

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): San Antonio Water System.

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

Y/N

Y **Administrative Information Report**

NA Additional Co-Applicant Information

NA Additional Co-Applicant Signature Pages

Y Written Evidence of Signature Authority

Y **Technical Information Report**

Y USGS Map (or equivalent)

Y Map Showing Project Details

NA Original Photographs

NA Water Availability Analysis

Y **Worksheet 1.0**

Y Recorded Deeds for Irrigated Land

NA Consent for Irrigated Land

NA **Worksheet 1.1**

NA Addendum to Worksheet 1.1

Y **Worksheet 1.2**

N **Worksheet 2.0**

NA Additional W.S. 2.0 for Each Reservoir

NA Dam Safety Documents

NA Notice(s) to Governing Bodies

NA Recorded Deeds for Inundated Land

NA Consent for Inundated Land

Y/N

Y **Worksheet 3.0**

Y Additional W.S. 3.0 for each Point

Y Recorded Deeds for Diversion Points

N Consent for Diversion Access

NA **Worksheet 4.0**

NA TPDES Permit(s)

NA WWTP Discharge Data

NA Groundwater Well Permit

NA Signed Water Supply Contract

NA **Worksheet 4.1**

Y **Worksheet 5.0**

N Addendum to Worksheet 5.0

N **Worksheet 6.0**

NA Water Conservation Plan(s)

NA Drought Contingency Plan(s)

NA Documentation of Adoption

NA **Worksheet 7.0**

NA Accounting Plan

Y **Worksheet 8.0**

Y Fees

NA 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."

San Antonio Water System seeks to amend COA 19-2152 by adding an additional diversion point (to divert from an existing diversion point authorized by COA 19-2154A) on the same contiguous tract of land as the original diversion point; adding Wetland Purposes as a new use; and adding a new place of use only for Wetland Purposes, in the same basin as the place of use authorized by the original right.

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

Indicate the number of Applicants/Co-Applicants NA
(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?

San Antonio Water System

(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/crpweb/index.cfm?fuseaction=cust.CustSearch>

CN: CN600529069 (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: Robert R. Puente

Title: President & CEO

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

Please see Att. 1 to Admin. Checklist_ Signature Authority 03.18.20

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: Robert R. Puente, President & CEO

Mailing Address: 2800 U.S. Hwy. 281 North

City: San Antonio State: Texas ZIP Code: 78212

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:

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

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: Jim Mathews

Title: Lawyer

Organization Name: Mathews and Freeland

Mailing Address: 8140 N. Mopac #4-240

City: Austin State: Texas ZIP Code: 78759

Phone Number: 512-404-7800 Ex. 1

Fax Number: 512-703-2785

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: NA

Title: _____

Organization Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Phone Number: _____

Fax Number: _____

E-mail Address: _____

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

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

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

If **yes**, provide the following information:

Account number: NA Amount past due: _____

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

If **yes**, please provide the following information:

Enforcement order number: _____ Amount past due: _____

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

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

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

https://www3.twdb.texas.gov/apps/reports/WU/SurveyStatus_PriorThreeYears

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Robert R. Puente, President & CEO, San Antonio Water System

(Typed or printed name)

(Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under Title 30 Texas Administrative Code §295.14 to sign and submit this document and I have submitted written evidence of my signature authority.

Signature: 

(Use blue ink)

Date: 1/11/2024

Subscribed and Sworn to before me by the said

Robert R. Puente, President/CEO

on this

11

day of

January

, 20

24

My commission expires on the

13

day of

August

, 20

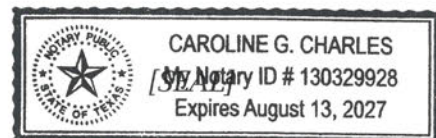
27



Notary Public

Bexar

County, Texas



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

Attachment 1 to Administrative Information Report:





**Evidence of Compliance with 30 TAC § 295.14 Signatory
Requirements**



SAN ANTONIO WATER SYSTEM

INTERNAL MEMORANDUM

March 18, 2020

	<u>Initials</u>	<u>Date</u>
TO: Robert R. Puente, President/Chief Executive Officer		
FROM: Philip C. Campos, Jr. CPA, Contracting Director		3/18/2020
THROUGH: Steve Clouse, Senior Vice President – COO;		3/19/2020
Doug Evanson, Senior Vice-President - CFO;		3/19/2020
Nancy Belinsky, Vice President – General Counsel;		3/19/2020
Scott Oliver, Corporate Counsel		
SUBJECT: Recommended Delegation of Contract Signature Authority Changes		

Background

On June 21, 2005, the San Antonio Water System (SAWS) Board of Trustees passed and approved resolution #05-247 (attached), granting the President/Chief Executive Officer the discretion to designate signatories for particular areas of contracts, agreements and obligations of SAWS as is reasonable and necessary.

Issue

The delegated contract signature authority is limited to various positions within SAWS (see Attachment 1), with the President/Chief Executive Officer having the sole ability to sign all types of contracts, agreements and obligations for SAWS. In light of the COVID-19 pandemic, to ensure uninterrupted business continuity, it is prudent to authorize additional signatories for particular areas of contracts, agreements and obligations of SAWS as is reasonable and necessary.

Recommendation

A proposed Delegation of Signature Authority has been developed and attached (see Attachment 2) that expands the authority of the Senior Vice Presidents with the ability to sign all types of contracts, agreements and obligations for SAWS in addition to the President/Chief Executive Officer.

It is recommended that the attached Proposed Signature Authority be accepted.

Concur:



Robert R. Puente
President/Chief Executive Officer

03-19-20
Date

RESOLUTION NO. 05-217

OF THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES RESCINDING RESOLUTIONS NOS. 02-149 AND 04-417 APPROVED BY THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES ON MAY 7, 2002 AND NOVEMBER 2, 2004 RESPECTIVELY, WHICH DESIGNATED CERTAIN SIGNATORIES WITHIN SAWS BY WAY OF TITLE AND POSITION; PROVIDING THE PRESIDENT/CHIEF EXECUTIVE OFFICER WITH THE DISCRETION TO DESIGNATE SIGNATORIES BY TITLE AND POSITION IN RELATION TO CONTRACTUAL AND OTHER OBLIGATIONS OF THE SYSTEM; FINDING THE RESOLUTION TO HAVE BEEN CONSIDERED PURSUANT TO THE LAWS GOVERNING OPEN MEETINGS; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the San Antonio Water System (the "System") is party to numerous contracts and agreements; and

WHEREAS, Board Resolutions Nos. 02-149 and 04-417 authorized certain individuals by position and title to execute contracts and agreements on behalf of the System; and

WHEREAS, the Board of Trustees wishes to rescind those designations of signatory responsibilities and to provide the President/Chief Executive Officer with the discretion to delegate signatories for contracts, agreements and other obligations of the System as reasonable and necessary; therefore

BE IT RESOLVED BY THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES:

1. That the Board Resolutions No. 02-149 and 04-417 are hereby rescinded.
2. That the President/Chief Executive Officer is hereby provided with the discretion to designate signatories for particular areas of contracts, agreements and obligations of the System as is reasonable and necessary. The designations currently contemplated for implementation are attached hereto by way of example.
3. It is officially found, determined, and declared that the meeting at which this resolution is adopted was open to the public, and the public notice at the time, place, and subject matter of the public business to be concluded at such meeting, including this resolution was given to all as required by the Texas Code Annotated, as amended, Title 5, Chapter 551, Government Code.

4. If any part, section, paragraph, sentence, phrase or word of this resolution is for any reason held to be unconstitutional, illegal, inoperative or invalid, or if any exception to or limitation upon any general provision hereon contained is held to be unconstitutional, illegal, invalid or inoperative, the remainder of this resolution shall nevertheless stand effective and valid as if it had been enacted without the portion to be held to be unconstitutional, illegal, invalid, or ineffective.

5. This resolution becomes effective immediately upon its passage.

PASSED AND APPROVED this 21st day of June, 2005.


James M. Mayor, Chairman

ATTEST:


Salvadore M. Hernández, Secretary

**San Antonio Water System
Existing Signature Authority Matrix
Attachment 1**

CONTRACT TYPE		Board Approved Prof Services & Consulting	Board Approved Construction >\$10,000,000.00	Board Approved Construction <\$10,000,000.00	Contract Amendments	Water Resources & Conservation	Interlocal Agreements	Claims Settlement <\$50,000.00	Litigation Settlement<\$50,000.00	Outside Legal	Utility Service	Professional Svcs, & Consulting Informally Solicited <\$100,000.00	Construction Contract Informally Solicited <\$100,000.00	Emergency Construction Contracts >\$3,000,000.00	Emergency Construction Contracts <\$3,000,000.00	Construction Change Orders	All Procurement Contracts (Goods and Services)	Real Estate Related Contracts	Chilled Water	Recycled Water	Hardship Contracts	Bankruptcy & Estate Claims < \$20,000.00	Antiquities Permits	BGD Permits	Amendments to Benefits Plan Not Materially Altering Contributions or Participation	Third Party Administrator Contracts up to \$50,000.00	Consent Decree Certifications
SIGNATORIES																											
President/CEO		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
SVP – Chief Operating Officer																											X
SVP – Chief Financial Officer																											
VP - Engineering & Construction											X ¹												X ²				
VP - General Counsel								X		X								X									
VP - Water Resources & Governmental Relations																								X			
VP – Human Resources																										X	X
VP – Production & Treatment																											X
Director of Contracting ²		X		X	X	X						X	X		X	X			X	X	X	X					
Sr. Counsel for Employment & Claims								X																			
Director of Purchasing ²																	X										

Notes:

1 - President/CEO signs USAs over Recharge Zone

2 - or designee

**San Antonio Water System
Proposed Signature Authority Matrix
Attachment 2
3/18/2020**

CONTRACT TYPE		Board Approved Prof Services & Consulting	Board Approved Construction >\$10,000,000.00	Board Approved Construction <\$10,000,000.00	Contract Amendments	Water Resources & Conservation	Interlocal Agreements	Claims Settlement <\$50,000.00	Litigation Settlement<\$50,000.00	Outside Legal	Utility Service	Professional Svcs, & Consulting Informally Solicited <\$100,000.00	Construction Contract Informally Solicited <\$100,000.00	Emergency Construction Contracts >\$3,000,000.00	Emergency Construction Contracts <\$3,000,000.00	Construction Change Orders	All Procurement Contracts (Goods and Services)	Real Estate Related Contracts	Chilled Water	Recycled Water	Hardship Contracts	Bankruptcy & Estate Claims <\$20,000.00	Antiquities Permits	BGD Permits	Amendments to Benefits Plan Not Materially Altering Contributions or Participation	Third Party Administrator Contracts up to \$50,000.00	Consent Decree Certifications
SIGNATORIES																											
President/CEO		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
SVP – Chief Operating Officer		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
SVP – Chief Financial Officer		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
VP - Engineering & Construction											X ¹												X ²				
VP - General Counsel								X		X								X									
VP - Water Resources & Governmental Relations																		X									
VP – Human Resources																							X				
VP – Production & Treatment																									X	X	
Director of Contracting ²		X		X	X	X						X	X		X	X			X	X	X	X					X
Sr. Counsel for Employment & Claims							X								X	X			X	X	X						
Director of Purchasing ²																	X										

Notes:

1 - President/CEO signs USAs over Recharge Zone

2 - or designee

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

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

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

Date of pre-application meeting: 12/01/2023

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

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

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

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

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: 19-2152

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

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

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

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

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

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

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

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

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

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

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

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

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

Additionally, all amendments require:

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

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

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

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

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

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

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

- c. Applicant requests to convey Applicant's own return flows derived from privately owned groundwater using the bed and banks of a watercourse? TWC § 11.042(b). Y / N N

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

- d. Applicant requests to convey Applicant's own return flows derived from surface water using the bed and banks of a watercourse? TWC § 11.042(c). Y / N N

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 6.0, 7.0, 8.0, Maps, and fees from the list below.

****Please note, if Applicant requests the reuse of return flows belonging to others, the Applicant will need to submit the worksheets and documents under Section 1 above, as the application will be treated as a new appropriation subject to termination upon direct or indirect reuse by the return flow discharger/owner.***

- e. Applicant requests to convey water from any other source, other than (a)-(d) above, using the bed and banks of a watercourse? TWC § 11.042(c). Y / N N

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

Worksheets and information:

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

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

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

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

Applicant’s project is located in the Region L Planning Area. Neither the state nor the regional Plan address every possible change in individual water rights. The application is consistent with the 2021 Regional Water Plan and the 2022 State Water Plan because there is nothing in those plans that conflicts with the application and no plan water management strategy is based on the use or availability of the water covered by this application.

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

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

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

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

Quantity (acre- feet) <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>
NA			

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

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

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

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

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

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

Quantity (acre- feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
319	Agricultural use	Wetlands use	San Antonio basin south of Mitchell lake	Bexar County, for wetland purposes only

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- Applicant proposes to irrigate a total of NA acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, TX.
 - Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____.

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

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

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

WORKSHEET 1.1

INTERBASIN TRANSFERS, TWC § 11.085

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

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

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

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

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

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

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

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

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

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

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

WORKSHEET 1.2

NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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

See Addendum 2-Worksheet 1.2 Marshall v. Uncertain Factors

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

WORKSHEET 2.0

Impoundment/Dam Information

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

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

1. Storage Information (Instructions, Page. 21)

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

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 / NNA**

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: **NA**.
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/NNA**
If yes, the drainage area is **NA** 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): **NA**
- b. Zip Code: **NA**
- c. In the **NA** Original Survey No. _____, Abstract No. _____,
_____ County, Texas.

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

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

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

Latitude **NA** °N, Longitude **NA** °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): **NA**
- ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. **Y / NNA**

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. Y Diversion Point No.
2. NA Upstream Limit of Diversion Reach No.
3. NA Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 2.0 cfs (cubic feet per second)
or 900 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / NY
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 2.0 cfs or 900 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 type="checkbox"/>	Directly from stream	
<input checked="" type="checkbox"/>	From an on-channel reservoir	Existing, under 19-2154A
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	Other method (explain fully, use additional sheets if necessary)	

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

Applicant has calculated the drainage area. Y / NNA

If yes, the drainage area is sq. miles.

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Mitchell Lake in the San Antonio/Medina River Basin
- b. Zip Code: 78221
- c. Location of point: In the J. A. de la Garza Original Survey No. N/A, Abstract No. 3, Bexar 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 29.291139 °N, Longitude -98.496417 °W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Earth
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 4.0

DISCHARGE INFORMATION

This worksheet required for any requested authorization to discharge water into a State Watercourse for conveyance and later withdrawal or in-place use. Worksheet 4.1 is also required for each Discharge point location requested. **Instructions Page. 26. Applicant is responsible for obtaining any separate water quality authorizations which may be required and for insuring compliance with TWC, Chapter 26 or any other applicable law.**

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

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

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
 4. The percentage of return flows from groundwater NA, surface water NA?
 5. If any percentage is surface water, provide the base water right number(s) NA.
- d. Is the source of the water being discharged groundwater? **Y / N** NA If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped: NA
 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 NA.
 3. Indicate how the groundwater will be conveyed to the stream or reservoir.

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

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 NA 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 NA cfs or NA gpm.
- c. Name of Watercourse as shown on Official USGS maps: NA
- d. Zip Code NA
- e. Location of point: In the NA Original Survey No. , Abstract No. , County, Texas.
- f. Point is at:
Latitude NA °N, Longitude NA °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): NA

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

WORKSHEET 5.0

ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

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

A passive intake screen will be installed on the intake pipeline to avoid impingement and entrainment of aquatic organisms and further the goal of wildlife management.

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

2.4-3.7 feet

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

☐ Other, specify: _____

b. Flow characteristics

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

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

☐ Intermittent with Perennial Pools – enduring pools

☐ Perennial – normally flowing

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

☐ USGS flow records

☐ Historical observation by adjacent landowners

☐ Personal observation

☐ Other, specify: _____

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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	NA				
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

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

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

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans

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

Instructions, Page 31.

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

1. Water Conservation Plans

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

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

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

1. NA Municipal Use. See 30 TAC § 288.2. **
2. NA Industrial or Mining Use. See 30 TAC § 288.3.
3. NA Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. NA Wholesale Water Suppliers. See 30 TAC § 288.5. **

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

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

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

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

2. Drought Contingency Plans

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

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

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

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

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

WORKSHEET 8.0

CALCULATION OF FEES

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

1. NEW APPROPRIATION

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

2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
Filing Fee	Amendment: \$100 OR Sever and Combine: \$100 x _____ of water rights to combine	\$100.00
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	\$8.82
TOTAL INCLUDED		\$121.32

3. BED AND BANKS

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

Addendum 1- Summary of Application

San Antonio Water System Application to Amend COA 19-2152 Addendum 1—Summary of Application

A. Statutory Authority for Application

This application is submitted pursuant to Texas Water Code § 11.122(b) to request an amendment to Certificate of Adjudication 19-2152. Applicant, San Antonio Water System (SAWS), is part owner of COA 19-2152. This water right authorizes SAWS to divert up to 319 acre-feet of water per year from Mitchell Lake for agricultural purposes. SAWS requests a simple amendment to this existing right that does not contemplate an additional consumptive use of state water or an increased rate or period of diversion and has no potential to adversely affect other water rights or the environment. The requested amendment seeks only to add a new diversion point (to divert from an existing diversion point authorized by COA 19-2154A), a new place of use, and a new purpose of use.

B. Summary of Existing Water Right

In 2022, SAWS acquired a 234.07-acre tract of land and associated water right authorized by COA 19-2152. In 2023 SAWS submitted to TCEQ a change of ownership form requesting that its ownership for this water right be shown in the Commission's records. By memo dated June 14, 2023, TCEQ recognized SAWS' right to divert 319 acre-feet of water per year from Mitchell Lake for Agricultural Purposes to irrigate the 234.07 tract. The priority date of this water right is March 28, 1916. The diversion points are on the south end of Mitchell Lake as shown in the map attached to Addendum 3-Supplement to Worksheet 3.0.

C. Specific Amendments Requested Through This Application

SAWS requests the following specific amendments to COA 19-2152:

- a) Add a new diversion point at the location shown on the map attached to Addendum 3- Supplement to Worksheet 3.0.
- b) Add a new authorized place of use allowing the 319 acre-feet of water SAWS is currently authorized to divert to be used on 194 acres out of the 886.45-acre tract described in the deed attached to Addendum 3- Supplement to Worksheet 3 north of Mitchell Lake
- c) Add a new authorization allowing the water diverted at the new diversion point to be used for wetland purposes only.

Addendum 1- Summary of Application

D. No Adverse Impact on Other Water Right Holders or the Environment.

The locations of the existing diversion points and the proposed additional diversion point are shown on the map attached to Addendum 3- Supplement to Worksheet 3.0. All diversion points are located on the same contiguous tract owned by the City of San Antonio. SAWS is currently authorized to divert and consumptively use 319 acre-feet of water from two diversion points on the southern end of Mitchell Lake. SAWS requested amendment does not increase the amount of water authorized to be diverted or change the rate of diversion. Instead, it simply adds an additional diversion point on the northern end of Mitchell Lake and authorizes use of the currently permitted water for wetland purposes on a wildlife refuge north of Mitchell Lake.

E. Need for Requested Amendments

The National Audubon Society (“Audubon”) operates the Mitchell Lake Wildlife Refuge (“Refuge”) on approximately 600 acres of land north of Mitchell Lake pursuant to a lease and operating agreement with SAWS, the City of San Antonio’s exclusive agent for management of this property. Part of this land is wetland habitat that Audubon describes as “one of the last critical stopover grounds before the Texas Coast” for 98.5% of long-distance migratory species in the U.S. This habitat is used by Audubon for educational, cultural, wildlife management and scientific and research purposes.

Because of recent sustained dry conditions, these wetlands are significantly drying up, adversely affecting the habitat for native and migratory bird populations at the Refuge. If this amendment is granted, water from SAWS’s diversion authorization under COA 19-2152 would be used to restore and sustain these wetland habitats and assist Audubon in its programs that enjoy broad public support.

APPLICATION TO AMEND COA 19-2152
Evaluation of Factors Enumerated in *City of Marshall* Opinion

On June 9, 2006, the Texas Supreme Court issued an opinion in the case of the *City of Marshall v. City of Uncertain* that identified factors the TCEQ must consider when determining if public notice is required for an application to amend a water right under Water Code § 11.122(b), commonly referred to as the “full use authorization” provision” or “four corners doctrine.” The court held that the “subject to meeting all other applicable requirements” clause in § 11.122(b) required the Commission to determine, based on the application, whether the proposed amendment impacts substantive criteria, other than the full use assumption, imposed by the Water Code and Commission Rules.

In the interest of expediting the processing of its application, San Antonio Water System (SAWS) addresses each of the *Marshall* factors below and submits that this application for amendment to COA 19-2152 is consistent with each of the factors such that public notice of this application for amendment should not be required.

Administrative Requirements and Fees. SAWS has submitted a complete application that meets the applicable administrative requirements of the Water Code and 30 TAC §§ 281, 295, and 297. The amendment application includes all required documents, including a sworn application, signatory authority, completed TCEQ forms, fees, etc.

Beneficial Use. *City of Marshall* states that proposed appropriations of state water must be for a beneficial use. Under Texas Water Code § 11.002, “beneficial use” means “use of the amount of water which is economically necessary for a purpose authorized by this chapter, when reasonable intelligence and reasonable diligence are used in applying the water to that purpose...” As explained in the Summary of Application, SAWS plans to use the water subject to this application for beneficial use in restoring and maintaining wetland habitats used for wildlife management in the Mitchell Lake Wildlife refuge managed by the National Audubon Society. Accordingly, the water will be put to beneficial use.

Public Welfare. A proposed appropriation of state water must not be detrimental to the public welfare. The Texas Water Code does not define “detriment to public welfare” and the TCEQ has wide discretion in determining what constitutes a benefit or detriment to the public welfare. SAWS’s requested amendment will allow it to assist the Audubon Society in restoring and maintaining wetland habitats that provide shelter and feeding to wildlife and migratory waterfowl. These resources are vital to Audubon’s mission to provide educational and research opportunities about Texas wildlife. These uses will benefit the public welfare.

Groundwater Effects. A proposed appropriation of state water must consider effects of the proposed permit on groundwater or groundwater recharge. Although not seeking a new or increased appropriation of state water, Applicant submits that issuance of the requested amendments will have no adverse effect on groundwater supply. These wetlands and basins to receive water from SAWS’s requested diversions have been inundated for decades during wet periods and with no evidence of an adverse effect on groundwater.

Addendum 2-Worksheet 1.2 *Marshall v. Uncertain factors*

Consistency with Regional and State Plan. The requested amendment does not increase the currently authorized diversion rate or amount. The water that is the subject of this application is not contemplated for use by others in the 2017 state and 2021 regional plans.

Avoidance of Waste and Achievement of Water Conservation. Applicant will avoid waste and achieve water conservation by communicating with Audubon and diverting only as necessary to maintain an appropriate wetland environment needed to support Audubon's mission for the Refuge.

Adverse Impact on Water Right Holders and the Environment. The requested amendment will not change the authorized diversion rate or amount. Accordingly, this amendment will not result in consumption of any greater amount of water than that authorized under full utilization of the existing water right.