

# **Administrative Information Report**

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## TCEQ WATER RIGHTS PERMITTING APPLICATION

### ADMINISTRATIVE INFORMATION CHECKLIST

Complete and submit this checklist for each application. See Instructions Page 5.

APPLICANT(S): Texas A&M AgriLife

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/N
<u>Y</u> <b>Administrative Information Report</b>	<u>Y</u> <b>Worksheet 3.0</b>
<u>N</u> Additional Co-Applicant Information	<u>N</u> Additional W.S. 3.0 for each Point
<u>N</u> Additional Co-Applicant Signature Pages	<u>Y</u> Recorded Deeds for Diversion Points
<u>Y</u> Written Evidence of Signature Authority	<u>N</u> Consent for Diversion Access
<u>Y</u> <b>Technical Information Report</b>	<u>N</u> <b>Worksheet 4.0</b>
<u>Y</u> USGS Map (or equivalent)	<u>N</u> TPDES Permit(s)
<u>Y</u> Map Showing Project Details	<u>N</u> WWTP Discharge Data
<u>Y</u> Original Photographs	<u>N</u> Groundwater Well Permit
<u>N</u> Water Availability Analysis	<u>N</u> Signed Water Supply Contract
<u>Y</u> <b>Worksheet 1.0</b>	<u>N</u> <b>Worksheet 4.1</b>
<u>Y</u> Recorded Deeds for Irrigated Land	<u>Y</u> <b>Worksheet 5.0</b>
<u>N</u> Consent for Irrigated Land	<u>N</u> Addendum to Worksheet 5.0
<u>Y</u> <b>Worksheet 1.1</b>	<u>Y</u> <b>Worksheet 6.0</b>
<u>N</u> Addendum to Worksheet 1.1	<u>Y</u> Water Conservation Plan(s)
<u>N</u> <b>Worksheet 1.2</b>	<u>N</u> Drought Contingency Plan(s)
<u>N</u> <b>Worksheet 2.0</b>	<u>N</u> Documentation of Adoption
<u>N</u> Additional W.S. 2.0 for Each Reservoir	<u>N</u> <b>Worksheet 7.0</b>
<u>N</u> Dam Safety Documents	<u>N</u> Accounting Plan
<u>N</u> Notice(s) to Governing Bodies	<u>Y</u> <b>Worksheet 8.0</b>
<u>N</u> Recorded Deeds for Inundated Land	<u>Y</u> Fees
<u>N</u> Consent for Inundated Land	<u>N</u> Public Involvement Plan

# ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

New Appropriation of State Water

Amendment to a Water Right \*

Bed and Banks

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

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

Proposal for Amendment: We would like to amend the Texas A&M University water right certificate 12-5271 in Brazos Co. (5271) in the lower Brazos Basin to include a location a recently acquired property on the Slaughter Harris Ranch in Palo Pinto County on the river (Palo Pinto Property ID: R000002171, Geo ID: 017440000.R733481) in the upper Brazos basin. The new property will be used for peanut research plots. We are requesting 80 acre feet per year be available on the new property and would like the pump location approximately across the Brazos river from the mouth of the Little Kechi Creek in the BC Harris Bend of the river with an upstream diversion point at the coordinates of 32.874391, -98.281614 and downstream diversion point coordinates of 32.877935, -98.281845.

**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 A&M University

*(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 : 600307623 ( 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: Mark Welsh

Title: Interim President, Texas A&M University

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: Texas A&M University

Mailing Address: 600 John Kimbrough Blvd. Suite 512 TAMU 2142

City: College Station State: TX ZIP Code: 77843-214

Indicate an X next to the type of Applicant:

Individual  Sole Proprietorship-D.B.A.

Partnership  Corporation

Trust  Estate

Federal Government  State Government

County Government  City Government

Other Government  Other \_\_\_\_\_

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: \_\_\_\_\_ SOS Charter (filing) Number: \_\_\_\_\_

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

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

First and Last Name: John Cason

Title: Assistant Professor

Organization Name: Texas A&M University

Mailing Address: 1229 N. Hwy 281

City: Stephenville State: TX ZIP Code: 76401

Phone Number: 254-974-9419

Fax Number: 254-965-3759

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: N/A

Organization Name: N/A

Mailing Address: N/A

City: N/A State: N/A ZIP Code: N/A

Phone Number: N/A

Fax Number: N/A

E-mail Address: N/A

**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: N/A Amount past due: N/A

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: N/A Amount past due: N/A

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

Is the Applicant or Co-Applicant in good standing with the Comptroller? Yes / No 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/SurveyStatus\\_PriorThreeYears](https://www3.twdb.texas.gov/apps/reports/WU/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, Mark A. Welsh III Interim President, Texas A&M University  
(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: *Mark A. Welsh III* Date: 20 DEC 2023  
(Use blue ink)

Subscribed and Sworn to before me by the said

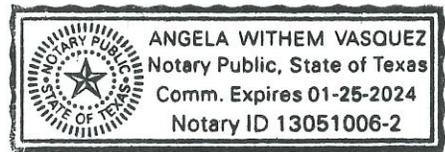
on this 20 day of December, 20 23.

My commission expires on the 25 day of January, 20 24.

*Angela Vasquez*  
Notary Public

Brazos  
County, Texas

[SEAL]



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

# **Technical Information Report and Worksheets**

# 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: 10/31/2023

### I. 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<sup>N</sup>**\_\_\_\_\_
- 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<sup>N</sup>**\_\_\_\_\_ (If yes, indicate the Certificate or Permit number: 12-5271 )

*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<sup>N</sup>**\_\_\_\_\_*

- c. Applicant requests to extend an existing Term authorization or to make the right permanent? **Y / N<sup>N</sup>**\_\_\_\_\_ (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: 12-5271

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

List of water rights to sever	Combine into this ONE water right
N/A	N/A

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

*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<sup>N</sup>** \_\_\_\_\_

*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<sup>Y</sup>** \_\_\_\_\_

*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<sup>Y</sup>** \_\_\_\_\_

*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<sup>N</sup>** \_\_\_\_\_

*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<sup>N</sup>\_\_\_\_\_ 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<sup>N</sup>\_\_\_\_\_

*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<sup>N</sup>\_\_\_\_\_

*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<sup>N</sup>\_\_\_\_\_

*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<sup>N</sup>\_\_\_\_\_

*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<sup>N</sup>\_\_\_\_\_

*If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.*

*Worksheets and information:*

- **Worksheet 1.0 - Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)

- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

#### 4. **General Information, Response Required for all Water Right Applications (Instructions, Page 15)**

- a. Provide information describing how this application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement (*not required for applications to use groundwater-based return flows*). Include citations or page numbers for the State and Regional Water Plans, if applicable. Provide the information in the space below or submit a supplemental sheet entitled “Addendum Regarding the State and Regional Water Plans”:

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

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

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

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

# **Map of Diversion Point and Location of Photographs**

Upstream Diversion Point: 32.874391, -98.281614

32°52'27.8"N 98°16'53.8"W

32.874391, -98.281614



Directions



Save



Nearby



Send to  
phone



Share



Texas



VPF9+Q92 Graford, Texas



Add a missing place

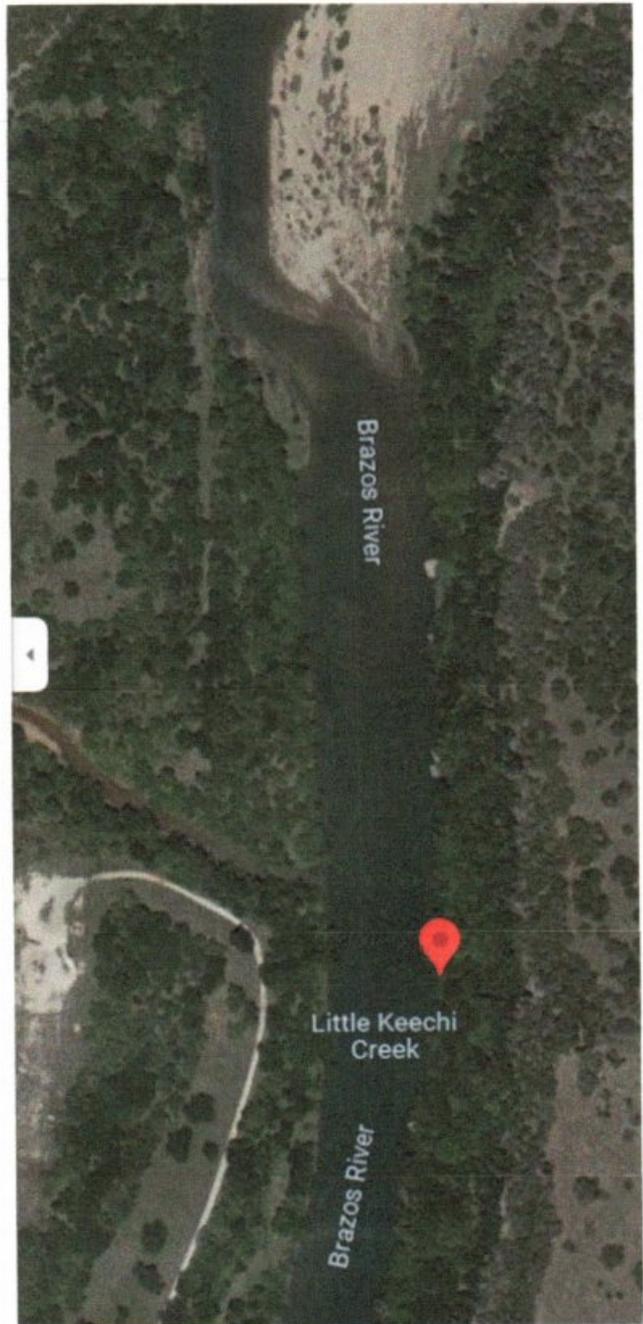


Add your business



Add a label

#### Photos



Downstream Diversion Point: 32.877935, -98.281845

32°52'40.6"N 98°16'54.6"W

32.877935, -98.281845



Directions



Save



Nearby



Send to  
phone



Share



Palo Pinto Independent School District, TX



VPH9+57C Graford, Texas



Add a missing place

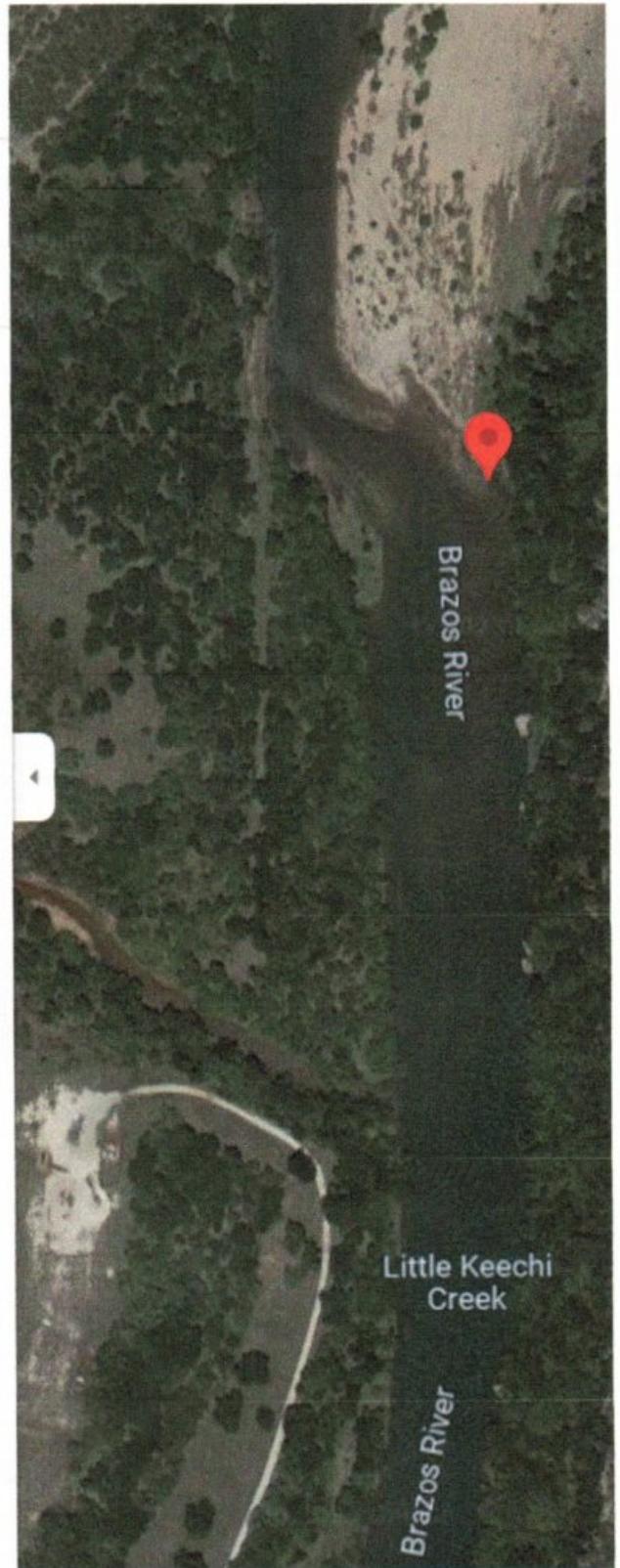


Add your business



Add a label

### Photos



## **Map of Proposed Area to Irrigate**

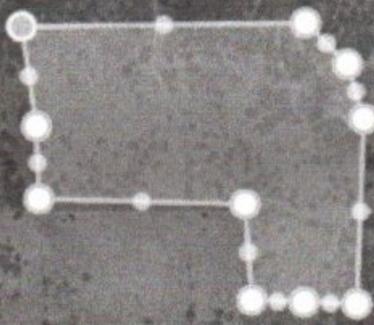
✕

Perimeter <sup>?</sup>  
1,804.89 m 

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Area  
39.99 ac 

 Start new



Brazos River

Little Keechi  
Creek

BC Harris  
Bend

Brazos River

Brazos River



**Photographs of the Diversion Point and  
Location the Photos Were Taken**

Location of Photos: 32.878371, -98.282440

32°52'42.1"N 98°16'56.8"W

32.878371, -98.282440

- Directions
- Save
- Nearby
- Send to phone
- Share

- Palo Pinto Independent School District, TX
- VPH9+82V Graford, Texas
- Add a missing place
- Add your business
- Add a label

Photos





Bank proposed as the diversion point. The location of the picture is indicated on the diversion point map with an X.



Downstream of the area proposed as the diversion point. The location of the picture is indicated on the diversion point map with an X.

# **Worksheet 1.0**

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

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

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

***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**
80	Agricultural Irrigation	Agricultural Irrigation	Burleson Co.	Palo Pinto Co.
N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A

*\*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:
- i. Applicant proposes to irrigate a total of 40 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 347 acres in Palo Pinto County, TX.
  - ii. Location of land to be irrigated: In the J. Northcross, W. West, B.C. Harris Original Survey No. N/A, Abstract No. 356,890,245.

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

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

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

# **Property Deed**



Office of General Counsel

## THE TEXAS A&M UNIVERSITY SYSTEM

December 4, 2023

Texas Commission On Environmental Quality  
Attn: Office of Water Availability Division  
MC-160, P.O. Box 13087  
Austin, Texas 78711-3087

RE: Application for Amendment to existing water rights authorization for Texas A&M University's Water Right Certificate 12-5271 in Brazos Co. (5271) in the lower Brazos Basin to include property on the Slaughter Harris Ranch situated on the river in the upper Brazos basin covering certain property owned by The Texas A&M University System located in Palo Pinto County, Texas, (Palo Pinto Property ID: R000002171, Geo ID: 017440000.R733481) (the "Application").

To Whom It May Concern:

The purpose of this letter is to explain and clarify the relationship and interactions of the Board of Regents ("BOR") of The Texas A&M University System ("A&M System"), Texas A&M University ("TAMU"), and Texas A&M AgriLife Research ("TALR") (formerly known as Texas Agricultural Experiment Station, T.A.E.S) in relation to above referenced Application. The Application applies to a water right permit held in the name of TAMU, while the property deed is held in the name of the BOR of the A&M System. Furthermore, TALR will be utilizing the property for research purposes.

The A&M System is an agency of the State of Texas and one of the State's university systems of higher education, being composed of a statewide network of eleven (11) member universities, including its founding member TAMU which was established in 1876, along with a comprehensive health science center, eight state agencies including TALR, and the RELLIS Campus.

The A&M System is governed by the BOR composed of nine (9) regents appointed by the Governor of Texas with the advice and consent of the state senate in accordance with Chapter 85 of the Texas Education Code. The BOR oversees administration and sets policy guidance for all members and state agencies within the A&M System. It is important to note that per Section 85.25 of the Texas Education Code, the BOR is vested with the sole and exclusive management and control of lands and mineral interests under its jurisdiction and that may be acquired by it, and Section 85.30(b) of the Texas Education Code provides that in regards to donations and trusts, the legal title to the property shall be vested in the BOR acting as an entity, or the State of Texas, to be held in trust for the purpose under any directions, limitations, and provisions that may be declared in the donation or trust agreement, not inconsistent with the objectives and proper management of the system or its component institutions. Furthermore, under A&M System Policy Section 41.01(1.1),

December 4, 2023

Page -2-

the BOR delegates to the Chancellor authority to manage and maintain all real property owned or controlled by the BOR. Under this Section and Section 41.01(1.2), the Chancellor may further delegate authority delegated to the Chancellor under the System Policy to a member chief executive officer or an employee or department of the member in writing.

TALR is located on the TAMU campus and is both an agency of the state of Texas and a member of the A&M System as defined under Texas Education Code Section 88.001. It is the premier research agency in agriculture, natural resources, and the life sciences. TALR funds research projects across TAMU and the A&M System that bring life-sustaining and industry changing impacts to Texans, along with those around the world. The BOR, through the Chancellor, has assigned the property to TAMU, and both TAMU and TALR are authorized to utilize the property.

With regard to the Application, TAMU is the Applicant. Pursuant to the Chancellor's Delegation of Authority, TAMU's CEO, Interim President Mark Welsh, is delegated authority to execute the Application.

I trust this adequately explains the relationship of the parties. However, if the Texas Commission On Environmental Quality or its agents should have any further questions or need further assistance, please do not hesitate to reach out to our office directly at the number provided in the footer of this letter.

Sincerely,

A handwritten signature in blue ink that reads "Gina Joseph".

**GINA JOSEPH**  
Managing Counsel, Property & Construction  
Office of General Counsel  
The Texas A&M University System

Return to  
University Title Company  
P.O. Box Drawer DT  
College Station, Texas 77841



1230340465/100

GF# ~~NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER~~

**SPECIAL WARRANTY DEED**

THE STATE OF TEXAS       §  
  §  
COUNTY OF PALO PINTO   §   **KNOW ALL MEN BY THESE PRESENTS:**  
  §  
  §

THAT, this Special Warranty Deed ("*Deed*") is dated effective as of July 31, 2023 ("*Effective Date*"), from TEXAS A&M FOUNDATION, a Texas non-profit corporation ("*Grantor*"), to BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM ("*Grantee*"), an agency of the State of Texas, whose address is c/o System Real Estate Office, 300 Tarrow, 5<sup>th</sup> Floor, College Station, Texas 77840.

For good and valuable consideration received, Grantor hereby **GRANTS, BARGAINS AND CONVEYS**, unto Grantee, subject to the terms and conditions set forth below, all of the following:

TRACT ONE:

Being a 678.524 acres tract of land being all of the J.A. Hines Survey, Abstract No. 230 and part of the S.M. Crawford Survey, Abstract No. 125, the S.M. Crawford Survey, Abstract No. 126, the E.R. Harris Survey, Abstract No. 228, and the .LM. Kyle Survey, Abstract No. 1040 all in Palo Pinto County, Texas; being part of a certain tract described in Volume 899, age 805 of the Official Public Records of Palo Pinto County, Texas; and being further described by metes and bounds in Exhibit "B" attached hereto and made a part hereof.

TRACT TWO:

Being a 347.274 acres tract of land out of the J. Northcross Survey, Abstract No. 356, the W. West Survey, Abstract No. 890 and all of the B.C. Harris Survey, Abstract No, 245, all in Palo Pinto County, Texas; being a part of a certain tract described in Volume 899, Page 805 of the Official Public Records of Palo Pinto County, Texas; and being further described by metes and bounds in Exhibit "A" attached hereto and made a part hereof.

**SAVE AND EXCEPT TRACT:** A 34.982 acres tract of land out of the B.C. Harris Survey, Abstract No. 245, Palo Pinto County, Texas; being part of a certain 347.274 acres tract (Tract B) described in Volume 2058, Page 759 of the Official Public Records of Palo Pinto County, Texas; and being further described by metes and bounds in Exhibit "C" attached hereto and made a part hereof.

Exceptions to Conveyance and Warranty. This conveyance is made subject to all valid and subsisting easements, restrictions, rights of way, conditions, exceptions, reservations, and covenants of whatsoever nature of record, if any, and also to the zoning laws and other restrictions, regulations, ordinances and statutes of municipal or other governmental authorities applicable to and enforceable against the described property.

Fee Simple Determinable Condition. The Property shall be used by Grantee under the direction of Texas A&M AgriLife Research ("AgriLife") in a manner that will further the agriculture, natural resource and life science research initiatives of AgriLife ("the Fee Simple Determinable Condition"). At any time, if the programmatic needs of AgriLife change and AgriLife determines that a programmatic use (or uses) for the Property no longer exists within AgriLife, the Fee Simple Determinable Condition will no longer be satisfied, and title to the Property will automatically revert to and be owned by Grantor without the necessity of any further act on the part of Grantor. In such event, Grantor shall file a notice of reversion of the Property to Grantor in the county clerk's real property records for the purpose of giving notice to the public.

**DISCLAIMER AND WAIVER. THE GRANTEE ACKNOWLEDGES THAT IT HAS INSPECTED AND SURVEYED, OR HAD THE OPPORTUNITY TO INSPECT AND SURVEY, THE PROPERTY, AND THAT THE GRANTOR IS CONVEYING THE PROPERTY TO THE GRANTEE "AS IS," "WHERE IS," AND "SUBJECT TO ALL FAULTS."**

**WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, THE GRANTOR HEREBY EXPRESSLY DISCLAIMS AND NEGATES (AND THE GRANTEE HEREBY EXPRESSLY WAIVES) ANY COVENANT, REPRESENTATION OR WARRANTY, WHETHER EXPRESSED, IMPLIED OR ARISING AT COMMON LAW, BY STATUTE OR OTHERWISE, RELATING TO: (A) THE ACCURACY OR COMPLETENESS OF ANY DATA, INFORMATION OR RECORDS WHICH MAY HAVE BEEN COMPILED BY, OR FOR THE BENEFIT OF, THE GRANTOR RELATING TO THE OPERATION AND OWNERSHIP OF THE PROPERTY; (B) THE CONDITION OR QUALITY OF THE PROPERTY, INCLUDING (WITHOUT LIMITATION) LATENT DEFECTS; (C) THE COMPATIBILITY OR CONFORMITY OF THE ACCESSORIES OR ANY OTHER COMPONENT OF THE PROPERTY TO DESCRIPTIONS, MODELS OR SAMPLES OF MATERIALS; (D) THE FITNESS, HABITABILITY, MERCHANTABILITY OR SUITABILITY OF THE PROPERTY FOR ANY PARTICULAR PURPOSE; (E) INFRINGEMENT ON ANY INTELLECTUAL PROPERTY OR PROPRIETARY DATA OF ANY THIRD PARTY; OR (F) TITLE TO THE PROPERTY OR ANY PART THEREOF, EXCEPT FOR THE SPECIAL WARRANTY OF TITLE AS EXPRESSLY SET FORTH BELOW.**

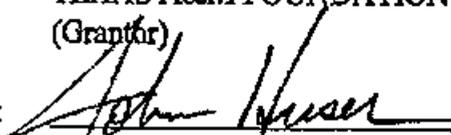
Assumption of Taxes. To the extent Grantee is not exempt from payment of property taxes on the Property, Grantee shall assume and pay all property taxes for 2023 and subsequent years that are assessed against the Property.

**TO HAVE AND TO HOLD** the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, and Grantee's successors and assigns, forever; and Grantor does hereby bind Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the Property unto Grantee, and Grantee's successors and assigns, subject only to the Exceptions to Conveyance and Warranty, against every person whomsoever lawfully claiming or to claim the same, or any part thereof by, through and under Grantor, but not otherwise.

**EXECUTED AND DELIVERED** effective as of the date and time set forth above.

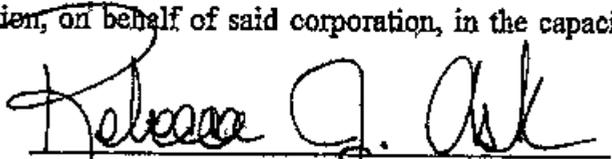
TEXAS A&M FOUNDATION  
(Grantor)

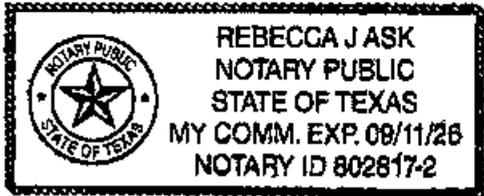
By:

  
John A. Huser, Vice President, Chief  
Financial Officer, and Treasurer

STATE OF TEXAS       §  
                                  §  
COUNTY OF BRAZOS   §

THIS INSTRUMENT was acknowledged before me on August 1st, 2023 by John A. Huser, Vice President, Chief Financial Officer, and Treasurer of TEXAS A&M FOUNDATION, a Texas non-profit corporation, on behalf of said corporation, in the capacity herein stated.

  
Notary Public in and for the State of Texas



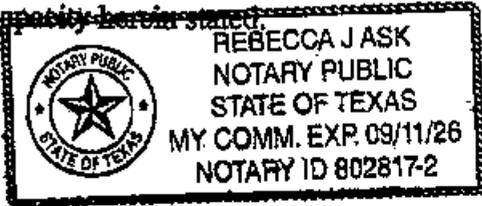
ACCEPTED and EXECUTED according to the terms stated herein and subscribed to the Permitted Exceptions, effective as of the date and time set forth above.

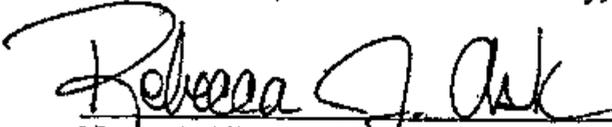
BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM (Grantee)

By:   
Printed Name: Dr. Cliff Lamb  
Title: Director of Texas A&M Agrilife Research

STATE OF TEXAS       §  
                                  §  
COUNTY OF BRAZOS   §

THIS INSTRUMENT was acknowledged before me on August 1st, 2023 by Dr. Cliff Lamb, Dir. of Texas A&M Agrilife Research of the BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM, on behalf of said entity, in the capacity herein stated.



  
Notary Public in and for the State of Texas

AFTER RECORDING, RETURN TO:

CULLY LIPSEY  
1021 University Drive E.  
College Station, TX 77840  
File 22693

\\user\lisa\wpdocs\REVTAMF\TAMU Ewton System SWD (1a)

# Exhibit "A"

## LEGAL DESCRIPTION

Of a 347.274 acres tract of land out of the J. Northcross Survey, Abstract No. 356, the W. West Survey, Abstract No. 890 and all of the B.C. Harris Survey, Abstract No. 245, all in Palo Pinto County, Texas; being part of a certain tract described in Volume 899, Page 805 of the Official Public Records of Palo Pinto County, Texas; and being further described by metes and bounds as follows:

Beginning at a set capped 1/2" iron rod in a south line of said J. Northcross Survey and in the center of the north end of a 25 foot wide Road & Utility Easement recorded in Volume 1065, Page 126 of the Official Public Records for the southwest and beginning corner of this tract. Whence an ell corner of said J. Northcross Survey, the same being the northwest corner of the J.M. Harris Survey, Abstract No. 246, bears S. 88 deg. 16 min. 25 sec. W. 312.76 feet.

Thence N. 01 deg. 43 min. 35 sec. W. 100.00 feet to a set capped 1/2" iron rod for a corner of this tract.

Thence N. 88 deg. 16 min. 25 sec. E. 1546.63 feet to a set capped 1/2" iron rod for an ell corner of this tract.

Thence N. 00 deg. 02 min. 43 sec. W. 2274.86 feet to a set capped 1/2" iron rod for an ell corner of this tract.

Thence West at 1441.43 feet pass a set 1/2" iron rod and in all 1678.36 feet to a point on the east bank of the Brazos River for a corner of this tract.

Thence down the Brazos River the following courses and distances:

- N. 11 deg. 51 min. 44 sec. E. 176.32 feet
- N. 01 deg. 03 min. 08 sec. W. 864.10 feet
- N. 03 deg. 24 min. 59 sec. W. 415.94 feet
- N. 16 deg. 26 min. 41 sec. W. 124.84 feet
- N. 56 deg. 58 min. 44 sec. W. 260.26 feet
- N. 19 deg. 23 min. 47 sec. W. 180.95 feet
- N. 03 deg. 38 min. 12 sec. E. 206.50 feet
- N. 15 deg. 19 min. 25 sec. E. 186.72 feet
- N. 32 deg. 31 min. 58 sec. E. 273.52 feet
- N. 58 deg. 06 min. 46 sec. E. 270.20 feet
- N. 66 deg. 49 min. 31 sec. E. 112.32 feet
- N. 73 deg. 14 min. 17 sec. E. 192.96 feet
- N. 87 deg. 57 min. 19 sec. E. 121.45 feet
- S. 76 deg. 47 min. 44 sec. E. 139.40 feet
- S. 75 deg. 13 min. 01 sec. E. 136.04 feet
- S. 69 deg. 36 min. 05 sec. E. 226.40 feet
- S. 61 deg. 32 min. 26 sec. E. 694.44 feet
- S. 55 deg. 57 min. 01 sec. E. 269.93 feet
- S. 58 deg. 08 min. 34 sec. E. 365.07 feet
- S. 52 deg. 54 min. 03 sec. E. 496.88 feet
- S. 52 deg. 37 min. 30 sec. E. 319.10 feet
- S. 64 deg. 26 min. 31 sec. E. 269.04 feet
- S. 60 deg. 02 min. 41 sec. E. 318.27 feet
- S. 51 deg. 33 min. 04 sec. E. 199.54 feet

# Exhibit "A"

- S. 70 deg. 43 min. 33 sec. E. 132.37 feet
  - S. 42 deg. 24 min. 14 sec. E. 445.44 feet
  - S. 35 deg. 40 min. 56 sec. E. 88.61 feet
  - S. 51 deg. 21 min. 04 sec. E. 84.57 feet
  - S. 34 deg. 26 min. 14 sec. E. 229.36 feet
  - S. 25 deg. 42 min. 10 sec. E. 603.59 feet
  - S. 19 deg. 55 min. 47 sec. E. 410.40 feet
  - S. 15 deg. 24 min. 53 sec. E. 281.26 feet
  - S. 14 deg. 13 min. 41 sec. E. 427.34 feet
  - S. 14 deg. 11 min. 18 sec. E. 143.85 feet
  - S. 10 deg. 01 min. 41 sec. E. 631.55 feet
  - S. 06 deg. 41 min. 34 sec. E. 251.28 feet to a set 1/2" iron rod at the southeast corner of said B.C. Harris Survey for the southeast corner of this tract
- Thence S. 88 deg. 16 min. 25 sec. W. 4772.29 feet to the place of beginning.

(Bearing Basis is Geodetic North)

PERIMETER BOUNDARY SURVEYED: JULY 18, 2007  
DIVISION LINE SURVEYED: NOVEMBER 20, 2013

  
MICHAEL PRICE, R.P.L.S. NO. 5492  
PRICE SURVEYING, LP, FIRM #10034200  
213 S OAK AVE, MINERAL WELLS, TX 76067  
940-325-4841      JN13579      FN140109



# Exhibit "B"

## LEGAL DESCRIPTION

Of a 678.524 acres tract of land being all of the J.A. Hines Survey, Abstract No. 230 and part of the S.M. Crawford Survey, Abstract No. 125, the S.M. Crawford Survey, Abstract No. 126, the E.R. Harris Survey, Abstract No. 228, and the J.M. Kyle Survey, Abstract No. 1040, all in Palo Pinto County, Texas; being part of a certain tract described in Volume 899, Page 805 of the Official Public Records of Palo Pinto County, Texas; and being further described by metes and bounds as follows:

Beginning at a set 1/2" iron rod at the southeast corner of said J.M. Kyle Survey for the most southerly southeast and beginning corner of this tract.

Thence S. 84 deg. 16 min. 40 sec. W. 4192.65 feet along the south line of said J.M. Kyle Survey to a set 1/2" iron rod in the east right of way line of F.M. Highway No. 4 for the southwest corner of this tract.

Thence N. 05 deg. 28 min. 30 sec. W. 5425.73 feet along the east right of way line of said F.M. Highway No. 4 to a set capped 1/2" iron rod for the most westerly northwest corner of this tract.

Thence N. 84 deg. 31 min. 30 sec. E. 200.00 feet to a set capped 1/2" iron rod for an ell corner of this tract.

Thence N. 05 deg. 28 min. 30 sec. W. 314.57 feet to a set capped 1/2" iron rod for the most northerly northwest corner of this tract.

Thence S. 89 deg. 36 min. 29 sec. E. 3730.05 feet to a set capped 1/2" iron rod in the east line of said S.M. Crawford Survey, Abstract No. 125 for a corner of this tract.

Thence S. 00 deg. 13 min. 46 sec. W. 18.00 feet to a set 1/2" iron rod at the northwest corner of said J.A. Hines Survey for an ell corner of this tract.

Thence S. 89 deg. 33 min. 47 sec. E. 2788.33 feet to a set 1/2" iron rod for the northeast corner of this tract and said J.A. Hines Survey.

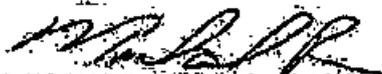
Thence S. 00 deg. 52 min. 05 sec. W. 2551.78 feet to a set 1/2" iron rod at the southeast corner of said J.A. Hines Survey for the most easterly southeast corner of this tract.

Thence S. 89 deg. 32 min. 15 sec. W. 1954.53 feet to a set 1/2" iron rod at the northeast corner of said E.R. Harris Survey for an ell corner of this tract.

Thence S. 00 deg. 05 min. 58 sec. W. 2683.12 feet to the place of beginning.

(Bearing Basis is Geodetic North)

PERIMETER BOUNDARY SURVEYED: JULY 18, 2007  
DIVISION LINE SURVEYED: NOVEMBER 20, 2013

  
MICHAEL PRICE, R.P.L.S. NO. 5492  
PRICE SURVEYING, LP, FIRM #10034200  
213 S OAK AVE, MINERAL WELLS, TX 76067  
940-325-4841      JN13579      FN140106



LEGAL DESCRIPTION

Of a 34.982 acres tract of land out of the B.C. Harris Survey, Abstract No. 245, Palo Pinto County, Texas; being part of a certain 347.274 acres tract (Tract B) described in Volume 2058, Page 759 of the Official Public Records of Palo Pinto County, Texas; and being further described by metes and bounds as follows:

Beginning at a set 1/2" iron rod with cap (PRICE SURVEYING) at the southeast and beginning corner of this tract. Whence a found 1/2" iron rod with cap (PRICE SURVEYING) at the southwest corner of said 347.274 acres tract bears South 330.30 feet and West 630.07 feet and a found 1/2" iron rod at an ell corner of the J. Northcross Survey, Abstract No. 356 and at the northwest corner of the J.M. Harris Survey, Abstract No. 246 bears South 330.30 feet, West 630.07 feet and S, 88 deg. 16 min. 25 sec. W, 373.49 feet.

Thence S, 86 deg. 44 min. 48 sec. W, 745.02 feet to a set 1/2" iron rod with cap (PRICE SURVEYING) on the right bank of the Brazos River and in the west line of said 347.274 acres tract for the southwest corner of this tract.

Thence down the right bank of said Brazos River and the west and north line of said 347.274 acres tract the following courses and distances:

- N, 01 deg. 03 min. 08 sec. W, 169.93 feet to a point.
- N, 03 deg. 24 min. 59 sec. W, 415.94 feet to a set 60D nail.
- N, 16 deg. 26 min. 41 sec. W, 124.84 feet to a set 60D nail
- N, 56 deg. 58 min. 44 sec. W, 260.26 feet
- N, 19 deg. 23 min. 47 sec. W, 180.95 feet
- N, 03 deg. 38 min. 12 sec. E, 206.50 feet
- N, 15 deg. 19 min. 25 sec. E, 186.72 feet
- N, 32 deg. 31 min. 58 sec. E, 273.52 feet
- N, 58 deg. 06 min. 46 sec. E, 270.20 feet
- N, 66 deg. 49 min. 31 sec. E, 112.32 feet
- N, 73 deg. 14 min. 17 sec. E, 192.96 feet
- N, 87 deg. 57 min. 19 sec. E, 121.45 feet
- And S, 76 deg. 47 min. 44 sec. E, 137.95 feet to a point for the northeast corner of this tract

Thence leaving the right bank of said Brazos River and the north line of said 347.274 acres tract, S, 03 deg. 15 min. 12 sec. E. at 142.42 feet pass a set 1/2" iron rod with cap (PRICE SURVEYING) and in all 1810.14 feet to the place of beginning.

(Bearing Basis: Geodetic North)

SURVEYED ON THE GROUND: FEBRUARY 16, 2023

  
 MICHAEL PRICE, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5492  
 PRICE SURVEYING, LP, FIRM #10034200, 213 S OAK AVE, MINERAL WELLS, TX 76067  
 940-325-4841 JN23168 23168A.dwg 13579.crd FN230356



**CERTIFIED FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS**



*Janette Green*

Janette K. Green Palo Pinto County Clerk  
Palo Pinto County, TX  
08/02/2023 01:21 PM  
Fee: \$54.00

2023-00004265 WD  
B: OR V: 2509 P: 33

# **Worksheet 1.1**

# WORKSHEET 1.1

## INTERBASIN TRANSFERS, TWC § 11.085

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

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

### 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). N/A
- c. Provide the Basin(s) and count(y/ies) where use will occur in the space below:  
N/A

### 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/NN/A
- b. The proposed transfer is from a basin to an adjoining coastal basin? Y/NN/A
- 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/NN/A
- 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/NN/A

### 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**

## 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*

### I. The "Marshall Criteria" (Instructions, Page. 21)

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

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

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

## **Worksheet 2.0**

# 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: N/A
  
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: N/A
  
- c. The impoundment is on-channel N/A or off-channel N/A (mark one)
  - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / N/A
  - 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/A
  
- d. Is the impoundment structure already constructed? Y / N/A
  - i. For already constructed **on-channel** structures:
    - 1. Date of Construction: N/A
    - 2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N/A
      - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N/A
      - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N/A
    - 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N/A
      - a. If yes, provide the Site No. N/A and watershed project name N/A;
      - b. Authorization to close "ports" in the service spillway requested? Y / N/A
  - 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/A  
Provide the date and the name of the Staff Person N/A
    - 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/A
      - b. Plans (with engineer's seal) for the structure required. Y / N/A
      - c. Engineer's signed and sealed hazard classification required. Y / N/A
      - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N/A

3. Applicants **shall** give notice by certified mail to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir to be constructed, will be located. (30 TAC § 295.42). Applicant must submit a copy of all the notices and certified mailing cards with this Application. Notices and cards are included? Y / N N/A

iii. Additional information required for **on-channel** storage:

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: N/A.
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 N/A  
If yes, the drainage area is N/A sq. miles.  
(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

**2. Structure Location (Instructions, Page. 23)**

- a. On Watercourse (if on-channel) (USGS name): N/A
- b. Zip Code: N/A
- c. In the N/A Original Survey No. N/A, Abstract No. N/A,  
N/A 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/A °N, Longitude N/A °W.

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

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

## **Worksheet 3.0**

### **Upstream Diversion Point and Downstream Diversion Point**

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

### 1. Diversion Information (Instructions, Page. 24)

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

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

b. Maximum Rate of Diversion for **this new point** 10 cfs (cubic feet per second)  
or 500 gpm (gallons per minute)

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

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

*\*\* 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	N/A
<input type="checkbox"/>	From a stream to an on-channel reservoir	N/A
<input type="checkbox"/>	Other method (explain fully, use additional sheets if necessary)	N/A

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 / NN** \_\_\_\_\_

If yes, the drainage area is N/A sq. miles.

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



# WORKSHEET 3.0

## DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

### 1. Diversion Information (Instructions, Page. 24)

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

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

b. Maximum Rate of Diversion for **this new point** 10 cfs (cubic feet per second)  
or 500 gpm (gallons per minute)

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

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

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

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

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

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

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

If yes, the drainage area is N/A 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): Brazos Rv
- b. Zip Code: 76484
- c. Location of point: In the J. Northcross, W. West and S.C. Harris Original Survey No. N/A, Abstract No. 356.890.245, Palo Pinto 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 32.877935 °N, Longitude -98.281845 °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): Mapping Program
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## **Worksheet 4.0**

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

*PLEASE NOTE: If Applicant is not the discharger of the return flows, or the Applicant is not the water right owner of the underlying surface water right, or the Applicant does not have a contract with the discharger, the application should be submitted under Section 1, New or Additional Appropriation of State Water, as a request for a new appropriation of state water. If Applicant is the discharger, the surface water right holder, or the contract holder, then the application should be submitted under Section 3, Bed and Banks.*

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
  4. The percentage of return flows from groundwater N/A, surface water N/A?
  5. If any percentage is surface water, provide the base water right number(s) N/A.
- d. Is the source of the water being discharged groundwater? **Y / N** N/A If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped: N/A
  2. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers N/A
  3. Indicate how the groundwater will be conveyed to the stream or reservoir.  

N/A
-----
  4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.

di. Is the source of the water being discharged a surface water supply contract? **Y / N** N/A  
If yes, provide the signed contract(s).

dii. Identify any other source of the water N/A

## **Worksheet 4.1**

# 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 N/A 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 N/A cfs or N/A gpm.
- c. Name of Watercourse as shown on Official USGS maps: N/A
- d. Zip Code N/A
- e. Location of point: In the N/A Original Survey No. N/A, Abstract No. N/A, N/A County, Texas.
- f. Point is at:  
Latitude N/A °N, Longitude N/A °W.  
*\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*
- g. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): N/A

**Map submitted must clearly identify each discharge point. See instructions Page. 15.**

## **Worksheet 5.0**

# WORKSHEET 5.0

## ENVIRONMENTAL INFORMATION

### 1. Impingement and Entrainment

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

Exact screen sizes are not known at this time. However, appropriate measures will be taken to avoid impingement and entrainment of aquatic organisms such as appropriate screen sizes and flow through velocity.

### 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: Brazos River

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

e. Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the maps submitted with the application indicating the location of the photograph and the direction of the shot.
2. If the application includes a proposed reservoir, also include:
  - i. A brief description of the area that will be inundated by the reservoir.
  - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
  - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

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

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

a. For all bed and banks applications:

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

b. For all alternate source applications:

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

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

\* 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 N/A and the name of the aquifer from which water is withdrawn N/A.

## **Worksheet 6.0**

# 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.*

### **I. 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. N/A Municipal Use. See 30 TAC § 288.2. \*\*
2. N/A Industrial or Mining Use. See 30 TAC § 288.3.
3. x Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. N/A 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 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<sup>N</sup>\_\_\_\_\_

## **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. N/A Municipal Uses by public water suppliers. See 30 TAC § 288.20.
  2. N/A Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
  3. N/A 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 / NN/A

# **Water Contingency Plan**



## Texas Commission on Environmental Quality

Water Availability Division

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

Telephone (512) 239-4600, FAX (512) 239-2214

### System Inventory and Water Conservation Plan for Individually-Operated Irrigation Systems

This form is provided to assist entities in developing a water conservation plan for individually-operated irrigation systems. 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) 239-4600.

*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: Texas A&M AgriLife Research

Address: 1229 N. Hwy 281, Stephenville TX, 76401

Telephone Number: (254)974-9419 Fax: (254)965-3759

Form Completed By: John Cason

Title: Assistant Professor

Signature: \_\_\_\_\_ Date: 08/29/2023

**A water conservation plan for agriculture use (individual irrigation user) must include the following requirements (as detailed in 30 TAC Section 288.4). 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*

- Annual diversion appropriated or requested (in acre-feet): 80
- In the table below, list the amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year.

January	February	March	April
		2	4
May	June	July	August
6	10	20	20
September	October	November	December
10	6	1	
<b>Total All Months</b>			80

- In the table below, list the type of crop(s), growing season, and acres irrigated per year.

<i>Type of crop</i>	<i>Growing Season (Months)</i>	<i>Acres irrigated/year</i>
peanuts	7	10
sorghum	9	20
cotton	7	10
wheat	7	
<b>Total acres irrigated</b>		40

- Are crops rotated seasonally or annually?     Yes                       No

If yes, please describe: Wheat will be grown seasonally as a off season cover crop. Peanuts, sorghum and cotton will be rotated annually.

- Describe soil type (including permeability characteristics, if applicable).

Bastrop-Apalo: Deep gently sloping to sloping loamy soils: on stream terraces

*B. Irrigation system information*

- Describe the existing irrigation method or system and associated equipment including pumps, flow rates, plans, and/or sketches of system the layout. Include the rate (in gallons per minute or cubic feet per second) that water is diverted from the source of supply. If this WCP is submitted as part of a water right application, verify that the diversion volumes and rates are consistent with those in the application.

We propose to install a pump with a flow rate not to exceed 1.1 cfm (500 gallons per minute) at the point indicated on the attached sketch.

2. 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%.

We will install a TCEQ approved flow meter on the intake of the diversion point. These units are approved with a plus or minus 5% rate.

3. Provide specific, quantified 5-year and 10-year targets for water savings including, where appropriate, quantitative goals for irrigation water use efficiency and a pollution abatement and prevention plan below in 3(a) and 3(b). Water savings may be represented in acre-feet or in water use efficiency. If you are not planning to change your irrigation system in the next five or ten years, then you may use your existing efficiencies or savings as your 5-year and /or 10-year goals. Please provide an explanation in the space provided below if you plan to use your existing efficiencies or savings.

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

- a. 5-year goal:

Savings in acre-feet or system efficiency as a percentage We will use sprinkler irrigation which is estimated to be 70-85% efficient. When possible irrigation will occur at times with lower evaporation rates to further increase efficiency.

- b. 10-year goal:

Savings in acre-feet or system efficiency as a percentage We will use sprinkler irrigation which is estimated to be 70-85% efficient. When possible irrigation will occur at times with lower evaporation rates to further increase efficiency.

*(Examples of Typical Efficiencies for Various Types of Irrigation Systems - Surface: 50-80%; Sprinkler: 70-85%; LEPA: 80-90%; Micro-irrigation: 85-95%)*

4. If there is an existing irrigation system, have any system evaluations been performed on the efficiency of the system?

Yes       No

If yes, please provide the date of the evaluation, evaluator's name and the results of the evaluation: N/A

### C. Conservation practices

1. Describe any water conserving irrigation equipment, application system or method in the irrigation system (e.g., surge irrigation, low pressure sprinkler, drip irrigation, nonleaking pipe).

Routine maintenance of heads and replacement of worn parts will be performed regularly. In addition, maintenance of gaskets and leaking pipe will also be performed.

2. Describe any methods that will be used for water loss control and leak detection and repair.

Visual inspection of the irrigation system will be performed as part of routine operation. Obvious leaks will be repaired.

3. Describe any water-saving scheduling or practices to be used in the application of water (e.g., irrigation only in early morning, late evening or night hours and/or during lower temperatures and winds) and methods to measure the amount of water applied (e.g. soil-moisture monitoring).

A rotation system will be used so that when possible the acreage that is under irrigation will be conducted during low evaporation times, such as early morning, late evening or night.

4. Describe any water-saving land improvements or plans to be incorporated into the irrigation practices for retaining or reducing runoff and increasing infiltration of rain and irrigation water (e.g., land leveling, conservation tillage, furrow diking, weed control, terracing, etc.).

When possible conservation tillage will be used. Specifically strip tillage is the method used for peanuts. Cotton and sorghum and wheat will be no till when possible.

5. Describe any methods for recovery and reuse of tail water runoff.

Irrigation monitoring will be used to minimize tail water runoff. Additionally terraces, grass buffers and conservation tillage will be used around the margins of the field to further minimize tail water.

6. Describe any other water conservation practices, methods, or techniques for preventing waste and achieving conservation.

If possible as part of our long-term goals subsurface drip irrigation will possibly be installed if it is found to be feasible for peanut production. Limited research has been done with subsurface drip use in peanut production. The depth of the tape will need to be addressed to obtain adequate fruit set.

## **II. 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.

We are only applying to add a new diversion point to an existing permit. No new water application or new state water is being proposed.

## **Worksheet 7.0**

# 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**

