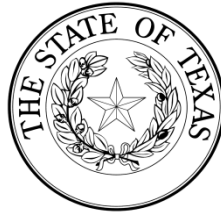


# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

### APPLICATION NO. 14-1280A

Christoval Independent School District (Owner/Applicant) seeks to amend its portion of Certificate of Adjudication No. 14-1280 to add a diversion reach on the South Concho River and change the place of use in Tom Green County. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Christoval Independent School District, P.O. Box 162, Christoval, Texas 76935, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Notice is being mailed to interjacent water right holders in the Colorado River Basin pursuant to Title 30 TAC § 295.158(c)(3)(C) and to the co-owners pursuant to TAC § 295.158(c)(2)(B).

Certificate of Adjudication No. 14-1280 authorizes Christoval Independent School District to divert and use not to exceed 15 acre-feet of water per year from the South Concho River, tributary of the Colorado River, Colorado River Basin, at a maximum combined diversion rate of 15.11 cfs (6,800 gpm), for agricultural purposes in Tom Green County.

The time priority is July 29, 1914.

Applicant seeks to amend its portion of Certificate of Adjudication No. 14-1280 to add a diversion reach on the South Concho River and change the place of use in Tom Green County.

The proposed place of use is a maximum of 88.299 acres of land located in the Johan Zerbach Survey No. 1827, Abstract No. 4217 in Tom Green County.

The upper limit of the diversion reach is located on the South Concho River at Latitude 31.181451° N, Longitude 100.496168° W, Zip Code 76935.

The lower limit of the diversion reach is located on the South Concho River at Latitude 31.186811° N, Longitude 100.498089° W, Zip Code 76935.

Ownership of the property to be irrigated owned by Tom Green County is evidenced by a *Deed* recorded as Document No. 74843 on October 15, 1941, in the official public records of Tom Green County.

Applicant has provided evidence of a *Lease Agreement* with Tom Green County and a *Resolution* providing consent to the application.

The application and fees were received on April 1, 2021. Additional information and fees were received on June 7 and 11, 2021, and July 8, 13 and 26, 2021. The application was declared administratively complete and filed with the Office of the Chief Clerk on August 19, 2021.

The Executive Director completed the technical review of the application and prepared a draft permit. The draft amendment, if granted, would include special conditions including, but not limited to, installing a measurement device and maintaining records. The application, technical memoranda, and Executive Director's draft amendment 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 September 12, 2022. 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 September 12, 2022. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by September 12, 2022.

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 to 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 TCEQ 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 1280 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: August 23, 2022

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A  
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-1280A

TYPE § 11.122

Owner:	Christoval Independent School District	Address:	P.O. Box 162 Christoval, Texas 76935
Filed:	August 19, 2021	Granted:	
Purpose:	Agricultural	County:	Tom Green
Watercourse:	South Concho River	Watershed:	Colorado River Basin

WHEREAS, a portion of Certificate of Adjudication No. 14-1280 authorizes Christoval Independent School District (Owner/Applicant) to divert and use not to exceed 15 acre-feet of water per year from the South Concho River, tributary of the Colorado River, Colorado River Basin, at a maximum combined diversion rate of 15.11 cfs (6,800 gpm), for agricultural purposes in Tom Green County; and

WHEREAS, the time priority is July 29, 1914; and

WHEREAS, Applicant seeks to amend its portion of Certificate of Adjudication No. 14-1280 to add a diversion reach on the South Concho River and change the place of use in Tom Green County; and

WHEREAS, the proposed place of use is a maximum of 88.299 acres of land located in the Johan Zerbach Survey No. 1827, Abstract No. 4217 in Tom Green County; and

WHEREAS, the upper limit of the diversion reach is a point located on the South Concho River at Latitude 31.181451° N, Longitude 100.496168° W; and

WHEREAS, the lower limit of the diversion reach is a point located on the South Concho River at Latitude 31.186811° N, Longitude 100.498089° W; and

WHEREAS, ownership of the land to be irrigated owned by Tom Green County is evidenced by a *Deed* recorded as Document No. 74843 on October 15, 1941, in the official public records of Tom Green County, and

WHEREAS, Applicant has provided evidence of a *Lease Agreement* with Tom Green County and a *Resolution* providing consent to the application; 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 Concho River Watermaster; and

WHEREAS, the Executive Director recommends that special conditions be included in this 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. 14-1280 designated as Certificate of Adjudication No. 14-1280A, is issued to Christoval Independent School District subject to the following terms and conditions:

1. USE

In lieu of previous authorizations, Owner is authorized to divert and use not to exceed 15 acre-feet of water per year for agricultural purposes to irrigate a maximum of 88.299 acres of land located in the Johan Zerbach Survey No. 1827, Abstract No. 4217 in Tom Green County.

2. DIVERSION

In addition to the previous authorizations, Owner is authorized to divert the authorized water for agricultural purposes from a diversion reach on the South Concho River described as follows:

A. The upper limit of the diversion reach is a point located on the South Concho River at Latitude 31.181451° N, Longitude 100.496168° W in Tom Green County.

B. The lower limit of the diversion reach is a point located on the South Concho River at Latitude 31.186811° N, Longitude 100.498089° W in Tom Green County.

C. Maximum combined diversion rate: 15.11 cfs (6,800 gpm).

3. CONSERVATION

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, and prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

4. 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. Owner shall install and maintain a measurement device which accounts for, within 5% accuracy, the quantity of water diverted and maintain measurement records.
- C. Owner shall allow representatives of the Concho River Watermaster reasonable access to the property to inspect the measurement device and records.
- D. Owner shall contact the Concho River Watermaster prior to diversion of water authorized by this amendment.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 14-1280, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Colorado 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.

-----  
For the Commission

Date Issued:

**From:** [Lauren Thomson](#)  
**To:** [Joshua Schauer](#)  
**Cc:** [Sara Thornton](#); [Dubelza Galvan](#)  
**Subject:** RE: Christoval ISD; 14-1280A Drafts (4127-00)  
**Date:** Tuesday, August 9, 2022 12:53:25 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image198981.png](#)  
[image194749.png](#)  
[image299865.png](#)

---

Hi Joshua,

Thank you for the opportunity to review. We have no further comments or edits.

Thanks,  
Lauren



**LAUREN THOMSON**

Attorney

512-322-5850 Direct

Lloyd Gosselink Rochelle & Townsend, P.C.

816 Congress Ave., Suite 1900, Austin, TX 78701

[REDACTED] | 512-322-5800

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\*\*\*\*ATTENTION TO PUBLIC OFFICIALS AND OFFICIALS WITH OTHER INSTITUTIONS SUBJECT TO THE OPEN MEETINGS ACT \*\*\*\*

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---

**From:** Joshua Schauer <Joshua.Schauer@Tceq.Texas.Gov>

**Sent:** Monday, August 8, 2022 1:30 PM

**To:** Lauren Thomson [REDACTED]

**Cc:** [REDACTED]

**Subject:** RE: Christoval ISD; 14-1280A Drafts (4127-00)

Hi Lauren,

Staff agree with your suggested revisions. Please review the attached revised drafts and provide comments by 8/22/22.

Regards,

Joshua Schauer  
512.239.1371  
Project Manager  
TCEQ, Water Rights Permitting Section

---

**From:** Lauren Thomson <[REDACTED]>  
**Sent:** Friday, July 22, 2022 8:45 AM  
**To:** Joshua Schauer <[Joshua.Schauer@Tceq.Texas.Gov](mailto:Joshua.Schauer@Tceq.Texas.Gov)>  
**Cc:** Sara Thornton <[REDACTED]>; Dubelza Galvan <[REDACTED]>  
**Subject:** RE: Christoval ISD; 14-1280A Drafts (4127-00)

Hi Joshua,

Thank you for the extension. Please see attached for a few comments. Let me know if you have any questions.

Best,  
Lauren



**LAUREN THOMSON**

Attorney

[512-322-5850](tel:512-322-5850) Direct

Lloyd Gosselink Rochelle & Townsend, P.C.

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---

**From:** Joshua Schauer <[Joshua.Schauer@Tceq.Texas.Gov](mailto:Joshua.Schauer@Tceq.Texas.Gov)>

**Sent:** Wednesday, June 29, 2022 11:55 AM

**To:** Lauren Thomson [REDACTED]

**Cc:** Sara Thornton <[REDACTED]>; Dubelza Galvan <[REDACTED]>

**Subject:** RE: Christoval ISD; 14-1280A Drafts (4127-00)

Hi Lauren,

A 30-day extension is granted until July 25, 2022. If you have any questions concerning this matter, please contact me.

Thanks,

Joshua Schauer  
Project Manager  
TCEQ, Water Rights Permitting Section

---

**From:** Lauren Thomson [REDACTED]

**Sent:** Friday, June 24, 2022 4:06 PM

**To:** Joshua Schauer <[Joshua.Schauer@Tceq.Texas.Gov](mailto:Joshua.Schauer@Tceq.Texas.Gov)>

**Cc:** Sara Thornton [REDACTED]; Dubelza Galvan <[REDACTED]>

**Subject:** RE: Christoval ISD; 14-1280A Drafts (4127-00)

Hi Joshua,

Thank you for sending. Stefanie is no longer with the firm, so I appreciate you reaching out to me, as I worked on this application with her and I am familiar with it.

You should have received an automatic bounce-back email saying she is no longer with the firm - it sounds like there might have been a problem with that? I am going to contact our IT department.



I can definitely take a look at this documentation and get back to you with comments/questions. I see that you originally asked for a 6/23 deadline. Is the possibility of an extension so I can have some time to review?

Thanks,  
Lauren



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Hi Ms. Thomas,

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The attached drafts were sent out last month for the applicants review. They are ready to be forwarded to the OCC for public notice after we receive comments.

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Thank you,

Joshua Schauer  
Project Manager  
TCEQ, Water Rights Permitting Section

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**From:** Joshua Schauer  
**Sent:** Friday, June 24, 2022 3:34 PM  
**To:** [REDACTED]  
**Subject:** RE: Christoval ISD; 14-1280A Drafts

Hi Ms. Albright,

I wanted to follow-up with you on this review and see if you have any comments or questions.

Regards,

Joshua Schauer

---

**From:** Joshua Schauer  
**Sent:** Thursday, June 9, 2022 9:55 AM  
**To:** Stefanie Albright [REDACTED] >  
**Subject:** Christoval ISD; 14-1280A Drafts

Hi Ms. Albright,

Attached are drafts of the public notice, amendment, and technical memos for the referenced applicant. Please review the drafts and provide comments by 6/23/22.

Regards,

Joshua Schauer  
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TCEQ, Water Rights Permitting Section

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**Date:** Monday, August 8, 2022 1:30:00 PM  
**Attachments:** [Christoval\\_14\\_1280A\\_Redline\\_Draft\\_Amendment8.8.22.pdf](#)  
[Christoval\\_14\\_1280A\\_Redline\\_Draft\\_Notice.pdf](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)

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Regards,

Joshua Schauer  
Project Manager



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A  
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-1280A

TYPE § 11.122

Owner:	Christoval Independent School District	Address:	P.O. Box 162 Christoval, Texas 76935
Filed:	August 19, 2021	Granted:	
Purpose:	Agricultural	County:	Tom Green
Watercourse:	South Concho River	Watershed:	Colorado River Basin

WHEREAS, a portion of Certificate of Adjudication No. 14-1280 authorizes Christoval Independent School District (Owner/Applicant) to divert and use not to exceed 15 acre-feet of water per year from the South Concho River, tributary of the Colorado River, Colorado River Basin, at a maximum combined diversion rate of 15.11 cfs (6,800 gpm), for agricultural purposes in Tom Green County; and

WHEREAS, the time priority is July 29, 1914; and

WHEREAS, Applicant seeks to amend its portion of Certificate of Adjudication No. 14-1280 to add a diversion reach on the South Concho River and change the place of use in Tom Green County; and

WHEREAS, the proposed place of use is a maximum of 88.299 acres of land located in the Johan Zerbach Survey No. 1827, Abstract No. 4217 in Tom Green County; and

WHEREAS, the upper limit of the diversion reach is a point located on the South Concho River at Latitude 31.181451° N, Longitude 100.496168° W; and

WHEREAS, the lower limit of the diversion reach is a point located on the South Concho River at Latitude 31.186811° N, Longitude 100.498089° W; and

WHEREAS, ownership of the land to be irrigated owned by Tom Green County is evidenced by a *Deed* recorded as Document No. 74843 on October 15, 1941, in the official public records of Tom Green County, and

WHEREAS, Applicant has provided evidence of a *Lease Agreement* with Tom Green County and a *Resolution* providing consent to the application; 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 Concho River Watermaster; and

WHEREAS, the Executive Director recommends that special conditions be included in this 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. 14-1280 designated as Certificate of Adjudication No. 14-1280A, is issued to Christoval Independent School District subject to the following terms and conditions:

1. USE

In lieu of previous authorizations, Owner is authorized to divert and use not to exceed 15 acre-feet of water per year for agricultural purposes to irrigate a maximum of 88.299 acres of land located in the Johan Zerbach Survey No. 1827, Abstract No. 4217 in Tom Green County.

2. DIVERSION

In addition to the previous authorizations, Owner is authorized to divert the authorized water for agricultural purposes from a diversion reach on the South Concho River described as follows:

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Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, and prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

4. 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. Owner shall install and maintain a measurement device which accounts for, within 5% accuracy, the quantity of water diverted and maintain measurement records.
- C. Owner shall allow representatives of the Concho River Watermaster reasonable access to the property to inspect the measurement device and records.
- D. Owner shall contact the Concho River Watermaster prior to diversion of water authorized by this amendment.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 14-1280, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Colorado 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.

-----  
For the Commission

Date Issued:

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

### APPLICATION NO. 14-1280A

Christoval Independent School District (Owner/Applicant) seeks to amend its portion of Certificate of Adjudication No. 14-1280 to add a diversion reach on the South Concho River and change the place of use in Tom Green County. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Christoval Independent School District, P.O. Box 162, Christoval, Texas 76935, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Notice is being mailed to interjacent water right holders in the Colorado River Basin pursuant to Title 30 TAC § 295.158(c)(3)(C) and to the co-owners pursuant to TAC § 295.158(c)(2)(B).

Certificate of Adjudication No. 14-1280 authorizes Christoval Independent School District to divert and use not to exceed 15 acre-feet of water per year from the South Concho River, tributary of the Colorado River, Colorado River Basin, at a maximum combined diversion rate of 15.11 cfs (6,800 gpm), for agricultural purposes in Tom Green County.

The time priority is July 29, 1914.

Applicant seeks to amend its portion of Certificate of Adjudication No. 14-1280 to add a diversion reach on the South Concho River and change the place of use in Tom Green County.

The proposed place of use is a maximum of 88.299 acres of land located in the Johan Zerbach Survey No. 1827, Abstract No. 4217 in Tom Green County.

The upper limit of the diversion reach is located on the South Concho River at Latitude 31.181451° N, Longitude 100.496168° W, Zip Code 76935.

The lower limit of the diversion reach is located on the South Concho River at Latitude 31.186811° N, Longitude 100.498089° W, Zip Code 76935.

Ownership of the property to be irrigated owned by Tom Green County is evidenced by a *Deed* recorded as Document No. 74843 on October 15, 1941, in the official public records of Tom Green County.

Applicant has provided evidence of a *Lease Agreement* with Tom Green County and a *Resolution* providing consent to the application.

The application and fees were received on April 1, 2021. Additional information and fees were received on June 7 and 11, 2021, and July 8, 13 and 26, 2021. The application was declared administratively complete and filed with the Office of the Chief Clerk on August 19, 2021.

The Executive Director completed the technical review of the application and prepared a draft permit. The draft amendment, if granted, would include special conditions including, but not limited to, installing a measurement device and maintaining records. The application, technical memoranda, and Executive Director's draft amendment 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 \_\_\_\_\_ 2022. 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 \_\_\_\_\_ 2022. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by \_\_\_\_\_ 2022.

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 to 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 TCEQ 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 1280 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:

**From:** [Lauren Thomson](#)  
**To:** [Joshua Schauer](#)  
**Cc:** [Sara Thornton](#); [Dubelza Galvan](#)  
**Subject:** RE: Christoval ISD; 14-1280A Drafts (4127-00)  
**Date:** Friday, July 22, 2022 8:46:02 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image189113.png](#)  
[image541583.png](#)  
[image794416.png](#)  
[2022.07.22 LCT to TCEQ re Draft Public Notice and Amendment to CA 14-1280.pdf](#)

---

Hi Joshua,

Thank you for the extension. Please see attached for a few comments. Let me know if you have any questions.

Best,  
Lauren



**LAUREN THOMSON**

Attorney

512-322-5850 Direct

Lloyd Gosselink Rochelle & Townsend, P.C.

816 Congress Ave., Suite 1900, Austin, TX 78701

[REDACTED] | 512-322-5800

---

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---

**From:** Joshua Schauer <Joshua.Schauer@Tceq.Texas.Gov>

**Sent:** Wednesday, June 29, 2022 11:55 AM

**To:** Lauren Thomson [REDACTED]

**Cc:** Sara Thornton <[REDACTED]>

**Subject:** RE: Christoval ISD; 14-1280A Drafts (4127-00)

Hi Lauren,

A 30-day extension is granted until July 25, 2022. If you have any questions concerning this matter, please contact me.

Thanks,

Joshua Schauer  
Project Manager  
TCEQ, Water Rights Permitting Section

---

**From:** Lauren Thomson <[REDACTED]>  
**Sent:** Friday, June 24, 2022 4:06 PM  
**To:** Joshua Schauer <Joshua.Schauer@Tceq.Texas.Gov>  
**Cc:** [REDACTED]  
**Subject:** RE: Christoval ISD; 14-1280A Drafts (4127-00)

Hi Joshua,

Thank you for sending. Stefanie is no longer with the firm, so I appreciate you reaching out to me, as I worked on this application with her and I am familiar with it.

You should have received an automatic bounce-back email saying she is no longer with the firm - it sounds like there might have been a problem with that? I am going to contact our IT department.

I can definitely take a look at this documentation and get back to you with comments/questions. I see that you originally asked for a 6/23 deadline. Is the possibility of an extension so I can have some time to review?

Thanks,  
Lauren



**LAUREN THOMSON**

Attorney

[512-322-5850](tel:512-322-5850) Direct

Lloyd Gosselink Rochelle & Townsend, P.C.

816 Congress Ave., Suite 1900, Austin, TX 78701

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---

**From:** Joshua Schauer <[Joshua.Schauer@Tceq.Texas.Gov](mailto:Joshua.Schauer@Tceq.Texas.Gov)>

**Sent:** Friday, June 24, 2022 4:00 PM

**To:** Lauren Thomson [REDACTED]

**Subject:** FW: Christoval ISD; 14-1280A Drafts

Hi Ms. Thomas,

My emails were bouncing back from Ms. Albright when I sent the message below. It might be a security issue with the server. I want to make sure that I have the contact for referenced application.

The attached drafts were sent out last month for the applicants review. They are ready to be forwarded to the OCC for public notice after we receive comments.

If you think these drafts should be forwarded somewhere else, please let me know.

Thank you,

Joshua Schauer  
Project Manager  
TCEQ, Water Rights Permitting Section

---

**From:** Joshua Schauer

**Sent:** Friday, June 24, 2022 3:34 PM

**To:** [REDACTED]

**Subject:** RE: Christoval ISD; 14-1280A Drafts

Hi Ms. Albright,

I wanted to follow-up with you on this review and see if you have any comments or questions.

Regards,

Joshua Schauer

---

**From:** Joshua Schauer

**Sent:** Thursday, June 9, 2022 9:55 AM

**To:** Stefanie Albright [REDACTED]

**Subject:** Christoval ISD; 14-1280A Drafts

Hi Ms. Albright,

Attached are drafts of the public notice, amendment, and technical memos for the referenced applicant. Please review the drafts and provide comments by 6/23/22.

Regards,

Joshua Schauer

Project Manager

TCEQ, Water Rights Permitting Section



July 22, 2022

Mr. Joshua Schauer  
Water Rights Permitting & Availability Section  
Water Availability Division  
Texas Commission on Environmental Quality  
Building F, Room 3101  
12100 Park 35 Circle  
Austin, Texas 78753

VIA ELECTRONIC TRANSMISSION

RE: Christoval Independent School District  
ADJ 1280  
CN601521834, RN102971280  
Application No. 14-1280A to Amend Certificate of Adjudication No. 14-1280  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
South Concho River, Colorado River Basin  
Tom Green County

Dear Mr. Schauer:

This letter is submitted on behalf of my client, Christoval Independent School District (the "District"), with respect to the above-referenced application and associated draft notice (the "Draft Notice") and permit (the "Draft Permit") received from you by email dated June 24, 2022. The District offers the following comments and suggested changes to the Draft Notice and Draft Permit for TCEQ's consideration and use:

**1. Draft Notice, Page 1, Last Paragraph**

The last sentence on this page ends in a comma instead of a period. Please remove the comma after the last sentence and change it to a period.

**2. Draft Notice, Page 2, First Paragraph**

The first paragraph should be revised to include the date July 8, 2021, which was the date that TCEQ received proof of consent to the application from three interjacent water right holders. Please add the following date under additional information and fees received: July 8, 2021.

Mr. Joshua Schauer

July 22, 2022

Page 2

**3. Draft Permit, Page 2, Permit Condition 2.B. Diversion**

The latitude for the lower limit of the diversion reach is missing a digit. The latitude in the Draft Permit states 31.18681° N, but should be changed to 31.186811° N. Please change the latitude to 31.186811° N.

Thank you for your preparation of the Draft Permit. The Applicant would request that you make the above-referenced changes requested herein to the Draft Notice and Draft Permit and issue an edited version of these documents for our review prior to mailing notice of the application. Should you have any questions regarding these comments, feel free to contact me at (512) 322-5850 or [REDACTED] at your earliest convenience.

LCT/dxg  
8440967

Sincerely,

A handwritten signature in blue ink that reads "Lauren Thomson". The signature is fluid and cursive, with the first name "Lauren" and the last name "Thomson" clearly distinguishable.

Lauren C. Thomson

cc: Mr. Clint Askins  
Ms. Sara Thornton

**From:** [Joshua Schauer](#)  
**To:** [Lauren Thomson](#)  
**Cc:** [Sara Thornton](#); [Dubelza Galvan](#)  
**Subject:** RE: Christoval ISD; 14-1280A Drafts (4127-00)  
**Date:** Wednesday, June 29, 2022 11:54:00 AM  
**Attachments:** [Christoval\\_14\\_1280A\\_Extension\\_Ltr.pdf](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)

---

Hi Lauren,

A 30-day extension is granted until July 25, 2022. If you have any questions concerning this matter, please contact me.

Thanks,

Joshua Schauer  
Project Manager  
TCEQ, Water Rights Permitting Section

---

**From:** Lauren Thomson [REDACTED]  
**Sent:** Friday, June 24, 2022 4:06 PM  
**To:** Joshua Schauer <[Joshua.Schauer@Tceq.Texas.Gov](mailto:Joshua.Schauer@Tceq.Texas.Gov)>  
**Cc:** Sara Thornton [REDACTED]  
**Subject:** RE: Christoval ISD; 14-1280A Drafts (4127-00)

Hi Joshua,

Thank you for sending. Stefanie is no longer with the firm, so I appreciate you reaching out to me, as I worked on this application with her and I am familiar with it.

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I can definitely take a look at this documentation and get back to you with comments/questions. I see that you originally asked for a 6/23 deadline. Is the possibility of an extension so I can have some time to review?

Thanks,  
Lauren



**LAUREN THOMSON**

Attorney

[512-322-5850](tel:512-322-5850) Direct

Lloyd Gosselink Rochelle & Townsend, P.C.

816 Congress Ave., Suite 1900, Austin, TX 78701

[REDACTED] | 512-322-5800



---

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---

**From:** Joshua Schauer <[Joshua.Schauer@Tceq.Texas.Gov](mailto:Joshua.Schauer@Tceq.Texas.Gov)>

**Sent:** Friday, June 24, 2022 4:00 PM

**To:** Lauren Thomson <[REDACTED]>

**Subject:** FW: Christoval ISD; 14-1280A Drafts

Hi Ms. Thomas,

My emails were bouncing back from Ms. Albright when I sent the message below. It might be a security issue with the server. I want to make sure that I have the contact for referenced application.

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If you think these drafts should be forwarded somewhere else, please let me know.

Thank you,

Joshua Schauer  
Project Manager  
TCEQ, Water Rights Permitting Section

---

**From:** Joshua Schauer  
**Sent:** Friday, June 24, 2022 3:34 PM  
**To:** [REDACTED]  
**Subject:** RE: Christoval ISD; 14-1280A Drafts

Hi Ms. Albright,

I wanted to follow-up with you on this review and see if you have any comments or questions.

Regards,

Joshua Schauer

---

**From:** Joshua Schauer  
**Sent:** Thursday, June 9, 2022 9:55 AM  
**To:** Stefanie Albright [REDACTED]  
**Subject:** Christoval ISD; 14-1280A Drafts

Hi Ms. Albright,

Attached are drafts of the public notice, amendment, and technical memos for the referenced applicant. Please review the drafts and provide comments by 6/23/22.

Regards,

Joshua Schauer  
Project Manager  
TCEQ, Water Rights Permitting Section

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*

June 28, 2022

Ms. Lauren Thomson  
Lloyd Gosselink Rochelle & Townsend, PC  
816 Congress Ave., Suite 1900  
Austin, Texas 78701

VIA E-MAIL

RE: Christoval Independent School District  
ADJ 1280  
CN601521834, RN102971280  
Application No. 14-1280A to Amend Certificate of Adjudication No. 14-1280  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
South Concho River, Colorado River Basin  
Tom Green County

Dear Ms. Thomson:

This acknowledges receipt, on June 24, 2022, of the applicant's request for an additional extension of time to respond to the Texas Commission on Environmental Quality's draft public notice and amendment, dated June 9, 2022.

A 30-day extension is granted until July 25, 2022. If you have any questions concerning this matter, please contact Joshua Schauer via email at [Joshua.schauer@tceq.texas.gov](mailto:Joshua.schauer@tceq.texas.gov) or by telephone at (512) 239-1371.

Sincerely,

A handwritten signature in cursive script that reads "J. Brooke McGregor".

Brooke McGregor, Manager  
Water Rights Permitting & Availability Section  
Water Availability Division

**From:** [Lauren Thomson](#)  
**To:** [Joshua Schauer](#)  
**Cc:** [Sara Thornton](#); [Dubelza Galvan](#)  
**Subject:** RE: Christoval ISD; 14-1280A Drafts (4127-00)  
**Date:** Friday, June 24, 2022 4:05:56 PM  
**Attachments:** [image340731.png](#)  
[image616729.png](#)  
[image451457.png](#)

---

Hi Joshua,

Thank you for sending. Stefanie is no longer with the firm, so I appreciate you reaching out to me, as I worked on this application with her and I am familiar with it.

You should have received an automatic bounce-back email saying she is no longer with the firm - it sounds like there might have been a problem with that? I am going to contact our IT department.

I can definitely take a look at this documentation and get back to you with comments/questions. I see that you originally asked for a 6/23 deadline. Is the possibility of an extension so I can have some time to review?

Thanks,  
Lauren



**LAUREN THOMSON**

Attorney

512-322-5850 Direct

Lloyd Gosselink Rochelle & Townsend, P.C.

816 Congress Ave., Suite 1900, Austin, TX 78701

[www.lglawfirm.com](http://www.lglawfirm.com) | 512-322-5800

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---

**From:** Joshua Schauer <Joshua.Schauer@Tceq.Texas.Gov>  
**Sent:** Friday, June 24, 2022 4:00 PM  
**To:** Lauren Thomson [REDACTED]  
**Subject:** FW: Christoval ISD; 14-1280A Drafts

Hi Ms. Thomas,

My emails were bouncing back from Ms. Albright when I sent the message below. It might be a security issue with the server. I want to make sure that I have the contact for referenced application.

The attached drafts were sent out last month for the applicants review. They are ready to be forwarded to the OCC for public notice after we receive comments.

If you think these drafts should be forwarded somewhere else, please let me know.

Thank you,

Joshua Schauer  
Project Manager  
TCEQ, Water Rights Permitting Section

---

**From:** Joshua Schauer  
**Sent:** Friday, June 24, 2022 3:34 PM  
**To:** [REDACTED]  
**Subject:** RE: Christoval ISD; 14-1280A Drafts

Hi Ms. Albright,

I wanted to follow-up with you on this review and see if you have any comments or questions.

Regards,

Joshua Schauer

---

**From:** Joshua Schauer  
**Sent:** Thursday, June 9, 2022 9:55 AM  
**To:** Stefanie Albright <[REDACTED]>  
**Subject:** Christoval ISD; 14-1280A Drafts

Hi Ms. Albright,



Attached are drafts of the public notice, amendment, and technical memos for the referenced applicant. Please review the drafts and provide comments by 6/23/22.

Regards,

Joshua Schauer  
Project Manager  
TCEQ, Water Rights Permitting Section

**From:** [Joshua Schauer](#)  
**To:** [Lauren Thomas](#)  
**Subject:** FW: Christoval ISD; 14-1280A Drafts  
**Date:** Friday, June 24, 2022 3:59:00 PM  
**Attachments:** [Christoval\\_14-1280A\\_Drafts.pdf](#)

---

Hi Ms. Thomas,

My emails were bouncing back from Ms. Albright when I sent the message below. It might be a security issue with the server. I want to make sure that I have the contact for referenced application.

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Thank you,

Joshua Schauer  
Project Manager  
TCEQ, Water Rights Permitting Section

---

**From:** Joshua Schauer  
**Sent:** Friday, June 24, 2022 3:34 PM  
**To:** salbright [REDACTED]  
**Subject:** RE: Christoval ISD; 14-1280A Drafts

Hi Ms. Albright,

I wanted to follow-up with you on this review and see if you have any comments or questions.

Regards,

Joshua Schauer

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**Sent:** Thursday, June 9, 2022 9:55 AM  
**To:** Stefanie Albright [REDACTED]  
**Subject:** Christoval ISD; 14-1280A Drafts

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Regards,

Joshua Schauer  
Project Manager  
TCEQ, Water Rights Permitting Section

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*

June 9, 2022

Ms. Stefanie Albright  
Lloyd Gosselink Rochelle & Townsend, PC  
816 Congress Ave., Suite 1900  
Austin, Texas 78701

**VIA E-MAIL**

RE: Christoval Independent School District  
ADJ 1280  
CN601521834, RN102971280  
Application No. 14-1280A to Amend Certificate of Adjudication No. 14-1280  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
South Concho River, Colorado River Basin  
Tom Green County

Dear Ms. Albright:

Drafts, subject to revision, of the public notice, proposed amendment to Certificate of Adjudication No. 14-1280, and related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the attached draft. Please review the drafts and contact me no later than June 23, 2022 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 15-day comment period and once the comment period has closed, the proposed Certificate of Adjudication No. 14-1280 may be issued as drafted given no hearing requests are received.

If you have any questions concerning the application, please contact me via email at [Joshua.Schauer@tceq.texas.gov](mailto:Joshua.Schauer@tceq.texas.gov) or at (512) 239-1371.

Sincerely,

A handwritten signature in cursive script that reads "Joshua Schauer".

Joshua Schauer, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachments

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

### APPLICATION NO. 14-1280A

Christoval Independent School District (Owner/Applicant) seeks to amend its portion of Certificate of Adjudication No. 14-1280 to add a diversion reach on the South Concho River and change the place of use in Tom Green County. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Christoval Independent School District, P.O. Box 162, Christoval, Texas 76935, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Notice is being mailed to interjacent water right holders in the Colorado River Basin pursuant to Title 30 TAC § 295.158(c)(3)(C) and to the co-owners pursuant to TAC § 295.158(c)(2)(B).

Certificate of Adjudication No. 14-1280 authorizes Christoval Independent School District to divert and use not to exceed 15 acre-feet of water per year from the South Concho River, tributary of the Colorado River, Colorado River Basin, at a maximum combined diversion rate of 15.11 cfs (6,800 gpm), for agricultural purposes in Tom Green County.

The time priority is July 29, 1914.

Applicant seeks to amend its portion of Certificate of Adjudication No. 14-1280 to add a diversion reach on the South Concho River and change the place of use in Tom Green County.

The proposed place of use is a maximum of 88.299 acres of land located in the Johan Zerbach Survey No. 1827, Abstract No. 4217 in Tom Green County.

The upper limit of the diversion reach is located on the South Concho River at Latitude 31.181451° N, Longitude 100.496168° W, Zip Code 76935.

The lower limit of the diversion reach is located on the South Concho River at Latitude 31.186811° N, Longitude 100.498089° W, Zip Code 76935.

Ownership of the property to be irrigated owned by Tom Green County is evidenced by a *Deed* recorded as Document No. 74843 on October 15, 1941, in the official public records of Tom Green County.

Applicant has provided evidence of a *Lease Agreement* with Tom Green County and a *Resolution* providing consent to the application,

The application and fees were received on April 1, 2021. Additional information and fees were received on June 7 and 11, 2021, and July 13 and 26, 2021. The application was declared administratively complete and filed with the Office of the Chief Clerk on August 19, 2021.

The Executive Director completed the technical review of the application and prepared a draft permit. The draft amendment, if granted, would include special conditions including, but not limited to, installing a measurement device and maintaining records. The application, technical memoranda, and Executive Director's draft amendment 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 [redacted] 2022. 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 [redacted] 2022. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by [redacted] 2022.

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 to 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 TCEQ 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 1280 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:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A  
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-1280A

TYPE § 11.122

Owner:	Christoval Independent School District	Address:	P.O. Box 162 Christoval, Texas 76935
Filed:	August 19, 2021	Granted:	
Purpose:	Agricultural	County:	Tom Green
Watercourse:	South Concho River	Watershed:	Colorado River Basin

WHEREAS, a portion of Certificate of Adjudication No. 14-1280 authorizes Christoval Independent School District (Owner/Applicant) to divert and use not to exceed 15 acre-feet of water per year from the South Concho River, tributary of the Colorado River, Colorado River Basin, at a maximum combined diversion rate of 15.11 cfs (6,800 gpm), for agricultural purposes in Tom Green County; and

WHEREAS, the time priority is July 29, 1914; and

WHEREAS, Applicant seeks to amend its portion of Certificate of Adjudication No. 14-1280 to add a diversion reach on the South Concho River and change the place of use in Tom Green County; and

WHEREAS, the proposed place of use is a maximum of 88.299 acres of land located in the Johan Zerbach Survey No. 1827, Abstract No. 4217 in Tom Green County; and

WHEREAS, the upper limit of the diversion reach is a point located on the South Concho River at Latitude 31.181451° N, Longitude 100.496168° W; and

WHEREAS, the lower limit of the diversion reach is a point located on the South Concho River at Latitude 31.186811° N, Longitude 100.498089° W; and

WHEREAS, ownership of the land to be irrigated owned by Tom Green County is evidenced by a *Deed* recorded as Document No. 74843 on October 15, 1941, in the official public records of Tom Green County, and

WHEREAS, Applicant has provided evidence of a *Lease Agreement* with Tom Green County and a *Resolution* providing consent to the application; 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 Concho River Watermaster; and

WHEREAS, the Executive Director recommends that special conditions be included in this 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. 14-1280 designated as Certificate of Adjudication No. 14-1280A, is issued to Christoval Independent School District subject to the following terms and conditions:

1. USE

In lieu of previous authorizations, Owner is authorized to divert and use not to exceed 15 acre-feet of water per year for agricultural purposes to irrigate a maximum of 88.299 acres of land located in the Johan Zerbach Survey No. 1827, Abstract No. 4217 in Tom Green County.

2. DIVERSION

In addition to the previous authorizations, Owner is authorized to divert the authorized water for agricultural purposes from a diversion reach on the South Concho River described as follows:

A. The upper limit of the diversion reach is a point located on the South Concho River at Latitude 31.181451° N, Longitude 100.496168° W in Tom Green County.

B. The lower limit of the diversion reach is a point located on the South Concho River at Latitude 31.18681° N, Longitude 100.498089° W in Tom Green County.

C. Maximum combined diversion rate: 15.11 cfs (6,800 gpm).

3. CONSERVATION

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, and prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

4. 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. Owner shall install and maintain a measurement device which accounts for, within 5% accuracy, the quantity of water diverted and maintain measurement records.
- C. Owner shall allow representatives of the Concho River Watermaster reasonable access to the property to inspect the measurement device and records.
- D. Owner shall contact the Concho River Watermaster prior to diversion of water authorized by this amendment.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 14-1280, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Colorado 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:

# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

**To:** Joshua Schauer, Project Manager  
Water Rights Permitting Team

**Date:** September 22, 2021

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

 Jennifer Allis, Senior Water Conservation Specialist  
Resource Protection Team

 **From:** Kristin Wang, Senior Water Conservation Specialist  
Resource Protection Team

 **Subject:** Christoval Independent School District  
ADJ 1280  
CN601521834  
South Concho River, Colorado River Basin  
Tom Green County

### APPLICATION SUMMARY

Certificate of Adjudication No. 14-1280 authorizes Christoval Independent School District (Applicant) to divert 15 acre-feet of water per year from a reservoir on the South Concho River, Colorado River Basin, at a maximum combined diversion rate of 15.11 cfs (6800 gpm), for agricultural purposes in Tom Green County.

Applicant requests to amend the Certificate of Adjudication No. 14-1280 to add a diversion reach on the South Concho River and change the place of use for agricultural purposes to irrigate a 30-acre tract of land and a 58.299-acre tract of land in Tom Green County.

### WATER CONSERVATION REVIEW

Pursuant to Title 30 Texas Administrative Code (TAC) §295.9(4), applications requesting to change the place of use require the submittal of a water conservation plan.

The water conservation plan for agricultural use was reviewed by Resource Protection staff and found to be administratively complete per 30 TAC §288.4.

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

## **RECOMMENDATIONS**

The following water conservation language should be included in the proposed amendment, if granted:

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, and prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

# Texas Commission on Environmental Quality

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## INTEROFFICE MEMORANDUM

**To:** Josh Schauer, Project Manager  
Water Rights Permitting Team

**Date:** September 22, 2021

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

**From:** Kenneth Coonrod, Aquatic Scientist  
Resource Protection Team

*KC*

**Subject:** Christoval Independent School District  
ADJ 1280  
CN601521834  
South Concho River, Colorado River Basin  
Tom Green County

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. 14-1280 authorizes Christoval Independent School District (Applicant) to divert 15 acre-feet of water per year from a reservoir on the South Concho River, Colorado River Basin, at a maximum combined diversion rate of 15.11 cfs (6800 gpm), for agricultural purposes in Tom Green County.

Applicant requests to amend Certificate of Adjudication No. 14-1280 to add a diversion reach on the South Concho River and change the place of use in Tom Green County.

### ENVIRONMENTAL ANALYSIS

**Aquatic and Riparian Habitats:** The Applicant's proposed diversion reach is located on the South Concho River, a perennial stream, situated in the Semiarid Edwards Plateau ecoregion (Griffith et al. 2007).

The checklist for the Colorado River Basin identified 46 species of ichthyofauna occurring within the South Concho hydrologic unit (United States Geologic Survey code 12090102) (Hendrickson and Cohen 2015). The Colorado roundnose minnow (*Dionda* sp. 3), the Guadalupe bass (*Micropterus treculii*), the Brazos water snake (*Nerodia harteri*), the Concho water snake (*Nerodia paucimaculata*), the Texas fatmucket (*Lampsilis bracteata*), the Texas pimpleback (*Cycolnias petrina*), and the Texas fawnsfoot (*Truncilla macrodon*), high-interest aquatic species, are known to occur in Tom Green County (TPWD 2015). This amendment is not expected to

have an effect on any high-interest aquatic species, because no additional state water is being requested by the Applicant.

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 Colorado and Lavaca Rivers, and Matagorda and Lavaca Bays (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter D). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC § 298.310). The Applicant does not request a new appropriation of water or an amendment that increases the amount of water stored, taken, or diverted; therefore, the environmental flow standards do not apply.

Although the Applicant is requesting to add a diversion reach, Resource Protection staff does not recommend a streamflow restriction. The addition of a diversion reach with a lower limit downstream of the existing diversion point would likely provide for the authorized water to remain in the streambed prior to diversion to the benefit of streamflows and aquatic-dependent organisms downstream of the original diversion point.

**Recreational Uses:** The Middle Concho/South Concho River (Segment 1424) has a designated primary contact recreation 1 use (TCEQ 2018). The Applicant's request should not adversely impact recreational uses.

**Water Quality:** The Middle Concho/South Concho River (Segment 1424) has a designated high aquatic life use and public water supply use (TCEQ 2018). Assessment Unit 1424\_01 is identified in the *Texas Integrated Report* with a concern for screening levels for nitrate in water (TCEQ 2020). 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 proposed project is located more than 200 river miles from the Gulf of Mexico. The application does not request a new appropriation of water; therefore, the Applicant's request should not have any impact to Matagorda Bay.

## RECOMMENDATIONS

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

1. Permittee 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).

### **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 2021 Sep 8]; Version 2.0. Available from <http://www.fishesoftexas.org/home/> doi:10.17603/C3WC70

TCEQ. 2018. Texas Surface Water Quality Standards §§307.1-307.10. Austin (TX): Texas Commission on Environmental Quality.

TCEQ. 2020. Texas Integrated Report of Surface Water Quality. Austin (TX): Texas Commission on Environmental Quality.

TPWD. 2015. TPWD County Lists of Texas Protected Species and Species of Greatest Conservation Need [Internet]. Austin (TX): Collin County, revised December 30, 2016. [cited 2021 Sep 8]. Available from <http://tpwd.texas.gov/gis/rtest/>.

## **Texas Commission on Environmental Quality**

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### INTEROFFICE MEMORANDUM

To: Joshua Schauer, Project Manager  
Water Rights Permitting Team

Date: May 9, 2022

Through: *KA* Kathy Alexander, Ph.D., Policy and Technical Analyst  
Water Availability Division

From: *TG* Trent Gay, Team Leader  
Surface Water Availability Team

Subject: Christoval Independent School District  
ADJ 1280  
CN601521834  
South Concho River, Colorado River Basin  
Tom Green County

### **Water Availability Review**

#### **Application Summary**

Certificate of Adjudication No. 14-1280 authorizes Christoval Independent School District (Applicant) to divert 15 acre-feet of water per year from a reservoir on the South Concho River, Colorado River Basin, at a maximum combined diversion rate of 15.11 cfs (6800 gpm), for agricultural purposes in Tom Green County.

Applicant requests to amend Certificate of Adjudication No. 14-1280 to add a diversion reach on the South Concho River and change the place of use in Tom Green County.

The application was declared administratively complete on August 19, 2021.

#### **Water Availability Review**

Resource protection Staff did not recommend instream flow requirements for the application. See the Resource Protection Memo dated September 22, 2021.

The application does not require a water availability analysis because the request is not for a new appropriation of water. However, the request to add the diversion reach must be reviewed to ensure that no water rights are 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 Colorado WAM to evaluate impacts on other water rights as a result of adding a diversion reach. The period of record for the Colorado WAM is 1940 to 2016. Staff compared the pre- and post-application volume reliabilities of all water rights in the Colorado River Basin and found that 15 water rights were negatively affected as a result of adding the diversion reach, although the effects were minimal (<1%).

In addition, this application is subject to the requirements and orders of the Concho River Watermaster. The Watermaster actively manages water rights on a daily basis and protects senior water rights in times of shortage. Therefore, there should be no effect on other basin water rights as a result of this application.

## **Conclusion**

Staff can support granting the application.

Note that the application is subject to the requirements and orders of the Concho River Watermaster.



**From:** [Joshua Schauer](#)  
**To:** [Stefanie Albright](#)  
**Subject:** Christoval ISD; 14-1280A Drafts  
**Date:** Thursday, June 9, 2022 9:55:00 AM  
**Attachments:** [Christoval\\_14-1280A\\_Drafts.pdf](#)

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Hi Ms. Albright,

Attached are drafts of the public notice, amendment, and technical memos for the referenced applicant. Please review the drafts and provide comments by 6/23/22.

Regards,

Joshua Schauer  
Project Manager  
TCEQ, Water Rights Permitting Section

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*

June 9, 2022

Ms. Stefanie Albright  
Lloyd Gosselink Rochelle & Townsend, PC  
816 Congress Ave., Suite 1900  
Austin, Texas 78701

VIA E-MAIL

RE: Christoval Independent School District  
ADJ 1280  
CN601521834, RN102971280  
Application No. 14-1280A to Amend Certificate of Adjudication No. 14-1280  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
South Concho River, Colorado River Basin  
Tom Green County

Dear Ms. Albright:

Drafts, subject to revision, of the public notice, proposed amendment to Certificate of Adjudication No. 14-1280, and related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the attached draft. Please review the drafts and contact me no later than June 23, 2022 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 15-day comment period and once the comment period has closed, the proposed Certificate of Adjudication No. 14-1280 may be issued as drafted given no hearing requests are received.

If you have any questions concerning the application, please contact me via email at [Joshua.Schauer@tceq.texas.gov](mailto:Joshua.Schauer@tceq.texas.gov) or at (512) 239-1371.

Sincerely,

A handwritten signature in black ink that reads "Joshua Schauer".

Joshua Schauer, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachments

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

### APPLICATION NO. 14-1280A

Christoval Independent School District (Owner/Applicant) seeks to amend its portion of Certificate of Adjudication No. 14-1280 to add a diversion reach on the South Concho River and change the place of use in Tom Green County. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Christoval Independent School District, P.O. Box 162, Christoval, Texas 76935, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Notice is being mailed to interjacent water right holders in the Colorado River Basin pursuant to Title 30 TAC § 295.158(c)(3)(C) and to the co-owners pursuant to TAC § 295.158(c)(2)(B).

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The time priority is July 29, 1914.

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The upper limit of the diversion reach is located on the South Concho River at Latitude 31.181451° N, Longitude 100.496168° W, Zip Code 76935.

The lower limit of the diversion reach is located on the South Concho River at Latitude 31.186811° N, Longitude 100.498089° W, Zip Code 76935.

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The application and fees were received on April 1, 2021. Additional information and fees were received on June 7 and 11, 2021, and July 13 and 26, 2021. The application was declared administratively complete and filed with the Office of the Chief Clerk on August 19, 2021.

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Issued:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A  
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-1280A

TYPE § 11.122

Owner:	Christoval Independent School District	Address:	P.O. Box 162 Christoval, Texas 76935
Filed:	August 19, 2021	Granted:	
Purpose:	Agricultural	County:	Tom Green
Watercourse:	South Concho River	Watershed:	Colorado River Basin

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

WHEREAS, the Executive Director recommends that special conditions be included in this 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. 14-1280 designated as Certificate of Adjudication No. 14-1280A, is issued to Christoval Independent School District subject to the following terms and conditions:

1. USE

In lieu of previous authorizations, Owner is authorized to divert and use not to exceed 15 acre-feet of water per year for agricultural purposes to irrigate a maximum of 88.299 acres of land located in the Johan Zerbach Survey No. 1827, Abstract No. 4217 in Tom Green County.

2. DIVERSION

In addition to the previous authorizations, Owner is authorized to divert the authorized water for agricultural purposes from a diversion reach on the South Concho River described as follows:

A. The upper limit of the diversion reach is a point located on the South Concho River at Latitude 31.181451° N, Longitude 100.496168° W in Tom Green County.

B. The lower limit of the diversion reach is a point located on the South Concho River at Latitude 31.18681° N, Longitude 100.498089° W in Tom Green County.

C. Maximum combined diversion rate: 15.11 cfs (6,800 gpm).

3. CONSERVATION

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, and prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

4. 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. Owner shall install and maintain a measurement device which accounts for, within 5% accuracy, the quantity of water diverted and maintain measurement records.
- C. Owner shall allow representatives of the Concho River Watermaster reasonable access to the property to inspect the measurement device and records.
- D. Owner shall contact the Concho River Watermaster prior to diversion of water authorized by this amendment.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 14-1280, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Colorado 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.

-----  
For the Commission

Date Issued:

# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

**To:** Joshua Schauer, Project Manager  
Water Rights Permitting Team

**Date:** September 22, 2021

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

 Jennifer Allis, Senior Water Conservation Specialist  
Resource Protection Team

 **From:** Kristin Wang, Senior Water Conservation Specialist  
Resource Protection Team

 **Subject:** Christoval Independent School District  
ADJ 1280  
CN601521834  
South Concho River, Colorado River Basin  
Tom Green County

### APPLICATION SUMMARY

Certificate of Adjudication No. 14-1280 authorizes Christoval Independent School District (Applicant) to divert 15 acre-feet of water per year from a reservoir on the South Concho River, Colorado River Basin, at a maximum combined diversion rate of 15.11 cfs (6800 gpm), for agricultural purposes in Tom Green County.

Applicant requests to amend the Certificate of Adjudication No. 14-1280 to add a diversion reach on the South Concho River and change the place of use for agricultural purposes to irrigate a 30-acre tract of land and a 58.299-acre tract of land in Tom Green County.

### WATER CONSERVATION REVIEW

Pursuant to Title 30 Texas Administrative Code (TAC) §295.9(4), applications requesting to change the place of use require the submittal of a water conservation plan.

The water conservation plan for agricultural use was reviewed by Resource Protection staff and found to be administratively complete per 30 TAC §288.4.

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



## **RECOMMENDATIONS**

The following water conservation language should be included in the proposed amendment, if granted:

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, and prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

# Texas Commission on Environmental Quality

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## INTEROFFICE MEMORANDUM

**To:** Josh Schauer, Project Manager  
Water Rights Permitting Team

**Date:** September 22, 2021

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

**From:** Kenneth Coonrod, Aquatic Scientist  
*KC* Resource Protection Team

**Subject:** Christoval Independent School District  
ADJ 1280  
CN601521834  
South Concho River, Colorado River Basin  
Tom Green County

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. 14-1280 authorizes Christoval Independent School District (Applicant) to divert 15 acre-feet of water per year from a reservoir on the South Concho River, Colorado River Basin, at a maximum combined diversion rate of 15.11 cfs (6800 gpm), for agricultural purposes in Tom Green County.

Applicant requests to amend Certificate of Adjudication No. 14-1280 to add a diversion reach on the South Concho River and change the place of use in Tom Green County.

### ENVIRONMENTAL ANALYSIS

**Aquatic and Riparian Habitats:** The Applicant's proposed diversion reach is located on the South Concho River, a perennial stream, situated in the Semiarid Edwards Plateau ecoregion (Griffith et al. 2007).

The checklist for the Colorado River Basin identified 46 species of ichthyofauna occurring within the South Concho hydrologic unit (United States Geologic Survey code 12090102) (Hendrickson and Cohen 2015). The Colorado roundnose minnow (*Dionda* sp. 3), the Guadalupe bass (*Micropterus treculii*), the Brazos water snake (*Nerodia harteri*), the Concho water snake (*Nerodia paucimaculata*), the Texas fatmucket (*Lampsilis bracteata*), the Texas pimpleback (*Cycolnias petrina*), and the Texas fawnsfoot (*Truncilla macrodon*), high-interest aquatic species, are known to occur in Tom Green County (TPWD 2015). This amendment is not expected to

have an effect on any high-interest aquatic species, because no additional state water is being requested by the Applicant.

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 Colorado and Lavaca Rivers, and Matagorda and Lavaca Bays (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter D). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC § 298.310). The Applicant does not request a new appropriation of water or an amendment that increases the amount of water stored, taken, or diverted; therefore, the environmental flow standards do not apply.

Although the Applicant is requesting to add a diversion reach, Resource Protection staff does not recommend a streamflow restriction. The addition of a diversion reach with a lower limit downstream of the existing diversion point would likely provide for the authorized water to remain in the streambed prior to diversion to the benefit of streamflows and aquatic-dependent organisms downstream of the original diversion point.

**Recreational Uses:** The Middle Concho/South Concho River (Segment 1424) has a designated primary contact recreation 1 use (TCEQ 2018). The Applicant's request should not adversely impact recreational uses.

**Water Quality:** The Middle Concho/South Concho River (Segment 1424) has a designated high aquatic life use and public water supply use (TCEQ 2018). Assessment Unit 1424\_01 is identified in the *Texas Integrated Report* with a concern for screening levels for nitrate in water (TCEQ 2020). 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 proposed project is located more than 200 river miles from the Gulf of Mexico. The application does not request a new appropriation of water; therefore, the Applicant's request should not have any impact to Matagorda Bay.

## RECOMMENDATIONS

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

1. Permittee 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).

### **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 2021 Sep 8]; Version 2.0. Available from <http://www.fishesoftexas.org/home/> doi:10.17603/C3WC70

TCEQ. 2018. Texas Surface Water Quality Standards §§307.1-307.10. Austin (TX): Texas Commission on Environmental Quality.

TCEQ. 2020. Texas Integrated Report of Surface Water Quality. Austin (TX): Texas Commission on Environmental Quality.

TPWD. 2015. TPWD County Lists of Texas Protected Species and Species of Greatest Conservation Need [Internet]. Austin (TX): Collin County, revised December 30, 2016. [cited 2021 Sep 8]. Available from <http://tpwd.texas.gov/gis/rtest/>.

## **Texas Commission on Environmental Quality**

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### INTEROFFICE MEMORANDUM

To: Joshua Schauer, Project Manager  
Water Rights Permitting Team

Date: May 9, 2022

Through: *KA* Kathy Alexander, Ph.D., Policy and Technical Analyst  
Water Availability Division

From: *TG* Trent Gay, Team Leader  
Surface Water Availability Team

Subject: Christoval Independent School District  
ADJ 1280  
CN601521834  
South Concho River, Colorado River Basin  
Tom Green County

### **Water Availability Review**

#### **Application Summary**

Certificate of Adjudication No. 14-1280 authorizes Christoval Independent School District (Applicant) to divert 15 acre-feet of water per year from a reservoir on the South Concho River, Colorado River Basin, at a maximum combined diversion rate of 15.11 cfs (6800 gpm), for agricultural purposes in Tom Green County.

Applicant requests to amend Certificate of Adjudication No. 14-1280 to add a diversion reach on the South Concho River and change the place of use in Tom Green County.

The application was declared administratively complete on August 19, 2021.

#### **Water Availability Review**

Resource protection Staff did not recommend instream flow requirements for the application. See the Resource Protection Memo dated September 22, 2021.

The application does not require a water availability analysis because the request is not for a new appropriation of water. However, the request to add the diversion reach must be reviewed to ensure that no water rights are 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 Colorado WAM to evaluate impacts on other water rights as a result of adding a diversion reach. The period of record for the Colorado WAM is 1940 to 2016. Staff compared the pre- and post-application volume reliabilities of all water rights in the Colorado River Basin and found that 15 water rights were negatively affected as a result of adding the diversion reach, although the effects were minimal (<1%).

In addition, this application is subject to the requirements and orders of the Concho River Watermaster. The Watermaster actively manages water rights on a daily basis and protects senior water rights in times of shortage. Therefore, there should be no effect on other basin water rights as a result of this application.

## **Conclusion**

Staff can support granting the application.

Note that the application is subject to the requirements and orders of the Concho River Watermaster.

CID#  
124750

## TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader  
Water Rights Permitting Team

FROM: Joshua Schauer, Project Manager  
Water Rights Permitting Team

DATE: August 19, 2021

SUBJECT: Christoval Independent School District  
ADJ 1280  
CN601521834, RN102971280  
Application No. 14-1280A to Amend Certificate of Adjudication  
No. 14-1280  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
South Concho River, Colorado River Basin  
Tom Green County

The application and fees were received on April 1, 2021. Additional information and fees were received on June 7 and 11, 2021 and July 13 and 26, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on August 19, 2021. Limited mailed notice is required pursuant to 30 TAC §§ 295.158(c)(3)(D) & (c)(2)(B).

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

*Joshua Schauer*

Joshua Schauer, 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*

August 19, 2021

EMAIL

Ms. Stefanie Albright  
Lloyd Gosselink Rochelle & Townsend, PC  
816 Congress Ave. Suite 1900  
Austin, Texas 78701

RE: Christoval Independent School District  
ADJ 1280  
CNG01521834, RN102971280  
Application No. 14-1280A to Amend Certificate of Adjudication No. 14-1280  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
South Concho River, Colorado River Basin  
Tom Green County

Dear Ms. Albright:

This acknowledges receipt on, July 26, 2021, of the requested additional fees in the amount of \$123.48 (Receipt No. M120809, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on August 19, 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 [Joshua.Schauer@tceq.texas.gov](mailto:Joshua.Schauer@tceq.texas.gov) or at (512) 239-1371.

Sincerely,

A handwritten signature in cursive script that reads "Joshua Schauer".

Joshua Schauer, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment

cc: Lauren Thomas





**From:** [Danielle Broyles](#)  
**To:** [Joshua Schauer](#)  
**Cc:** [Lauren Thomas](#); [Stefanie Albright](#)  
**Subject:** Christoval ISD Response to RFI  
**Date:** Friday, June 11, 2021 1:55:23 PM  
**Attachments:** [2021.06.11 Final LCT to TCEQ Response to RFI re Application to Amend 14-1280.pdf](#)

---

Good afternoon Mr. Schauer,

Please find attached correspondence submitted to you from Lauren Thomas on behalf of Christoval Independent School District. Feel free to let Lauren or Stefanie know if you have any questions.

Thank you,  
Danielle

.....  
  
  
  
  
DANIELLE M. BROYLES  
Paralegal  
512-322-5824 Direct  
Lloyd Gosselink Rochelle & Townsend, P.C.  
816 Congress Ave., Suite 1900, Austin, TX 78701  
[www.lglawfirm.com](http://www.lglawfirm.com) | 512-322-5800  
News | vcard

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Ms. Thomas' Direct Line: (512) 322-5850  
[REDACTED]

June 11, 2021

Mr. Joshua Schauer (MC 160)  
Project Manager, Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
Texas Commission on Environmental Quality  
Building F, Room 3101  
12100 Park 35 Circle  
Austin, Texas 78753

**VIA ELECTRONIC TRANSMISSION**

Re: Christoval Independent School District  
ADJ 1280  
CN601521834, RN102971280  
Application No. 14-1280A to Amend Certificate of Adjudication No. 14-1280  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
South Concho River, Colorado River Basin  
Tom Green County (4127-0)

Dear Mr. Schauer:

This letter is submitted on behalf of my client, Christoval Independent School District (the "Applicant"), in response to the Request for Information (the "RFI") the Applicant received from the Texas Commission on Environmental Quality ("TCEQ") dated May 14, 2021, in connection with the above-referenced application (the "Application").

As discussed, the Applicant will be further supplementing the Application with documentation from the water rights holders of record for whom notice is required reflecting these water rights holders' consent to the Application so that no notice is required for the Application. The Applicant further requests TCEQ identify any further information that the Applicant is required to submit to ensure that no notice is required.

**Request No. 1:** *Confirm the location of the proposed single diversion point. The latitude and longitude provided in the application does not plot on the watercourse. Staff has calculated the coordinates of the diversion point to be Latitude 31.179973 °N, Longitude 100.495784 °W.*

**Response to Request No. 1:** The Applicant requests to remove the above-referenced single diversion point from the Application.

**Request No. 2:** *Confirm that the upstream and downstream limits of the diversion reach identified in the application are reversed. Staff notes that the identified upstream limit of the reach is downstream of the identified downstream limit of the reach.*

June 11, 2021

Page 2

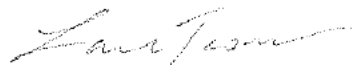
**Response to Request No. 2:** The Applicant confirms that the upstream and downstream limits of the diversion reach identified in the Application are reversed.

**Request No. 3:** *Provide additional information concerning the submitted water conservation plan for agricultural use to comply with Title 30 Texas Administrative Code (TAC) § 288.4. Confirm that the devices used to measure and account for the amount of water diverted from the supply source, described in Section I. B. 2. of the water conservation plan (TCEQ-10238, page 3), are within an accuracy of plus or minus 5.0%. Staff recognized that this section of the water conservation plan indicates two water meters will be used; however, information about the water meters' accuracy is not included in this section.*

**Response to Request No. 3:** The current meter is calibrated within an accuracy of plus or minus 5.0%. See *Exhibit A* for the certificate of calibration. As of the date of this letter, the second pump meter has not yet been installed, but the Applicant is planning to install the Aquavar e-AB3. See *Exhibit B* for the technical brochure for the Aquavar e-AB3. The Applicant will ensure the second meter is calibrated appropriately.

On behalf of the Applicant, we trust this information is useful and affirmatively addresses the matters included in the RFI. Should you have any questions or concerns, please do not hesitate to contact me at (512) 322-5850, [REDACTED] or Stefanie Albright at (512) 322-5814, [REDACTED]

Sincerely,



Lauren C. Thomas

LCT/dmb  
Enclosure

cc: Mr. David Walker  
Ms. Stefanie Albright

# **EXHIBIT A**



# CERTIFICATE OF CALIBRATION

Certificate Date 12/03/19/23:44  
 Calibration Date 12/03/19/23:44  
 Product Name OCTAVE 2 ANSI USG NETAFIM  
 Product Cat No. 13912209V402

This is to certify that the subject water meter was calibrated at Arad Ltd  
 According to internal procedures based on AWWA Requirements standard

### Calibration Results:

Parameter	Relative Error, %	Permitted Error %!
Normal Flow 2	-0.28	± 1.5%
Normal Flow 1	-0.30	± 1.5%
Extended Low Flow	0.30	± 5%

Q<sub>min</sub> = minimum flowrate, Q<sub>transitional</sub> = flowrate, Q<sub>n</sub> = nominal flowrate  
 Relative Error:  $\% = (V_i - V_o) / V_o * 100$ , V<sub>i</sub> is the indicated volume, V<sub>o</sub> is the actual volume

Measurement performed by : 39873

Certificate Approved by : Michaela Avraham , Technical Manager

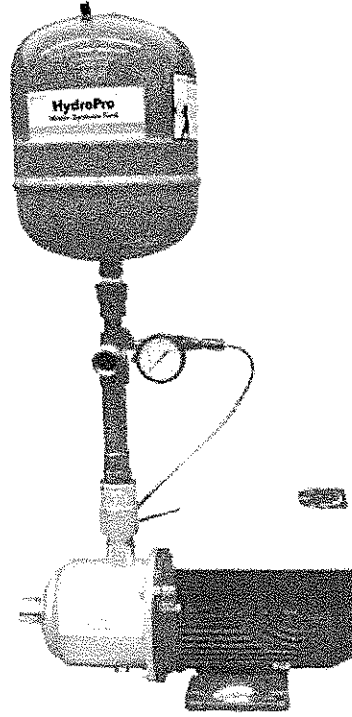


Dalla - Ramot Menasha \*19239  
 Dala, Israel, Tel. (972) 4-9897911  
 Fax: (972) 4-9897885  
<http://www.arad.co.il>

# **EXHIBIT B**



**TECHNICAL BROCHURE**  
BAQeAB3



*\* Available up to 100 GPM systems*

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# Aquavar e-AB3

INTEGRATED VARIABLE SPEED CONSTANT PRESSURE SYSTEMS

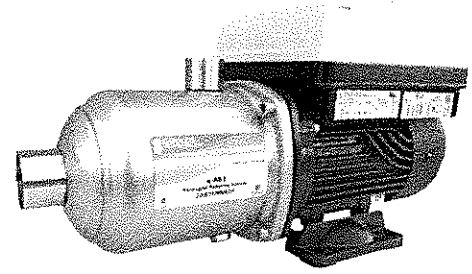
½ HP thru 2 HP – Pressure Booster Packages

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### FEATURES

The e-AB3 smart pump range packaged pumping system is a constant pressure booster system that is specifically designed for customers of municipal water districts with low water pressure, or those seeking a boost from a local storage tank. Featuring the e-HM pump and the Xylem Smart Motor, an ultra-premium IE5 permanent, magnet motor, the e-AB3 provides pumping efficiency well above a standard IE3 NEMA premium efficient asynchronous induction motor.



As water flows to your house, it loses some of its pressure to friction inside the pipe. The higher the flow, the more the friction reduces your water pressure. This flow increase can be caused by more homes and businesses on your water main, the size of your home piping system or increased water use in your house. As water use increases, the e-AB3 changes pump speed to keep line pressure constant. Large supply tanks are eliminated and up to 50% of the energy required by a full speed pump is saved. The e-AB3 is available with a range of flow rates to handle residential homes, irrigation systems, and office buildings.

It's a HIGH PERFORMANCE solution for both residential and commercial customers who need to increase their water pressure when water demand is high.

#### Pump Protection: safety and monitoring

The Smart Motor comes with a wide range of monitoring, control and safety features right out of the box with no need to configure.

In addition to these regulation functions, the Smart Motor also:

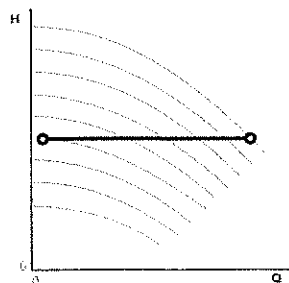
- Stops the pump at zero demand
- Stops the pump in case of water failure
- Has failure and over-temperature sensors for both the inverter and motor, which protects the pump and motor from under or over-voltage

#### Controls, safety features and monitoring tools

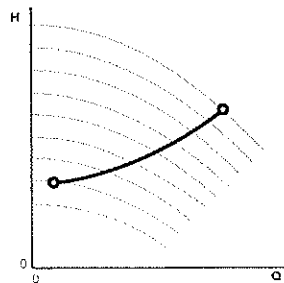
Available control modes include:

- Control for constant pressure
- Control to match a system curve
- Control according to an external signal

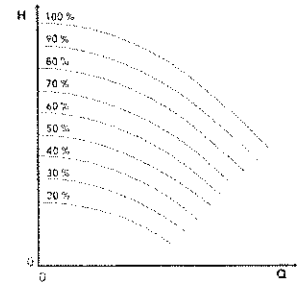
The Smart Motor offers a complete set of supervision and metering tools such as automatic test starts, auto smart cyclic change of lead and lag pump units, a memory for any inverter fault signals, and an operating-hours run counter. There's no need to configure the product; all the listed features are already included in the standard package.



Control for constant pressure



Control to match a system curve in multistage pumps such as the e-SVE or e-HME



Control according to an external signal



### **e-AB3 FEATURES AND BENEFITS:**

- **Wide range:**
  - An ideal solution for most buildings; from family houses up to 10 floor apartment buildings, commercial building services and OEM applications
- **Ultra-premium efficiency:**
  - State-of-the-art hydraulics with best-in-class efficiency mean the lowest possible operating costs
  - Features the Xylem Smart Motor an ultra-premium IE5 permanent, magnet motor:
    - Provides efficiency well above a standard IE3 NEMA premium efficient asynchronous induction motor
    - Provides users an average of 15% in energy savings when compare to similar pumps in the market
  - Programmed to motor electrical characteristics; just select “set pressure”
  - Exceeds hydraulic performance of fixed speed versions in a more compact design
- **Quiet operation:**
  - Almost silent, even when it’s working at its peak.
  - High efficiency hydraulics, motor and thick metal pump body keep the noise level to a minimum.
- **Expanded applications:**
  - Available in six models for a wide range of applications, including chillers, heating, air conditioning and vehicle washing.
  - The broad hydraulic coverage meets flow and head needs in a wide range of applications - flows up to 75 GPM/heads up to 290’.
- **Easy to Install:**
  - Includes a complete kit for installation–pump, Smart Motor, gauge, tank and tee.
- **Variable speed pumping control:**
  - Can operate single or multipump systems with auto lead/lag and alternate for up to three pumps with no need for an external control panel or PLC.
- **Certifications include:** UL778, NSF 61, NSF 372

### **INDUSTRIES/APPLIATIONS:**

- **Applications:**
  - Pressure boosting and water supply systems
  - Industrial washing and cleaning
  - Water treatment
  - Reverse Osmosis Systems
  - Food and Beverage
  - Car Wash
  - OEM
- **Markets:**
  - Residential, Commercial Building Services, OEM

### e-AB3 HYDRAULIC SELECTION

FEET	PSI BOOST	GPM				
		5-10	20	30	40	50
46	20	1	4	4	7	7
58	25	1	4	4	7	7
69	30	1	4	4	7	7
81	35	1	4	5	7	
92	40	2	5	5		
104	45	2	5	5		
116	50	2	5	5		
127	55	2	5	6		
139	60	3	6	6		
150	65	3	6	6		
162	70	3	6			
173	75	3	6			
185	80	3				

### e-AB3 CONFIGURATIONS

Selection	Part Number	Description
1	1AB31HME04	230V ½ HP 1" discharge, 1" suction V6P N3R
2	1AB31HME06	230V ¾ HP 1" discharge, 1" suction V6P N3R
3	2AB33HME08	230V 2 HP 1" discharge, 1" suction V6P N3R
4	1AB35HME03	230V 1 HP 1" discharge, 1.25" suction V15P N3R
5	2AB35HME05	230V 2 HP 1" discharge, 1.25" suction V15P N3R
6	2AB35HME06	230V 2 HP 1" discharge, 1.25" suction V15P N3R
7	2AB310HME02	230V 2 HP 1.25" discharge, 1.5" suction V15P N3R

Recommend bladder tank, sized to 20% of pump flow (gpm). Pressure Transducer supplied with all configurations.  
**NOTE:** PSI is boosting pressure, NOT total system pressure.

### INPUT AND OUTPUT POWER (VOLTAGE AND PHASE)

- All 1AB3 and 2AB3 require single-phase input power
  - All will work on 1Ø, 208-230V input power

#### 1AB31HME04

- 230V SINGLE PHASE INPUT
- ½ HP variable speed controller; NEMA Type 3R
- Pump (e-HM 4 stg) and Tank (V6P) included
- Transducer

#### 1AB31HME06

- 230V SINGLE PHASE INPUT
- ¾ HP variable speed controller; NEMA Type 3R
- Pump (e-HM 6 stg) and Tank (V6P) included
- Transducer

#### 2AB33HME08

- 230V SINGLE PHASE INPUT
- 2 HP variable speed controller; NEMA Type 3R
- Pump (e-HM 8 stg) and Tank (V6P) included
- Transducer

#### 1AB35HME03

- 230V SINGLE PHASE INPUT
- 1 HP variable speed controller; NEMA Type 3R
- Pump (e-HM 3 stg) and Tank (V15P) included
- Transducer

#### 2AB35HME05

- 230V SINGLE PHASE INPUT
- 2 HP variable speed controller; NEMA Type 3R
- Pump (e-HM 5 stg) and Tank (V15P) included
- Transducer

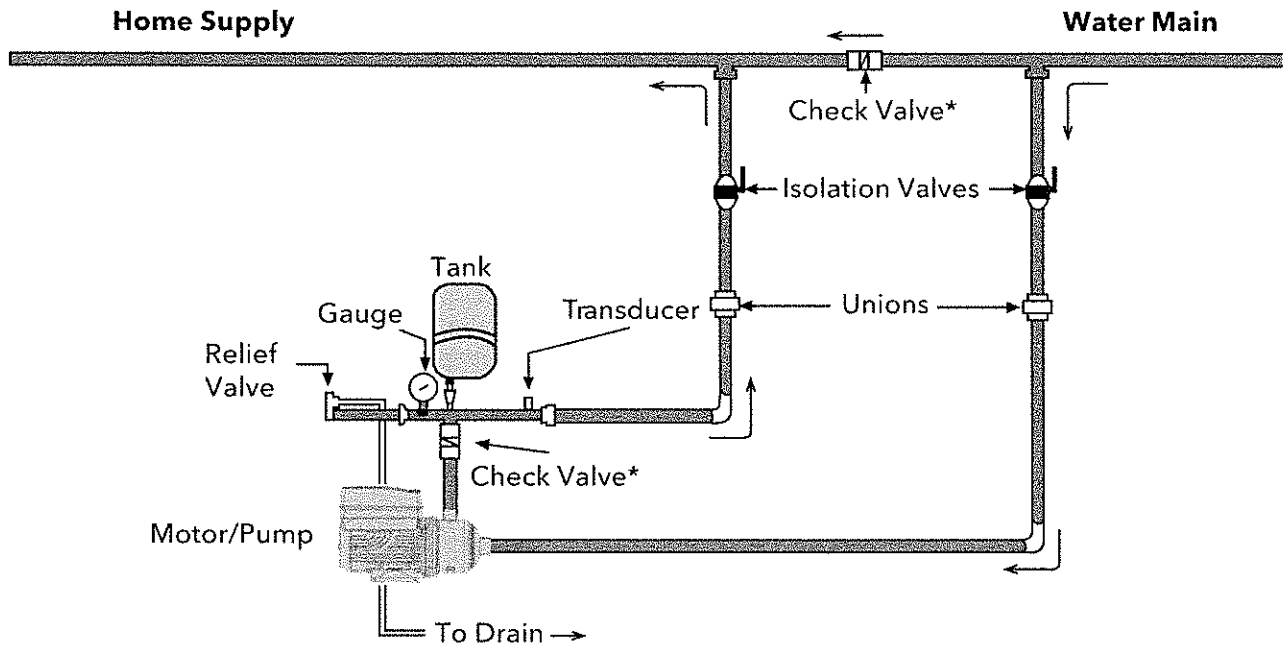
#### 2AB35HME06

- 230V SINGLE PHASE INPUT
- 2 HP variable speed controller; NEMA Type 3R
- Pump (e-HM 6 stg) and Tank (V15P) included
- Transducer

#### 2AB310HME02

- 230V SINGLE PHASE INPUT
- 2 HP variable speed controller; NEMA Type 3R
- Pump (e-HM 2 stg) and Tank (V15P) included
- Transducer

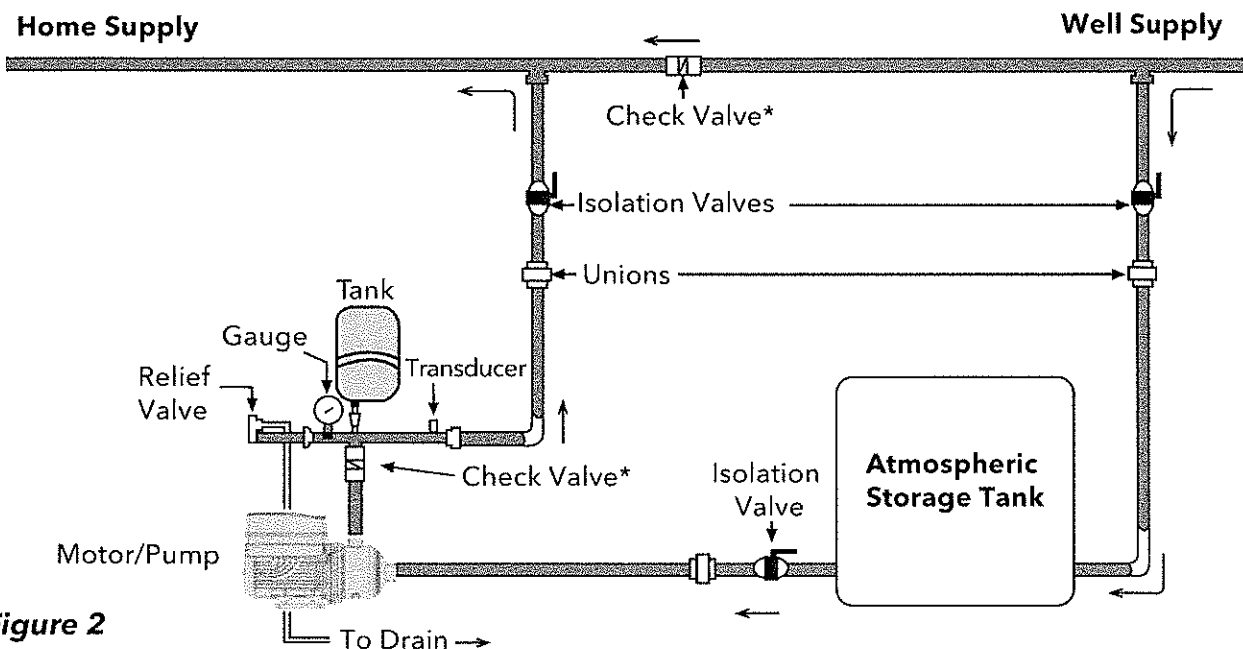
## SUGGESTED e-AB3 INSTALLATION FOR MUNICIPAL WATER SYSTEM



**Figure 1**

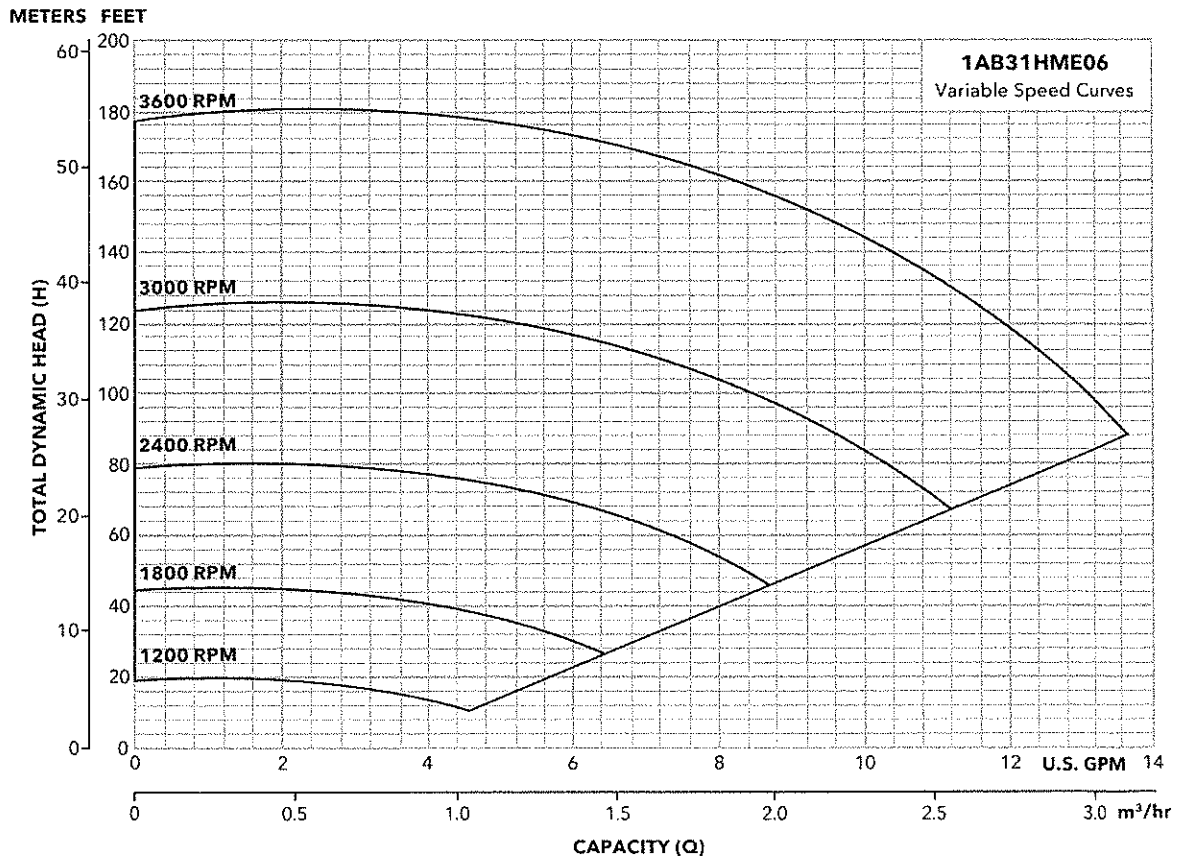
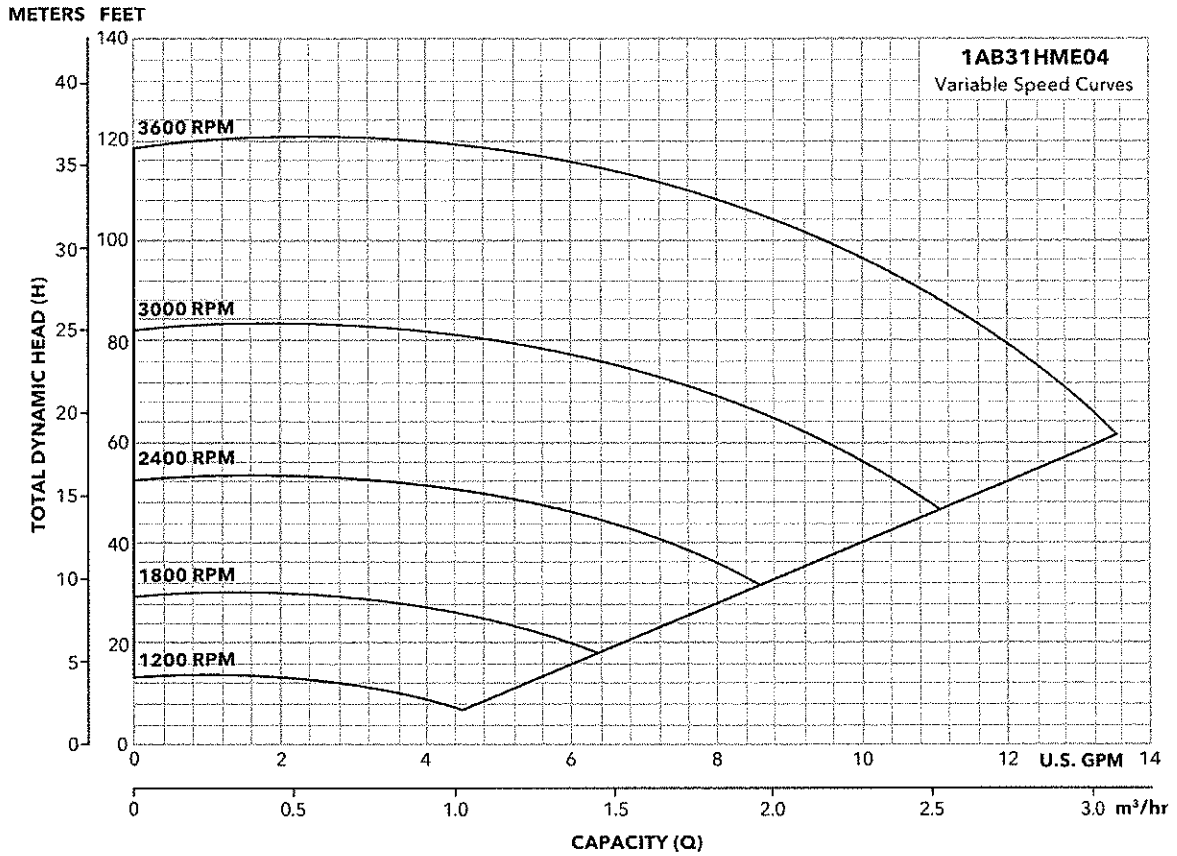
\*Spring check valve - provided by installer

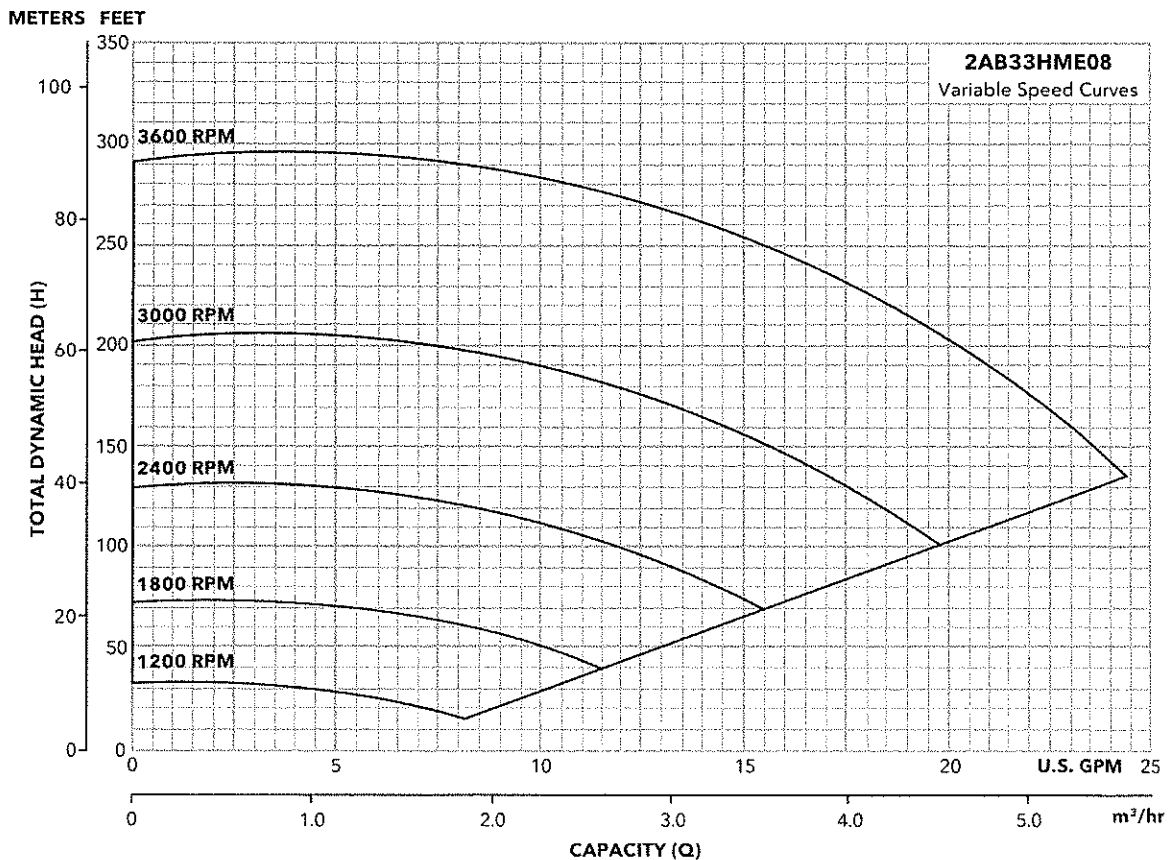
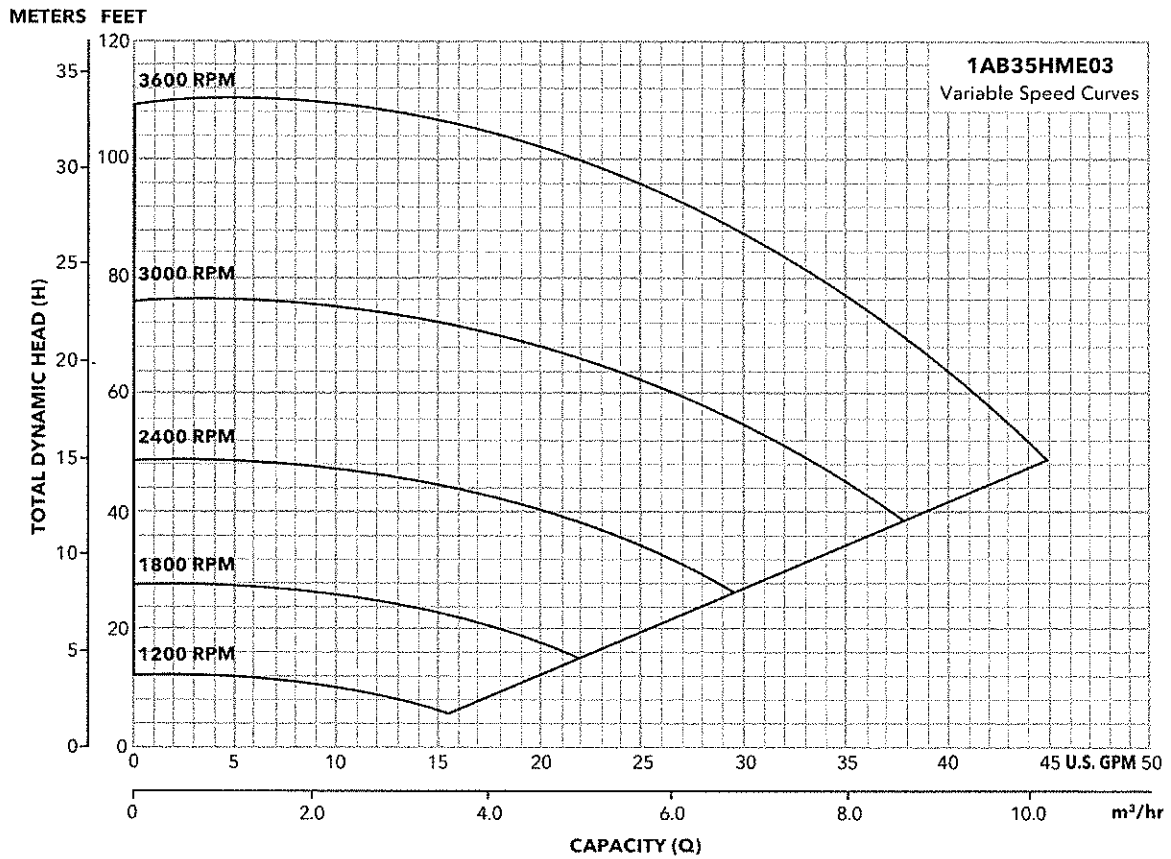
## SUGGESTED e-AB3 INSTALLATION FOR WELL PUMP SYSTEM

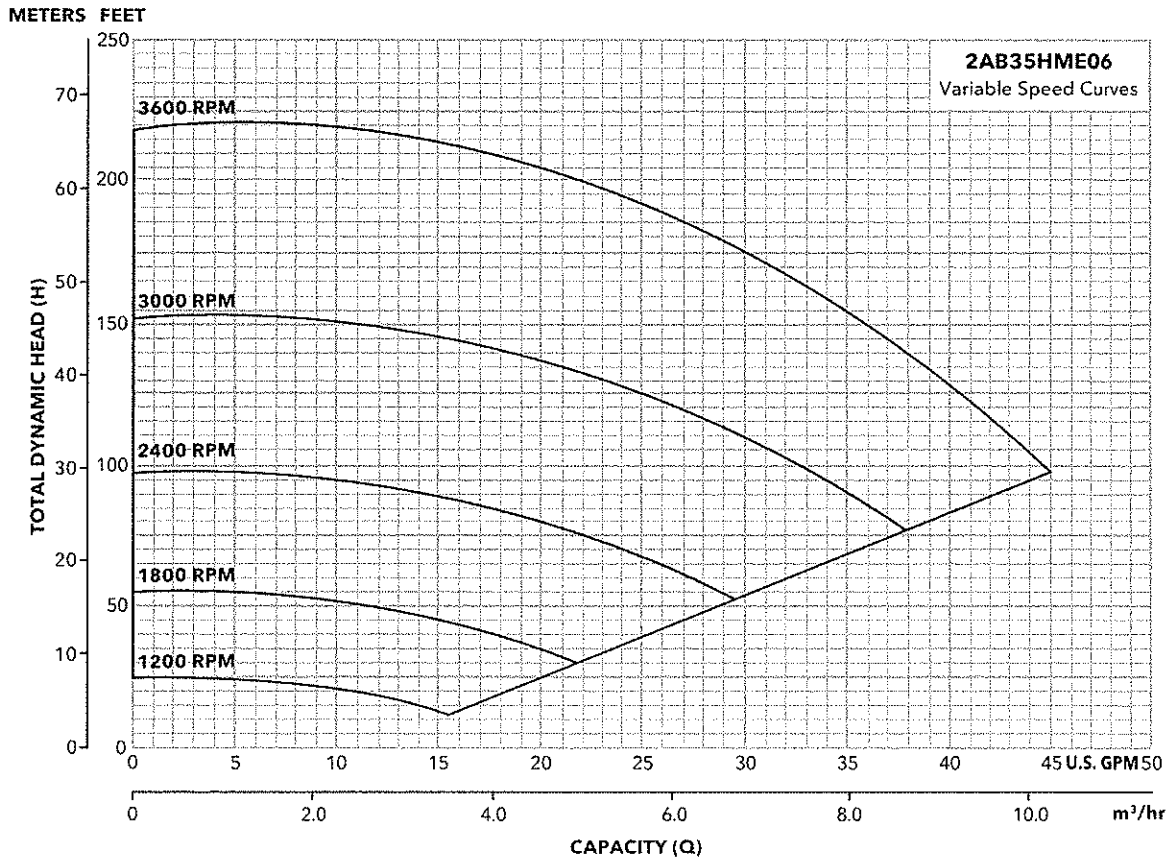
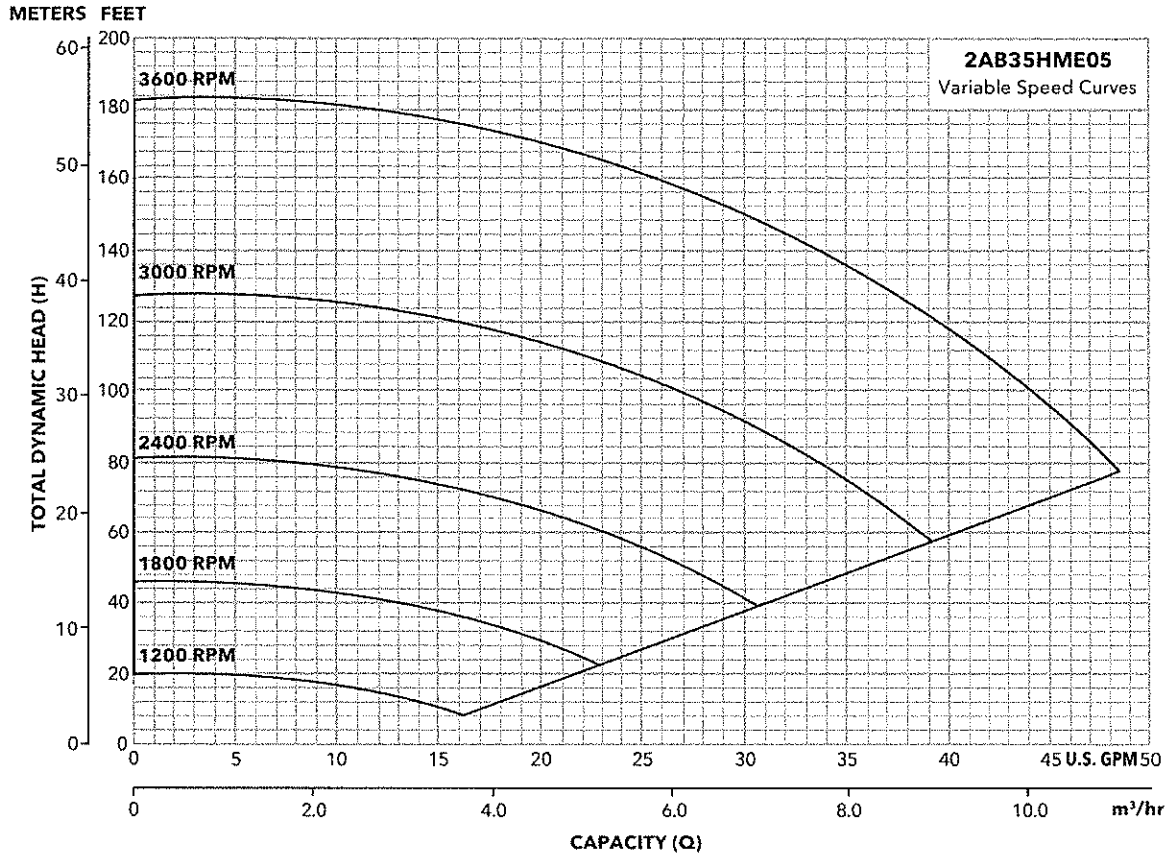


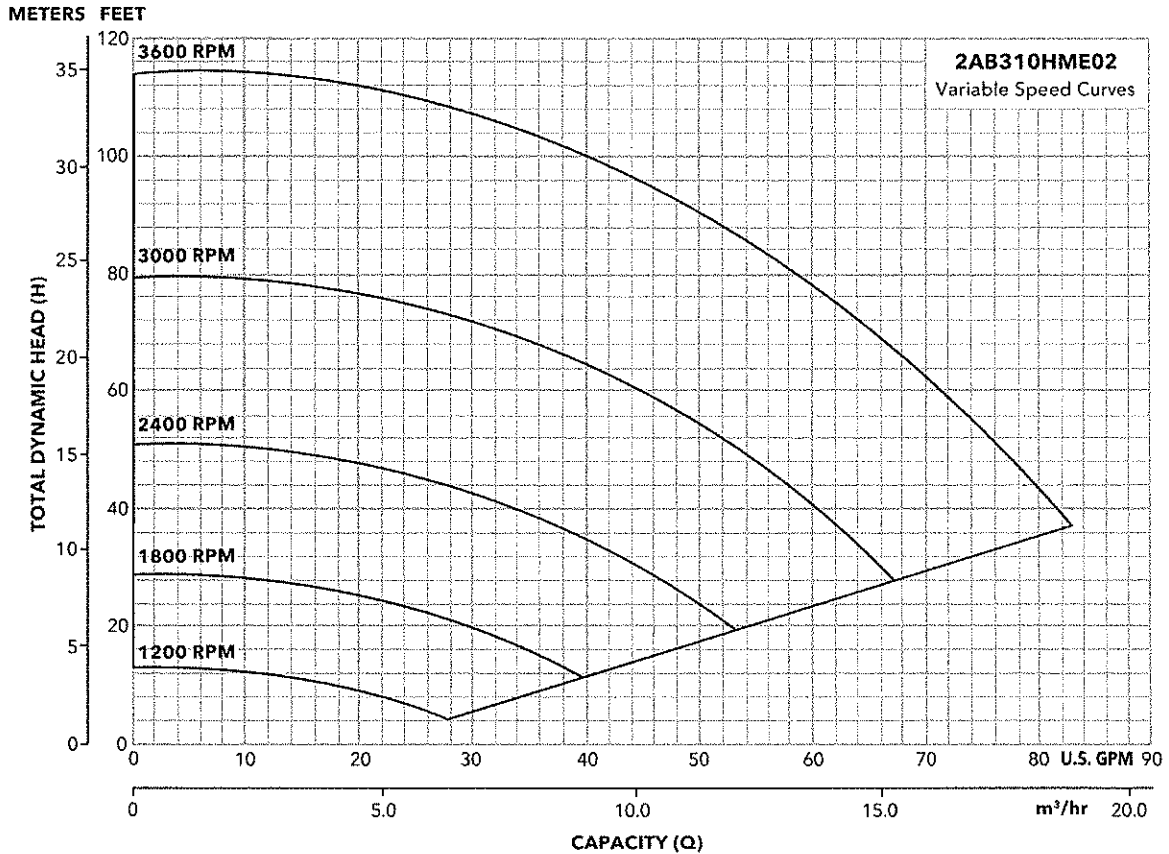
**Figure 2**

\*Spring check valve - provided by installer









### e-AB3 INTEGRATED SYSTEM FEATURES

**Input Power\*:** 208-230V ±15%, single phase (controller only)

**Input Controls:** + and – buttons to set pressure and Menu button for menu access.

**Signal Lights:** Power on, communication, status, speed LED display for menu, faults/errors.


**Electrical Efficiency:** Over 95% at full load

**Protection Against:** Short circuit phase loss, under voltage, overload, motor temperature, suction loss, sensor fault, bound pump, over voltage, static discharge.

**Ambient Temperature:** 5° F to 122° F

**Maximum Humidity:** 95% at 122° F, non-condensing

**Air Pollution:** Avoid mounting in areas with excessive dust, acids, corrosives and salts.

**Approvals:**  (Listing on motor and controller)

**System Approvals:**   DRINKING WATER

**Controller Enclosure:** Outdoor, Type 3R, IP 55 (Rain-tight)

**Cooling:** Totally Enclosed Fan cooled

**Transducer:** 4-20mA, 300 psi range, 15 foot 2-wire shielded cable.

**Input Wire:** 18 with ferrules or 14 AWG

\*Low input voltage may affect motor operation.

### PRESSURE RANGE

Nominal Range – Field adjustable from 20 - 85 psi, total system pressure.

**⚠ WARNING DO NOT SET REQUIRED SYSTEM PRESSURE ABOVE 85 PSI. SEVERE DAMAGE TO PLUMBING COULD RESULT. PLUMB RELIEF VALVE OUTSIDE OR TO A DRAIN.**

### DIMENSIONS (For Reference Only - Do not use for construction purposes)

#### e-HM PUMPS

**Capacities** – to 12 GPM (1HM)  
to 45 GPM (5HM)

**Rotation** – Right hand clockwise,  
viewed from motor end

**Materials** – 316L stainless steel for all liquid  
handling components

**Motor** – 1 HP, TEFC, Single Phase,208-230  
– 1.5 HP, TEFC, Single Phase,208-230  
– 2 HP, TEFC, Single Phase,208-230

**Pipe Connections** – 1 x 1 NPT (1HM)  
– 1 x 1¼ NPT (5HM)

**Maximum Temperature of Water** – 120° F

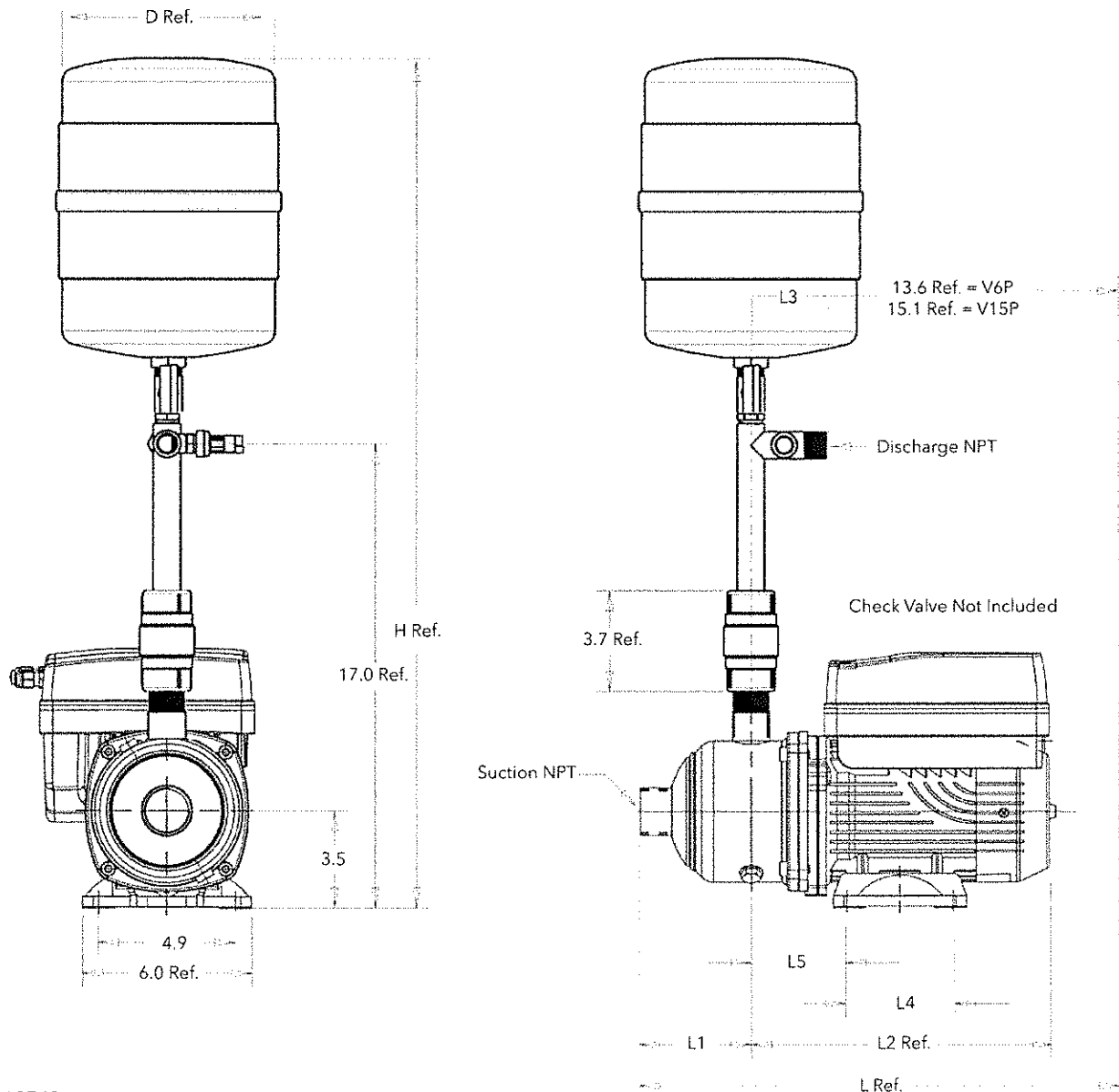
**NOTE:** Tank Liquid Temperature Limit is 120° F  
Pump Liquid Temperature Limit is 194° F

**Maximum System Working Pressure** – 145 psi

**NOTE:** Tank Max Working Pressure – 125 psi.

**Seal** – Carbon / Silicon Carbide / EPR

Overload protection, starters, heaters not required. Dimensions are in inches.





### DIMENSIONS (For Reference Only - Do not use for construction purposes)

#### e-HM PUMPS

**Capacities** – to 23 GPM (3HM)  
to 45 GPM (5HM)  
to 75 GPM (10HM)

**Rotation** – Right hand clockwise,  
viewed from motor end

**Materials** – 316L stainless steel for all liquid  
handling components

**Motor** – 2 HP, TEFC, Single Phase, 208-230  
(5HM/10HM)

**Pipe Connections** – 1 x 1 NPT (3HM)  
– 1 x 1¼ NPT (5HM)  
– 1¼ x 1½ NPT (10HM)

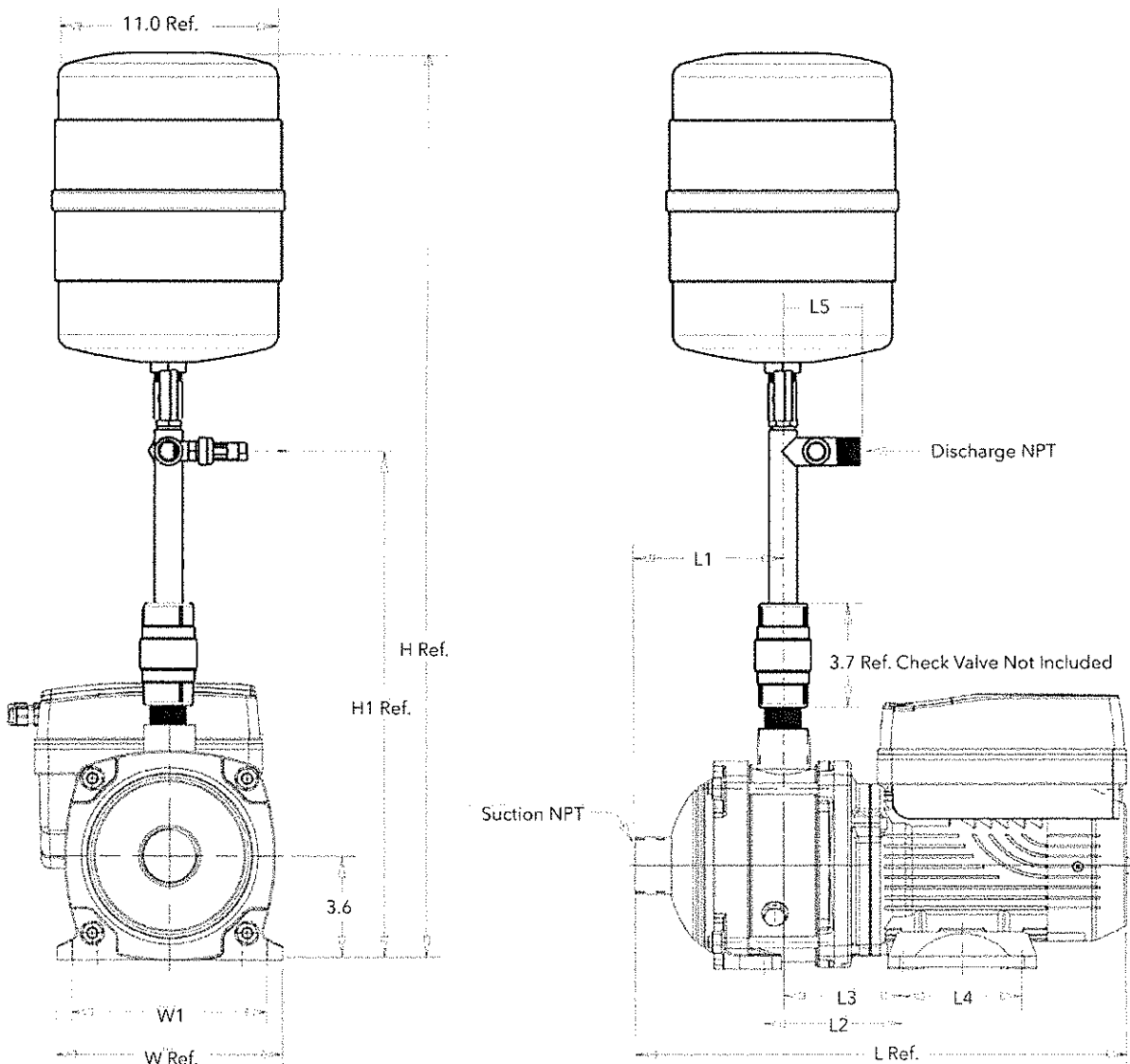
**Maximum Temperature of Water** – 120° F

**NOTE:** Tank Liquid Temperature Limit is 120° F  
Pump Liquid Temperature Limit is 194° F

**Maximum System Working Pressure** – 85 psi

**Seal** – Carbon / Silicon Carbide / EPR

Overload protection, starters, heaters not required. Dimensions are in inches.



**ELEVATION DIMENSIONS - REFERENCES PAGES 10 - 11**

	Tank and Tee assembly incl.	L	L1(A)	L2	L3	L4	L5	D	H	W	W1	Suction NPT	Discharge NPT	Page
1HME04N03MM1BQEBP	Yes	17.8	4.2	11.3	2.8			8.25"	21.1			1"	1"	14
1HME06N05MM1BQEBP	Yes	19.4	5.8	11.3	2.8			8.25"	21.1			1"	1"	14
5HME03N07MM1BQEBP	Yes	19.2	4.1	11.3	2.8			11"	22.5			1.25"	1"	14
5HME05N15MM1BQEBP	Yes	21.2	6.1	11.3	2.8			11"	22.5			1.25"	1"	14
		<b>L</b>	<b>L1</b>	<b>L2</b>	<b>L3</b>	<b>L4</b>	<b>L5</b>	<b>H</b>	<b>H1</b>	<b>W</b>	<b>W1</b>	<b>Suction NPT</b>	<b>Discharge NPT</b>	<b>Page</b>
3HME08N15MM1BQEBP	Yes	20.3	6.7	6.6	3.9	3.9	2.8	23.3"	17.8	6.5	5.5	1"	1"	15
5HME06N15MM1BQEBP	Yes	21.3	6.2	6.0	3.9	3.9	2.8	23.3"	17.8	6.5	5.5	1.25"	1"	15
10HME02N15MM1BQEBP	Yes	20.0	4.9	4.6	3.9	3.9	2.9	30.6	25.1	7.7	6.6	1.5"	1.25"	15

**SUBMERSIBLE PUMPS:** Use Aquavar SOLO or S-Drive controllers for submersible applications, they have filters built-in and are programmed for submersibles; alternatively Aquavar IPC with use with DV/DT filter can be used for submersible applications.

**PACKAGED HARDWARE WITHOUT PUMP AND MOTOR (See Hydrovar Price Book)**

**Part Number 15K40**

**KIT INCLUDES:**

- 1) Tank - V6P (2 gallons)
- 2) 1" Bronze Discharge Tee - AV20-6
- 3) Pipe Plug - 1/2", 6K68
- 4) Pressure Gauge

**Part Number 15K108**

**KIT INCLUDES:**

- 1) Tank - V15P
- 2) 1 1/4" Bronze Discharge Tee - AV20-12
- 3) Pipe Plug - 1/2", 6K68
- 4) Pressure Gauge



Xylem Inc.  
 Phone: (866) 325-4210  
 Fax: (888) 322-5877  
 www.xylem.com/goulds

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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*

May 14, 2021

Ms. Stefanie Albright  
Lloyd Gosselink Rochelle & Townsend, PC  
816 Congress Ave. Suite 1900  
Austin, Texas 78701

VIA-EMAIL

RE: Christoval Independent School District  
ADJ 1280  
CN601521834, RN102971280  
Application No. 14-1280A to Certificate of Adjudication No. 14-1280  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
South Concho River, Colorado River Basin  
Tom Green County

Dear Ms. Albright:

This acknowledges receipt on April 1, 2021, of the referenced application and fees in the amount of \$112.50 (Receipt No. M116011, copy attached).

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

1. Confirm the location of the proposed single diversion point. The latitude and longitude provided in the application does not plot on the watercourse. Staff has calculated the coordinates of the diversion point to be Latitude 31.179973 °N, Longitude 100.495784 °W.
2. Confirm that the upstream and downstream limits of the diversion reach identified in the application are reversed. Staff notes that the identified upstream limit of the reach is downstream of the identified downstream limit of the reach.
3. Provide additional information concerning the submitted water conservation plan for agricultural use to comply with Title 30 Texas Administrative Code (TAC) § 288.4.

Confirm that the devices used to measure and account for the amount of water diverted from the supply source, described in Section I. B. 2. of the water conservation plan (TCEQ-10238, page 3), are within an accuracy of plus or minus 5.0%. Staff recognizes that this section of the water conservation plan indicates two water meters will be used; however, information about the water meters' accuracy is not included in this section.

Ms. Stefanie Albright  
Application No. 14-1280A  
May 14, 2021  
Page 2 of 2

Please provide the requested information by June 14, 2021, or the application may be returned pursuant to Title 30 TAC § 281.18.

Staff notes application fees will be calculated pending response to this request for information letter and additional information and fees may be required before the application can be declared administratively complete and/or prior to completion of technical review.

If you have any questions concerning this matter, please contact me via email at [Joshua.schauer@tceq.texas.gov](mailto:Joshua.schauer@tceq.texas.gov) or by telephone at (512) 239-1371.

Sincerely,

A handwritten signature in cursive script that reads "Joshua Schauer".

Joshua Schauer, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment



TCEQ 07-APR-21 12:07 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

RECEIVED

APR 09 2021

Water Availability Division

<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>
WTR USE PERMITS	WUP	M116011	11246		BS00086554	07-APR-21	-\$112.50
	WUP	141280	040721	N	D1803019		
<i>Jones</i> - WATER USE PERMITS		LLOYD	RHDAVIS	CK			
		GOSSELINK					
		ROCHELLE					
		AND T					
	WUP	M116012	1802		BS00086554	07-APR-21	-\$112.50
	WUP	192113	040721	N	D1803019		
<i>Jones</i> - WATER USE PERMITS		TRACY,	RHDAVIS	CK			
		SUSAN					
		CRAWFORD					
	WUP	M116013	19595		BS00086554	07-APR-21	-\$150.72
	WUP	141330	040721	N	D1803019		
<i># bridge</i> - WATER USE PERMITS		QUICKSAND	RHDAVIS	CK			
		PARTNERS					
		LTD					
Total (Fee Code):							-\$375.72
Grand Total:							-\$4,689.88

Ms. Albright's Direct Line: (512) 322-5814  
[REDACTED]

April 1, 2021

Mr. Hal E. Bailey, Jr.  
Natural Resources Specialist II, Water Rights Permitting Team  
Water Availability Division  
Texas Commission on Environmental Quality  
Building F, Room 3101  
12100 Park 35 Circle  
Austin, Texas 78753

**VIA FIRST-CLASS MAIL**  
**AND ELECTRONIC**  
**TRANSMISSION**

Re: Application for an Amendment to Certificate of Adjudication 14-1280  
Pursuant to Texas Water Code § 11.122  
Christoval Independent School District

Dear Hal:

Please find enclosed an original application to amend Certificate of Adjudication 14-1280 (the "Application") filed on behalf of my client, the Christoval Independent School District (the "Christoval ISD"). Attached is my firm's check in the amount of \$112.50 submitted as payment for the application fees. On behalf of the Christoval ISD, please consider me your contact for processing this Application.

We look forward to working with you and your staff on processing this Application. Should you have any questions or concerns, please do not hesitate to contact me at (512) 322-5814, [REDACTED] or Lauren Thomas at (512) 322-5850, [REDACTED]

Sincerely,

*Stefanie Albright*

Stefanie Albright

SPA/clt  
Enclosure

cc: Mr. David Walker  
Ms. Lauren C. Thomas

**Texas Commission on Environmental Quality**  
**Application for an Amendment to**  
**Certificate of Adjudication 14-1280**  
**Christoval Independent School District**

**April 2021**

**Texas Commission on Environmental Quality**

**Application for an Amendment to**

**Certificate of Adjudication 14-1280**

**Christoval Independent School District**

**Submitted to:**

Texas Commission on Environmental Quality  
Water Supply Division, Water Rights Permitting (MC-160)  
12100 Park 35 Circle  
Austin, Texas 78753

**Prepared for:**

Christoval Independent School District  
P.O. Box 162  
Christoval, Texas 76935-0162

**Prepared by:**

Lloyd Gosselink Rochelle & Townsend, P.C.  
816 Congress Ave., Suite 1900  
Austin, Texas 78701



**Christoval Independent School District Application to  
Amend Certificate of Adjudication 14-1280**

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Addendum Regarding the State and Regional Water Plans -----	5
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Christoval Independent School District Resolution -----	14
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# TAB 1

# 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): Christoval Independent School District

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

Y/N

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

Y/N

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

**For Commission Use Only:**

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

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

# ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

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

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

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

See Tab 4, Addendum Regarding the Summary of Request.

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**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?  
Christoval Independent School District

*(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 : CN601521834 ( 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: David Walker

Title: Superintendent of Schools

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

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: David Walker

Mailing Address: P.O. Box 162

City: Christoval

State: Texas

ZIP Code: 76935

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:


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

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

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

First and Last Name: Stefanie Albright

Title: Attorney

Organization Name: Lloyd Gosselink Rochelle 

Mailing Address: 816 Congress Ave., # 1900

City: Austin


State: Texas

ZIP Code: 78701

Phone No.: 512-322-5814

Extension:

Fax No.: 512-472-0532

E-mail Address: 

**4. WATER RIGHT CONSOLIDATED CONTACT INFORMATION**  
**(Instructions, Page. 9)**

N/A

This section applies only if there are multiple Owners of the same authorization. Unless otherwise requested, Co-Owners will each receive future correspondence from the Commission regarding this water right (after a permit has been issued), such as notices and water use reports. Multiple copies will be sent to the same address if Co-Owners share the same address. Complete this section if there will be multiple owners and **all** owners agree to let one owner receive correspondence from the Commission. Leave this section blank if you would like all future notices to be sent to the address of each of the applicants listed in section 2 above.

I/We authorize all future notices be received on my/our behalf at the following:

First and Last Name:

Title:

Organization Name:

Mailing Address:

City:

State:

ZIP Code:

Phone No.:

Extension:

Fax No.:

E-mail Address:

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

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

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

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, David Walker, Superintendent of Schools

(Typed or printed name)

(Title)

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

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

Signature: [Handwritten Signature]

Date: March 24, 2021

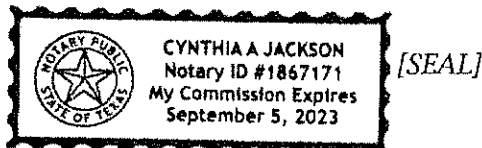
(Use blue ink)

Subscribed and Sworn to before me by the said

on this 24th day of MARCH, 2021.

My commission expires on the 5th day of SEPTEMBER, 2021.

Cynthia A. Jackson  
Notary Public



TOM GREEN  
County, Texas

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

# **TAB 2**

# TECHNICAL INFORMATION REPORT

## WATER RIGHTS PERMITTING

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

**Applicants are 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) 239-4691 to schedule a meeting.** Applicant attended a pre-application meeting with TCEQ Staff for this Application? **Y / N** Yes. (If yes, date : June 12, 2020 ).

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

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

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

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

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

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

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

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

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

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

This section should be completed if Applicant owns an existing water right and Applicant requests to amend the water right. *If Applicant is not currently the Owner of Record in the TCEQ Records, Applicant must submit a Change of Ownership Application (TCEQ-10204) prior to submitting the amendment Application or provide consent from the current owner to make the requested amendment. See instructions page. 6.*

Water Right (Certificate or Permit) number you are requesting to amend: CA 14-1280

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

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

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

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

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

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

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

*If yes, submit:*

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

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

*If yes, submit: Worksheet 3.0 - Diversion Point Information Worksheet* (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)

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

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

f. Other - Applicant requests to change any provision of an authorization not mentioned above? **Y / N**  **N** *If yes, call the Water Availability Division at (512) 239-4691 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":

See Tab 5, Addendum Regarding the State and Regional Water Plans.

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

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

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

# **TAB 3**

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

### 1. New Authorizations (Instructions, Page. 16)

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

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

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

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

1. Location Information Regarding the Lands to be Irrigated

i) Applicant proposes to irrigate a total of \_\_\_\_\_ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of \_\_\_\_\_ acres in \_\_\_\_\_ County, TX.

ii) Location of land to be irrigated: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_.

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

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

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



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

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

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
15 acre-feet	Irrigation	Irrigation	53.62 acre-tract in Albert Black Survey 75, Abstract 98, Tom Green County, Texas	30 acre-tract in Johan Zerbach Survey No. 1827 (Pugh Park)
15 acre-feet	Irrigation	Irrigation	53.62 acre-tract in Albert Black Survey 75, Abstract 98, Tom Green County, Texas	58.999 acre-tract in Johan Zerbach Survey No. 1827 (Christoval ISD football fields)

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- i) Applicant proposes to irrigate a total of \_\_\_\_\_ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of \_\_\_\_\_ acres in \_\_\_\_\_ County, TX.
  - ii) Location of land to be irrigated: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_.  
***A copy of the deed(s) describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds. If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other legal right for Applicant to use the land described.***
- Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.***
- c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
  - d. See Worksheet 1.2, Marshall Criteria, and submit if required.
  - e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

**WORKSHEET 1.1**  
**INTERBASIN TRANSFERS, TWC § 11.085**

N/A

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

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

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

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

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

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

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

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

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

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

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

## WORKSHEET 1.2

### NOTICE. "THE MARSHALL CRITERIA"

N/A

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

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

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

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

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

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

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

# WORKSHEET 2.0

## Impoundment/Dam Information

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

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

### 1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: \_\_\_\_\_
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: \_\_\_\_\_.
- c. The impoundment is on-channel \_\_\_\_\_ or off-channel \_\_\_\_\_ (mark one)
  - 1. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4691? Y / N
  - 2. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / N
- d. Is the impoundment structure already constructed? Y / N
  - i. For already constructed **on-channel** structures:
    - 1. Date of Construction: \_\_\_\_\_
    - 2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N
      - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N
      - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N
    - 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N
      - a. If yes, provide the Site No. \_\_\_\_\_ and watershed project name \_\_\_\_\_;
      - b. Authorization to close "ports" in the service spillway requested? Y / N
  - ii. For **any** proposed new structures or modifications to structures:
    - 1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? Y / N  
Provide the date and the name of the Staff Person \_\_\_\_\_
    - 2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
      - a. No additional dam safety documents required with the Application. Y / N
      - b. Plans (with engineer's seal) for the structure required. Y / N
      - c. Engineer's signed and sealed hazard classification required. Y / N
      - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N

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

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level:\_\_\_\_\_.
2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option.  
Applicant has calculated the drainage area. Y/N  
If yes, the drainage area is\_\_\_\_\_ sq. miles.  
*(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4691).*

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

- a. On Watercourse (if on-channel) (USGS name):\_\_\_\_\_
- b. Zip Code: \_\_\_\_\_
- c. In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, \_\_\_\_\_ County, Texas.

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

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

- d. A point on the centerline of the dam (on-channel) or anywhere within the impoundment (off-channel) is:  
Latitude \_\_\_\_\_°N, Longitude \_\_\_\_\_°W.  
***\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- di. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):\_\_\_\_\_
- dii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N

## WORKSHEET 3.0

### DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

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

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

1. \_\_\_\_\_ Diversion Point No.
2. 21,192,811 - 100,496,168 \_\_\_\_\_ Upstream Limit of Diversion Reach No.
3. 31,161,451 - 100,496,168 \_\_\_\_\_ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 15.11 cfs (cubic feet per second)  
or 6800 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / N Yes  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 15.11 cfs or 6800 gpm

d. For amendments, is Applicant seeking to increase combined diversion rate? Y / N 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	Existing (authorized in CA no. 14-1280)
<input type="checkbox"/>	From an on-channel reservoir	
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	Other method (explain fully, use additional sheets if necessary)	

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

Applicant has calculated the drainage area. Y / N No

If yes, the drainage area is \_\_\_\_\_ sq. miles.

*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)*



## 2. Diversion Location (Instructions, Page 25)

a. On watercourse (USGS name): South Concho River

b. Zip Code: 76935

c. Location of point: In the Johann Zerbach Original Survey No. 1827, Abstract No. 4127, Tom Green County, Texas.

Diversion point  
for upper reach

***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 31.186811 °N, Longitude -100.498089 °W.

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

e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google maps

f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.

g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): South Concho River
- b. Zip Code: 76935
- c. Location of point: In the Johann Zerbach Original Survey No. 1827, Abstract No. 4127, Tom Green 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 31.181451 °N, Longitude -100.496168 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google maps
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

**2. Diversion Location (Instructions, Page 25)**

- a. On watercourse (USGS name): South Concho River
- b. Zip Code: 76935
- c. Location of point: In the Johann Zerbach Original Survey No. 1827, Abstract No. 4127, Tom Green 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 31.180000 °N, Longitude -100.495000 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google maps
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 4.0 DISCHARGE INFORMATION

N/A

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

- a. The purpose of use for the water being discharged will be \_\_\_\_\_.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses \_\_\_\_\_% and explain the method of calculation:\_\_\_\_\_

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

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

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

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
  4. The percentage of return flows from groundwater\_\_\_\_\_, surface water\_\_\_\_\_?
  5. If any percentage is surface water, provide the base water right number(s) \_\_\_\_\_.
- c. Is the source of the water being discharged groundwater? **Y / N**      If yes, provide the following information:

1. Source aquifer(s) from which water will be pumped:\_\_\_\_\_
2. Any 24 hour pump test for the well if one has been conducted. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers \_\_\_\_\_.
3. Indicate how the groundwater will be conveyed to the stream or reservoir.
4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.

- ci. Is the source of the water being discharged a surface water supply contract? **Y / N**  
If yes, provide the signed contract(s).
- cii. Identify any other source of the water \_\_\_\_\_

# WORKSHEET 4.1

## DISCHARGE POINT INFORMATION

N/A

This worksheet is required for **each** discharge point. Submit one Worksheet 4.1 for each discharge point. If there is more than one discharge point, the numbering of the points should be consistent throughout the application and on any supplemental documents (e.g. maps).  
**Instructions, Page 27.**

**For water discharged at this location provide:**

- a. The amount of water that will be discharged at this point is \_\_\_\_\_ acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of \_\_\_\_\_ cfs or \_\_\_\_\_ gpm.
- c. Name of Watercourse as shown on Official USGS maps: \_\_\_\_\_
- d. Zip Code: 76935
- f. Location of point: In the Johann Zerbach Original Survey No. 1827, Abstract No. 4127, Tom Green County, Texas.
- g. Point is at:  
Latitude \_\_\_\_\_°N, Longitude \_\_\_\_\_°W.  
*\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*
- h. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): \_\_\_\_\_

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

# WORKSHEET 5.0

## ENVIRONMENTAL INFORMATION

### 1. Impingement and Entrainment

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

---

Screens will be used at the new diversion point on diversion structures to minimize entrainment and impingement of aquatic resources.

---

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

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

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

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

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

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

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

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

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

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

- a. For all bed and banks applications:
  - i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

b. For all alternate source applications:

- i. If the alternate source is treated return flows, provide the TPDES permit number\_\_\_\_\_

- ii. If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:

Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

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

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

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



## WORKSHEET 6.0

### Water Conservation/Drought Contingency Plans

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

**Instructions, Page 31.**

*The TCEQ has developed guidance and model plans to help applicants prepare plans. Applicants may use the model plan with pertinent information filled in. For assistance submitting a plan call the Resource Protection Team (Water Conservation staff) at 512-239-4691, or e-mail [wras@tceq.texas.gov](mailto:wras@tceq.texas.gov). The model plans can also be downloaded from the TCEQ webpage. Please use the most up-to-date plan documents available on the webpage.*

#### 1. Water Conservation Plans

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

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

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

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

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

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

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

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

## 2. Drought Contingency Plans

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

# WORKSHEET 7.0

## ACCOUNTING PLAN INFORMATION WORKSHEET

N/A

The following information provides guidance on when an Accounting Plan may be required for certain applications and if so, what information should be provided. An accounting plan can either be very simple such as keeping records of gage flows, discharges, and diversions; or, more complex depending on the requests in the application. Contact the Surface Water Availability Team at 512-239-4691 for information about accounting plan requirements, if any, for your application. **Instructions, Page 34.**

### 1. Is Accounting Plan Required

Accounting Plans are generally required:

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

### 2. Accounting Plan Requirements

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

## WORKSHEET 8.0 CALCULATION OF FEES

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

### 1. NEW APPROPRIATION

	Description	Amount (\$)
<b>Filing Fee</b>	Circle fee correlating to the total amount of water <sup>2</sup> 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	NA
<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. **	NA
<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. ***	NA
<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.	NA
<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.	NA
<b>Mailed Notice</b>	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4691.	
<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	100
<b>Recording Fee</b>		\$12.50
<b>Mailed Notice</b>	Additional notice fee to be determined once application is submitted.	
<b>TOTAL INCLUDED</b>		\$ 112.5

### 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>		\$ NA

# TAB 4

## ADDENDUM: SUMMARY OF REQUEST

Christoval Independent School District (the “Applicant”) seeks to add a reach and a diversion point to Certificate of Adjudication No. 14-1280 (“CA No. 14-1280”). The upstream point will be located at 31.186811, -100.498089 and the downstream point will be located at 31.181451, - 100.496168 along the bank of the South Concho River. The Applicant also adds the following diversion point location: 31.180000, -100.495000. For a copy of the Vicinity Map, see **Tab 7**. In addition, Applicant seeks to change the place of use of the water to include the entirety of Pugh River Park (the “Park”) in Tom Green County, Texas and to include the Applicant’s football fields. Applicant plans to use the water to irrigate two existing baseball and softball fields on the property and additional fields that will be built at the Park, as well as to irrigate the existing football fields that are located at the Christoval High School. The property is owned by Tom Green County, and the Applicant has permission to use Tom Green County’s property to irrigate the existing and future softball and baseball fields. See **Tab 13**. The Applicant has a lease from Tom Green County for the football fields. See **Tab 15**.

The Applicant assumed co-ownership of CA No. 14-1280 on March 5, 2020, after the Texas Commission on Environmental Quality (“TCEQ”) sent a copy of the TCEQ Water Rights Change of Ownership Memorandum to the Applicant. For a copy of the TCEQ Water Rights Change of Ownership Memorandum, see **Tab 12**. CA No. 14-1280 currently authorizes Mark E. Webb and Eloise C. Taylor (“Grantors”) to impound a maximum of 50 acre-feet of water for agricultural purposes from an on-channel reservoir located on the South Concho River in the J. Zerbach Survey 1827, Abstract No. 4217, Tom Green County, Texas. For a copy of the existing water right, see **Tab 6**. As indicated in the Change of Ownership Memorandum, Applicant will divert 15 acre-feet of water per year for agricultural purposes from the aforementioned 50 acre-foot diversion point. The 15 acre-foot portion of the surface water rights was conveyed to the Applicant by the Grantors on December 12, 2019.

Applicant does not seek to increase their authorized diversion amount of water or diversion rate under the Permit, but rather seeks to add a diversion point and to change the place of use.

# **TAB 5**

## **ADDENDUM REGARDING THE STATE AND REGIONAL WATER PLANS**

This Application to Amend Certificate of Adjudication (“CA”) 14-1280 (the “Application”) seeks to allow Christoval Independent School District (the “Applicant”) to add a diversion reach range and change the place of use for the 15 acre-feet of water authorized under CA no. 14-1280 to the entirety of Pugh River Park in Tom Green County, Texas, and to add the Christoval High School football fields as a new place of use. The Applicant is located within the Region F Planning Group. This Application is consistent with the 2016 Region F Water Plan and the 2017 State Water Plan because there is nothing in the plans that conflicts with the Application.



# TAB 6

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 14-1280      OWNER: D. R. Spears  
403 North Jackson  
San Angelo, Texas 76901

COUNTY: Tom Green      PRIORITY DATE: July 29, 1914 and  
December 31, 1951

WATERCOURSE: South Concho River      BASIN: Colorado River

WHEREAS, by final decree of the 51st District Court of Tom Green County, in Cause No. 44,900-A, In Re: The Adjudication of Water Rights in the Concho River Segment of the Colorado River Basin, dated June 14, 1979, a right was recognized under Certified Filing 291 and Claim 11579 authorizing D. R. Spears, et al and D. R. Spears to appropriate waters of the State of Texas as set forth below;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Colorado River Basin is issued to D. R. Spears, subject to the following terms and conditions:

1. IMPOUNDMENT

Owner is authorized to maintain an existing dam and reservoir on the South Concho River and impound therein not to exceed 50 acre-feet of water. Point on the dam at the center of the stream is S 85° E, 855 feet from the northwest corner of the J. Zerbach Survey 1827, Abstract 4217, Tom Green County, Texas. This dam and reservoir are also authorized under Certificates of Adjudication 14-1281 through 14-1303, 14-1314, 14-1403 and 14-1404.

2. USE

A. Owner is authorized to divert and use not to exceed 69.9 acre-feet of water per annum from the aforesaid reservoir on the South Concho River (diversion point 1) to irrigate a maximum of 35 acres of land out of a 53.62 acre tract located in the Albert Black Survey 75, Abstract 98, Tom Green County, Texas, said 53.62 acre tract being described as follows:

- (1) BEGINNING at a 1½ inch iron pipe on the East bank of the South Concho River located N 12° 48' E, 336.8 varas from the Southwest corner of the Albert Black Survey 75, Abstract 98;
- (2) THENCE S 88° 13' E, 733.3 varas with a fence to a 1½ inch iron pipe in the West right-of-way line of a railroad;
- (3) THENCE N 5° 10' E, 117.8 varas with the said railroad ROW;
- (4) THENCE N 7° 25' E, 100 varas with the said railroad ROW;
- (5) THENCE N 10° 15' E, 100.1 varas with the said railroad ROW;
- (6) THENCE N 13° 2' E, 96.3 varas with the said railroad ROW to a 1½ inch iron pipe in the South line of a public road;
- (7) THENCE N 88° 51' W, 770.8 varas with said public road to a 1½ inch iron pipe on the East bank of the South Concho River;
- (8) THENCE upstream with the meanders of the South Concho River to the place of beginning.

B. Owner is also authorized to divert and use not to exceed 38 acre-feet of water per annum from the South Concho River (diversion point 2) to irrigate a maximum of 19 acres of land out of the aforesaid 53.62 acre tract described above.

CERTIFICATE OF ADJUDICATION 14-1280, PAGE 2 OF 2.

3. DIVERSION

A. Location:

- (1) At a point on the north bank of the South Concho River which is S 85° E, 855 feet from the northwest corner of the J. Zerbach Survey 1827, Abstract 4217, Tom Green County, Texas. This diversion point is also authorized under Certificates of Adjudication 14-1281 through 14-1303, 14-1314, 14-1403 and 14-1404.
- (2) At a point on the east bank of the South Concho River which is N 9° W, 1740 feet from the northwest corner of the J. Eldridge Survey 73, Abstract 173, Tom Green County, Texas.

B. Rate:

Maximum diversion rate in combination with other owners of diversion point (1) is 15.11 cfs (6800 gpm). Maximum diversion rate for diversion point (2) is 1.00 cfs (450 gpm).

4. PRIORITY

The time priority of owner's rights are July 29, 1914 for the 69.9 acre-feet of water annually diverted from diversion point 1 and December 31, 1951 for the 38 acre-feet of water annually diverted from diversion point 2.

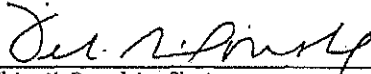
The locations of pertinent features related to this certificate are shown on Page 11 of the Concho River Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Department of Water Resources and the office of the County Clerk.

This certificate of adjudication is issued subject to all terms, conditions and provisions provided for in the final decree of the 51st District Court of Tom Green County, in Cause No. 44,900-A, In Re: The Adjudication of Water Rights in the Concho River Segment of the Colorado River Basin, dated June 14, 1979, and supersedes all rights of the owner asserted in that cause.

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

This water right is appurtenant to and is an undivided part of the above-described land within which irrigation is authorized. A transfer of any portion of the above-described land includes, unless otherwise specified, the portion of the water right which is appurtenant to the land transferred.

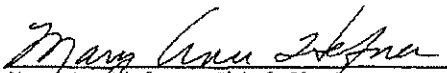
TEXAS WATER COMMISSION

  
Felix McDonald, Chairman

DATE ISSUED:

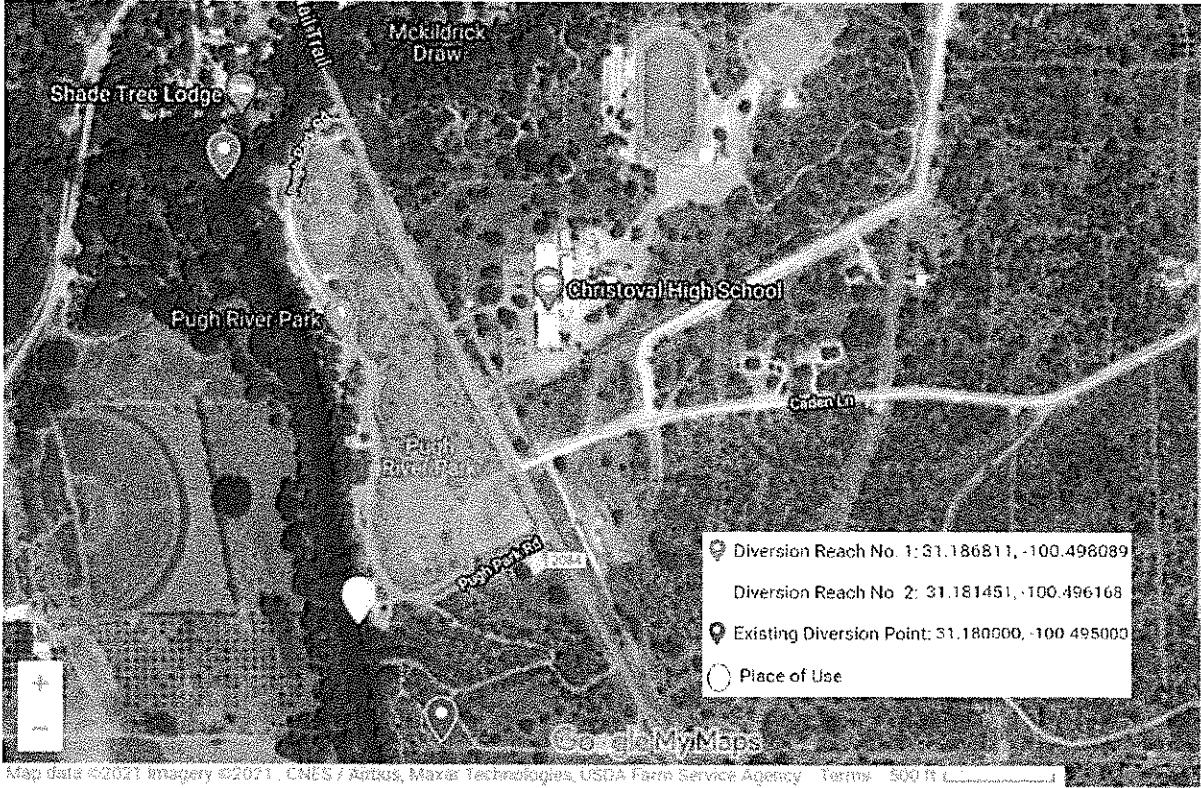
March 12, 1980

ATTEST:

  
Mary Ann Hefner, Chief Clerk

# **TAB 7**

# Vicinity Map



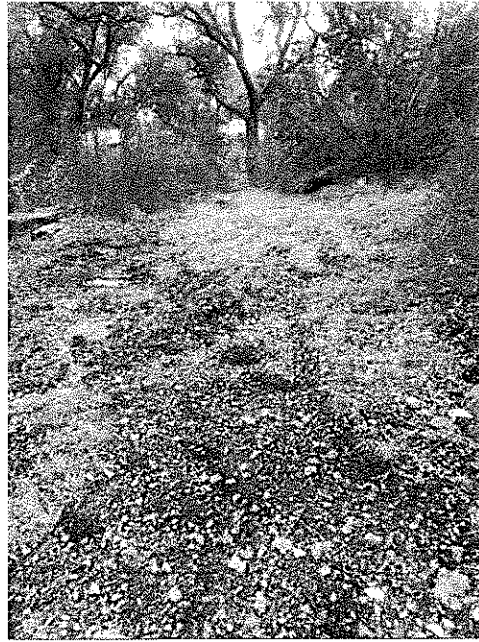
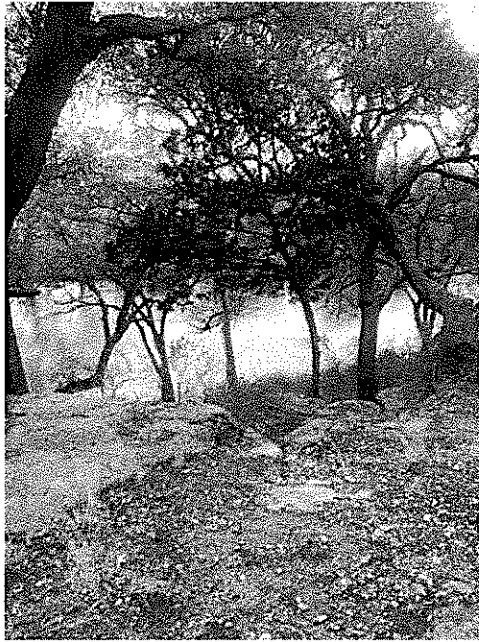
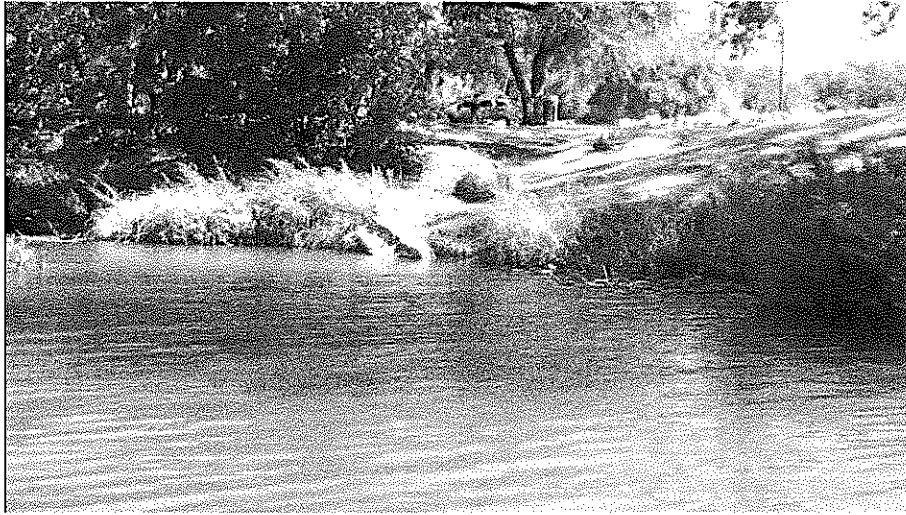
# TAB 8

## Addendum to Worksheet 5.0

### Existing Pump Location



## Proposed Additional Pump Location





Upper Diversion Reach  
(Across the water)



Lower Diversion Reach



# TAB 9

Premises unto the said P. C. Hudman and Minnie Belle Hudman, their heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

But it is expressly agreed and stipulated that the vendor's lien is retained against the above described, property premises and improvements, until the above described notes and all interest thereon are fully paid according to their face and tenoreffect and reading when this deed shall become absolute.

Witness our hands at San Angelo, Texas, this 13th day of October, A. D. 1941

(\$2.20 IRS cancelled) LOGAN - GREER COMPANY  
(\$1.80 SRS cancelled) By: T. R. Logan  
By: O. L. Greer

THE STATE OF TEXAS  
COUNTY OF TOM GREEN | Before me, the undersigned a Notary Public in and for said County Texas, on this day personally appeared T. R. Logan and O. L. Greer known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 13th day of October A. D. 1941.  
(seal) Hallie Long

Notary Public in and for Tom Green County, Texas.

Filed for record October 14th. 1941 at 11:45 o'clock A. M.

Duly recorded October 15th. 1941 at 4 o'clock P. M.

EMMETT KEATING  
COUNTY CLERK  
BY *Myrtle J. Brown* DEPUTY.

NO- 74843 DEED  
SALLIE J. PUGH TO TOM GREEN COUNTY.

THE STATE OF TEXAS  
COUNTY OF TOM GREEN | KNOW ALL MEN BY THESE PRESENTS :

That I, Sallie J. Pugh, a widow, of the County of Tom Green, State of Texas, for and in consideration of the sum of Twenty- Two thousand & 00/100 (\$22,000.00) Dollars, to me in hand paid by Tom Green County, have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey unto the said Tom Green County, a body corporate and political sub- division of the State of Texas, all that certain lot and tract of land lying and being situated in Tom Green County, Texas, and more particularly described as follows, to-wit:

FIRST TRACT: Being 365 acres a part of Survey No. 73, in the name of James Eldridge and 529-78/100 acres, a part of Survey No, 1827, in the name of Johann Zerbach, described by metes and bounds as follows, to-wit:

BEGINNING at a Live oak 40" on East bank of South Concho river, from which a do 30" bears S. 81-3/4 E. 6 vrs; said beginning point being the S W cor of a 200 acre tract this day conveyed by grantors herein to grantees herein out of said above two surveys ; THENCE E. with S line said 200 acre tract 982 vrs to a stake, its S. E. cor ; THENCE N. with E line of same at 365 vrs pass North end of Survey 1827 and South line of Survey 73, in all 1350 vrs to stake in North line of said Survey 73, same being the N. E. corner said 200 acre tract; THENCE E. with North line of said Survey 73, 2010- 3/4 vrs to its N E corner; THENCE South with East line said Survey 997 vrs to stake its S E corner on N line of Survey 1827; THENCE East with North line said Sur . 1827, 583 vrs to stake, its N E cor; THENCE S with E line of same, 950 vrs to stake its S E corner; THENCE W. with S. line of said Survey 1827 3434 vrs to stone mound on E. bank of S Concho river the SW corner of this tract; THENCE down

19 W. 11 85

bank of said river with its meanders to place of BEGINNING, SAVE AND EXCEPT that certain 14.7 acre tract of land sold by Sallie Jane Pugh to J. W. Johnson, Mary B. Johnson Hall and Mrs. Ruth Gordon, widow, by deed dated January 30th. 1933, recorded in Vol. 174 page 27, of the Deed Records of Tom Green County, Texas, and described by metes and bounds as follows to-wit: BEGINNING at the S. E. corner of Survey 1827 in the name of Johann Zerbach and S W corner of Survey 1827 $\frac{1}{2}$  Thos McClure; THENCE West along the South line of said Survey 1827, 87.3 vrs to a point; THENCE North 953 vrs to a point in the N line of Survey 1827 and a South line of Survey 1827 $\frac{1}{2}$ ; THENCE East 87.3 vrs to the N. E. corner of Survey 1827; THENCE South along the East line of said Survey 1827, 953 vrs to the place of BEGINNING,

SECOND TRACT: 127 acres more or less, a part of a 160 acre tract patented to G. W. Lewis, assignee of Jane Jones by Patent No. 365 Vol. 41 dated November 10th. 1910 and recorded in Vol 30 on page 156, of the deed records of Tom Green County, Texas, described by metes and bounds as follows, to-wit:

BEGINNING at a stone mound the S E corner of 160 acres of land patented to G W Lewis, which said 160 acres is described in the patent as the South part of the West half of Section No. 2, J. S. Grant, THENCE West with south line of said 160 acre tract 907 vrs to a stake on East line of Survey No. 73, Jas Eldridge; THENCE with East line of same N. 45 $\frac{1}{2}$  E. 795 vrs to stake its N. E. cor; THENCE East 898-7/100 vrs to stake in East line of said G. W. Lewis Patent for 160 acres; THENCE with East line of said South 795 vrs to the place of BEGINNING.

THIRD TRACT: Known and described as Block No. Fourteen (14) of the Voss' Addition to the TOWN OF CHRISTOVAL, Tom Green County, Texas, containing Twenty and Thirty two Hundredths (20-32/100) acres, same being out of the James Eldridge Survey Number 73, SAVE AND EXCEPT the following described 2.05 acres, sold by S. J/ Pugh, a feme sole, to J. A. Whitten, T. Z. Williams and T. E. Gallemore, Trustees for Christoval Baptist Encampment, fully described in a deed dated July 12th. 1926 recorded in Volume 124 page 120 of the Deed Records of Tom Green County, Texas, and described by metes and bounds as follows: Being out of said Block 14, Voss Addition.

BEGINNING at the N. E. corner of Block 2 of said Voss Addition, a stake on the W. bank of McKindriok Branch which point is also the N. corner of said Block; THENCE S. 42 E. with the S W line of Christoval- Rudd road, 75 vrs to a stake in the N. E. line of said Block 14, an iron pipe brs S. 42 E. 27 vrs a double pecan 8" x 10" brs S 40 E. 27 vrs and a 7" L. O. brs N. 54 W. 4.7 vrs; THENCE S. 28 $\frac{1}{2}$  W. 103-3/10 vrs to a stake; THENCE a 9" L. O. brs N. 24 $\frac{1}{2}$  E. 15-8/10 vrs; THENCE S. 42 $\frac{1}{2}$  W 118 vrs to stake on lower E bank of S. Concho River whence a 10" L. O. brs N. 42 $\frac{1}{2}$  E. 2 $\frac{1}{2}$  vrs and a 24" L. O. N. 42 $\frac{1}{2}$  E. 24 $\frac{1}{2}$  vrs; THENCE down said river bank N. 30 W 29 vrs to an 8" pecan standing on E bank of said river at its intersection with the S bank of McKindriok branch whence a 30" L. O. brs S 60 E 8 vrs; THENCE North across said branch, 30 vrs to the S. corner of said Block 2; THENCE with the E line of said Block 2, N. 38 E 84.6 vrs and N. 21 E 117 $\frac{1}{2}$  vrs to the place of BEGINNING.

FOURTH TRACT: The following described Blocks in Voss' Addition to the Town of Christoval, to-wit:

All of Block No. Six (6); All of Block No. Seven (7), containing 6.41 acres of land; All of Block No. Eight (8), containing 6.41 acres of land and all of Block No. Ten (10), containing 10.34 acres of land; and a certain tract of land containing 39.31 acres in said Voss Addition to the town of Christoval as shown by map of said addition on file in the County Clerk's office, of Tom Green County, Texas.

FIFTH TRACT: 14.7 acres out of Survey No. 1827 $\frac{1}{2}$  in the name of Thos. McClure, described by metes and bounds as follows, to-wit:

*Ranch Rd on East side of Survey 1827*

BEGINNING at a point on the North line of Survey No. 1827, in the name of Johann Zerbach and a South line of Survey No. 1827 1/2 in name of Thos McClure, 87.3 vrs West of the N E corner of said Survey No. 1827; THENCE West 495.7 vrs to the S E corner of Survey No. 73, in name of Jas Eldridge; THENCE North along the East line of said Survey No. 73, 167.8 vrs to the most Westerly N. W. corner of said Survey No. 1827 1/2; THENCE East along the N. line of said Survey 1827 1/2, 495.7 vrs to a point; THENCE South 167.8 vrs to the place of BEGINNING

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Tom Green County, its successors and assigns forever; and I do hereby bind myself, my heirs, executors and administrators, to Warrant and Forever Defend all and singular the said premises unto the said Tom Green County, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS MY HAND at San Angelo, Texas, this 13 day of October, A. D. 1941.

Sallie J. Pugh

THE STATE OF TEXAS  
COUNTY OF TOM GREEN

Before me, the undersigned, a Notary Public in and for said County, Texas, on this day personally appeared Sallie J. Pugh, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 13 day of October, A. D. 1941.

(seal) Ruby Boatright

Notary Public, Tom Green County, Texas.

Filed for record October 14th. 1941 at 3 o'clock P. M.

Duly recorded October 16th. 1941 at 4:30 o'clock P. M.

EMMETT KEATING  
COUNTY CLERK

BY *[Signature]* DEPUTY.

NO- 74846 WARRANTY DEED.

MARGARET OCKER

TO FRANK OCKER

THE STATE OF TEXAS  
COUNTY OF TOM GREEN

KNOW ALL MEN BY THESE PRESENTS :

That I, Margaret Ocker, a feme sole, of the County of Tom Green State of Texas, for and in consideration of the sum of One Dollar and other good and valuable considerations to me in hand paid by Frank Ocker, receipt of which is hereby acknowledged have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey unto the said Frank Ocker, of the County of Tom Green, State of Texas, all that certain tract or parcel of land lying in the County of Tom Green, and State of Texas, described as follows, to-wit:

West Half (W 1/2) of South 3/4ths of Survey No. 93 S P R Y CO patent No. 307 Vol 8 Abst No. 2034; said South 3/4ths of said Survey being fully described in deed from Fred G. Feist to Frank Ocker, dated May 10, 1934, and of record in Vol. 177 page 638 Deed Records of said Tom Green County.

Said W 1/2 of said S 3/4ths of survey comprising 240 acres more or less, and is the same land set aside and awarded to the said Frank Ocker by the divorce decree this day rendered in Cause No. 12563-B, Margaret Ocker v. Frank Ocker, et al in the 119th District Court of Tom Green County, Texas.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said Frank Ocker his

THE STATE OF TEXAS §  
 COUNTY OF TOM GREEN § LEASE AGREEMENT

In connection with this Lease Agreement the following facts exist:

- 1) Tom Green County owns land in the vicinity of the Town of Christoval, some of which is used for park purposes and some of which is leased for grazing and other purposes;
- 2) Christoval Independent School District is in need of additional land on which to build school facilities including school buildings, playgrounds and a football stadium; and
- 3) Tom Green County has agreed to lease to Christoval Independent School District a tract of land comprising 58.299 acres described by metes and bounds on Exhibit "A" attached hereto, and Christoval Independent School District has agreed to lease that tract of land from Tom Green County, all on the terms and conditions set out below.

Therefore, it is AGREED by and between TOM GREEN COUNTY, herein called Lessor, the address of which is Tom Green County Courthouse, San Angelo, Texas 76903, and CHRISTOVAL INDEPENDENT SCHOOL DISTRICT, herein called Lessee, the address of which is P. O. Box 162, Christoval, Texas 76935, as follows:

I.

LEASE OF PREMISES. Lessor hereby leases and demises unto Lessee and Lessee leases from Lessor the surface estate only in and to all of the land located in Tom Green County, Texas, described by metes and bounds on Exhibit "A" attached hereto, herein called Leased Premises.

II.

TERM. This lease is for a term of ninety-nine (99) years, beginning on the 1st day of August, 1985, and ending on the 31st day of July, 2084.

III.

RENT. Lessee will pay to Lessor as rent for the Leased Premises the sum of One Dollar (\$1.00) per year with the first of such payments being due and payable at the time of the execution of this lease and a like payment being due on or before the 1st day of August of each successive year during the term of this lease.

IV.

USE OF PREMISES. Lessee will use the Leased Premises solely for the purpose of the construction, operation and maintenance of a school building or buildings, football field and other physical education facilities, playgrounds and other related purposes and none other.

V.

WATER WELL DRILLING. During the term of this lease Lessee will have the right to drill water wells at such location and in such number as Lessee shall determine for the purpose of supplying ground water to the facilities; provided, however, Lessee may drill and complete no more than one (1) water well for each ten (10) acres, or major part thereof.

VI.

ROADWAYS AND UTILITIES. The leased premises abuts FM Hwy. 2084, commonly known as Toe Nail Trail. Lessee is authorized to construct parking lots and roadways on the leased premises to provide access to the school buildings, parking lots and other facilities on the land. All construction and maintenance of such roadways and parking lots will be the responsibility of Lessee. Likewise, arrangements for electric, gas and water utilities to service the premises will be the responsibility of Lessee.

VII.

MAINTENANCE OF LEASED PREMISES. It will be Lessee's responsibility to fence and Lessee does agree to fence the outer

perimeter of the Leased Premises and maintain the whole area of the Leased Premises in clean, trouble-free condition and suffer no waste or create no hazard on the premises and will indemnify and hold harmless Lessor from any claim that might arise because of Lessee's occupancy of the premises as Lessee anytime during the term of the lease.

VIII.

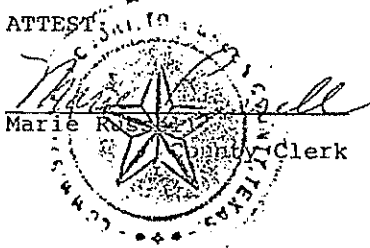
REVERTER CLAUSE. If at anytime during the term of this lease Lessee should abandon the Leased Premises as a site for the operation of a school facility, then the Leased Premises will revert to Lessor and the lease will terminate by its own terms.

IX.

BINDING EFFECT. This lease agreement will be binding on the governmental units constituting Lessor and Lessee, the officers and directors of same and their successors in office.

EXECUTED this the 12<sup>th</sup> day of August, 1985, but effective as of August 1, 1985.

ATTEST:

 Marie Rose  
County Clerk

TOM GREEN COUNTY, TEXAS

By Edd B. Keyes  
Edd B. Keyes, County Judge

LESSOR

ATTEST:

Don F. Brown  
Secretary

CHRISTOVAL INDEPENDENT SCHOOL DISTRICT

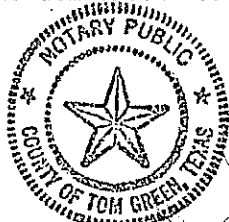
By H. Hardy  
President

LESSEE



THE STATE OF TEXAS §  
COUNTY OF TOM GREEN §

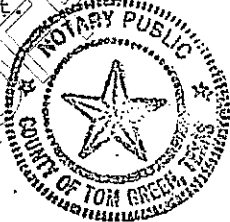
This instrument was acknowledged before me this 12<sup>th</sup> day of August, 1985, by EDD B. KEYES, County Judge of Tom Green County, on behalf of Tom Green County Commissioner's Court.



*Virginia E. Berry*  
Notary Public, State of Texas  
Printed Name: Virginia E. Berry  
My Commission Expires: 01-07-86

THE STATE OF TEXAS §  
COUNTY OF TOM GREEN §

This instrument was acknowledged before me this 12<sup>th</sup> day of August, 1985, by K. Hardy Tulebo, President of the Christoval Independent School District, on behalf of said school district.



*Virginia E. Berry*  
Notary Public, State of Texas  
Printed Name: Virginia E. Berry  
My Commission Expires: 01-07-86

58.299 Acres

Being an area of 58.299 acres of land out of and part of Blocks No. 6, 7, 8 and 10 of Voss' Addition to the town of Christoval, Texas, certain tract containing 39.31 acres in said Voss Addition as shown by map of said addition on file in County Clerk's office and above mentioned area being also that same Fourth Tract as described in Volume 212 at page 475 of the Deed Records of Tom Green County, Texas, part of Third Tract as described in said Volume 212 at page 475 and also part of First Tract as described in Volume 212 at page 475 out of the Johan Zerback Survey No. 1827 of said Tom Green County and said 58.299 acre tract being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron pipe by fence corner post for the northeast corner of this tract, said Fourth Tract and said Block 10 and being on the west line of said First Tract;

Thence with the east line of this tract, said Block 10 and said Fourth Tract and west line of said First Tract, S. 0° 21' 12" W. 815.37 feet to a 1/2" iron pipe set for the southeast corner of this tract;

Thence with the southeast line of this tract and across said Fourth and First Tract, S. 62° 04' 45" W. 2116.73 feet to a 1/2" iron pipe set for the southwest corner of this tract and being on the northeast right-of-way of F.M. 2084;

Thence with the southwest line of this tract and northeast line of said F.M. 2084, N. 27° 52' 39" W. 810.51 feet to a concrete right-of-way marker for the beginning of a curve to the right;

Thence with said curve to the right, having a radius of 5679.65 feet, central angle of 02° 59' 44", arc length of 296.95 feet and whose long chord bears N. 26° 22' 47" W. 296.91 feet to a 3/4" iron pipe for a west northwest corner of this tract;

Thence with a fence, N. 58° 42' 11" E. 101.41 feet to a fence corner for an angle corner of this tract and from which a 60d nail found in base of 24" live oak bears N. 55° 47' 50" W. 22.33 feet;

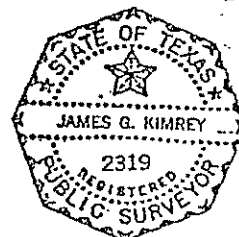
Thence with an existing fence, N. 89° 50' 01" E. 679.90 feet to a fence corner for a reentrant corner of this tract and from which a 3/4" iron pipe found bears N. 15° 25' 07" W. 16.94 feet;

Thence with a west fence line of this tract, N. 0° 28' 00" W. 672.71 feet to a fence corner for an angle corner of this tract;

Thence with existing fence, N. 59° 14' 22" E. 203.45 feet to a fence corner for the north northwest corner of this tract;

Thence with the north fence line of this tract as follows; N. 89° 21' 17" E. 182.91 feet to a fence corner from which a 3/4" iron rod found bears N. 0° 06' 12" E. 0.30 feet, S. 89° 54' 21" E. 327.17 feet, S. 88° 48' 14" E. 69.50 feet, S. 89° 32' 06" E. 60.02 feet, S. 89° 33' 30" E. 304.16 feet, S. 89° 29' 00" E. 506.66 feet to the place of beginning and containing an area of 58.299 acres of land.

*James G. "Stormy" Kimrey*  
 James G. "Stormy" Kimrey, P.E.  
 Registered Public Surveyor No. 2319



242031

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FILED FOR RECORD  
1985 AUG 16 PM 4:43

MARIE RUSSELL  
COUNTY CLERK  
COUNTY OF TOM GREEN, TEXAS

*no chg.*

*Return to*

*Marie Russell, Co. Clerk,*

UNOFFICIAL COPY

THE STATE OF TEXAS )  
COUNTY OF TOM GREEN ) I, HEREBY CERTIFY THAT THE INSTRUMENT WAS FILED  
ON THE DATE AND TIME STAMPED HEREON BY ME AND WAS DULY RECORDED IN  
VOL. 838, PAGE 140-145, OF THE Deed  
RECORDS OF TOM GREEN COUNTY TEXAS ON August 19, 1985



*Marie Russell*

MARIE RUSSELL, COUNTY CLERK  
TOM GREEN COUNTY, TEXAS

# **TAB 10**



## Texas Commission on Environmental Quality

Water Availability Division

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

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

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

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

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

#### Contact Information

Name: David Walker, Superintendent of Schools  
Address: P.O. Box 162, Christoval, Texas 76935  
Telephone Number: (325)896-2520 Fax: (325)896-7475  
Form Completed By: Stefanie Albright  
Title: Attorney, Lloyd Gosselink Rochelle & Townsend PC  
Signature: *Stefanie Albright* Date: 03/19/21

**A water conservation plan for agriculture use (individual irrigation user) must include the following requirements (as detailed in 30 TAC Section 288.4). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.**

**I. BACKGROUND DATA**

*A. Water Use*

- Annual diversion appropriated or requested (in acre-feet): 15 acre-feet/year
- In the table below, list the amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year.

January	February	March	April
0.8	0.8	0.8	0.8
May	June	July	August
0.8	0.8	0.8	0.8
September	October	November	December
0.8	0.8	0.8	0.8
<b>Total All Months</b>			9.6

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

<i>Type of crop</i>	<i>Growing Season (Months)</i>	<i>Acres irrigated/year</i>
Bermuda grass	April - September	15.61
<b>Total acres irrigated</b>		15.61

- Are crops rotated seasonally or annually?     Yes                      X No

If yes, please describe:

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

Sandy loam; clay.

*B. Irrigation system information*

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

The development of the irrigation system is still in progress. The irrigation system will be underground irrigation to the fields from the South Concho River to the fields in the Park. The equipment has not yet been selected but it will be some type of above-ground pump that is caged and mounted near the bank of the South Concho River.

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

There will be two meters, one that is already in place at the lower, existing fields at Pugh Park, and the second at the new pump location for the two new fields. The existing pump transports water to the Christoval High School football fields.

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

Irrigation system does not yet exist. Planned system is intended to operate at least at the 70% efficiency range and that is set as the 5 and 10 year goals for the system to maintain.

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

a. 5-year goal:  
Savings in acre-feet                      or system efficiency as a percentage 70 %

b. 10-year goal:  
Savings in acre-feet                      or system efficiency as a percentage 70 %

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

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

Yes                       No

If yes, please provide the date of the evaluation, evaluator's name and the results of the evaluation: Once the project is complete, evaluations will be performed.

### C. Conservation practices

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

The irrigation system will include low pressure sprinklers and drip sprinklers at three locations inside Pugh Park. The Christoval High School football fields use a water sprinkler system on a timer that rotates between sections of the fields based on the day of the week.

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

An evaluation of the system will be performed once construction of the new pump is complete.

3. Describe any water-saving scheduling or practices to be used in the application of water (e.g., irrigation only in early morning, late evening or night hours and/or during lower



temperatures and winds) and methods to measure the amount of water applied (e.g. soil-moisture monitoring).

Irrigation will be scheduled based on need, temperature, time of year, and time of day. Typically, watering is done in the evenings based on recommendations from a professional contractor.

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

Weed control plans and land improvements will be implemented to reduce runoff.

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

N/A.

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

N/A.

## **II. WATER CONSERVATION PLANS SUBMITTED WITH A WATER RIGHT APPLICATION FOR NEW OR ADDITIONAL STATE WATER**

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

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

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

# TAB 11

TOM GREEN COUNTY

RESOLUTION

A RESOLUTION ENDORSING AND ENCOURAGING CHRISTOVAL INDEPENDENT SCHOOL DISTRICT TO FILE A WATER RIGHT AMENDMENT APPLICATION WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR USE OF 15 ACRE-FEET OF WATER AS AUTHORIZED IN CERTIFICATE OF ADJUDICATION NO. 14-1290

**WHEREAS**, Tom Green County (the "County") owns Pugh Park, located in Tom Green County, Texas; and,

**WHEREAS**, the Christoval Independent School District (the "District") is filing a water right amendment application with the Texas Commission on Environmental Quality ("TCEQ") to formally recognize the District's ownership of CA no. 14-1280 and to authorize the District to divert the water and use the water at Pugh Park (the "Application"); and,

**WHEREAS**, the District plans to donate a portion of the water to the Christoval Youth Baseball Association (the "Association") to water the current and future sports fields at Pugh Park; and,

**WHEREAS**, Tom Green County leased the sports fields at Pugh Park to the Association, as indicated in Exhibit A; and,


**WHEREAS**, the Association plans to use water leased from the District to irrigate the fields located at Pugh Park; and,

**WHEREAS**, the County desires to support the District's Application.


**NOW, THEREFORE, BE IT HEREBY RESOLVED BY TOM GREEN COUNTY THAT:**


1. The County is committed to supporting the District's Application.
2. The County is committed to support the District leasing a portion of the District's 15 acre-feet under CA no. 14-1280 to the Association for use to water the sports fields at Pugh Park.

THIS RESOLUTION ADOPTED BY THE COUNTY ON March <sup>16<sup>th</sup></sup>, 2021, IN TOM GREEN COUNTY, TEXAS.

  
\_\_\_\_\_  
Judge Stephen C Floyd

  
\_\_\_\_\_  
Commissioner Ralph Hoelscher, Pct 1

  
\_\_\_\_\_  
Commissioner Sammy Farmer, Pct 2

  
\_\_\_\_\_  
Commissioner Rick Bacon, Pct 3

  
\_\_\_\_\_  
Commissioner Bill Ford, Pct 4

# **TAB 12**

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 5, 2020

Stefanie Albright  
816 Congress Ave. Ste 1900  
Austin, TX 78701-2478

RECEIVED

MAR 11 2020

RE: Change of Ownership  
Certificate of Adjudication No. 14-1280

Lloyd Gosselink

Dear Ms. Albright,

This acknowledges receipt of the Surface Water Rights Change of Ownership form and related conveyance documents for Certificate of Adjudication No. 14-1280 on December 30, 2019.

Enclosed is a copy of the *TCEQ Change of Ownership Memorandum* and receipt for the \$100 recording fee (receipt No. M009642).

If you have any questions concerning this matter, please contact me via e-mail at [Amanda.Scott@tceq.texas.gov](mailto:Amanda.Scott@tceq.texas.gov) or by telephone at (512) 239-2558.

Sincerely,

A handwritten signature in black ink, appearing to read "Amanda Scott".

Amanda Scott  
Project Manager  
Water Rights Compliance Assurance Team  
Water Availability Division

Enclosures

cc: Concho Watermaster's Office

# TCEQ Water Rights Change of Ownership Memorandum

**To:** Records Management

**Date:** March 5, 2020

**From:** Permit Support Compliance and  
Groundwater Section Water  
Availability Division

**Certificate of Adjudication No.** 14-1280

**Source County:** Tom Green

**Source Basin:** Colorado River

**Subject:** Change of Ownership

**Add:** Christoval Independent School District as owner

## Conveyance Documents Reviewed

Title	Dated	Document No.	Volume No.	Page No.
Letter of Intent	12/12/2019	-	-	-
Special Warranty Gift Deed	12/12/2019	201918375	-	-

The change of ownership application and \$100 recording fee (Receipt No. M009642) were received on December 30, 2019. The review of the application was completed on March 5, 2020. The conclusions in this memo are based upon a review of the above mentioned conveyance documents submitted by the applicant from the Official Public Records of Tom Green County, Texas. The conclusions are subject to change if additional information is received.

## Ownership of Record with Addresses and Remarks:

1. Mark E. Webb  
P.O. Box 619  
Christoval, TX 76935-0619
2. Eloise C. Taylor  
P.O. Box 619  
Christoval, TX 76935-0619
3. Christoval Independent School District  
P.O. Box 162  
Christoval, TX 76935-0162

The ownership interest has been apportioned as follows:

**Authorization 1: 50 acre-foot Impoundment for Agricultural Purposes** from an on channel reservoir located on the South Concho River in the J. Zerbach Survey 1827, Abstract No. 4217, Tom Green County, Texas.

Owner Name
Mark E. Webb and Eloise C. Taylor

**Authorization 2: Diversion of 54.9 acre-feet of water per year for Agricultural Purposes** from the aforesaid reservoir (diversion point 1) to irrigate 35 acres of land out of a 53.62 acre-tract located in the Albert Black Survey No. 75, Abstract No. 98, Tom Green County, Texas.

Owner Names	Priority Date
Mark E. Webb and Eloise C. Taylor	July 29, 1914

**Authorization 3: Diversion of 15 acre-feet of water per year for Agricultural Purposes** from the aforesaid reservoir (diversion point 1) located in the Albert Black Survey No. 75, Abstract No. 98, Tom Green County, Texas.

Owner Names	Priority Date
Christoval Independent School District	July 29, 1914

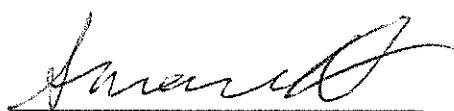
**Authorization 4: Diversion of 38 acre-feet of water per year for Agricultural Purposes** from the South Concho River (diversion point 2) to irrigate 19 acres of land out the aforesaid 53.62 acre-tract located in the Albert Black Survey No. 75, Abstract No. 98, Tom Green County, Texas.

Owner Names	Priority Date
Mark E. Webb and Eloise C. Taylor	December 31, 1951

In the Special Warranty Deed dated December 12, 2019, a 15 acre-foot portion of the surface water rights was conveyed to Christoval Independent School District out of a 69.9 acre-foot portion previously conveyed to Mark E. Webb and Eloise C. Taylor. No land was conveyed with the water right.

Mark E. Webb is the customer and reporting contact for Eloise C. Taylor.

This water right falls under the jurisdiction of the Concho Watermaster Program. Prior to diverting, please contact the Concho Watermaster's office **(866) 314-4894**.

A handwritten signature in black ink, appearing to read "Amanda Scott", written over a horizontal line.

Amanda Scott





TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

30-DEC-19 04:20 PM

<u>Fee Description</u>	<u>Fee Code</u>	<u>Account#</u>	<u>Account Name</u>	<u>Ref#1</u>	<u>Check Number</u>	<u>CC Type</u>	<u>Slip Key</u>	<u>Tran Amount</u>
				<u>Ref#2</u>	<u>Card Auth.</u>	<u>Tran Code</u>	<u>Document#</u>	<u>Tran Date</u>
				<u>Paid In By</u>	<u>User Data</u>	<u>Rec Code</u>		
WTR USE PERMITS	WUP			M009642	37876		BS00077714	30-DEC-19
	WUP			ADJ141280	123019	N	D0802470	
			WATER USE PERMITS	LLOYD	RHDAVIS	CK		
				GOSSELINK				
				ROCHELLE &				
				TOWNSEND PC				

Total (Fee Code): -\$100.00

Grand Total: -\$45,420.83

# **TAB 13**

# CHRISTOVAL YOUTH BASEBALL ASSOCIATION

## RESOLUTION NO. XXX

A RESOLUTION IN SUPPORT OF CHRISTOVAL INDEPENDENT SCHOOL DISTRICT FILING A WATER RIGHT AMENDMENT APPLICATION WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR USE OF 15 ACRE-FEET OF WATER AS AUTHORIZED IN CERTIFICATE OF ADJUDICATION NO. 14-1280

WHEREAS, the Christoval Youth Baseball Association (the "Association") organizes recreational baseball and softball activities at Pugh Park in Tom Green County, Texas; and,

WHEREAS, the Christoval Independent School District (the "District") plans to lease a portion of the District's water from Certificate of Adjudication no. 14-1280 to the Association to irrigate the fields located at Pugh Park, in Tom Green County, Texas; and,

WHEREAS, the District is filing a water right amendment application with the Texas Commission on Environmental Quality ("TCEQ") to formally recognize the District's ownership of CA no. 14-1280 and to authorize the District to divert the water and use the water at Pugh Park (the "Application"); and,

WHEREAS, Pugh Park is owned by Tom Green County; and,

WHEREAS, Tom Green County leased the sports fields at Pugh Park to the Association, as indicated in **Exhibit A**; and,

WHEREAS, the Association plans to use this leased water to irrigate current and future sports fields located at Pugh Park; and,

WHEREAS, the Association desires to support the District as the District files the Application with TCEQ.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSOCIATION THAT:

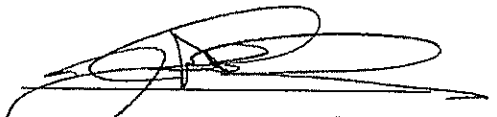
1. The Association is committed to supporting the District's Application.
2. The Association is committed to support leasing a portion of the District's 15 acre-feet under CA no. 14-1280 to water the sports fields at Pugh Park.

THIS RESOLUTION ADOPTED BY THE ASSOCIATION ON June \_\_\_\_, 2020, IN CHRISTOVAL, TEXAS.

By:

Name:

Title:

  
JOHN P. BENDURE  
CHAIRMAN

# **EXHIBIT A**

**LEASE AGREEMENT BETWEEN TGC AND  
THE CRISTOVAL YOUTH BASEBALL ASSOCIATION**

STATE OF TEXAS §

COUNTY OF TOM GREEN §

Tom Green County, acting by and through the Tom Green County Commissioners' Court, hereinafter known as "Lessor", whose address is Tom Green County, 113 West Beauregard Avenue, San Angelo, Texas 76903-5851, hereby leases, under the following terms and conditions as hereinafter set out, unto CRISTOVAL YOUTH BASEBALL ASSOCIATION, a Texas non-profit organization, acting by and through its duly authorized President, John Bendure, hereinafter known as "Lessee", whose address is PO Box 275, Cristoval, Texas 76935. The leased premise are ball fields locate in Pugh Park, Tom Green County.

**1. TERM.**

1.1 The term of this Lease shall be for twenty-five years beginning July 1, 2019 and ending on June 30, 2044.

**2. RENT**

2.1 **Amount.** Rental for the Leased Premises shall be paid in advance beginning July 1, 2019 and shall be the sum of One Dollar (1.00) per year.

2.2 **Place of Payment.** Said payments shall be made to the Tom Green County Treasurer, 113 W. Beauregard Avenue, San Angelo, Texas 76903-5835.

2.3 **Further Consideration.** Lessee representing the Cristoval Youth Baseball Association will provide an affordable, quality recreation experience for all citizens desiring to participate in such program, subject to the terms and conditions herein stated.

**3. USE OF LEASED PREMISES.**

3.1 **Use.** Leased premises shall be used by Lessee only for activities associated with Cristoval Youth Baseball Association and for uses normally incident thereto and for no other purpose. However, it is hereby agreed by the parties that the Leased Premises shall be made available to the Cristoval Independent School District (ISD).

3.2 **Termination.** If at any time the Leased Premises and any improvements thereon shall cease to be used for such purpose, Lessor shall have the right to terminate this Lease by giving sixty (60) days written notice given to Lessee. For purposes of this section it is agreed that non-use of the Leased Premises at any time other than during the baseball season shall not be a cessation of use for which the Lease may be terminated.

3.3 **Cancellation.** Lessor shall also have the right to cancel this Lease for any use deemed more appropriate by the Tom Green County Commissioners' Court after written notice is given to Lessee and the lapse of ninety (90) days.

Such described right to cancel shall exist only in the option terms as described in Section 1.1 hereof.

If cancellation occurs, Lessee shall have the right to remove improvements (non-fixtures) placed by Lessee, but in no event shall Lessor be required to reimburse Lessee for improvements, fixtures or expenses incurred by Lessee in connection with the Lease. Lessee shall possess the right to remove lights and light standards, which it may erect on the leased premises.

4. **CONDITION OF LEASED PREMISES.**

- 4.1 **Limitation of Warranties.** THERE ARE NO IMPLIED WARRANTIES OF MERCHANTABILITY, OF FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER KIND ARISING OUT OF THIS LEASE, AND THERE ARE NO WARRANTIES THAT EXTEND BEYOND THOSE EXPRESSLY STATED IN THIS LEASE.
- 4.2 **Improvements.** It is agreed by the parties that Lessee, subject to the prior approval of the Tom Green County Commissioners' Court, shall have the right from time to time at its sole cost and expense, to construct on the Leased Premises such buildings and other improvements, and such alterations, additions and changes therein as is deemed necessary or convenient for the purpose of conducting activities associated with the Christoval Youth Baseball Association, the complete direction and control of which shall be the responsibility and prerogative of the Board of Directors of Lessee. Lessee shall not be required to obtain consent for ordinary repairs and maintenance of the Leased Premises.
- 4.3 **Permits.** Any permit for improvement to the Leased Premises under this Lease must comply with the terms of this Lease Agreement, with the Building, Electrical, Mechanical and Plumbing Codes which may be applicable within Tom Green County, with other ordinances of Tom Green County and with the laws of the State of Texas, so far as one or more of the above may be applicable.
- 4.4 **Maintenance.** Lessee agrees to keep and maintain the Leased Premises and all structures in place erected or caused to be erected or placed on the Leased Premises in good and tenantable condition and appearance, and further agrees to keep said Leased Premises in a neat, clean and respectable condition by prompt removal of all trash, litter, debris and junk, and will keep said Leased Premises cleared of all objectionable matter. Lessee shall maintain the Leased Premises free and clear of brush and weeds.
- 4.5 **Failure to Maintain.** In the event Lessee shall fail to keep said Leased Premises in a manner acceptable to Tom Green County, then the Tom Green County Commissioners' Court, after reasonable notice, shall have the power and express authority to cause or require the Leased Premises to be cleaned, cleared, mowed or repaired, and lessee expressly authorizes, and agrees to reimburse Lessor for, the cost of any such cleaning, clearing, mowing or repairing, due thirty (30) days from the date on which the work was completed.
- 4.6 **Control of Traffic.** Lessee shall be entitled to barricade the Leased Premises in order to keep all traffic on the paved roads at such times the Leased Premises is used by Lessee.

5. **LIMITATIONS OF LESSEE IN LEASED PREMISES.**

- 5.1 **Reservations.** Lessor, its agents or assigns, reserves the privilege and right at any time to execute and deliver valid oil, gas and other mineral leases upon the Leased Premises, valid right-of-way easements for gas, oil or water pipelines, telephone, telegraph, or electric pole transmission lines on said Leased Premises, or any part thereof, and in such event this Lease shall be subject and subordinate to the rights, terms and privileges of any such oil, gas and other mineral lease or such easements as may have been executed heretofore or hereafter by Lessor, its agents or assigns.
- 5.2 **Easements.** An easement across the Leased Premise is hereby retained by Lessor for the purpose of laying sewer, electrical, and water lines and for necessary right-of-way for roads, alleys or other throughways.
- 5.3 **No Assignment or Subletting.** Lessee will not assign or sublet this Lease, in whole or in part without the written consent of Lessor.

5.4 **No Encumbrances.** Lessee shall not have the right to encumber the Leased Premises leased hereunder without the consent of the Commissioners' Court of Tom Green County, provided, however, this provision shall not prohibit Lessee from encumbering its personal property which may be removed from the realty without injury to the realty.

5.5 **Lessor's Right to Enter.** At all times during the term of the Lease, Lessor or its elected officials, employees, agents, and representatives shall have the right to enter said Leased Premises during reasonable hours for the purpose of examining and inspecting the same and determining whether Lessee shall have complied with all of its obligations hereunder in respect to all the terms and conditions of this Lease.

6. **DEBTS RELATED TO LEASED PREMISES.**

6.1 **Incidental Charges.** Lessee shall pay or cause to be paid all incidental charges, including, but not limited to, permit fees incurred in connection with its operations and use of the Leased Premises.

6.2 **Utilities.** Lessee shall pay or cause to be paid all charges to be paid for water, sewer, gas, electricity, telephone, trash pick-up, cable and any and all other utilities used on the Leased Premises throughout the term of this Lease, including any connection fees or fees associated with the installation of the utilities.

7. **COVERAGES.**

7.1 **INDEMNIFICATION.** LESSEE AGREES TO INDEMNIFY, DEFEND AND HOLD LESSOR, ITS ELECTED OFFICIALS, EMPLOYEES, AGENTS, AND REPRESENTATIVES FREE AND HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS, SUITS, JUDGMENTS, COSTS AND EXPENSES, INCLUDING ATTORNEY'S FEES, ASSERTED BY ANY PERSON OR PERSONS, INCLUDING AGENTS REPRESENTATIVES, VOLUNTEERS, OR EMPLOYEES OF LESSEE OR LESSOR, BY REASON OF DEATH OR INJURY TO PERSONS, OR LOSS OR DAMAGE TO PROPERTY, RESULTING FROM LESSEE'S OPERATION HEREUNDER, OR SUSTAINED FROM, IN OR UPON THE LEASED PREMISES, OR AS A RESULT OF ANYTHING CLAIMED TO BE DONE OR ADMITTED TO BE DONE BY LESSEE HEREUNDER.

7.2 **WAIVER AND RELEASE.** IN CONSIDERATION FOR THE RIGHT TO ENTER ON AND UTILIZE THE LEASED PREMISES, LESSEE HEREBY AGREES TO WAIVE OR RELEASE ANY RIGHTS THAT LESSEE (AND LESSEE'S AGENTS, REPRESENTATIVES, VOLUNTEERS, EMPLOYEES, GUESTS AND INVITEES) MAY HAVE TO MAKE A CLAIM OR INSTITUTE ANY ACTION AT LAW OR IN EQUITY AGAINST LESSOR, ITS EMPLOYEES, AGENTS, REPRESENTATIVES, AND ELECTED OFFICIALS ARISING FROM ANY LOSS, DAMAGE, INJURY, OR DEATH WHICH LESSEE (AND LESSEE'S AGENTS, REPRESENTATIVES, VOLUNTEERS, EMPLOYEES, GUESTS, AND INVITEES) MAY SUSTAIN WHILE ENGAGING IN ANY ACTIVITY UPON OR CONNECTED WITH THE LEASED PREMISES OR THIS LEASE AGREEMENT.

7.3 **Insurance.** Lessee shall obtain and maintain continuously in effect at all times during the term hereof, at Lessee's sole expense, a comprehensive general liability insurance policy. This lease shall not begin or be valid unless and until Lessee provides proof to Lessor of a comprehensive general liability insurance policy.

7.3.1 **Amount of Policy.** The amount shall be in at least the following coverage's:

General Aggregate Limit	\$2,000,000
Products/Completed Operations Aggregate Limit	\$1,000,000
Personal/Advertising Injury Limit	\$1,000,000

Each Occurrence	\$1,000,000
Fire Damage Limit-Any one Fire	\$50,000
Medical Expense Limit-Any One Person	\$1,000
Deductible-Bodily Injury & Property Damage Per Claim	\$500

**7.3.2 Type of Policy.** This insurance shall be an occurrence-type policy written in comprehensive form and shall protect Lessor against liability which may accrue against Lessor by reason of Lessee's wrongful or negligent conduct incident to the use of Leased Premises, resulting from any accident or incident occurring on or about the Leased Premises.

**7.3.3 Named Insureds.** All insurance policies required herein shall be drawn in the name of Lessee, Lessor, its Commissioners' Court, elected officials, employees, officers, directors, agents, representatives, and consultants named as additional insureds.

**7.3.4 Certificates of Insurance.** Lessee shall, on or before \_\_\_\_\_ and/or prior to the first game/use of the leased premises furnish Lessor with certificates of insurance as evidence that all of the policies required herein are in full force and effect and provide the required coverage's and limits of insurance. The certificates of insurance shall be delivered to the Tom Green County Risk Manager.

Marion McMinn  
Risk Manager  
113 W. Beauregard  
San Angelo, Texas 76903

**7.3.4.1 Contents of Certificates.** All certificates of insurance shall clearly state that all applicable requirements have been satisfied including certification that the policies are of the "occurrence" type.

**7.3.4.2 Notices for Certificates.** The certificates shall provide that any company issuing an insurance policy shall provide to Lessor not less than 30-days advance notice in writing of cancellation, non-renewal or material change in the policy of insurance. In addition, Lessee and Insurance Company shall immediately provide written notice to Lessor upon receipt of notice of cancellation of any insurance policy, or of a decision to terminate or alter any insurance policy. Certificates of insurance for Lessor shall be mailed in accordance with the notice provisions of this Lease Agreement.

**7.4 Waiver of subrogation.** Lessee shall require its insurance carrier, with respect to all insurance policies, to waive all rights of subrogation against Lessor, the Commissioners Court, the members of the Commissioners Court, elected officials, employees, agents and representatives.

**7.5 Lessee's Liability.** The procuring of such policy of insurance shall not be construed to be a limitation upon Lessee's liability or as a full performance on its part of the indemnification provisions of this Lease. Lessee's obligations are, notwithstanding said policy of Insurance, for the full and total amount of any damage, injury or loss caused by or attributable to its activities conducted at or upon the Lease Premises.

**7.6 Athletic Participant Insurance.** Lessee shall obtain Athletic Participant Insurance policy or policies for all of its participants and shall furnish Lessor with certificates of insurance as evidence that said policy or policies are in full force and effect. The certificates of insurance shall be delivered to the Tom Green County Risk Manager.

## **8. ABANDONMENT OF LEASED PREMISES.**

**8.1 Deserted or Vacated.** If the Leased Premises shall be deserted or vacated, Lessor may, if Lessor so elects, and any time thereafter, terminate the Lease and the term hereof, on giving Lessee sixty (60) days written notice of Lessor's



intention to do so, and this Lease and the term hereof shall expire and come to an end on the date fixed in such notice as if the said date were the date originally fixed in the Lease for the expiration hereof. Non-use of the Leased Premises at any time which is not the baseball season of Lessee shall not be a deserting or vacating of the Leased Premises.

9. **SURRENDER OF LEASED PREMISES.**

- 9.1 **Restoration.** The Leased Premises and any fixtures shall remain the property of Lessor and shall be restored to possession of Lessor in good condition (reasonable wear and tear, acts of nature, or casualties associated with civil disorders or military activities excepted).
- 9.2 **Delivery.** Lessee agrees to promptly and peacefully deliver possession of the Leased Premises and improvements to Lessor upon termination of this Lease.
- 9.3 **Abandoned Property.** All items of personal property, remaining in or on the Leased Premises after the expiration of sixty (60) days following the termination of this Lease shall be deemed abandoned by Lessee and shall become the property of Lessor.

10. **MISCELLANEOUS.**

10.1 **Invalid or Illegal Provisions.** If any clause or provision of this Lease is illegal, invalid or unenforceable under present or future laws effective during the term of this Lease, then and in that event, it is the intent of the parties that the remainder of this Lease shall not be affected. It is also the intent of the parties to this lease that in lieu of each clause or provision of this Lease that is illegal, invalid or unenforceable, there are added as a part of this Lease a clause or provision as similar in terms to such illegal, invalid, or unenforceable clause or provision as may be possible to be legal.

10.2 **Terms of the Essence.** IT IS FURTHER UNDERSTOOD AND AGREED BETWEEN THE PARTIES HERETO THAT EACH AND EVERY TERM, STIPULATION AND RESTRICTION CONTAINED HEREIN IS OF THE ESSENCE TO THIS LEASE AGREEMENT, THE VIOLATION OF WHICH SHALL ENTITLE LESSOR, AT ITS OPTION, TO TERMINATE THIS LEASE. FAILURE TO EXERCISE SUCH OPTION AT ANY TIME SHALL NEVER BE CONSTRUED AS A WAIVER OF ANY CONDITION OF THIS LEASE.

10.3 **Remedies.**

10.3.1 **Upon Termination.** Any termination of this agreement shall not relieve Lessee from the payment of any sum or sums that then shall be due and payable to Lessor hereunder, or any claim for damages then or theretofore accruing against Lessee hereunder, and any such sum or sums or claim for damages by any remedy provided by law, or from recovering damages then or therefore accruing against Lessee hereunder, and any such sum or sums or claim for damages by any remedy provided by law, or from recovering damages from Lessee for any default thereunder.

10.3.2 **Cumulative Remedies.** All rights, options and remedies of Lessor contained in this Lease Agreement or otherwise shall be construed and held to be cumulative, and no one of them shall be exclusive of the other, and Lessor shall have the right to pursue any one or all such remedies or any other remedy or relief which may be provided by law, whether or not stated in this Lease Agreement. No waiver by Lessor of a breach of any of the covenants, conditions, agreements or restrictions of this Lease shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other covenant, condition or restriction herein contained.

10.3.3 **Reimbursement of Lessor's Expenses.** Lessee shall pay on demand all of Lessor's expenses including, but not limited to, attorney's fees, expert witness fees, litigation expenses, and court costs incurred in enforcing any of

Lessee's obligations under this Lease, which include, but are not limited to, collection of annual rental fees and collection of utility payments, taxes and other legitimate assessments.

- 10.4 **Notices.** Any notice or demand that either party desires or is required to be given by this Lease Agreement shall be in writing and shall be deemed sufficient if sent by United States certified mail, return receipt requested, postage prepaid to the following:

If to Lessor: County of Tom Green  
113 West Harris  
San Angelo, Texas 76903-5877  
Attn: County Judge

If to Lessee: Christoval Little League Association  
P.O. Box 275  
Christoval, Texas 76935  
Attn. John Bendure

- 10.5 **Amendments.** No modification of this Lease shall be binding unless it be in writing and executed in due form by all of the parties hereto.

- 10.6 **Easements and Restrictions.** Lessee takes this Lease Agreement and the Leased Premises subject to all recorded easements and restrictions affecting the occupation and use thereof, and subject to all statutes, ordinances and regulations of competent governmental authority affecting the occupancy and use thereof, and the construction and maintenance of improvements thereof.

- 10.7 **Relationship of Lessor and Lessee.** The relationship between Lessor and Lessee at all times shall remain solely that of the Landlord and Tenant and shall not be deemed a partnership or joint venture.

- 10.8 **Headings.** The paragraph headings contained herein are for convenience and reference and are not intended to define, extend or limit the scope of any provisions of this Lease Agreement.

- 10.9 **Interpretation/Venue.** This Agreement shall be construed in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Tom Green County, Texas.

- 10.10 **Anti-Discrimination.** Lessee agrees that it will not violate any federal, state or local civil rights or discrimination laws. A finding of violation of any such laws by a trial court or appropriate state or federal agency is a material breach of this agreement which may result in the termination of the agreement or such other remedy as Lessor may deem appropriate.

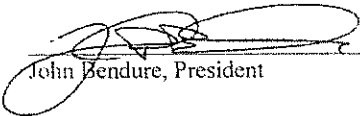
- 10.11 **Compliance with ADA.** Lessee agrees to comply fully with provisions of the Americans with Disabilities Act and to make any and all displays, events or activities on Leased Premises accessible to individuals with disabilities.

- 10.12 **Entire Agreement.** The Lease Agreement constitutes the entire agreement between the parties hereto, and Lessor is not bound by any agreement, stipulation or representation made by any agent, employee, official, or elected official of Lessor.

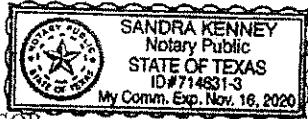
LESSEE:

CHRISTOVAL LITTLE LEAGUE ASSOCIATION

By:

  
John Bendure, President

This instrument was acknowledged before me on the 14 day of June, 2019, by John Bendure, the President of the Christoval Little League Association, on behalf of the Christoval Little League Association.



Sandra Kenney  
Notary Public, State of Texas

LESSOR:

TOM GREEN COUNTY

By: Stephen C. Floyd  
Stephen C. Floyd, County Judge,  
Acting In his official capacity and not individually

Subscribed and acknowledged before me by the said County Official, on this the 14 day of June, 2019.

ATTEST:



Elizabeth McGill  
Elizabeth McGill, County Clerk  
Tom Green County, Texas

# TAB 14

# CHRISTOVAL INDEPENDENT SCHOOL DISTRICT

## RESOLUTION NO. 2020 WR-1

A RESOLUTION AUTHORIZING THE FILING OF A WATER RIGHT AMENDMENT APPLICATION WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR USE OF 15 ACRE-FEET OF WATER AS AUTHORIZED IN CERTIFICATE OF ADJUDICATION NO. 14-1280 AND FOR THE FILING OF AN APPLICATION FOR TEMPORARY WATER RIGHTS

WHEREAS, pursuant to Texas Education Code § 11.002, the Christoval Independent School District (the "District") has the primary responsibility for implementing the state of Texas's system of public education and ensuring student performance; and,

WHEREAS, Texas Education Code § 11.201 states that a superintendent's duties include performing any duties assigned by action of the independent school district's board of trustees; and,

WHEREAS, the District uses water to carry out the District's responsibility for implementing the state of Texas's system of public education and ensuring student performance; and,

WHEREAS, on March 5, 2020, the Texas Commission on Environmental Quality ("TCEQ") finalized a Change of Ownership Memorandum adding the District as an owner of Certificate of Adjudication ("CA") no. 14-1280; and

WHEREAS, now that the Change of Ownership Memorandum recognizes the District as an owner of CA no 14-1280, the District may apply to amend CA no. 14-1280 to formally authorize the District to divert up to 15 acre-feet of water per year from the South Concho River for agricultural purposes; and,

WHEREAS, the District intends to submit a water right application to the TCEQ to amend CA no. 14-1280 to formally allow the District to divert up to 15 acre-feet of water per year on the South Concho River (the "Application") to provide irrigation of sports fields at Pugh Park; and

WHEREAS, the District is in the process of submitting an application for temporary water rights in the amount of 6 acre-feet for a period of twelve (12) months (the "Temporary Application") to meet this irrigation needs while the Application is being processed; and

WHEREAS, 30 Texas Administrative Code § 295.14 of the TCEQ's rules requires that an application for a water use permit be executed by a duly authorized official of the District; and,

WHEREAS, the Christoval Board of Trustees seeks to authorize the Superintendent to execute the Application.

NOW, THEREFORE, THE BOARD OF TRUSTEES RESOLVES THAT:

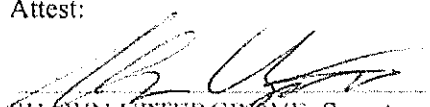
1. The Board of Trustees does hereby authorize the filing and execution of the Application with the TCEQ.

2. The Board of Trustees does hereby authorize the filing and execution of the Temporary Application with the TCEQ.
3. The Superintendent of the District is hereby directed to file such Application and Temporary Application on behalf of the District.
4. The Superintendent of the District is authorized on behalf of the Board of Trustees to execute the Application and any other application or documents as are necessary to secure authorization from the TCEQ for a water use permit amendment to CA no. 14-1280.
5. The Superintendent of the District is authorized on behalf of the Board of Trustees to execute the Temporary Application and any other application or documents as are necessary to secure authorization from the TCEQ.
6. The Superintendent of the District is hereby authorized and directed on behalf of the Board of Trustees to file the Application and Temporary Application, and to appear and arrange for the appearance of persons representing the District at the hearings and other proceedings on the Application before the TCEQ, and otherwise direct the prosecution, settlement, and compromise of the Application or Temporary Application on behalf of the Board of Trustees, as appropriate.

THIS RESOLUTION ADOPTED BY THE DISTRICT BOARD OF TRUSTEES ON JUNE 17, 2020, IN THE ADMINISTRATIVE OFFICES OF THE DISTRICT, CRISTOVAL, TEXAS.

  
DUFF HALLMAN, President

Attest:

  
SHAWN UPTERGROVE, Secretary

(Seal)

**TAB 15**

THE STATE OF TEXAS §  
 COUNTY OF TOM GREEN §

## LEASE AGREEMENT

In connection with this Lease Agreement the following facts exist:

- 1) Tom Green County owns land in the vicinity of the Town of Christoval, some of which is used for park purposes and some of which is leased for grazing and other purposes;
- 2) Christoval Independent School District is in need of additional land on which to build school facilities including school buildings, playgrounds and a football stadium; and
- 3) Tom Green County has agreed to lease to Christoval Independent School District a tract of land comprising 58.299 acres described by metes and bounds on Exhibit "A" attached hereto, and Christoval Independent School District has agreed to lease that tract of land from Tom Green County, all on the terms and conditions set out below.

Therefore, it is AGREED by and between TOM GREEN COUNTY, herein called Lessor, the address of which is Tom Green County Courthouse, San Angelo, Texas 76903, and CHRISTOVAL INDEPENDENT SCHOOL DISTRICT, herein called Lessee, the address of which is P. O. Box 162, Christoval, Texas 76935, as follows:

## I.

LEASE OF PREMISES. Lessor hereby leases and demises unto Lessee and Lessee leases from Lessor the surface estate only in and to all of the land located in Tom Green County, Texas, described by metes and bounds on Exhibit "A" attached hereto, herein called Leased Premises.

## II.

TERM. This lease is for a term of ninety-nine (99) years, beginning on the 1st day of August, 1985, and ending on the 31st day of July, 2084.



III.

RENT. Lessee will pay to Lessor as rent for the Leased Premises the sum of One Dollar (\$1.00) per year with the first of such payments being due and payable at the time of the execution of this lease and a like payment being due on or before the 1st day of August of each successive year during the term of this lease.

IV.

USE OF PREMISES. Lessee will use the Leased Premises solely for the purpose of the construction, operation and maintenance of a school building or buildings, football field and other physical education facilities, playgrounds and other related purposes and none other.

V.

WATER WELL DRILLING. During the term of this lease Lessee will have the right to drill water wells at such location and in such number as Lessee shall determine for the purpose of supplying ground water to the facilities; provided, however, Lessee may drill and complete no more than one (1) water well for each ten (10) acres, or major part thereof.

VI.

ROADWAYS AND UTILITIES. The leased premises abuts FM Hwy. 2084, commonly known as Toe Nail Trail. Lessee is authorized to construct parking lots and roadways on the leased premises to provide access to the school buildings, parking lots and other facilities on the land. All construction and maintenance of such roadways and parking lots will be the responsibility of Lessee. Likewise, arrangements for electric, gas and water utilities to service the premises will be the responsibility of Lessee.

VII.

MAINTENANCE OF LEASED PREMISES. It will be Lessee's responsibility to fence and Lessee does agree to fence the outer

perimeter of the Leased Premises and maintain the whole area of the Leased Premises in clean, trouble-free condition and suffer no waste or create no hazard on the premises and will indemnify and hold harmless Lessor from any claim that might arise because of Lessee's occupancy of the premises as Lessee anytime during the term of the lease.

VIII.

REVERTER CLAUSE. If at anytime during the term of this lease Lessee should abandon the Leased Premises as a site for the operation of a school facility, then the Leased Premises will revert to Lessor and the lease will terminate by its own terms.

IX.

BINDING EFFECT. This lease agreement will be binding on the governmental units constituting Lessor and Lessee, the officers and directors of same and their successors in office.

EXECUTED this the 12<sup>th</sup> day of August, 1985, but effective as of August 1, 1985.

ATTEST:

 Marie Ross, County Clerk

TOM GREEN COUNTY, TEXAS

By Edd B. Keyes  
Edd B. Keyes, County Judge

LESSOR

ATTEST:

Dan F. Brown  
Secretary

CHRISTOVAL INDEPENDENT SCHOOL DISTRICT

By A. Hardy  
President

LESSEE

THE STATE OF TEXAS §  
COUNTY OF TOM GREEN §

This instrument was acknowledged before me this 12<sup>th</sup> day of August, 1985, by EDD B. KEYES, County Judge of Tom Green County, on behalf of Tom Green County Commissioner's Court.



*Virginia E. Berry*  
Notary Public, State of Texas  
Printed Name: Virginia E. Berry  
My Commission Expires: 01-07-86

THE STATE OF TEXAS §  
COUNTY OF TOM GREEN §

This instrument was acknowledged before me this 12<sup>th</sup> day of August, 1985, by K. Hardy Turabo, President of the Christoval Independent School District, on behalf of said school district.



*Virginia E. Berry*  
Notary Public, State of Texas  
Printed Name: Virginia E. Berry  
My Commission Expires: 01-07-86

58.299 Acres

Being an area of 58.299 acres of land out of and part of Blocks No. 6, 7, 8 and 10 of Voss' Addition to the town of Christoval, Texas, certain tract containing 39.31 acres in said Voss Addition as shown by map of said addition on file in County Clerk's office and above mentioned area being also that same Fourth Tract as described in Volume 212 at page 475 of the Deed Records of Tom Green County, Texas, part of Third Tract as described in said Volume 212 at page 475 and also part of First Tract as described in Volume 212 at page 475 out of the Johan Zerback Survey No. 1827 of said Tom Green County and said 58.299 acre tract being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron pipe by fence corner post for the northeast corner of this tract, said Fourth Tract and said Block 10 and being on the west line of said First Tract;

Thence with the east line of this tract, said Block 10 and said Fourth Tract and west line of said First Tract, S. 0° 21' 12" W. 815.37 feet to a 1/2" iron pipe set for the southeast corner of this tract;

Thence with the southeast line of this tract and across said Fourth and First Tract, S. 62° 04' 45" W. 2116.73 feet to a 1/2" iron pipe set for the southwest corner of this tract and being on the northeast right-of-way of F.M. 2084;

Thence with the southwest line of this tract and northeast line of said F.M. 2084, N. 27° 52' 39" W. 810.51 feet to a concrete right-of-way marker for the beginning of a curve to the right;

Thence with said curve to the right, having a radius of 5679.65 feet, central angle of 02° 59' 44", arc length of 296.95 feet and whose long chord bears N. 26° 22' 47" W. 296.91 feet to a 3/4" iron pipe for a west northwest corner of this tract;

Thence with a fence, N. 58° 42' 11" E. 101.41 feet to a fence corner for an angle corner of this tract and from which a 60d nail found in base of 24" live oak bears N. 55° 47' 50" W. 22.33 feet;

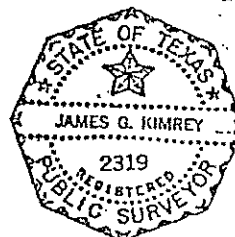
Thence with an existing fence, N. 89° 50' 01" E. 679.90 feet to a fence corner for a reentrant corner of this tract and from which a 3/4" iron pipe found bears N. 15° 25' 07" W. 16.94 feet;

Thence with a west fence line of this tract, N. 0° 28' 00" W. 672.71 feet to a fence corner for an angle corner of this tract;

Thence with existing fence, N. 59° 14' 22" E. 203.45 feet to a fence corner for the north northwest corner of this tract;

Thence with the north fence line of this tract as follows; N. 89° 21' 17" E. 182.91 feet to a fence corner from which a 3/4" iron rod found bears N. 0° 06' 12" E. 0.30 feet, S. 89° 54' 21" E. 327.17 feet, S. 88° 48' 14" E. 69.50 feet, S. 89° 32' 06" E. 60.02 feet, S. 89° 33' 30" E. 304.16 feet, S. 89° 29' 00" E. 506.66 feet to the place of beginning and containing an area of 58.299 acres of land.

*James G. "Stormy" Kimrey*  
James G. "Stormy" Kimrey, P.E.  
Registered Public Surveyor No. 2319



242031

APR 28 1985

11

FILED FOR RECORD  
1985 AUG 16 PM 4:43

MARIE RUSSELL  
COUNTY CLERK  
COUNTY OF TOM GREEN, TEXAS

*no chg.*

*Return to*

*Marie Russell, Co. Clerk.*

UNOFFICIAL COPY

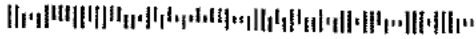
THE STATE OF TEXAS )  
COUNTY OF TOM GREEN ) I, HEREBY CERTIFY THAT THE INSTRUMENT WAS FILED  
ON THE DATE AND TIME STAMPED HEREON BY ME AND WAS DULY RECORDED IN  
VOL. 838, PAGE 140-145, OF THE Deed  
RECORDS OF TOM GREEN COUNTY TEXAS ON August 19, 1985



*Marie Russell*

MARIE RUSSELL, COUNTY CLERK  
TOM GREEN COUNTY, TEXAS

**TAB 16**



31163 1 AB 0.425 \*0060943 51  
 TCBO  
 816 CONGRESS AVE STE 1900  
 AUSTIN TX 78701-2478



\*8021\*



Lloyd Gosselink Rochelle and T  
 816 Congress Ave Ste 1900  
 Austin TX 78701



Account Name: Lloyd Gosselink Rochelle

Account Number: FromLloydGosselinkRochelleandTownsend

Date: 3/11/2021

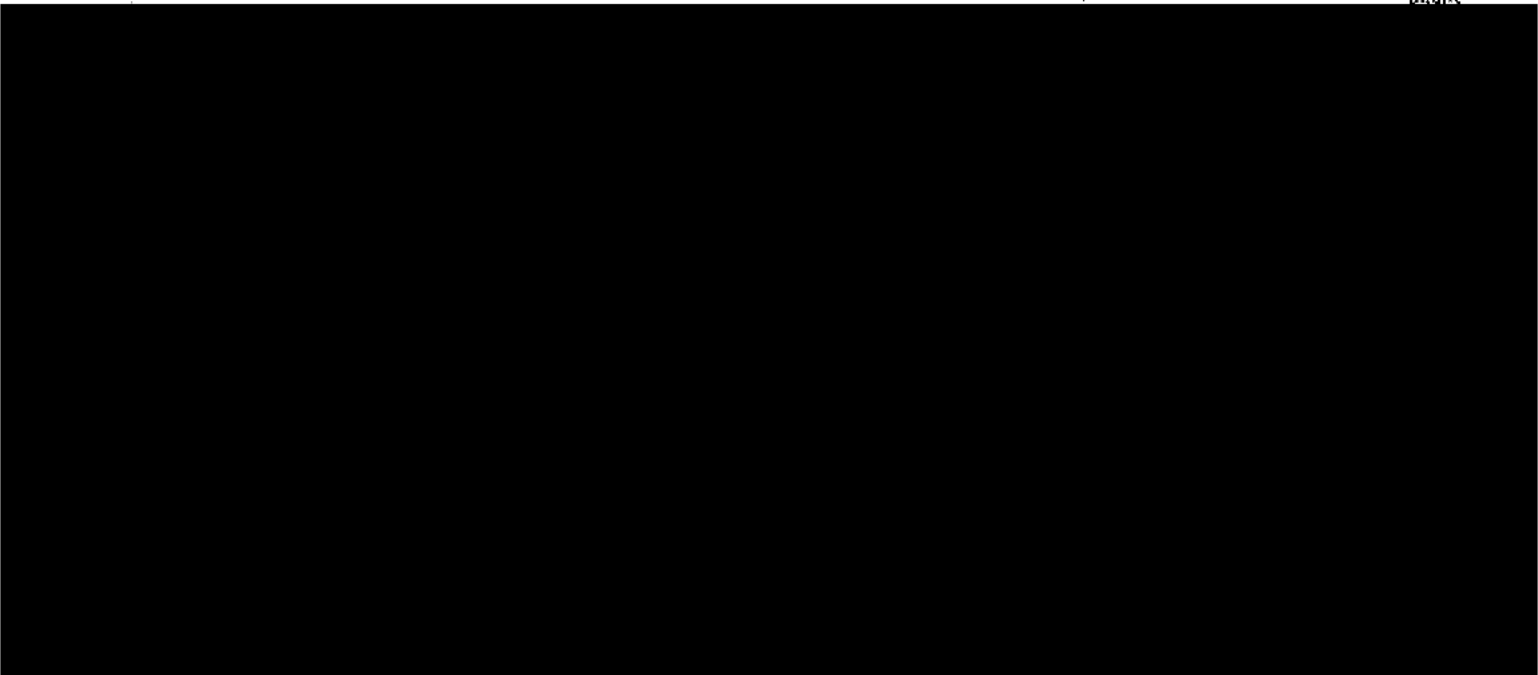


Subscriber Name: Lloyd Gosselink Rochelle and T

Total: \$112.50

INVOICE NUM	TYPE	AMOUNT	DESCRIPTION
Other	112.50		

COPY



## Georgia Carroll-Warren

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**From:** Joshua Schauer  
**Sent:** Thursday, August 19, 2021 10:49 AM  
**To:** OCC-WR  
**Cc:** Georgia Carroll-Warren; Humberto Galvan; Chris Kozlowski  
**Subject:** Christoval ISD; 14\_1280A ADC

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning,

Application No. 14-1280A has been declared administratively complete and filed with the Chief Clerk's Office.

[Christoval ISD\\_14-1280\\_ADC.pdf](#)

Please add these documents to the red file:

[Christoval ISD\\_14-1280\\_Redfile.pdf](#)

Thanks,

Joshua Schauer  
Project Manager  
TCEQ, Water Rights Permitting Section