

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF AN AMENDMENT TO A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 19-2179C

A.D.D. Corp., Applicant, has applied to amend Certificate of Adjudication No. 19-2179 to add a diversion reach on the San Antonio River, San Antonio River Basin for mining purposes in Wilson and Karnes counties. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** A.D.D. Corp., P.O. Box 2988, Port Aransas, Texas 78373, Applicant, has applied to the Texas Commission on Environmental Quality to amend Certificate of Adjudication No. 19-2179, pursuant to Texas Water Code § 11.122 and Texas Commission on Environmental Quality Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Mailed notice to the interjacent water right holders in the San Antonio River Basin is required pursuant to Title 30 TAC § 295.158(c)(3)(D).

Certificate of Adjudication No. 19-2179 (Certificate) authorizes A.D.D. Corp. to divert 625 acre-feet of water per year from two points on the San Antonio River, San Antonio River Basin for agricultural purposes to irrigate 250 acres of land out of a 275 acre-tract in Wilson County and mining purposes in those portions of Wilson and Karnes counties that lie within the San Antonio River Basin.

The maximum diversion rates, in combination with Certificate of Adjudication No. 19-2180, are 7.6 cfs (3400 gpm) and 1.3 cfs (600 gpm), respectively.

The Time Priority for the first 47 acre-feet is November 27, 1917, the next 39 acre-feet is July 11, 1925, the next 72 acre-feet is November 10, 1926, and the remaining 467 acre-feet is November 4, 1988.

Applicant is also authorized to store their currently authorized water in an off-channel reservoir for subsequent diversion and use.

Multiple time priorities and special conditions apply.

Applicant seeks to amend the Certificate to add a diversion reach along the San Antonio River, San Antonio River Basin for mining purposes, consistent with its previously authorized places of use in Wilson and Karnes counties.

The proposed upper limit of the diversion reach is located at Latitude 29.004645° N, Longitude 98.105012° W, in Wilson County, Zip Code 78113.

The proposed lower limit of the diversion reach is located at Latitude 28.756919° N, Longitude

97.653917° W, in Karnes County, Zip Code 78151.

The application and partial fees were received on February 2, 2021. Additional information was received on April 7 and April 13, 2021, and remaining fees were received on April 13, 2021. The application was declared administratively complete and filed with the Office of the Chief Clerk on April 23, 2021.

The Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would contain special conditions, including but not limited to streamflow restrictions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at:

[https://www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/view-wr-pend-apps](https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps)

Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

**PUBLIC COMMENT / PUBLIC MEETING.** Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by May 20, 2024. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

**CONTESTED CASE HEARING.** The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by May 20, 2024. The Executive Director may approve the application unless a written request for a contested case hearing is filed by May 20, 2024.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**INFORMATION.** Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 2179 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: May 02, 2024

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A  
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 19-2179C

TYPE § 11.122

Owner:	A.D.D. Corp.	Address:	P.O. Box 2988 Port Aransas, Texas 78373
Filed:	April 23, 2021	Granted:	
Purposes:	Mining and Agricultural	Counties:	Wilson and Karnes
Watercourse:	San Antonio River	Watershed:	San Antonio River Basin

WHEREAS, Certificate of Adjudication No. 19-2179 (Certificate) authorizes A.D.D. Corp. (Owner/Applicant) to divert and use not to exceed 625 acre-feet of water per year from two points on the San Antonio River, San Antonio River Basin for agricultural purposes to irrigate 250 acres of land out of a 275 acre-tract in Wilson County and for mining purposes in those portions of Wilson and Karnes counties that lie within the San Antonio River Basin; and

WHEREAS, the maximum diversion rates, in combination with Certificate of Adjudication No. 19-2180 at points one and two, are 7.6 cfs (3400 gpm) and 1.3 cfs (600 gpm), respectively; and

WHEREAS, the Time Priority for the first 47 acre-feet is November 27, 1917, the next 39 acre-feet is July 11, 1925, the next 72 acre-feet is November 10, 1926, and the remaining 467 acre-feet is November 4, 1988; and

WHEREAS, Owner is also authorized to store their currently authorized water in an off-channel reservoir for subsequent diversion; and

WHEREAS, multiple time priorities and special conditions apply; and

WHEREAS, Applicant seeks to amend the Certificate to add a diversion reach on the San Antonio River for mining purposes, consistent with its previously authorized places of use in Wilson and Karnes counties; and

WHEREAS, the upstream limit of the diversion reach is located at Latitude 29.004645° N, Longitude 98.105012° W, in Wilson County; and

WHEREAS, the downstream limit of the diversion reach is located at Latitude 28.756919° N, Longitude 97.653917° W, in Karnes County; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, this amendment, if granted, is subject to requirements and orders of the South Texas Watermaster; and

WHEREAS, the Executive Director recommends that special conditions be included in the amendment; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 19-2179, designated Certificate of Adjudication No. 19-2179C, is issued to A.D.D. Corp. subject to the following terms and conditions:

1. DIVERSION

In addition to previous authorizations, Owner is authorized to divert water for mining purposes anywhere within a diversion reach along the San Antonio River in Wilson and Karnes counties between the following two points:

- A. Upstream limit of the diversion reach is located at Latitude 29.004645° N, Longitude 98.105012° W, in Wilson County.
- B. Downstream limit of the diversion reach is located at Latitude 28.756919° N, Longitude 97.653917° W, in Karnes County.
- C. In addition to the maximum diversion rates, in combination with Certificate of Adjudication No. 19-2180, at points one and two, of 7.6 cfs (3400 gpm) and 1.3 cfs (600 gpm), respectively, Owner is authorized a maximum combined diversion rate of 8.9 cfs in combination with Certificate of Adjudication No. 19-2180.

2. TIME PRIORITY

This amendment does not change the time priority of the existing authorizations in this certificate.

3. SPECIAL CONDITIONS

- A. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).
- B. The instream flow requirements in this amendment do not apply to diversions from the two diversion points authorized in Certificate of Adjudication No. 19-2179A.
- C. For purposes of the instream flow requirements in Paragraphs 3.D. – 3.H., the “average adjusted streamflow” at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The “adjusted streamflow” at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by Owner. Unless informed otherwise by the South Texas Watermaster,

Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.

- D. Diversion of the first 200 acre-feet of water from the reach authorized in this amendment shall be restricted as follows:
  - i. For the portion of the diversion reach upstream of USGS Gage No. 08183500, diversions shall only occur if the average adjusted streamflow is greater than or equal to 60 cfs at USGS Gage No. 08183500 - San Antonio River near Falls City, TX.
  - ii. For the portion of the diversion reach downstream of USGS Gage No. 08183500 but upstream of USGS Gage No. 08188500, diversions shall only occur if the average adjusted streamflow is greater than or equal to 60 cfs at USGS Gage No. 08188500 - San Antonio River at Goliad, TX
- E. Any diversions of water in excess of 200 acre-feet from the reach authorized in this amendment shall be subject to the following:
  - i. For the portion of the diversion reach upstream of USGS Gage No. 08183500, diversions shall be restricted based on the following streamflows at USGS Gage No. 08183500 - San Antonio River near Falls City, TX, as set forth in Paragraphs 3.F. - 3.H. below.

Season	Subsistence	Base
Winter	60 cfs	152 cfs
Spring	60 cfs	137 cfs
Summer	60 cfs	113 cfs
Fall	60 cfs	117 cfs

cfs = cubic feet per second

- ii. For the portion of the diversion reach downstream of USGS Gage No. 08183500 but upstream of USGS Gage No. 08188500, diversions shall be restricted based on the following streamflows at USGS Gage No. 08188500 - San Antonio River at Goliad, TX, subject to the requirements of Paragraphs 3.F. - 3.H. below.

Season	Subsistence	Base
Winter	60 cfs	200 cfs
Spring	60 cfs	174 cfs
Summer	60 cfs	139 cfs
Fall	60 cfs	167 cfs

cfs = cubic feet per second

- F. Seasons are defined as follows: Winter (January through March), Spring (April through June), Summer (July through September), and Fall (October through December).

**Subsistence Flow Special Conditions**

- G. Owner shall not divert water if the average adjusted streamflow at the measurement point, as described in Paragraphs 3.E.i. and 3.E.ii., is less than or equal to the applicable subsistence flow.

**Base Flow Special Conditions**

- H. If average adjusted streamflow at the measurement point, as described in Paragraphs 3.E.i. and 3.E.ii., is greater than the applicable base flow, Owner shall not divert in excess of the rate that would reduce average streamflow at the gage below the applicable base flow; provided, however, Owner is not required to adjust its diversion rate more frequently than once every 24 hours.
- I. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the San Antonio River authorized above in Paragraph 1. DIVERSION and maintain measurement records.
- J. Owner shall contact the South Texas Watermaster prior to diversion of water authorized by this amendment.
- K. Owner shall allow representatives of the South Texas Watermaster convenient and safe access to the property to inspect the measuring device and records.
- L. The issuance of this amendment does not grant to the Owners the right to use private or public property for diversion of water authorized by this amendment. This includes property belonging to, but not limited to, any individual, partnership, corporation or public entity. Neither does this amendment authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the Owners to acquire property rights as may be necessary to make any diversions authorized by this amendment. Prior to the diversion of water authorized by this amendment, Owners shall submit recorded copies of legal documents establishing ownership for any proposed diversion points within the diversion reach or the names and addresses of such landowners and a copy of the duly acknowledged written easement, consent or license from the landowners or a written lease, contract or other evidence of agreement between the landowners and the Owners to the Executive Director.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 19-2179, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water right holders in the San Antonio River Basin.

Owner agrees to be bound by the terms, conditions, and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.

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For the Commission

Date Issued:

**From:** [REDACTED]  
**Sent:** Tuesday, April 23, 2024 4:20 PM  
**To:** Kathy Alexander <[kathy.alexander@tceq.texas.gov](mailto:kathy.alexander@tceq.texas.gov)>; Kim Nygren <[Kim.Nygren@tceq.texas.gov](mailto:Kim.Nygren@tceq.texas.gov)>  
**Cc:** [REDACTED]  
**Subject:** Fwd: ADD Corp Draft Permit Revisions

Kathy and Kim,  
The revisions in the attachment sent to Earl Lott for the ADD Corp are acceptable.  
Please proceed to notice as soon as possible.  
Thank you for your help,  
Richard Ocker  
ADD Corp

Begin forwarded message:

**From:** Earl Lott [REDACTED] >  
**Date:** April 23, 2024 at 2:47:11 PM CDT  
**To:** [REDACTED]  
**Subject:** Fw: ADD Corp Draft Permit Revisions

Please let me know if everything looks acceptable.

Thanks,  
Earl

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**From:** Kathy Alexander <[kathy.alexander@tceq.texas.gov](mailto:kathy.alexander@tceq.texas.gov)>  
**Sent:** Tuesday, April 23, 2024 2:35 PM  
**To:** [REDACTED]; Kim Nygren <[Kim.Nygren@tceq.texas.gov](mailto:Kim.Nygren@tceq.texas.gov)>  
**Subject:** RE: ADD Corp Draft Permit Revisions

Earl,

Attached are proposed revisions to the draft permit and notice in track changes consistent with our discussion. Just as a note, we did not make one of your proposed revisions to the notice. You had asked to add additional language to the caption. The purpose of the caption is to provide a basic high level plain language description of the application so we did not include your revised language in that part of the notice. However, we did make your proposed revision in the body of the notice, which contains the detailed information about the application, and in the draft permit.

If these revisions are acceptable, let Kim and I know and we'll proceed with the permitting process.

Kathy



Kathy Alexander, Ph.D.  
Senior Policy and Technical Analyst  
Water Availability Division  
Office: 512-239-0778  
Mobile: 512-965-9603

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A  
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 19-2179C

TYPE § 11.122

Owner:	A.D.D. Corp.	Address:	P.O. Box 2988 Port Aransas, Texas 78373
Filed:	April 23, 2021	Granted:	
Purposes:	Mining and Agricultural	Counties:	Wilson and Karnes
Watercourse:	San Antonio River	Watershed:	San Antonio River Basin

WHEREAS, Certificate of Adjudication No. 19-2179 (Certificate) authorizes A.D.D. Corp. (Owner/Applicant) to divert and use not to exceed 625 acre-feet of water per year from two points on the San Antonio River, San Antonio River Basin for agricultural purposes to irrigate 250 acres of land out of a 275 acre-tract in Wilson County and for mining purposes in those portions of Wilson and Karnes counties that lie within the San Antonio River Basin; and

WHEREAS, the maximum diversion rates, in combination with Certificate of Adjudication No. 19-2180 at points one and two, are 7.6 cfs (3400 gpm) and 1.3 cfs (600 gpm), respectively; and

WHEREAS, the Time Priority for the first 47 acre-feet is November 27, 1917, the next 39 acre-feet is July 11, 1925, the next 72 acre-feet is November 10, 1926, and the remaining 467 acre-feet is November 4, 1988; and

WHEREAS, Owner is also authorized to store their currently authorized water in an off-channel reservoir for subsequent diversion; and

WHEREAS, multiple time priorities and special conditions apply; and

WHEREAS, Applicant seeks to amend the Certificate to add a diversion reach on the San Antonio River for mining purposes, consistent with its previously authorized places of use in Wilson and Karnes counties; and

WHEREAS, the upstream limit of the diversion reach is located at Latitude 29.004645° N, Longitude 98.105012° W, in Wilson County; and

WHEREAS, the downstream limit of the diversion reach is located at Latitude 28.756919° N, Longitude 97.653917° W, in Karnes County; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, this amendment, if granted, is subject to requirements and orders of the South Texas Watermaster; and

WHEREAS, the Executive Director recommends that special conditions be included in the amendment; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 19-2179, designated Certificate of Adjudication No. 19-2179C, is issued to A.D.D. Corp. subject to the following terms and conditions:

1. DIVERSION

In addition to previous authorizations, Owner is authorized to divert water for mining purposes anywhere within a diversion reach along the San Antonio River in Wilson and Karnes counties between the following two points:

- A. Upstream limit of the diversion reach is located at Latitude 29.004645° N, Longitude 98.105012° W, in Wilson County.
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- C. In addition to the maximum diversion rates, in combination with Certificate of Adjudication No. 19-2180, at points one and two, of 7.6 cfs (3400 gpm) and 1.3 cfs (600 gpm), respectively, Owner is authorized a maximum combined diversion rate of 8.9 cfs in combination with Certificate of Adjudication No. 19-2180.

2. TIME PRIORITY

This amendment does not change the time priority of the existing authorizations in this certificate.

3. SPECIAL CONDITIONS

- A. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).
- B. The instream flow requirements in this amendment do not apply to diversions from the two diversion points authorized in Certificate of Adjudication No. 19-2179A.
- C. For purposes of the instream flow requirements in Paragraphs 3.D. – 3.H., the “average adjusted streamflow” at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The “adjusted streamflow” at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any

diversions by Owner. Unless informed otherwise by the South Texas Watermaster, Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.

D. Diversion of the first 200 acre-feet of water from the reach authorized in this amendment shall be restricted as follows:

- i. For the portion of the diversion reach upstream of USGS Gage No. 08183500, diversions shall only occur if the average adjusted streamflow is greater than or equal to 60 cfs at USGS Gage No. 08183500 – San Antonio River near Falls City, TX.
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E. Any ~~D~~diversions of water in excess of 200 acre-feet from the reach authorized in this amendment ~~under this amendment~~ shall be ~~authorized~~ subject to the following:

- i. For the portion of the diversion reach upstream of USGS Gage No. 08183500, diversions shall be restricted based on the following streamflows at USGS Gage No. 08183500 – San Antonio River near Falls City, TX, as set forth in Paragraphs 3.~~E~~E – 3.~~H~~H below.

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**Subsistence Flow Special Conditions**

~~GD~~. Owner shall not divert water if the average adjusted streamflow at the measurement point, as described in Paragraphs 3.~~EB~~E.i. and 3.~~BE~~H.ii., is less than or equal to the applicable subsistence flow. ~~The “average adjusted streamflow” at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The “adjusted streamflow” at the gage at any time is the measured streamflow that would~~

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### **Base Flow Special Conditions**

- HE.** If average adjusted streamflow at the measurement point, as described in Paragraphs 3.**BE**.i. and 3.**EB**.ii., is greater than the applicable base flow, Owner shall not divert in excess of the rate that would reduce average streamflow at the gage ~~to~~ **below** the applicable base flow; provided, however, Owner is not required to adjust its diversion rate more frequently than once every 24 hours.
- IF.** Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the San Antonio River authorized above in Paragraph 1. DIVERSION and maintain measurement records.
- IG.** Owner shall contact the South Texas Watermaster prior to diversion of water authorized by this amendment.
- KH.** Owner shall allow representatives of the South Texas Watermaster convenient and safe access to the property to inspect the measuring device and records.
- LF.** The issuance of this amendment does not grant to the Owners the right to use private or public property for diversion of water authorized by this amendment. This includes property belonging to, but not limited to, any individual, partnership, corporation or public entity. Neither does this amendment authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the Owners to acquire property rights as may be necessary to make any diversions authorized by this amendment. Prior to the diversion of water authorized by this amendment, Owners shall submit recorded copies of legal documents establishing ownership for any proposed diversion points within the diversion reach or the names and addresses of such landowners and a copy of the duly acknowledged written easement, consent or license from the landowners or a written lease, contract or other evidence of agreement between the landowners and the Owners to the Executive Director.

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Owner agrees to be bound by the terms, conditions, and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

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Date Issued:

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For the Commission

DRAFT

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF AN AMENDMENT TO A CERTIFICATE OF ADJUDICATION

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If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**INFORMATION.** Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 2179 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued:

DRAFT

## Jenna Rollins

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**From:** Chris Kozlowski  
**Sent:** Tuesday, April 9, 2024 1:28 PM  
**To:** [REDACTED]; Jenna Rollins  
**Cc:** Humberto Galvan; Kathy Alexander; Earllott@outlook.com  
**Subject:** RE: A.D.D. Corp. 19-2179C Extension Granted

Mr. Ocker,

Your request for an additional extension has been granted. Let me know if you have any questions. Thanks.

Chris Kozlowski, Team Leader  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
(512) 239-1801  
[Chris.Kozlowski@tceq.texas.gov](mailto:Chris.Kozlowski@tceq.texas.gov)

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**From:** [REDACTED]  
**Sent:** Friday, April 5, 2024 11:07 AM  
**To:** Jenna Rollins <Jenna.Rollins@tceq.texas.gov>  
**Cc:** Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>; Kathy Alexander <kathy.alexander@tceq.texas.gov>; Earllott@outlook.com  
**Subject:** Re: A.D.D. Corp. 19-2179C Extension Granted

Jenna,  
We met with Kim Nygren and Kathy Alexander of your office yesterday, April 4. Some proposed changes to the draft were discussed at that meeting. Please allow an additional extension for us to review these changes when received.  
Thank you,  
Richard Ocker  
ADD Corp

Sent from my iPad

On Mar 22, 2024, at 8:32 AM, Jenna Rollins <[Jenna.Rollins@tceq.texas.gov](mailto:Jenna.Rollins@tceq.texas.gov)> wrote:

Dear Mr. Ocker,

Your request for an extension to respond to the draft permit and public notice for A.D.D. Corp., application No. 19-2179C, has been granted (copy of letter, attached).

Best,  
Jenna Rollins, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

512-239-1845

Jon Niermann, *Chairman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 22, 2024

Mr. Richard Ocker  
A.D.D. Corp.  
P.O. Box 2988  
Port Aransas, TX 78373

**VIA-EMAIL**

RE: A.D.D. Corp.  
ADJ 2179  
CN600718738, RN101295566  
Application No. 19-2179C to Amend Certificate of Adjudication No. 19-2179  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
San Antonio River, San Antonio River Basin  
Wilson and Karnes counties

Dear Mr. Ocker:

This acknowledges receipt, on March 21, 2024, of the applicant's request for an extension of time to respond to the Texas Commission on Environmental Quality's draft permit and public notice, dated March 11, 2024.

An extension is granted until April 9, 2024. If you have any questions concerning the application, please contact Jenna Rollins via email at [jenna.rollins@tceq.texas.gov](mailto:jenna.rollins@tceq.texas.gov) or by telephone at (512) 239-1845.

Sincerely,

*Chris Kozlowski* For

Bert Galvan, Manager  
Water Rights Permitting and Availability Section  
Water Availability Division

BG/jr

## Jenna Rollins

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**From:** [REDACTED]  
**Sent:** Thursday, March 21, 2024 11:30 AM  
**To:** Jenna Rollins  
**Cc:** Chris Kozlowski; Humberto Galvan; Kathy Alexander; [REDACTED]  
**Subject:** Re: A.D.D. Corp. 19-2179C Draft Permit  
**Attachments:** A.D.D. Corp. 19-2179C Drafts Sent 3.11.24.pdf

Jenna,

We have a meeting with your management scheduled after this date. Please allow us an extension to respond. I will get back to you as soon as possible after that.

Thank you  
Richard Ocker

Sent from my iPad

On Mar 11, 2024, at 1:04 PM, Jenna Rollins <Jenna.Rollins@tceq.texas.gov> wrote:

Dear Mr. Ocker,

Please review the attached draft permit and public notice for A.D.D. Corp. application No. 19-2179C and provide a response by March 25, 2024.

Thank you,  
Jenna Rollins, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
512-239-1845

## Jenna Rollins

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**From:** Jenna Rollins  
**Sent:** Monday, March 11, 2024 2:05 PM  
**To:** [REDACTED]  
**Cc:** Chris Kozlowski; Humberto Galvan; Kathy Alexander  
**Subject:** A.D.D. Corp. 19-2179C Draft Permit  
**Attachments:** A.D.D. Corp. 19-2179C Drafts Sent 3.11.24.pdf

Dear Mr. Ocker,

Please review the attached draft permit and public notice for A.D.D. Corp. application No. 19-2179C and provide a response by March 25, 2024.

Thank you,  
Jenna Rollins, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
512-239-1845

Jon Niermann, *Chairman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 11, 2024

Mr. Richard Ocker  
A.D.D. Corp.  
P.O. Box 2988  
Port Aransas, TX 78373

**VIA-EMAIL**

RE: A.D.D. Corp.  
ADJ 2179  
CN600718738, RN101295566  
Application No. 19-2179C to Amend Certificate of Adjudication No. 19-2179  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
San Antonio River, San Antonio River Basin  
Wilson and Karnes counties

Dear Mr. Ocker:

Drafts, subject to revision, of the public notice, proposed amendment to Certificate of Adjudication No. 19-2179, and the related technical memoranda are enclosed.

Staff is recommending that the referenced application be granted in accordance with the attached drafts. Please review the drafts and contact me no later than March 25, 2024 with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

Please note this application requires a two-week comment period and once the comment period has closed, the proposed amendment to Certificate of Adjudication No. 19-2179 may be issued as drafted given no hearing requests are received.

If you have any questions concerning this matter, please contact me via email at [jenna.rollins@tceq.texas.gov](mailto:jenna.rollins@tceq.texas.gov) or at (512) 239-1845.

Sincerely,

A handwritten signature in cursive script that reads "Jenna Rollins".

Jenna Rollins, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachments

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF AN AMENDMENT TO A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 19-2179C

A.D.D. Corp., Applicant, has applied to amend Certificate of Adjudication No. 19-2179 to add a diversion reach on the San Antonio River, San Antonio River Basin for mining purposes in Wilson and Karnes counties. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** A.D.D. Corp., P.O. Box 2988, Port Aransas, Texas 78373, Applicant, has applied to the Texas Commission on Environmental Quality to amend Certificate of Adjudication No. 19-2179, pursuant to Texas Water Code § 11.122 and Texas Commission on Environmental Quality Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Mailed notice to the interjacent water right holders in the San Antonio River Basin is required pursuant to Title 30 TAC § 295.158(c)(3)(D).

Certificate of Adjudication No. 19-2179 (Certificate) authorizes A.D.D. Corp. to divert 625 acre-feet of water per year from two points on the San Antonio River, San Antonio River Basin for agricultural purposes to irrigate 250 acres of land out of a 275 acre-tract in Wilson County and mining purposes in those portions of Wilson and Karnes counties that lie within the San Antonio River Basin.

The maximum diversion rates, in combination with Certificate of Adjudication No. 19-2180, are 7.6 cfs (3400 gpm) and 1.3 cfs (600 gpm), respectively.

The Time Priority for the first 47 acre-feet is November 27, 1917, the next 39 acre-feet is July 11, 1925, the next 72 acre-feet is November 10, 1926, and the remaining 467 acre-feet is November 4, 1988.

Applicant is also authorized to store their currently authorized water in an off-channel reservoir for subsequent diversion and use.

Multiple time priorities and special conditions apply.

Applicant seeks to amend the Certificate to add a diversion reach along the San Antonio River, San Antonio River Basin for mining purposes.

The proposed upper limit of the diversion reach is located at Latitude 29.004645° N, Longitude 98.105012° W, in Wilson County, Zip Code 78113.

The proposed lower limit of the diversion reach is located at Latitude 28.756919° N, Longitude 97.653917° W, in Karnes County, Zip Code 78151.

The application and partial fees were received on February 2, 2021. Additional information was received on April 7 and April 13, 2021, and remaining fees were received on April 13, 2021. The application was declared administratively complete and filed with the Office of the Chief Clerk on April 23, 2021.

The Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would contain special conditions, including but not limited to streamflow restrictions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at:

[https://www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/view-wr-pend-apps](https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps)

Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

**PUBLIC COMMENT / PUBLIC MEETING.** Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by \_\_\_\_\_. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

**CONTESTED CASE HEARING.** The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by \_\_\_\_\_. The Executive Director may approve the application unless a written request for a contested case hearing is filed by \_\_\_\_\_.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**INFORMATION.** Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 2179 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued:

DRAFT

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A  
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 19-2179C

TYPE § 11.122

Owner:	A.D.D. Corp.	Address:	P.O. Box 2988 Port Aransas, Texas 78373
Filed:	April 23, 2021	Granted:	
Purposes:	Mining and Agricultural	Counties:	Wilson and Karnes
Watercourse:	San Antonio River	Watershed:	San Antonio River Basin

WHEREAS, Certificate of Adjudication No. 19-2179 (Certificate) authorizes A.D.D. Corp. (Owner/Applicant) to divert and use not to exceed 625 acre-feet of water per year from two points on the San Antonio River, San Antonio River Basin for agricultural purposes to irrigate 250 acres of land out of a 275 acre-tract in Wilson County and for mining purposes in those portions of Wilson and Karnes counties that lie within the San Antonio River Basin; and

WHEREAS, the maximum diversion rates, in combination with Certificate of Adjudication No. 19-2180 at points one and two, are 7.6 cfs (3400 gpm) and 1.3 cfs (600 gpm), respectively; and

WHEREAS, the Time Priority for the first 47 acre-feet is November 27, 1917, the next 39 acre-feet is July 11, 1925, the next 72 acre-feet is November 10, 1926, and the remaining 467 acre-feet is November 4, 1988; and

WHEREAS, Owner is also authorized to store their currently authorized water in an off-channel reservoir for subsequent diversion; and

WHEREAS, multiple time priorities and special conditions apply; and

WHEREAS, Applicant seeks to amend the Certificate to add a diversion reach on the San Antonio River for mining purposes; and

WHEREAS, the upstream limit of the diversion reach is located at Latitude 29.004645° N, Longitude 98.105012° W, in Wilson County; and

WHEREAS, the downstream limit of the diversion reach is located at Latitude 28.756919° N, Longitude 97.653917° W, in Karnes County; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, this amendment, if granted, is subject to requirements and orders of the South Texas Watermaster; and

WHEREAS, the Executive Director recommends that special conditions be included in the amendment; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 19-2179, designated Certificate of Adjudication No. 19-2179C, is issued to A.D.D. Corp. subject to the following terms and conditions:

1. DIVERSION

In addition to previous authorizations, Owner is authorized to divert water for mining purposes anywhere within a diversion reach along the San Antonio River in Wilson and Karnes counties between the following two points:

- A. Upstream limit of the diversion reach is located at Latitude 29.004645° N, Longitude 98.105012° W, in Wilson County.
- B. Downstream limit of the diversion reach is located at Latitude 28.756919° N, Longitude 97.653917° W, in Karnes County.
- C. In addition to the maximum diversion rates, in combination with Certificate of Adjudication No. 19-2180, at points one and two, of 7.6 cfs (3400 gpm) and 1.3 cfs (600 gpm), respectively, Owner is authorized a maximum combined diversion rate of 8.9 cfs in combination with Certificate of Adjudication No. 19-2180.

2. TIME PRIORITY

This amendment does not change the time priority of the existing authorizations in this certificate.

3. SPECIAL CONDITIONS

- A. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).
- B. Diversions of water under this amendment shall be authorized subject to the following:
  - i. For the portion of the diversion reach upstream of USGS Gage No. 08183500, diversions shall be restricted based on the following streamflows at USGS Gage No. 08183500 - San Antonio River near Falls City, TX, as set forth in Paragraphs 3.C - 3.E below.

Season	Subsistence	Base
Winter	60 cfs	152 cfs
Spring	60 cfs	137 cfs

Summer	60 cfs	113 cfs
Fall	60 cfs	117 cfs

cfs = cubic feet per second

- ii. For the portion of the diversion reach downstream of USGS Gage No. 08183500 but upstream of USGS Gage No. 08188500, diversions shall be restricted based on the following streamflows at USGS Gage No. 08188500 - San Antonio River at Goliad, TX, subject to the requirements of Paragraphs 3.C - 3.E below.

Season	Subsistence	Base
Winter	60 cfs	200 cfs
Spring	60 cfs	174 cfs
Summer	60 cfs	139 cfs
Fall	60 cfs	167 cfs

cfs = cubic feet per second

- C. Seasons are defined as follows: Winter (January through March), Spring (April through June), Summer (July through September), and Fall (October through December).

**Subsistence Flow Special Conditions**

- D. Owner shall not divert water if the average adjusted streamflow at the measurement point, as described in Paragraphs 3.B.i. and 3.B.ii., is less than or equal to the applicable subsistence flow. The “average adjusted streamflow” at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The “adjusted streamflow” at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by Owner. Unless informed otherwise by the South Texas Watermaster, Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.

**Base Flow Special Conditions**

- E. If average adjusted streamflow at the measurement point, as described in Paragraphs 3.B.i. and 3.B.ii., is greater than the applicable base flow, Owner shall not divert in excess of the rate that would reduce average streamflow at the gage to the applicable base flow; provided, however, Owner is not required to adjust its diversion rate more frequently than once every 24 hours.
- F. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the San Antonio River authorized above in Paragraph 1. DIVERSION and maintain measurement records.
- G. Owner shall contact the South Texas Watermaster prior to diversion of water authorized by this amendment.
- H. Owner shall allow representatives of the South Texas Watermaster convenient and safe access to the property to inspect the measuring device and records.
- I. The issuance of this amendment does not grant to the Owners the right to use private or public property for diversion of water authorized by this amendment. This includes property belonging to, but not limited to, any individual, partnership, corporation or public entity. Neither does this amendment authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of

the Owners to acquire property rights as may be necessary to make any diversions authorized by this amendment. Prior to the diversion of water authorized by this amendment, Owners shall submit recorded copies of legal documents establishing ownership for any proposed diversion points within the diversion reach or the names and addresses of such landowners and a copy of the duly acknowledged written easement, consent or license from the landowners or a written lease, contract or other evidence of agreement between the landowners and the Owners to the Executive Director.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 19-2179, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water right holders in the San Antonio River Basin.

Owner agrees to be bound by the terms, conditions, and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.

Date Issued:

\_\_\_\_\_  
For the Commission

**Texas Commission on Environmental Quality**

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INTEROFFICE MEMORANDUM

To: Jenna Rollins, Project Manager  
Water Rights Permitting Team

Date: March 6, 2024

Through ~~K~~ ~~A~~ Kathy Alexander, Ph.D., Policy and Technical Analyst  
Water Availability Division

TG Trent Gay, Team Leader  
Surface Water Availability Team

From: Steven Mahr, Hydrologist  
Surface Water Availability Team

Subject: A.D.D. Corp.  
ADJ 2179  
CN 600718738  
San Antonio River, San Antonio River Basin  
Wilson and Karnes County

**WATER AVAILABILITY REVIEW**

Certificate of Adjudication No. 19-2179 (Certificate) authorizes A.D.D. Corp. to divert 625 acre-feet of water per year from two points on the San Antonio River, San Antonio River Basin for agricultural purposes in Wilson County and mining purposes in Wilson and Karnes counties. Multiple time priorities, diversion rates, and special conditions apply.

Applicant requests to amend the Certificate to add a diversion reach on the San Antonio River for mining purposes in Wilson and Karnes counties.

This application was declared administratively complete on April 23, 2021.

**Water Availability Review**

Resource Protection Staff recommended that the application be subject to instream flow requirements. Specific instream flow requirements are included in the Resource Protection Memo dated January 25, 2024.

The application does not request a new appropriation of water; therefore, a water availability analysis is not necessary. However, the application must be reviewed to ensure that no water rights are not affected by the request.

The Water Rights Analysis Package (WRAP) simulates management of the water resources of a river basin. TCEQ uses WRAP in the evaluation of water right permit applications using priority-based water allocations. WRAP is a generalized simulation model for application to any river basin, and input datasets must be developed for the particular river basin of concern. The TCEQ developed water availability models (WAMs) for Texas river basins that include geographical information, water right information, naturalized flows, evaporation rates, and specific management assumptions. Hydrology staff operates WRAP to evaluate water rights applications to determine water availability and to ensure that senior water rights are protected.

Staff used the Full Authorization simulation of the San Antonio WAM to evaluate impacts on other water rights as a result of diverting the full authorized volume of water from the upstream and downstream limits of the requested diversion reach. Resources Protection staff's recommended environmental flow requirements were applied during the simulations.

Staff first modeled the application with diversion of the authorized 47 acre-feet at a priority date of November 27, 1917, 72 acre-feet at a priority date of November 10, 1926, 39 acre-feet at a priority of July 11, 1925, and 467 acre-feet at a priority of November 4, 1988 from the most upstream point of the requested diversion reach. Staff compared the pre- and post-application volume reliabilities of all water rights in the San Antonio River Basin and found very small negative impacts to six water rights with an average difference in volume reliability of 0.16 percent.

Next, Staff modeled the application with diversion of the authorized 47 acre-feet at a priority date of November 27, 1917, 72 acre-feet at a priority date of November 10, 1926, 39 acre-feet at a priority of July 11, 1925, and 467 acre-feet at a priority of November 4, 1988 from the most downstream point of the requested diversion reach. Staff compared the pre- and post-application volume reliabilities of all water rights in the San Antonio River Basin and found very small negative impacts to ten water rights with an average difference in volume reliability of 0.23 percent.

The application is subject to requirements and orders of the South Texas Watermaster. The Watermaster actively manages water rights on a daily basis and protects senior water rights in times of shortage. This should provide additional protection for senior water rights.

## **Conclusion**

Staff can support granting the application. Note that the application is subject to requirements and orders of the South Texas Watermaster.

*Steven Mahr*

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Steven Mahr  
Hydrologist

# Texas Commission on Environmental Quality

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## INTEROFFICE MEMORANDUM

**To:** Jenna Rollins, Project Manager  
Water Rights Permitting Team

**Date:** February 27, 2024

**Through:** Leslie Patterson, Team Leader   
Resource Protection Team

**From:** Trent Jennings, Water Conservation Specialist  
Resource Protection Team

**Subject:** A. D. D. Corp.  
ADJ 2179C  
CN600718738  
San Antonio River, San Antonio River Basin  
Wilson and Karnes Counties

### APPLICATION SUMMARY

Certificate of Adjudication No. 19-2179 (Certificate) authorizes A. D. D. Corp. (Applicant) to divert 625 acre-feet of water per year from two points on the San Antonio River, San Antonio River Basin for agricultural purposes in Wilson County and mining purposes in Wilson and Karnes counties. Multiple time priorities, diversion rates, and special conditions apply.

Applicant requests to amend the Certificate to add a diversion reach on the San Antonio River for mining purposes in Wilson and Karnes counties.

### WATER CONSERVATION REVIEW

Pursuant to Title 30 Texas Administrative Code §295.9, a water conservation plan is not required to be submitted for this application.

The application is consistent with the 2021 Region L Water Plan and the 2022 State Water Plan because there is nothing in the water plans that conflicts with issuing this proposed amendment.

### RECOMMENDATIONS

Resource Protection Staff have no recommendations regarding the proposed amendment, if granted.

  
\_\_\_\_\_  
Trent Jennings, Water Conservation Specialist

# Texas Commission on Environmental Quality

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## INTEROFFICE MEMORANDUM

**To:** Jenna Rollins, Project Manager  
Water Rights Permitting Team

**Date:** February 27, 2024

**Through:** Leslie Patterson, Team Leader   
Resource Protection Team

**From:** George Gable, Aquatic Scientist  
Resource Protection Team

**Subject:** A.D.D. Corp.  
ADJ 2179  
CN600718738  
San Antonio River, San Antonio River Basin  
Wilson and Karnes Counties

Environmental reviews of water right applications are conducted in accordance with applicable provisions of the Texas Water Code (TWC) and the administrative rules of the Texas Commission on Environmental Quality (TCEQ). The provisions applicable to environmental reviews can vary according to the type and the location of the authorization requested.

### APPLICATION SUMMARY

Certificate of Adjudication No. 19-2179 (Certificate) authorizes A.D.D. Corp. (Applicant) to divert 625 acre-feet of water per year from two points on the San Antonio River, San Antonio River Basin for agricultural purposes in Wilson County and mining purposes in Wilson and Karnes counties. Multiple time priorities, diversion rates, and special conditions apply.

Applicant requests to amend the Certificate to add a diversion reach on the San Antonio River for mining purposes in Wilson and Karnes counties.

### ENVIRONMENTAL ANALYSIS

**Aquatic and Riparian Habitats:** The Applicant's proposed diversion reach is located on the San Antonio River, a perennial stream, situated in the Southern Post Oak Savanna ecoregion (Griffith et al. 2007).

The checklist for the San Antonio River Basin identified 42 species of ichthyofauna occurring within the Lower San Antonio hydrologic unit (United States Geologic Survey [USGS] code 121003003) (Hendrickson and Cohen 2015). This amendment is not expected to have an effect on any high-interest aquatic or aquatic-dependent species, because no additional state water will be taken and no increase in diversion rate or amount is being requested.

The Applicant has agreed to install screens on any new diversion structures in order to minimize entrainment and impingement of aquatic organisms. The Applicant's request is not expected to adversely impact aquatic and riparian habitats in the area.

On August 8, 2012, the TCEQ adopted environmental flow standards for the Guadalupe, San Antonio, Mission, and Aransas Rivers, and Mission, Copano, Aransas, and San Antonio Bays (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter E). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC § 298.360). The Applicant does not request a new appropriation of water or an amendment that increases the amount of water stored, taken, or diverted. Resource Protection staff recommend a streamflow restriction for this addition of a diversion reach.

Resource Protection staff utilized the subsistence and base environmental flow standards (Title 30 TAC § 298.380(c)(13)(A)) established at USGS Gage No. 08183500 – San Antonio River near Falls City, TX for the streamflow restrictions as shown in Table 1 for the portion of the diversion reach upstream of USGS Gage No. 08183500.

**Table 1. Environmental Flow Values at USGS Gage No. 08183500 – San Antonio River near Falls City, TX**

<b>Season</b>	<b>Subsistence</b>	<b>Base</b>
Winter	60 cfs	152 cfs
Spring	60 cfs	137 cfs
Summer	60 cfs	113 cfs
Fall	60 cfs	117 cfs

cfs = cubic feet per second

Resource Protection staff utilized the subsistence and base environmental flow standards (Title 30 TAC § 298.380(c)(15)(A)) established at USGS Gage No. 08188500 – San Antonio River at Goliad, TX, for the streamflow restriction as shown in Table 2 for the portion of the diversion reach downstream of USGS Gage No. 08183500.

**Table 2. Environmental Flow Values at USGS Gage No. 08188500 – San Antonio River at Goliad, TX**

<b>Season</b>	<b>Subsistence</b>	<b>Base</b>
Winter	60 cfs	200 cfs
Spring	60 cfs	174 cfs
Summer	60 cfs	139 cfs
Fall	60 cfs	167 cfs

cfs = cubic feet per second

The applicable base flow values depend on the seasons. Seasons are defined in Title 30 TAC § 298.355 as follows: Winter (January through March), Spring (April through June), Summer (July through September), and Fall (October through December). Staff recommend that diversion of water under this proposed amendment should be limited to comply with the applicable subsistence and base flow values.

**Recreational Uses:** Upper San Antonio River (Segment 1911) and Lower San Antonio River (Segment 1901) have a designated primary contact recreation 1 use (TCEQ 2022a). The Applicant’s request should not adversely impact recreational uses.

**Water Quality:** Upper San Antonio River (Segment 1911) and Lower San Antonio River (Segment 1901) have a designated high aquatic life use (TCEQ 2022a). Assessment Units (AU) 1911\_01, 1901\_03, 1901\_04, and 1901\_05 are identified in the Texas Integrated Report with a concern for screening levels for total phosphorus and nitrate in water; AUs 1901\_03 and 1901\_04 are listed as non-supporting for bacteria in water; and AU 1901\_05 is listed with a use concern for impaired fish community in water (TCEQ 2022b). The Applicant’s request should not adversely impact water quality.

**Freshwater Inflows:** Freshwater inflows are critical for maintaining the historical productivity of bays and estuaries along the Gulf Coast. The application does not request a new appropriation of water; therefore, the Applicant’s request should not have any impact to San Antonio Bay.

## RECOMMENDATIONS

Resource Protection staff recommends the following Special Conditions be included in the proposed amendment, if granted:

1. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).
2. Diversions of water under this amendment shall be authorized subject to the following:
  - a. For the portion of the diversion reach upstream of USGS Gage No. 08183500, diversions shall be restricted based on the following streamflows at USGS Gage No. 08183500 – San Antonio River near Falls City, TX, as set forth in Special Conditions 3 - 5 below.

Season	Subsistence	Base
Winter	60 cfs	152 cfs
Spring	60 cfs	137 cfs
Summer	60 cfs	113 cfs
Fall	60 cfs	117 cfs

cfs = cubic feet per second

- b. For the portion of the diversion reach downstream of USGS Gage No 08183500 but upstream of USGS Gage No. 08188500, diversions shall be restricted based on the following streamflows at USGS Gage No. 08188500 – San Antonio River at Goliad, TX, subject to the requirements of Special Conditions 3 - 5 below.

Season	Subsistence	Base
Winter	60 cfs	200 cfs

Spring	60 cfs	174 cfs
Summer	60 cfs	139 cfs
Fall	60 cfs	167 cfs

cfs = cubic feet per second

3. Seasons are defined as follows: Winter (January through March), Spring (April through June), Summer (July through September), and Fall (October through December).

### **Subsistence Flow Special Conditions**

4. Owner shall not divert water if the average adjusted streamflow at the measurement point, as described in Special Condition 2(a) -2(b), is less than or equal to the applicable subsistence flow. The "average adjusted streamflow" at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The "adjusted streamflow" at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by Owner. Unless informed otherwise by the South Texas Watermaster, Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.

### **Base Flow Special Conditions**

5. If average adjusted streamflow at the measurement point, as described in Special Condition 2(a) - 2(b), is greater than the applicable base flow, Owner shall not divert in excess of the rate that would reduce average streamflow at the gage to the applicable base flow; provided, however, Owner is not required to adjust its diversion rate more frequently than once every 24 hours.

### **LITERATURE CITED**

Griffith GE, Bryce SA, Omernik JM, Rogers AC. 2007. Ecoregions of Texas - Project Report to Texas Commission on Environmental Quality. Reston (VA): U.S. Geological Survey. Report No.: AS-199. 125p.

Hendrickson DA, Cohen AE. 2015. Fishes of Texas Project Database [Internet]. [cited 2023 May 17]; Version 2.0. Available from <http://www.fishesoftexas.org/home/> doi:10.17603/C3WC70

TCEQ. 2022a. Texas Surface Water Quality Standards §§307.1-307.10. Austin (TX): Texas Commission on Environmental Quality.

TCEQ. 2022b. Texas Integrated Report of Surface Water Quality. Austin (TX): Texas Commission on Environmental Quality.

*George M. Gable IV*  
\_\_\_\_\_  
George Gable, Aquatic Scientist

**Texas Commission on Environmental Quality  
TELEPHONE MEMO TO THE FILE**

Call to: Mr. Ocker	Call from: Jenna Rollins
Date: 4/25/23	Project No: 19-2179C

*Information for File follows:*

This phone call was to Mr. Ocker to follow up on an email request asking to discuss application No. 19-2179C. The application was discussed, and an update on its progress was given.

Signed *Jenna Rollins*

## Jenna Rollins

---

**From:** [REDACTED]  
**Sent:** Tuesday, April 25, 2023 10:10 AM  
**To:** Jenna Rollins  
**Subject:** Re: A.D.D. Corp, 19-2179C is Admin Complete

Jenna,

I am again following up on the A.D.D. Corp application 19-2179C which has now been in Technical Review for 2 years. As previously stated, this simple amendment just adds GPS coordinates to an existing authorized permit. There are no requested changes to water appropriations, uses, places of use, or diversion rates. The amendment should not affect any down stream user any differently than utilizing the current upstream diversion point.

Would you please call me to discuss this. What can we do to move this forward?

Thank you for your help.  
Richard Ocker  
President, A.D.D. Corp  
361 688 4759

Sent from my iPad

On Nov 2, 2021, at 4:02 PM, Jenna Rollins <Jenna.Rollins@tceq.texas.gov> wrote:

Mr. Ocker,

Our tech staff is still actively reviewing your application. Please keep in mind that our tech staff reviews applications in the order they are received, so there may be applications ahead of yours that are still in the process of being reviewed. Once the technical review is completed, a draft permit and notice will be prepared and will be sent to you to review.

If you have any other questions, please let me know.

Best,  
Jenna Rollins, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
512-239-1845

---

**From:** [REDACTED]  
**Sent:** Tuesday, November 2, 2021 1:46 PM  
**To:** Jenna Rollins <Jenna.Rollins@tceq.texas.gov>  
**Subject:** Re: A.D.D. Corp, 19-2179C is Admin Complete

Jenna,

I would like to follow up on A.D.D. Corp application 19-2179C. Can you please check and confirm that it is being reviewed by the Technical Staff? This is a very simple revision and only requests to allow use of the existing authorization in a defined downstream reach. It should not adversely affect stream flows in any way different than if the diversion is made at the currently approved upstream locations.

Thank you for your help,  
Richard Ocker

On Apr 23, 2021, at 2:49 PM, Jenna Rollins <[Jenna.Rollins@tceq.texas.gov](mailto:Jenna.Rollins@tceq.texas.gov)> wrote:

Good afternoon Mr. Ocker,

The application for A.D.D. Corp, 19-2179C is now in technical review. Upon completion of the technical review process a draft permit will be prepared and sent to you to review. Please let me know if you have any further questions.

Best,  
Jenna Rollins, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
512-239-1845

---

**From:** [REDACTED]  
**Sent:** Friday, April 23, 2021 2:42 PM  
**To:** Jenna Rollins <[Jenna.Rollins@tceq.texas.gov](mailto:Jenna.Rollins@tceq.texas.gov)>  
**Subject:** Re: A.D.D. Corp, 19-2179C is Admin Complete

Thank you! Has a draft certificate been prepared or does that occur later in the review process? I would like to see a draft when it becomes available.

Richard Ocker

On Apr 23, 2021, at 2:21 PM, Jenna Rollins  
<[Jenna.Rollins@tceq.texas.gov](mailto:Jenna.Rollins@tceq.texas.gov)> wrote:

Mr. Ocker,

The A.D.D. Corp application No. 19-2179C to amend Certificate of Adjudication 19-2179 is admin complete today (copy of letter attached).

Best,

Jenna Rollins, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
512-239-1845

<A.D.D. Corp\_19-2179C\_ADC\_Letter\_Sent\_4.23.21.pdf>

**Texas Commission on Environmental Quality  
TELEPHONE MEMO TO THE FILE**

Call to: Mr. Ocker	Call from: Jenna Rollins
Date: 3/17/22	Project No: 19-2179C

*Information for File follows:*

This phone call was to Mr. Ocker to follow up on an email request asking to discuss application No. 19-2179C. The application was discussed, and an update on its progress was given.

Signed *Jenna Rollins*

## Jenna Rollins

---

**From:** [REDACTED]  
**Sent:** Thursday, March 17, 2022 9:55 AM  
**To:** Jenna Rollins  
**Subject:** A.D.D. Corp Permit 19-2179

Jenna,  
Would you please call me to discuss the requested amendment to this permit?  
Thank you,  
Richard Ocker  
361 688 4759

Sent from my iPad

## Jenna Rollins

---

**From:** Jenna Rollins  
**Sent:** Tuesday, November 2, 2021 4:03 PM  
**To:** [REDACTED]  
**Subject:** RE: A.D.D. Corp, 19-2179C is Admin Complete

Mr. Ocker,

Our tech staff is still actively reviewing your application. Please keep in mind that our tech staff reviews applications in the order they are received, so there may be applications ahead of yours that are still in the process of being reviewed. Once the technical review is completed, a draft permit and notice will be prepared and will be sent to you to review.

If you have any other questions, please let me know.

Best,  
Jenna Rollins, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
512-239-1845

---

**From:** [REDACTED]  
**Sent:** Tuesday, November 2, 2021 1:46 PM  
**To:** Jenna Rollins <Jenna.Rollins@tceq.texas.gov>  
**Subject:** Re: A.D.D. Corp, 19-2179C is Admin Complete

Jenna,

I would like to follow up on A.D.D. Corp application 19-2179C. Can you please check and confirm that it is being reviewed by the Technical Staff? This is a very simple revision and only requests to allow use of the existing authorization in a defined downstream reach. It should not adversely affect stream flows in any way different than if the diversion is made at the currently approved upstream locations.

Thank you for your help,  
Richard Ocker

On Apr 23, 2021, at 2:49 PM, Jenna Rollins <[Jenna.Rollins@tceq.texas.gov](mailto:Jenna.Rollins@tceq.texas.gov)> wrote:

Good afternoon Mr. Ocker,

The application for A.D.D. Corp, 19-2179C is now in technical review. Upon completion of the technical review process a draft permit will be prepared and sent to you to review. Please let me know if you have any further questions.

Best,  
Jenna Rollins, Project Manager

Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
512-239-1845

---

**From:** [REDACTED]  
**Sent:** Friday, April 23, 2021 2:42 PM  
**To:** Jenna Rollins <[Jenna.Rollins@tceq.texas.gov](mailto:Jenna.Rollins@tceq.texas.gov)>  
**Subject:** Re: A.D.D. Corp, 19-2179C is Admin Complete

Thank you! Has a draft certificate been prepared or does that occur later in the review process? I would like to see a draft when it becomes available.

Richard Ocker

On Apr 23, 2021, at 2:21 PM, Jenna Rollins <[Jenna.Rollins@tceq.texas.gov](mailto:Jenna.Rollins@tceq.texas.gov)> wrote:

Mr. Ocker,

The A.D.D. Corp application No. 19-2179C to amend Certificate of Adjudication 19-2179 is admin complete today (copy of letter attached).

Best,  
Jenna Rollins, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
512-239-1845

<A.D.D. Corp\_19-2179C\_ADC\_Letter\_Sent\_4.23.21.pdf>

## Jenna Rollins

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**From:** Jenna Rollins  
**Sent:** Monday, August 9, 2021 2:33 PM  
**To:** [REDACTED]  
**Subject:** RE: A.D.D. Corp, 19-2179C is Admin Complete

Good afternoon Mr. Ocker,

The A.D.D. Corp. application No. 19-2179C is still in technical review. Our tech staff reviews applications in the order they are received, so there may be several applications ahead of yours. Also, please keep in mind that the average turnaround time for permits is 300 days from the day the application was received. We do not need any further information at this time.

Best regards,  
Jenna Rollins, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
512-239-1845

---

**From:** [REDACTED]  
**Sent:** Monday, August 9, 2021 2:13 PM  
**To:** Jenna Rollins <Jenna.Rollins@tceq.texas.gov>  
**Subject:** Re: A.D.D. Corp, 19-2179C is Admin Complete

Jenna,  
I am following up on the status of this amendment. It has been over three months since it was passed on for technical review.

This is a very simple amendment request. It should not affect any other user in a way different, than if the current authorization is utilized at existing diversion points.

Please advise if anything else is needed on my part.

Thank you for your help.

Richard Ocker

A.D.D. Corp.

Sent from my iPad

On Apr 23, 2021, at 2:49 PM, Jenna Rollins <[Jenna.Rollins@tceq.texas.gov](mailto:Jenna.Rollins@tceq.texas.gov)> wrote:

Good afternoon Mr. Ocker,

The application for A.D.D. Corp, 19-2179C is now in technical review. Upon completion of the technical review process a draft permit will be prepared and sent to you to review. Please let me know if you have any further questions.

Best,  
Jenna Rollins, Project Manager  
Water Rights Permitting Team

Water Rights Permitting and Availability Section  
512-239-1845

---

**From:** [REDACTED] >  
**Sent:** Friday, April 23, 2021 2:42 PM  
**To:** Jenna Rollins <[Jenna.Rollins@tceq.texas.gov](mailto:Jenna.Rollins@tceq.texas.gov)>  
**Subject:** Re: A.D.D. Corp, 19-2179C is Admin Complete

Thank you! Has a draft certificate been prepared or does that occur later in the review process? I would like to see a draft when it becomes available.

Richard Ocker

On Apr 23, 2021, at 2:21 PM, Jenna Rollins <[Jenna.Rollins@tceq.texas.gov](mailto:Jenna.Rollins@tceq.texas.gov)> wrote:

Mr. Ocker,

The A.D.D. Corp application No. 19-2179C to amend Certificate of Adjudication 19-2179 is admin complete today (copy of letter attached).

Best,  
Jenna Rollins, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
512-239-1845

<A.D.D. Corp\_19-2179C\_ADC\_Letter\_Sent\_4.23.21.pdf>

# TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader  
Water Rights Permitting Team

FROM: Jenna Rollins, Project Manager  
Water Rights Permitting Team

DATE: April 23, 2021

SUBJECT: A.D.D. Corp.  
ADJ 2179  
CN600718738, RN101295566  
Application No. 19-2179C to Amend Certificate of Adjudication No. 19-2179  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
San Antonio River, San Antonio River Basin  
Wilson and Karnes counties

The application and fees were received on February 2, 2021. Additional information was received on April 7 and April 13, 2021, and fees were received on April 13, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on April 23, 2021. Mailed notice to the interjacent water right holders of record in the San Antonio River Basin is required pursuant to Title 30 TAC § 295.158(c)(3)(D).

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

*Jenna L. Rollins*

---

Jenna Rollins, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

OCC Mailed Notice Required  YES  NO

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 23, 2021

Mr. Richard Ocker  
A.D.D. Corp.  
P.O. Box 2988  
Port Aransas, TX 78373

VIA-EMAIL

RE: A.D.D. Corp.  
ADJ 19-2179  
CN600718738, RN101295566  
Application No. 19-2179C to Amend Certificate of Adjudication No. 19-2179  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
San Antonio River, San Antonio River Basin  
Wilson and Karnes counties

Dear Mr. Ocker:

This acknowledges receipt, on April 7 and April 13, 2021, of additional information and fees in the amount of \$346.92 (Receipt No. M116626, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on April 23, 2021. Staff will continue processing the application for consideration by the Executive Director.

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

If you have any questions concerning the application, please contact me via email at [jenna.rollins@tceq.texas.gov](mailto:jenna.rollins@tceq.texas.gov) or by phone at 512-239-1845.

Sincerely,

A handwritten signature in cursive script that reads "Jenna L. Rollins".

Jenna Rollins, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment



20-APR-21 02:09 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
NOTICE FEES-WUP- WATER USE PERM	PTGU PTGU	M116626 192179C	1225 041921		BS00086709 J1811420	20-APR-21	-\$346.92
	NOTICE FEES WUP WATER USE PERMITS	ADD CORPORATION	VACRUZ	CK			
					Total (Fee Code):		-\$346.92
					Grand Total:		-\$346.92

## Jenna Rollins

---

**From:** [REDACTED]  
**Sent:** Tuesday, April 13, 2021 8:29 AM  
**To:** Jenna Rollins  
**Subject:** Fwd: DOC143.PDF  
**Attachments:** DOC143.PDF

Jenna Rollins, Project Manager

The following is submitted in response to your letter of March 26, 2021 concerning application 19-2179C.

1. Worksheet 5.0 has been completed and a copy is attached.
2. The request for temporary storage in reservoirs has been deleted. The Administrative Information Report page 2 has been revised accordingly, and is attached.
3. Per our conversation, the diversion reach is for mining purposes. All diversion points downstream of the applicant's property will require landowner consent. This consent will be submitted to the TCEQ. This requirement will be a special condition of the permit amendment.
4. A check for fees of \$346.92 has been mailed to TCEQ Cashiers Office at the address in the instructions. A copy is attached.

Please add these attached documents to the A.D.D. Corp. application and advise if any additional information is needed.

Thank you for your help,  
Richard Ocker  
A.D.D. Corp.

Sent from my iPad

Begin forwarded message:

**From:** dg.ocker@yahoo.com  
**Date:** April 9, 2021 at 1:52:41 PM CDT  
**To:** Gail <[REDACTED]>  
**Subject:** DOC143.PDF

Sent from my iPad

# WORKSHEET 5.0

## ENVIRONMENTAL INFORMATION

### 1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 29.**

UTILIZE SCREENS WITH MESH SIZE OF .25 INCH OR  
SMALLER

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

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: \_\_\_\_\_

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

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

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

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

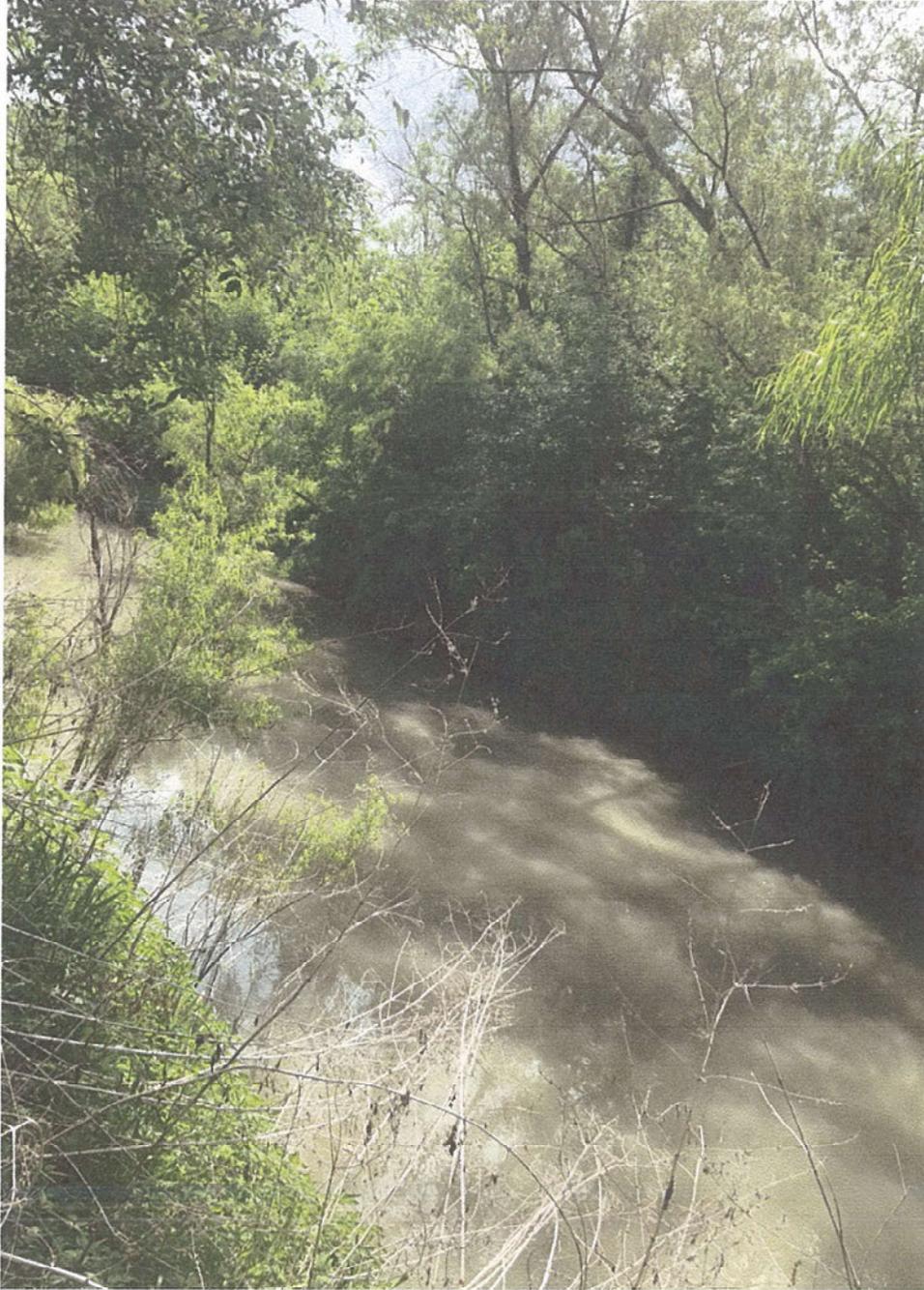
- Primary contact recreation (swimming or direct contact with water)
- Secondary contact recreation (fishing, canoeing, or limited contact with water)
- Non-contact recreation

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

PHOTOS ATTACHED THE SAN ANTONIO RIVER IS UNIFORM IN APPEARANCE IN THE DIVERSION REACH AREA.

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the map submitted with the application indicating the location of the photograph and the direction of the shot.
2. If the application includes a proposed reservoir, also include: NA
  - 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.

APPENDUM TO WORKSHEET 5.0  
TYPICAL VIEW DOWNSTREAM



SAN ANTONIO RIVER

APPENDUM TO WORKSHEET 5.0

TYPICAL VIEW upstream



SAN ANTONIO RIVER

REVISED APR. 9 2021  
ADMINISTRATIVE INFORMATION REPORT

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

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

**I. 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.**

PERMIT 19-2179

Please summarize the authorizations or amendments you are seeking in the space below or

This request is to add the diversion reach needed to more efficiently utilize the existing permit, which authorizes use for mining in those portions of Wilson and Karnes Counties within the San Antonio River Basin. The diversion reach information was not included when permit 19-2179 B was processed and approved in 2012.

No increase in water appropriation is requested. No changes in approved uses, places of use or diversion rates are requested. The diversion reach is adjacent to and extends downstream from the applicant's property. This amendment should not affect any other user in a way different than if the current authorization is utilized at existing diversion points for irrigation and mining.

**Texas Commission on Environmental Quality  
TELEPHONE MEMO TO THE FILE**

Call to: Mr. Richard Ocker	Call from: Jenna Rollins and Bert Galvan
Date: 04/07/2021	Project No: 19-2179C

*Information for File follows:*

A phone call was made to Mr. Richard Ocker to address questions he had in reference to a request for information letter sent to A.D.D. Corp. for application 19-2179C. Mr. Ocker's questions were addressed, and he will prepare a response to the RFI.

The phone call was made at 10:57 a.m. and ended at 11:33 a.m.

Signed: *Jenna L. Rollins*

Date: 04/7/21

## Jenna Rollins

---

**From:** [REDACTED]  
**Sent:** Tuesday, April 6, 2021 3:56 PM  
**To:** Jenna Rollins  
**Subject:** Re: A.D.D. Corp., 19-2179C

Yes tomorrow at 11:00 will be good for me. Please call me at 361 688 4759.

Thanks for your help!

Richard Ocker

Sent from my iPad

On Apr 6, 2021, at 3:16 PM, Jenna Rollins <[Jenna.Rollins@tceq.texas.gov](mailto:Jenna.Rollins@tceq.texas.gov)> wrote:

Good afternoon Mr. Ocker,

I am happy to help and answer any questions that you may have. Is tomorrow at 11:00 a.m. a good time to give you a call?

Thank you,  
Jenna Rollins, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

---

**From:** [REDACTED] >  
**Sent:** Tuesday, April 6, 2021 2:49 PM  
**To:** Jenna Rollins <[Jenna.Rollins@tceq.texas.gov](mailto:Jenna.Rollins@tceq.texas.gov)>  
**Subject:** Re: A.D.D. Corp., 19-2179C

Jenna,  
I am working on this request for additional information. Is there a time I can call you tomorrow morning with my questions? I could call anytime after about 9:30.  
Please advise.  
Thank you,  
Richard Ocker  
A.D.D. Corp.

Sent from my iPad

On Mar 26, 2021, at 8:33 AM, Jenna Rollins <[Jenna.Rollins@tceq.texas.gov](mailto:Jenna.Rollins@tceq.texas.gov)> wrote:

Dear Mr. Ocker,

Attached is a request for information letter for A.D.D. Corp., application 19-2179C.  
Please review and provide a response by April 26, 2021.

Best regards,  
Jenna (Kieschnick) Rollins, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
512-239-1845

<A.D.D. Corp\_19-2179C\_RFI\_3.26.2021.pdf>

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 26, 2021

Mr. Richard Ocker  
A.D.D. Corp.  
P.O. Box 2988  
Port Aransas, TX 78373

VIA-EMAIL

RE: A.D.D. Corp.  
ADJ 2179  
CN600718738, RN101295566  
Application No. 19-2179C to Amend Certificate of Adjudication No. 19-2179  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
San Antonio River, San Antonio River Basin  
Wilson and Karnes counties

Dear Mr. Ocker:

This acknowledges receipt, on February 2, 2021, of the referenced application and fees in the amount of \$112.50 (Receipt No. M112277, copy attached).

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

1. Complete Item 2 in *Worksheet 5.0 Environmental Information*.
2. Clarify if the reservoirs described in the application summary are on-channel or off-channel. If the reservoirs are on-channel, provide a complete Worksheet 2.0 for each of the reservoirs. If the reservoirs are off-channel, provide the capacity in acre-feet, and the latitude and longitude for each of the reservoirs in decimal degrees, to at least six decimal degree.
3. Provide recorded copies of legal documents establishing ownership of the land where proposed diversion points within the diversion reach are located, or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion points, pursuant Texas Administrative Code (TAC) §295.10. A permit, if granted, will contain a special condition that would authorize any diversion point within the diversion reach that is specified in a contract where ownership or consent has been provided. The permit condition would also require that these contracts be submitted to the TCEQ.

Mr. Richard Ocker  
Application No. 19-2179C  
March 26, 2021  
Page 2 of 2

4. Remit fees in the amount of **\$346.92** as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (Amendment)	\$ 100.00
Recording Fee	\$ 12.50
<u>Notice Fee</u>	<u>\$ 346.92</u>
TOTAL FEES	\$ 459.42
<u>FEES RECEIVED</u>	<u>\$ 112.50</u>
BALANCE DUE	\$ 346.92

Please provide the requested information and fees by April 26, 2021 or the application may be returned pursuant to 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via email at [jenna.rollins@tceq.texas.gov](mailto:jenna.rollins@tceq.texas.gov) or by telephone at (512) 239-1845.

Sincerely,



Jenna (Kieschnick) Rollins, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment



# Basis2 Receipt Report by Endorsement Number

FEB-25-21 09:15 AM

Acct. #: WUP

Account Name: WATER USE PERMITS

<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
AMEND	M112277	192179	ADD CORPORATION	CK	1220		BS00085697	08-FEB-21	\$112.50

## Jenna Rollins

---

**From:** Humberto Galvan  
**Sent:** Thursday, March 4, 2021 10:40 AM  
**To:** [REDACTED]  
**Cc:** Jenna Kieschnick  
**Subject:** RE: My contact info TCEQ

Mr. Ocker,

As I mention in our conversation this morning, you should be receiving a letter via email regarding your application in a few days. If you have any questions about the letter please feel free to give me a call or send me an email.

Jenna Kieschnick is the Project Manager for your application and be reached at [Jenna.Kieschnick@tceq.texas.gov](mailto:Jenna.Kieschnick@tceq.texas.gov).

Best regards,  
Bert Galvan, Work Leader  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
(512) 239-4013

---

**From:** [REDACTED]  
**Sent:** Thursday, March 4, 2021 10:00 AM  
**To:** Humberto Galvan <Humberto.Galvan@tceq.texas.gov>  
**Subject:** Re: My contact info TCEQ

Bert,  
I'm following up on the application to amend A.D.D. Corp. permit 19-2179 which you helped us submit in early February. In a later conversation, I confirmed the request for temporary storage was only for off channel reservoirs. Also in that conversation you advised that the project manager assigned was Jenna Kieschnick. I have not had any contact with her or anyone else since then and would like to know if anything further is required of me.  
Thank you  
Richard Ocker  
361 688 4759

Sent from my iPad



# Basis2 Receipt Report by Endorsement Number

FEB-25-21 09:15 AM

Acct. #: WUP

Account Name: WATER USE PERMITS

<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
AMEND	M112277	192179	ADD CORPORATION	CK	1220		BS00085697	08-FEB-21	\$112.50

# 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): A. D. D. CORP.

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

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

Y/N

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

**For Commission Use Only:**

Proposed/Current Water Right Number: \_\_\_\_\_

Basin: \_\_\_\_\_ Watermaster area Y/N: \_\_\_\_\_

# ADMINISTRATIVE INFORMATION REPORT

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

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

## I. 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.***

PERMIT 19-2179

Please summarize the authorizations or amendments you are seeking in the space below or

This request is to add the diversion reach needed to more efficiently utilize the existing permit, which authorizes use for mining in those portions of Wilson and Karnes Counties within the San Antonio River Basin. The diversion reach information was not included when permit 19-2179 B was processed and approved in 2012.

No increase in water appropriation is requested. No changes in approved uses, places of use or diversion rates are requested. The diversion reach is adjacent to and extends downstream from the applicant's property. This amendment should not affect any other user in a way different than if the current authorization is utilized at existing diversion points for irrigation and mining.

This amendment also requests approval to temporarily store authorized water for mining purposes in reservoirs in Wilson and Karnes Counties within the San Antonio River Basin.

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?

A.D.D. CORP.

(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: CN600718738 (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: RICHARD OCKER

Title: PRESIDENT

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

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

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

Name: RICHARD OCKER A.D.D. CORP.

Mailing Address: PO BOX 2988

City: PORT ARANSAS State: TX ZIP Code: 78373

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: 17410493621 SOS Charter (filing) Number: 0008999200

**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: RICHARD OCKER

Title: PRESIDENT

Organization Name: A. D. D. CORP.

Mailing Address: P.O. Box 2988

City: PORT ARANSAS State: Tx ZIP Code: 78373

Phone No.: 361 688 4759 Extension: —

Fax No.: — E-mail Address: [REDACTED]

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

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

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

If yes, provide the following information:

Account number:

Amount past due:

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

If yes, please provide the following information:

Enforcement order number:

Amount past due:

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

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

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

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

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

Applicant:

I, RICHARD OCKER  
(Typed or printed name)

PRESIDENT  
(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: *Richard Ocker*

(Use blue ink)

Date: Feb 1 2021

Subscribed and Sworn to before me by the said

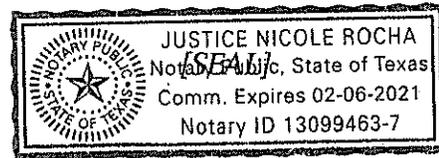
on this 1<sup>st</sup> day of February, 20 21.

My commission expires on the 16<sup>th</sup> day of February, 20 21.

*Justice Nicole Rocha*

Notary Public

Nueces  
County, Texas



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

# TECHNICAL INFORMATION REPORT

## WATER RIGHTS PERMITTING

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

*Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4600 to schedule a meeting.* Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y /  No (If yes, date : \_\_\_\_\_).

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

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

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y /  No
- 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 /  No (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 /  No (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: 19-2179

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? Y /  NO (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 /  NO

*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 /  NO

*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 /  NO

*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?  YES / N NO

*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 /  NO

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

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

**Additionally, all amendments require:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Worksheets and information:**

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)
- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)

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

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

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

THIS APPLICATION IS NOT IN CONFLICT WITH STATE  
AND REGIONAL PLAN

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- b. Did the Applicant perform its own Water Availability Analysis? Y / ~~N~~ NO

*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 YES

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

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

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

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

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

1. \_\_\_ Diversion Point No.
2.  Upstream Limit of Diversion Reach No.
3. \_\_\_ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 8.9 cfs (cubic feet per second) or 4000 gpm (gallons per minute) IN COMBINATION WITH 19-2180

c. Does this point share a diversion rate with other points? Y /  NO  
If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches \_\_\_\_\_ cfs or \_\_\_\_\_ gpm

d. For amendments, is Applicant seeking to increase combined diversion rate? Y /  NO

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

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

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

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

Applicant has calculated the drainage area. Y /  NO

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): SAN ANTONIO RIVER
- b. Zip Code: 78113
- c. Location of point: In the DON GARDNER FLORES Original Survey No. \_\_\_\_\_, Abstract No. 13, WILSON 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 29.004645 °N, Longitude 98.105012 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*** THIS IS AN UPSTREAM POINT ON APPLICANTS PROPERTY  
AND IS APPROX. 4.6 MILES SW OF BOTH.
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): HANDHELD GPS
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

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

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

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

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

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

1. \_\_\_ Diversion Point No.
2. \_\_\_ Upstream Limit of Diversion Reach No.
3.  Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for this new point 8.9 cfs (cubic feet per second) or 4000 gpm (gallons per minute) IN COMBINATION WITH 19-2180

c. Does this point share a diversion rate with other points? Y /  No  
If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches \_\_\_\_\_ cfs or \_\_\_\_\_ gpm

d. For amendments, is Applicant seeking to increase combined diversion rate? Y /  No

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

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

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

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

Applicant has calculated the drainage area. Y /  No

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): SAN ANTONIO RIVER
- b. Zip Code: 78151
- c. Location of point: In the D. Gilliland Original Survey No. \_\_\_\_\_, Abstract No. 133, KARNES 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 28.756919 °N, Longitude 97.653917°W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***  
THIS IS S45°E, 2537 FT FROM N. CORNER OF D. GILLILAND SURVEY
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): HAND HELD GPS
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

# WORKSHEET 5.0

## ENVIRONMENTAL INFORMATION

### 1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 29.**

UTILIZE SCREENS WITH MESH SIZE OF 125 IN OR

Smaller

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

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: \_\_\_\_\_

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

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

## WORKSHEET 8.0 CALCULATION OF FEES

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

### 1. NEW APPROPRIATION

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

### 2. AMENDMENT OR SEVER AND COMBINE

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

### 3. BED AND BANKS

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