combine        |                  |
| <b>Recording Fee</b>  |                                                                       | \$12.50          |
| <b>Mailed Notice</b>  | Additional notice fee to be determined once application is submitted. |                  |
| <b>TOTAL INCLUDED</b> |                                                                       | <b>\$ 112.50</b> |

### 3. BED AND BANKS

|                       | Description                                                           | Amount (\$) |
|-----------------------|-----------------------------------------------------------------------|-------------|
| <b>Filing Fee</b>     |                                                                       | \$100.00    |
| <b>Recording Fee</b>  |                                                                       | \$12.50     |
| <b>Mailed Notice</b>  | Additional notice fee to be determined once application is submitted. |             |
| <b>TOTAL INCLUDED</b> |                                                                       | <b>\$</b>   |