

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 12-5309A

The City of Bryan (City) seeks to amend Certificate of Adjudication No. 12-5309A to increase the capacity of Midtown Lake impounding an additional 47 acre-feet of water for a total capacity of 120 acre-feet of water. The City also seeks to use the bed and banks of unnamed tributaries of Burton Creek, Brazos River Basin, to convey up to 500 acre-feet of groundwater per year from the Sparta aquifer to maintain the increased reservoir capacity for recreational purposes and for subsequent diversion, and to add a use and a place of use for agricultural purposes. More information on the application and how to participate in the permitting process is given below.

APPLICATION. The City of Bryan, 300 S. Texas Avenue, Bryan, Texas 77803, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) to amend a Certificate of Adjudication pursuant to Texas Water Code §§ 11.122, 11.042, and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Published and mailed notice to water right holders of record in the Brazos River Basin is required pursuant to Title 30 TAC § 295.158 (b)(7); notice to the Texas Parks and Wildlife Department and the Public Interest Council is required pursuant to Title 30 TAC § 295.161(c); and mailed notice to the Brazos Valley Groundwater Conservation District is required pursuant to Title 30 TAC § 295.153(b)(3).

Certificate of Adjudication No. 12-5309 (Certificate) authorizes the City of Bryan (Owner/Applicant) to maintain a dam and reservoir (Midtown Lake) on an unnamed tributary of Burton Creek, tributary of Carters Creek, tributary of the Navasota River, Brazos River Basin in Brazos County and impound therein not to exceed 73 acre-feet of water for recreational purposes, with no right of diversion. The time priority of this water right is January 6, 1975.

Applicant seeks authorization to amend the Certificate to modify Midtown Lake, formerly known as Country Club Lake, to increase the capacity of the reservoir, impounding an additional 47 acre-feet of water, for a total capacity of 120 acre-feet of water.

Applicant further seeks authorization to use of the bed and banks of unnamed tributaries of Burton Creek to convey up to 500 acre-feet of groundwater per year from the Sparta aquifer for subsequent diversion for agricultural purposes to irrigate 32.5 acres out of 147.84 acres of land in Brazos County and for recreational purposes to maintain the reservoir at the increased capacity.

The Girl Scouts of Central Texas provided consent to the City of Bryan to access and modify any portion of the reservoir inundating their property.

Applicant will discharge groundwater at the following locations and rates:

Discharge Point No. 1 is located on an unnamed tributary of Burton Creek at Latitude 30.640942° N, Longitude 96.364730° W, at a maximum discharge rate of 250 gpm (0.557 cfs), in Zip Code 77801.

Discharge Point No. 2 is located on an unnamed tributary of Burton Creek at Latitude 30.638611° N, Longitude 96.366944° W, at a maximum discharge rate of 250 gpm (0.557 cfs), in Zip Code 77801.

Applicant further seeks to divert groundwater from anywhere along the perimeter of the reservoir, identified by a point on the centerline of the dam located at Latitude 30.640103° N, Longitude 96.359022° W, at a maximum diversion rate of 1.11 cfs (500 gpm), in ZIP Code 77801.

Applicant has provided, and the Executive Director has approved the *City of Bryan Water Rights Permit Daily Water Balance Accounting Plan Permit No. BVDO-0286 and BVDO-0287*.

The application and partial fees were received on April 19, 2022. Additional information and fees were received on June 14, June 21, and December 6, 2022. The application was declared administratively complete and filed with the Office of the Chief Clerk on July 18, 2022.

The Executive Director has completed technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include time limitations to commence and complete modification of Midtown Park Lake Dam and special conditions, including maintenance of an alternate source of water and an accounting plan. The application, technical memoranda, and Executive Director's 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. 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 Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. 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 within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

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 certificate number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested amendment which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the Order 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 5309 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. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: November 5, 2024

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-5309A

TYPE §§ 11.122, 11.042

Owner: City of Bryan

Address: 300 S. Texas Avenue
Bryan, Texas 77803

Filed: July 18, 2022

Granted:

Purposes: Recreational, Agricultural

County: Brazos

Watercourse: Unnamed tributaries of Burton
Creek, tributary of Carters Creek,
tributary of the Navasota River

Watershed: Brazos River Basin

WHEREAS, Certificate of Adjudication No. 12-5309 (Certificate) authorizes the City of Bryan (Owner/Applicant) to maintain a dam and reservoir (Midtown Lake) on an unnamed tributary of Burton Creek, tributary of Carters Creek, tributary of the Navasota River, Brazos River Basin in Brazos County and impound therein not to exceed 73 acre-feet of water for recreational purposes, with no right of diversion; and

WHEREAS, Midtown Lake was formerly known as Country Club Lake; and

WHEREAS, the time priority of this water right is January 6, 1975; and

WHEREAS, Applicant seeks authorization to amend the Certificate to modify Midtown Lake to increase the capacity of the reservoir, impounding an additional 47 acre-feet of water, for a total capacity of 120 acre-feet of water; and

WHEREAS, Applicant further seeks authorization to use of the bed and banks of unnamed tributaries of Burton Creek to convey 500 acre-feet of groundwater per year from the Sparta aquifer for subsequent diversion for agricultural purposes to irrigate 32.5 acres out of 147.84 acres of land in Brazos County and for recreational purposes to maintain the reservoir at the increased capacity; and

WHEREAS, the Girl Scouts of Central Texas provided consent to the City of Bryan to access and modify any portion of the reservoir inundating their property; and

WHEREAS, Applicant will discharge groundwater at the following locations and rates:

Discharge Point No. 1 is located on an unnamed tributary of Burton Creek at Latitude 30.640942° N, Longitude 96.364730° W, at a maximum discharge rate of 250 gpm (0.557 cfs); and

Discharge Point No.2 is located on an unnamed tributary of Burton Creek at Latitude 30.638611° N, Longitude 96.366944° W, at a maximum discharge rate of 250 gpm (0.557 cfs); and

WHEREAS, Applicant seeks to divert groundwater from anywhere along the perimeter of the reservoir, identified by a point on the centerline of the dam located at Latitude 30.640103° N, Longitude 96.359022° W, at a maximum diversion rate of 1.11 cfs (500 gpm); 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 Brazos Watermaster; and

WHEREAS, Applicant has provided, and the Executive Director has approved the *City of Bryan Water Rights Permit Daily Water Balance Accounting Plan Permit No. BVDO-0286 and BVDO-0287*; 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. 12-5309, designated Certificate of Adjudication No. 12-5309A, is issued to the City of Bryan subject to the following terms and conditions:

1. IMPOUNDMENT

- A. In addition to the previous authorization, Owner is authorized to impound an additional 47 acre-feet of water in Midtown Lake, located on an unnamed tributary of Burton Creek, for a total impoundment capacity in Midtown Lake of 120 acre-feet of water.
- B. The centerline of the dam is located at Latitude 30.640103° N, Longitude 96.359022° W in Brazos County.
- C. The Girl Scouts of Central Texas provided consent to the City of Bryan to access and modify any portion of the reservoir inundating their property.

2. USE

In addition to previous authorizations, Owner is authorized to use the bed and banks of unnamed tributaries of Burton Creek to convey up to 500 acre-feet of groundwater per year for subsequent diversion for agricultural purposes to irrigate 32.5 acres out of 147.84 acres of land in Brazos County and for recreational purposes to maintain the reservoir at the increased capacity.

3. DISCHARGE

Owner will discharge groundwater at the following locations and rates:

- A. Discharge Point No. 1 is located on an unnamed tributary of Burton Creek at Latitude 30.640942° N, Longitude 96.364730° W, at a maximum discharge rate of 250 gpm (0.557 cfs).
- B. Discharge Point No.2 is located on an unnamed tributary of Burton Creek at Latitude 30.638611° N, Longitude 96.366944° W, at a maximum discharge rate of 250 gpm (0.557 cfs).

4. DIVERSION

Owner is authorized to divert from anywhere along the perimeter of Midtown Lake identified by a point on the centerline of the dam, located at Latitude 30.640103° N, Longitude 96.359022° W, at a maximum diversion rate of 1.11 cfs (500 gpm).

5. PRIORITY

- A. The time priority for the impoundment of the first 73 acre-feet of water in the reservoir is January 6, 1975.
- B. The time priority for the additional capacity of 47 acre-feet of water, authorized in Paragraph 2. IMPOUNDMENT, is July 18, 2022.
- C. The groundwater authorized to be conveyed in the bed and banks of a State watercourse in this Certificate does not have a priority date and is not subject to priority calls from senior water rights.

6. TIME LIMITATIONS

- A. Modifications of the Midtown Park Lake Dam must be in accordance with the plans and specifications approved by the Executive Director. Construction of the facility without final approval of the plans and specifications is a violation of this authorization.
- B. Modifications shall begin within one year of issuance of this amendment and be completed within two years of issuance of the amendment unless Owner applies for and is subsequently granted an extension of time before the expiration of these time limitations.
- C. Failure to modify the Midtown Park Lake Dam within the period stated above shall subject all rights to this amendment to forfeiture, subject to notice and hearing. After beginning modifications, failure to timely modify the dam stated above shall subject this Certificate to cancellation in whole or in part, subject to notice and hearing, and removal of the dam.

7. 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 is not authorized to divert state water and shall only divert groundwater that has been discharged into the reservoir.
- C. Owner shall maintain and operate an alternate source of water with sufficient production to ensure that no additional state water is used beyond the amount of state water already authorized to be impounded under the Certificate. Owner will utilize groundwater from the Sparta Aquifer as the alternate source of water for this amendment. In the event groundwater from the Sparta Aquifer will no longer be used as the alternate source of water for this amendment, Owner shall immediately cease both impoundment of more than the originally authorized 73 acre-feet of water in the reservoir and any diversions and either apply to amend the Certificate with a new alternate source, or voluntarily forfeit the amendment.
- D. Owner shall only impound more than the originally authorized 73 acre-feet of water and divert groundwater as authorized by this amended Certificate in accordance with the most recently approved accounting plan (*City of Bryan Water Rights Permit Daily Water Balance Accounting Plan Permit No. BVDO-0286 and BVDO-0287*). Owner shall maintain said plan in electronic format and make the data available to the Executive Director upon request. Any modifications to the accounting plan shall be approved by the Executive Director. Any modifications that change the terms of the amendment must be in the form of an amendment to the Certificate. Should Owner fail to maintain the accounting plan or notify the Executive Director of any modifications to the plan, Owner shall immediately cease impoundment of more than the originally authorized 73 acre-feet of water as authorized in Paragraph 1. IMPOUNDMENT, and any diversions authorized in Paragraph 2. USE, and either apply to amend the Certificate, or voluntarily forfeit the amendment. Owner shall immediately notify the Executive Director of any modifications of the accounting plan and provide copies of the appropriate documents effectuating such changes.
- E. Prior to diversion of the groundwater authorized herein, if sufficiently accurate measuring devices are not available, Owner shall install and maintain measuring device(s), at any discharge point of the groundwater and at any authorized diversion point, capable of measuring within plus or minus 5% accuracy.
- F. Owner shall allow representatives of the Brazos Watermaster reasonable access to the property to inspect the measuring device and records.
- G. Owner shall contact the Brazos Watermaster prior to diversion of groundwater, as authorized by this amendment.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate No. 12-5309 except as specifically amended herein.

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

DRAFT

Fw: City_of_Bryan_12-5309A_Draft_Amendment_Notice_09.23.2024

From: Kaspar, W. Paul <[REDACTED]>

Sent: Monday, October 21, 2024 8:01 PM

To: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>;

Groves, Brianna [REDACTED]; Jim Mathews [REDACTED]; Barfknecht, Jayson E
[REDACTED]v@mitchellandmorgan.com [REDACTED]; Walker, Hugh R

<h[REDACTED]>; Stafford, Brad <b[REDACTED]>; Clark Jr., Frank <f[REDACTED]>

Subject: Re: City_of_Bryan_12-5309A_Draft_Amendment_Notice_09.23.2024

Mr. Kozlowski,

Thank you for the explanation. We are good proceeding with the amendment as worded.

Let us know the next steps.

Best Regards,
W. Paul Kaspar, P. E., CFM
Bryan City Engineer
979-209-5030

Re: City_of_Bryan_12-5309A_Draft_Amendment_Notice_09.23.2024

From Chris Kozlowski <chris.kozlowski@tceq.texas.gov>

Date Tue 10/15/2024 12:30 PM

To Kaspar, W. Paul <[REDACTED]>; Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>

Cc Groves, Brianna <[REDACTED]>; Jim Mathews <[REDACTED]>; Barfknecht, Jayson E <[REDACTED]>; v@mitchellandmorgan.com <[REDACTED]>; Walker, Hugh R <[REDACTED]>; Stafford, Brad <[REDACTED]>; Clark Jr., Frank <[REDACTED]>

Mr. Kaspar,

Staff declines to make the requested change. The City's application requested to increase the impoundment capacity of Midtown Lake. Paragraph 5.B. reflects the priority date of the authorization to increase the reservoir capacity. The City also requested authorization to convey groundwater in the bed and banks of a watercourse for subsequent diversion and to maintain the increased capacity of the reservoir. In other words, as set out in the USE paragraph, the City would have the right to store groundwater in the reservoir as well as divert the conveyed groundwater. Paragraph 5.C. reflects that the groundwater, whether it is stored or diverted, does not have a priority date and is not subject to a priority call.

We would be happy to set up a meeting if you would like to discuss this further.

Chris Kozlowski, Team Leader
Water Rights Permitting Team
Water Rights Permitting & Availability Section
TCEQ
512-239-1801
chris.kozlowski@tceq.texas.gov

RE: City_of_Bryan_12-5309A_Draft_Amendment_Notice_09.23.2024

From Kaspar, W. Paul <pkaspar@bryantx.gov>

Date Fri 10/4/2024 11:12 AM

To Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>;
Humberto Galvan <Humberto.Galvan@tceq.texas.gov>

Cc Groves, Brianna <b[REDACTED]>; Jim Mathews [REDACTED]; Barfknecht, Jayson E
<[REDACTED]>; v@mittchellandmorgan.com <v[REDACTED]>; Walker, Hugh R
[REDACTED] Stafford, Brad <[REDACTED]>; Clark Jr., Frank <[REDACTED]>

Ms. Beerman:

Thank you for sending us the draft document for review. Our sole comment on the draft is included below for your consideration.

- Please clarify Section 5.B and 5.C. It seems more appropriate to us that 5.B be consistent with 5.C which states that the "groundwater authorized to be conveyed in the bed and banks of a State watercourse in this Certificate does not have a priority date and is not subject to priority calls from senior water rights." This could be accomplished by adding a sentence at the end of 5.B stating "provided however, this additional capacity is not subject to a priority call if the additional capacity is maintained with groundwater." As stated in the hydrology memo, "the request to increase the reservoir capacity cannot affect other water rights because the additional capacity will be maintained with groundwater."

We are happy to meet or have a phone conversation if that is helpful moving forward. We look forward to moving on to the next step in the process. Let us know if you need anything from us.

Best Regards,

W. Paul Kaspar, P.E., CFM
Bryan City Engineer
979-209-5030


City_of_Bryan_12-5309A_Draft_Amendment_Notice_09.23.2024

From Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Date Mon 9/23/2024 4:40 PM

To PKASPAR@BRYANTX.GOV <[REDACTED]>

Cc Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>;
Humberto Galvan <Humberto.Galvan@tceq.texas.gov>

 1 attachments (797 KB)

City_of_Bryan_12-5309A_Draft_Amendment_Sent_09.23.2024.pdf;

Mr. Kaspar,

Attached is the Draft Amendment, Notice, and Technical Memoranda for the City of Bryan's application no. 12-5309A.

Review and provide comments on the drafts by COB Monday, October 7, 2024. If you have any questions or concerns, please do not hesitate to contact me.

Thank You,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 23, 2024

Mr. Paul Kaspar, P.E., City Engineer
City of Bryan
300 S. Texas Ave.
Bryan, TX 77803-3937

VIA E-MAIL

RE: City of Bryan
ADJ 5309
CN600373310, RN108452137
Application No. 12-5309A to Amend Certificate of Adjudication No. 12-5309
Texas Water Code §§ 11.122, 11.042, Requiring Published and Mailed Notice
Unnamed tributaries of Burton Creek, Brazos River Basin
Brazos County

Dear Mr. Kaspar:

Drafts, subject to revision, of the public notice, proposed amendment to Certificate of Adjudication No. 12-5309, and the related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the attached drafts. Please review the drafts and contact me no later than October 7, 2024 with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

Please note this application requires a 30-day comment period and once the comment period has closed, Certificate of Adjudication No. 12-5309A may be issued as drafted given no hearing requests are received.

If you have any questions concerning the application, please contact me via e-mail at lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachments

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-5309A

TYPE §§ 11.122, 11.042

Owner: City of Bryan

Address: 300 S. Texas Avenue
Bryan, Texas 77803

Filed: July 18, 2022

Granted:

Purposes: Recreational, Agricultural

County: Brazos

Watercourse: Unnamed tributaries of Burton
Creek, tributary of Carters Creek,
tributary of the Navasota River

Watershed: Brazos River Basin

WHEREAS, Certificate of Adjudication No. 12-5309 (Certificate) authorizes the City of Bryan (Owner/Applicant) to maintain a dam and reservoir (Midtown Lake) on an unnamed tributary of Burton Creek, tributary of Carters Creek, tributary of the Navasota River, Brazos River Basin in Brazos County and impound therein not to exceed 73 acre-feet of water for recreational purposes, with no right of diversion; and

WHEREAS, Midtown Lake was formerly known as Country Club Lake; and

WHEREAS, the time priority of this water right is January 6, 1975; and

WHEREAS, Applicant seeks authorization to amend the Certificate to modify Midtown Lake to increase the capacity of the reservoir, impounding an additional 47 acre-feet of water, for a total capacity of 120 acre-feet of water; and

WHEREAS, Applicant further seeks authorization to use of the bed and banks of unnamed tributaries of Burton Creek to convey 500 acre-feet of groundwater per year from the Sparta aquifer for subsequent diversion for agricultural purposes to irrigate 32.5 acres out of 147.84 acres of land in Brazos County and for recreational purposes to maintain the reservoir at the increased capacity; and

WHEREAS, the Girl Scouts of Central Texas provided consent to the City of Bryan to access and modify any portion of the reservoir inundating their property; and

WHEREAS, Applicant will discharge groundwater at the following locations and rates:

Discharge Point No. 1 is located on an unnamed tributary of Burton Creek at Latitude 30.640942° N, Longitude 96.364730° W, at a maximum discharge rate of 250 gpm (0.557 cfs); and

Discharge Point No.2 is located on an unnamed tributary of Burton Creek at Latitude 30.638611° N, Longitude 96.366944° W, at a maximum discharge rate of 250 gpm (0.557 cfs); and

WHEREAS, Applicant seeks to divert groundwater from anywhere along the perimeter of the reservoir, identified by a point on the centerline of the dam located at Latitude 30.640103° N, Longitude 96.359022° W, at a maximum diversion rate of 1.11 cfs (500 gpm); 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 Brazos Watermaster; and

WHEREAS, Applicant has provided, and the Executive Director has approved the *City of Bryan Water Rights Permit Daily Water Balance Accounting Plan Permit No. BVDO-0286 and BVDO-0287*; 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. 12-5309, designated Certificate of Adjudication No. 12-5309A, is issued to the City of Bryan subject to the following terms and conditions:

1. IMPOUNDMENT

- A. In addition to the previous authorization, Owner is authorized to impound an additional 47 acre-feet of water in Midtown Lake, located on an unnamed tributary of Burton Creek, for a total impoundment capacity in Midtown Lake of 120 acre-feet of water.
- B. The centerline of the dam is located at Latitude 30.640103° N, Longitude 96.359022° W in Brazos County.
- C. The Girl Scouts of Central Texas provided consent to the City of Bryan to access and modify any portion of the reservoir inundating their property.

2. USE

In addition to previous authorizations, Owner is authorized to use the bed and banks of unnamed tributaries of Burton Creek to convey up to 500 acre-feet of groundwater per year for subsequent diversion for agricultural purposes to irrigate 32.5 acres out of 147.84 acres of land in Brazos County and for recreational purposes to maintain the reservoir at the increased capacity.

3. DISCHARGE

Owner will discharge groundwater at the following locations and rates:

- A. Discharge Point No. 1 is located on an unnamed tributary of Burton Creek at Latitude 30.640942° N, Longitude 96.364730° W, at a maximum discharge rate of 250 gpm (0.557 cfs).
- B. Discharge Point No.2 is located on an unnamed tributary of Burton Creek at Latitude 30.638611° N, Longitude 96.366944° W, at a maximum discharge rate of 250 gpm (0.557 cfs).

4. DIVERSION

Owner is authorized to divert from anywhere along the perimeter of Midtown Lake identified by a point on the centerline of the dam, located at Latitude 30.640103° N, Longitude 96.359022° W, at a maximum diversion rate of 1.11 cfs (500 gpm).

5. PRIORITY

- A. The time priority for the impoundment of the first 73 acre-feet of water in the reservoir is January 6, 1975.
- B. The time priority for the additional capacity of 47 acre-feet of water, authorized in Paragraph 2. IMPOUNDMENT, is July 18, 2022.
- C. The groundwater authorized to be conveyed in the bed and banks of a State watercourse in this Certificate does not have a priority date and is not subject to priority calls from senior water rights.

6. TIME LIMITATIONS

- A. Modifications of the Midtown Park Lake Dam must be in accordance with the plans and specifications approved by the Executive Director. Construction of the facility without final approval of the plans and specifications is a violation of this authorization.
- B. Modifications shall begin within one year of issuance of this amendment and be completed within two years of issuance of the amendment unless Owner applies for and is subsequently granted an extension of time before the expiration of these time limitations.
- C. Failure to modify the Midtown Park Lake Dam within the period stated above shall subject all rights to this amendment to forfeiture, subject to notice and hearing. After beginning modifications, failure to timely modify the dam stated above shall subject this Certificate to cancellation in whole or in part, subject to notice and hearing, and removal of the dam.

7. 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 is not authorized to divert state water and shall only divert groundwater that has been discharged into the reservoir.
- C. Owner shall maintain and operate an alternate source of water with sufficient production to ensure that no additional state water is used beyond the amount of state water already authorized to be impounded under the Certificate. Owner will utilize groundwater from the Sparta Aquifer as the alternate source of water for this amendment. In the event groundwater from the Sparta Aquifer will no longer be used as the alternate source of water for this amendment, Owner shall immediately cease both impoundment of more than the originally authorized 73 acre-feet of water in the reservoir and any diversions and either apply to amend the Certificate with a new alternate source, or voluntarily forfeit the amendment.
- D. Owner shall only impound more than the originally authorized 73 acre-feet of water and divert groundwater as authorized by this amended Certificate in accordance with the most recently approved accounting plan (*City of Bryan Water Rights Permit Daily Water Balance Accounting Plan Permit No. BVDO-0286 and BVDO-0287*). Owner shall maintain said plan in electronic format and make the data available to the Executive Director upon request. Any modifications to the accounting plan shall be approved by the Executive Director. Any modifications that change the terms of the amendment must be in the form of an amendment to the Certificate. Should Owner fail to maintain the accounting plan or notify the Executive Director of any modifications to the plan, Owner shall immediately cease impoundment of more than the originally authorized 73 acre-feet of water as authorized in Paragraph 1. IMPOUNDMENT, and any diversions authorized in Paragraph 2. USE, and either apply to amend the Certificate, or voluntarily forfeit the amendment. Owner shall immediately notify the Executive Director of any modifications of the accounting plan and provide copies of the appropriate documents effectuating such changes.
- E. Prior to diversion of the groundwater authorized herein, if sufficiently accurate measuring devices are not available, Owner shall install and maintain measuring device(s), at any discharge point of the groundwater and at any authorized diversion point, capable of measuring within plus or minus 5% accuracy.
- F. Owner shall allow representatives of the Brazos Watermaster reasonable access to the property to inspect the measuring device and records.
- G. Owner shall contact the Brazos Watermaster prior to diversion of groundwater, as authorized by this amendment.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate No. 12-5309 except as specifically amended herein.

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

DRAFT

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 12-5309A

The City of Bryan (City) seeks to amend Certificate of Adjudication No. 12-5309A to increase the capacity of Midtown Lake impounding an additional 47 acre-feet of water for a total capacity of 120 acre-feet of water. The City also seeks to use the bed and banks of unnamed tributaries of Burton Creek, Brazos River Basin, to convey up to 500 acre-feet of groundwater per year from the Sparta aquifer to maintain the increased reservoir capacity for recreational purposes and for subsequent diversion, and to add a use and a place of use for agricultural purposes. More information on the application and how to participate in the permitting process is given below.

APPLICATION. The City of Bryan, 300 S. Texas Avenue, Bryan, Texas 77803, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) to amend a Certificate of Adjudication pursuant to Texas Water Code §§ 11.122, 11.042, and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Published and mailed notice to water right holders of record in the Brazos River Basin is required pursuant to Title 30 TAC § 295.158 (b)(7); notice to the Texas Parks and Wildlife Department and the Public Interest Council is required pursuant to Title 30 TAC § 295.161(c); and mailed notice to the Brazos Valley Groundwater Conservation District is required pursuant to Title 30 TAC § 295.153(b)(3).

Certificate of Adjudication No. 12-5309 (Certificate) authorizes the City of Bryan (Owner/Applicant) to maintain a dam and reservoir (Midtown Lake) on an unnamed tributary of Burton Creek, tributary of Carters Creek, tributary of the Navasota River, Brazos River Basin in Brazos County and impound therein not to exceed 73 acre-feet of water for recreational purposes, with no right of diversion. The time priority of this water right is January 6, 1975.

Applicant seeks authorization to amend the Certificate to modify Midtown Lake, formerly known as Country Club Lake, to increase the capacity of the reservoir, impounding an additional 47 acre-feet of water, for a total capacity of 120 acre-feet of water.

Applicant further seeks authorization to use of the bed and banks of unnamed tributaries of Burton Creek to convey up to 500 acre-feet of groundwater per year from the Sparta aquifer for subsequent diversion for agricultural purposes to irrigate 32.5 acres out of 147.84 acres of land in Brazos County and for recreational purposes to maintain the reservoir at the increased capacity.

The Girl Scouts of Central Texas provided consent to the City of Bryan to access and modify any portion of the reservoir inundating their property.

Applicant will discharge groundwater at the following locations and rates:

Discharge Point No. 1 is located on an unnamed tributary of Burton Creek at Latitude 30.640942° N, Longitude 96.364730° W, at a maximum discharge rate of 250 gpm (0.557 cfs), in Zip Code 77801.

Discharge Point No. 2 is located on an unnamed tributary of Burton Creek at Latitude 30.638611° N, Longitude 96.366944° W, at a maximum discharge rate of 250 gpm (0.557 cfs), in Zip Code 77801.

Applicant further seeks to divert groundwater from anywhere along the perimeter of the reservoir, identified by a point on the centerline of the dam located at Latitude 30.640103° N, Longitude 96.359022° W, at a maximum diversion rate of 1.11 cfs (500 gpm), in ZIP Code 77801.

Applicant has provided, and the Executive Director has approved the *City of Bryan Water Rights Permit Daily Water Balance Accounting Plan Permit No. BVDO-0286 and BVDO-0287*.

The application and partial fees were received on April 19, 2022. Additional information and fees were received on June 14, June 21, and December 6, 2022. The application was declared administratively complete and filed with the Office of the Chief Clerk on July 18, 2022.

The Executive Director has completed technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include time limitations to commence and complete modification of Midtown Park Lake Dam and special conditions, including maintenance of an alternate source of water and an accounting plan. The application, technical memoranda, and Executive Director's 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. 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 Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. 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 within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

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 certificate number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested amendment which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the Order 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 5309 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. 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

INTEROFFICE MEMORANDUM

To: Lillian Beerman, Project Manager Date: December 5, 2023
Water Rights Permitting Team

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

TG Trent Gay, Team Leader
Surface Water Availability Team

From: Andrew Garcia, Hydrologist
Surface Water Availability Team

Subject: City of Bryan
ADJ 5309
CN600373310
Unnamed tributaries to Burton Creek, Brazos River Basin
Brazos County

HYDROLOGY REVIEW

Application Summary

Certificate of Adjudication No. 12-5309 (Certificate) authorizes the City of Bryan (City) to maintain a reservoir (Midtown Lake) on an unnamed tributary of Burton Creek, Brazos River Basin, impounding 73 acre-feet of water, for recreational purposes in Brazos County, with no right of diversion.

The City requests to amend the Certificate to increase the impoundment volume by 47 acre-feet to 120 acre-feet of water.

The City also requests authorization to use of the bed and banks of two unnamed tributaries of Burton Creek to convey 500 acre-feet of groundwater per year from the Sparta aquifer to maintain the increased reservoir capacity and for subsequent diversion, at a maximum diversion rate of 1.11 cfs (500 gpm), for agricultural purposes in Brazos County.

The City submitted an accounting plan, *City of Bryan Water Rights Permit Daily Water Balance Accounting Plan Permit No. BVDO-0286 and BVDO-0287*, on October 3, 2022. The accounting plan was subsequently revised, and a final version was submitted on December 6, 2022.

The application was declared administratively complete on July 18, 2022.

Hydrology Review

Resource Protection staff did not recommend instream flow requirements for this

Application; however, they did recommend a special condition. See the Resource Protection memo dated October 3, 2023.

The request to increase the reservoir capacity cannot affect other water rights because the additional capacity will be maintained with groundwater. Regarding the request to use the bed and banks of unnamed tributary of Burton Creek to convey groundwater, the application included the information required in 30 Texas Administrative Code (TAC) §295.113.

The application was evaluated to determine if the alternate source is adequate to compensate for evaporative losses as the result of increasing the capacity of the reservoir and to support diversions. Based on evaporation data from the TCEQ Water Availability Model (WAM) for the Brazos River Basin, Quadrangle 711, staff determined the annual maximum evaporation from the reservoir to be 93.7 acre-feet per year with an estimated monthly maximum of 18 acre-feet. Staff determined that the alternate source (500 acre-feet of groundwater) is adequate to compensate for the annual maximum evaporative losses from the reservoir (93.7 acre-feet) and the subsequent diversion of up to 406.3 acre-feet of groundwater.

The City submitted an accounting plan, *City of Bryan Water Rights Permit Daily Water Balance Accounting Plan Permit No. BVDO-0286 and BVDO-0287*. The accounting plan tracks groundwater discharges into the reservoir as well as diversions and evaporation losses. Staff reviewed the accounting plan and found it acceptable. Staff believes that maintenance of the approved accounting plan will ensure that no additional state water is used beyond the amount of state water already authorized to be impounded under the Certificate and no impacts to other water rights in the basin will occur.

In addition, the application is subject to requirements and orders of the Brazos Watermaster. The Watermaster actively manages water rights on a daily basis and protects senior water rights in times of shortage.

Conclusion

Staff can support granting the application, provided the amendment contains the following special conditions:

1. Owner is not authorized to divert state water and shall only divert groundwater that has been discharged into the reservoir.
2. Owner shall maintain and operate an alternate source of water with sufficient production to ensure that no additional state water is used beyond the amount of state water already authorized to be impounded under the Certificate. Owner will utilize groundwater from the Sparta Aquifer as the alternate source of water for this amendment. In the event groundwater from the Sparta Aquifer will no longer be used as the alternate source of water for this amendment, Owner shall immediately cease both impoundment of more than the originally authorized 73 acre-feet of water in

the reservoir and any diversions and either apply to amend the Certificate with a new alternate source, or voluntarily forfeit the amendment.

3. Owner shall only impound more than the originally authorized 73 acre-feet of water and divert groundwater as authorized by this amended Certificate in accordance with the most recently approved accounting plan (*City of Bryan Water Rights Permit Daily Water Balance Accounting Plan Permit No. BVDO-0286 and BVDO-0287*). Owner shall maintain said plan in electronic format and make the data available to the Executive Director upon request. Any modifications to the accounting plan shall be approved by the Executive Director. Any modification that changes the terms of the amendment must be in the form of an amendment to the Certificate. Should Owner fail to maintain the accounting plan or notify the Executive Director of any modifications to the plan, Owner shall immediately cease impoundment of more than the originally authorized 73 acre-feet of water as authorized in Paragraph 1. Impoundment and any diversions authorized in Paragraph 2. USE, and either apply to amend the Certificate, or voluntarily forfeit the amendment. Owner shall immediately notify the Executive Director of any modifications of the accounting plan and provide copies of the appropriate documents effectuating such changes.
4. Prior to diversion of the groundwater authorized herein, if sufficiently accurate measuring devices are not available, Owner shall install and maintain measuring device(s), at the discharge point of the groundwater and at any authorized diversion point, capable of measuring within plus or minus 5% accuracy.

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




Andrew Garcia, Hydrologist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Lilian Beerman, Project Manager
Water Rights Permitting Team

Date: October 3, 2023

Through: Leslie Patterson, Team Leader 
Resource Protection Team

From: George Gable, Aquatic Scientist
Resource Protection Team

Subject: City of Bryan
ADJ 5309
CN600373310
Unnamed tributaries to Burton Creek, Brazos River Basin
Brazos 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. 12-5309 (Certificate) authorizes the City of Bryan (City) to maintain a reservoir (Midtown Lake) on an unnamed tributary of Burton Creek, Brazos River Basin, impounding 73 acre-feet of water, for recreational purposes in Brazos County, with no right of diversion.

The City requests to amend the Certificate to increase the impoundment volume by 47 acre-feet to 120 acre-feet of water.

The City also requests authorization to use of the bed and banks of two unnamed tributaries of Burton Creek to convey 500 acre-feet of groundwater per year from the Sparta aquifer to maintain the increased reservoir capacity and for subsequent diversion, at a maximum diversion rate of 1.11 cfs (500 gpm), for agricultural purposes in Brazos County.

ENVIRONMENTAL ANALYSIS

Aquatic and Riparian Habitats: The City's reservoir is located on two unnamed tributaries of Burton Creek, intermittent streams with perennial pools, in the Southern Post Oak Savanna ecoregion (Griffith et al. 2007).

The checklist for the Brazos River Basin identified 80 species of ichthyofauna occurring within the Navasota hydrologic unit (United States Geologic Survey code 12070103) (Hendrickson and Cohen 2015).

The Brazos heelsplitter (*Potamilus Streckeri* Soni), a high-interest aquatic species, have been determined to occur in Brazos County (TPWD 2015). This amendment is not expected to have an effect on any high-interest aquatic or aquatic-dependent species, because no additional state water will be taken. The City has agreed to install screens on any new diversion structure(s) in order to minimize entrainment and impingement of aquatic organisms. The City's request is not expected to adversely impact aquatic and riparian habitats in the area.

The TCEQ regulates bed and banks authorizations to convey groundwater under the authority of TWC §11.042. That provision allows the commission to place special conditions in the authorization to "maintain instream uses and freshwater inflows to bays and estuaries." On February 12, 2014, the TCEQ adopted environmental flow standards for the Brazos River and its associated bay and estuary system (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter G). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC §298.460). The City 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. The City proposes to use the bed and banks of two unnamed tributaries of Burton Creek to convey 500 acre-feet of groundwater per year from the Sparta aquifer to maintain the reservoir at an increased capacity of 120 acre-feet as well as subsequently divert any remaining portion of the groundwater from the perimeter of the reservoir for agricultural purposes. The City's request is not expected to adversely impact aquatic and riparian habitats in the area.

Recreational Uses: The two unnamed tributaries have a presumed primary contact recreation 1 use (TCEQ 2022a). The City's request should not adversely impact recreational uses.

Water Quality: The two unnamed tributaries have a presumed limited aquatic life use (TCEQ 2022a). Country Club Lake (Assessment Unit 1209A_01) was identified in the Texas Integrated Report as non-supporting for sediment toxicity and with a concern for screening levels of arsenic in sediment (TCEQ 2022b).

The City provided an alternate source of groundwater from two well(s) in the Sparta aquifer. Resource Protection staff have reviewed the City's groundwater quality information, and the groundwater to be used is of sufficient quality that it should not adversely impact water quality.

Freshwater Inflows: Freshwater inflows are critical for maintaining the historical productivity of bays and estuaries along the Gulf Coast. The application does not

request a new appropriation of water. Therefore, the Applicant's request should not have any impact to Brazos River's estuary system.

RECOMMENDATIONS

Resource Protection staff recommend the following Special Condition be included in the proposed amendment, if granted:

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).

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]. [2022 August 23]; Version 2.0. Available from <http://doi.org/10.17603/C3WC70>.

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

TCEQ. 2022b. Texas Integrated Report of Surface Water Quality §§307.1-307.10. 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): Brazos County, revised September 1, 2023. [2023 October 3]. Available from <http://tpwd.texas.gov/gis/rtest/>.




George Gable, Aquatic Scientist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Lillian E. Beerman, Ph.D., Project Manager **Date:** October 3, 2023
Water Rights Permitting Team

Through: Leslie Patterson, Team Leader 
Resource Protection Team

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

Subject: City of Bryan
ADJ 5309A
CN600373310
Unnamed tributary of Burton Creek, Brazos River Basin
Brazos County

APPLICATION SUMMARY

Certificate of Adjudication No. 12-5309 (Certificate) authorizes the City of Bryan (City) to maintain a reservoir (Midtown Lake) on an unnamed tributary of Burton Creek, Brazos River Basin, impounding 73 acre-feet of water, for recreational purposes in Brazos County, with no right of diversion.

The City requests to amend the Certificate to increase the impoundment volume by 47 acre-feet to 120 acre-feet of water.

The City also requests authorization to use of the bed and banks of two unnamed tributaries of Burton Creek to convey 500 acre-feet of groundwater per year from the Sparta aquifer to maintain the increased reservoir capacity and for subsequent diversion, at a maximum diversion rate of 1.11 cfs (500 gpm), for agricultural purposes in Brazos County.

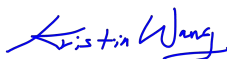
WATER CONSERVATION REVIEW

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

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

RECOMMENDATIONS

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



Kristin Wang, Senior Water Conservation Specialist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Lillian Beerman
Water Rights Permitting Team

Date: July 19, 2022

Thru:

From: Warren D. Samuelson, P. E., Manager
Dam Safety Section MC-177

Subject: City of Bryan, Application for an amendment to Certificate of Adjudication 12-5309 to increase the capacity of an existing dam and reservoir, unnamed tributary Burton Creek, Brazos River Basin, Brazos County

City of Bryan seeks an amendment to Certificate of Adjudication 12-5309 to authorize increase of the capacity from 73 acre-feet to 120 acre-feet for recreational purposes and irrigation from an existing dam and reservoir (Midtown Park Lake Dam).

The applicant has submitted plans and specifications to the TCEQ Dam Safety Section for review. The plans and specifications and accompanying reports are currently being reviewed.

It is recommended that the permit include the following language:

TIME LIMITATIONS

- A. Modifications of the Midtown Park Lake Dam must be in accordance with the plans and specifications approved by the Executive Director. Construction of the facility without final approval of the plans and specifications is a violation of this authorization.
- B. Modification shall begin within one year of issuance of this permit and be completed within two years of issuance of the permit, unless Permittee applies for and is subsequently granted an extension of time before the expiration of these time limitations.
- C. Failure to modify the Midtown Park Lake Dam within the period stated above shall subject all rights to this permit to forfeiture, subject to notice and hearing. After beginning modifications, failure to timely modify the dam stated above shall subject this permit to cancellation in whole or in part, subject to notice and hearing, and removal of the dam.

Warren D. Samuelson

Warren D. Samuelson, P. E., Manager
Dam Safety Section

RECEIVED

JUL 25 2022

Water Availability Division

PHONE MEMO

From: Lillian E. Beerman, Ph.D.	To: Jim Mathews Mathews and Freeland LLP
Phone: 512-404-7800	Document: City of Bryan COA 12-5309A
Date: June 27, 2024	Re: Status of Application

Returned call regarding the status of the City of Bryan's Application No. 12-5309A.
Informed Mr. Mathews the application was out of Technical Review and in Division Review.

Told Mr. Mathews I would let management know that he called.

Lillian E. Beerman, Ph.D., June 27, 2024

Re: City of Bryan's Application 12-5309A

Chris Kozlowski <chris.kozlowski@tceq.texas.gov>

Tue 6/13/2023 12:28 PM

To: Tristen Fisher <[REDACTED]>; Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: Veronica Morgan <[REDACTED]>; Groves, Brianna <[REDACTED]>; Kaspar, W. Paul <[REDACTED]>

Ms. Fisher,

The application is still under technical review. Several technical teams are currently working on draft memos. I don't have a hard expectation but there are still a couple of applications in front of this one in the Brazos Basin.

From: Tristen Fisher <[REDACTED]>

Sent: Monday, June 12, 2023 9:29 AM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Veronica Morgan <[REDACTED]> Groves, Brianna <[REDACTED]> Kaspar, W. Paul <[REDACTED]>

Subject: City of Bryan's Application 12-5309A

Good morning Lillian,

I hope all is well. Last we heard from you, our application was still under Technical Review and we were waiting on the Hydrology Staff to complete their review. I just wanted to confirm that this is still the current status of the application? Also, I understand there may be no way to accurately assess the timeframe, but if you wouldn't mind reaching out to the Hydrology Staff and getting a rough estimate on when they may complete their review, that would help us out enormously. As you can imagine, with all the moving pieces going on with this project, having a general timeframe for this process is very beneficial. Anything is helpful. As always, thank you for your time, Lillian!



Tristen Fisher
Graduate Engineer

Mitchell and Morgan, LLP
3204 Earl Rudder Fwy. S.
College Station, Texas 77845-6457
T: 979.260.6963

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Re: City of Bryan 12-5309A

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mon 5/8/2023 10:15 AM

To: Tristen Fisher <[REDACTED]>

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>

Tristin,

I received your call and email. Since our last correspondence in March 2023, the application remains in Technical Review.

I will inform you when the Technical Staff has completed their review. I have shared your inquiry with management.

If you have any questions or concerns, please do not hesitate to contact me.

Thank You,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

From: Tristen Fisher <[REDACTED]>

Sent: Monday, May 8, 2023 8:51 AM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: Re: City of Bryan 12-5309A

Good morning Lillian,

I called a moment ago and left you a message to check in on the status of the City of Bryan's application. If you're busy today and won't have time to return my call, that's just fine, you can shoot me an email update which is just as helpful! The City of Bryan is eager to move forward with the next steps in this process and an estimated completion date would be very helpful. Please let me know if you have any questions. Thank you for your hard work on this project, Lillian.



Tristen Fisher
Graduate Engineer

Mitchell and Morgan, LLP
3204 Earl Rudder Fwy. S.
College Station, Texas 77845-6457
T: 979.260.6963

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Re: City of Bryan 12-5309A

Tristen Fisher <[REDACTED]>

Mon 3/20/2023 11:40 AM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Lillian,

Thank you very much for the update. We look forward to hearing from you soon.

Tristen Fisher
Graduate Engineer

Mitchell and Morgan, LLP
3204 Earl Rudder Fwy. S.
College Station, Texas 77845-6457
T: 979.260.6963

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On Mon, Mar 20, 2023 at 11:15 AM Lillian Beerman <Lillian.Beerman@tceq.texas.gov> wrote:

Mr. Fisher,

As you know, City of Bryan's Application No. 12-5309A is in Technical Review. The Hydrology Staff is assessing your response to their Request for Information.

The Instream, Conservation, and Dam Safety Technical Staff have completed their reviews and issued their signed memoranda.

Once the Hydrology Staff has completed their review, I will draft the amendment and will send it you for comment.

Please be assured I am following the progress of your application.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Tristen Fisher <[REDACTED]>
Sent: Monday, March 20, 2023 10:33 AM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Cc: Veronica Morgan <[REDACTED]>
Subject: City of Bryan 12-5309A

Good morning Lillian,

I hope all is well with you. I am reaching out to you to check in on the technical review of the application and see if it would be possible for you to give me an estimated timeframe for the completion of the review. Thank you for your time!

Tristen Fisher
Graduate Engineer

[Mitchell and Morgan, LLP](#)
3204 Earl Rudder Fwy. S.
College Station, Texas 77845-6457
T: [979.260.6963](tel:979.260.6963)

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Re: Application No. 12-5309A

Tristen Fisher <[REDACTED]>

Wed 2/1/2023 2:08 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Thank you for the update!

Tristen Fisher
Graduate Engineer

Mitchell and Morgan, LLP
3204 Earl Rudder Fwy. S.
College Station, Texas 77845-6457
T: 979.260.6963

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On Wed, Feb 1, 2023 at 1:53 PM Lillian Beerman <Lillian.Beerman@tceq.texas.gov> wrote:

Tristin,
City of Bryan's Application No. 12-5309A is in Technical Review. There have been no additional requests for information.
Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Tristen Fisher <[REDACTED]>

Sent: Monday, January 23, 2023 8:50 AM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: Kaspar, W. Paul <[REDACTED]>; Groves, Brianna <[REDACTED]> Kerry Pillow
<[REDACTED]>; Veronica Morgan <[REDACTED]>

Subject: Application No. 12-5309A

Good morning Lillian,

I hope all is well. I wanted to check in on the status of our application in the review of the technical section. When you get a chance, could you send me an update on the current progress?

Tristen Fisher
Graduate Engineer

Mitchell and Morgan, LLP
3204 Earl Rudder Fwy. S.
College Station, Texas 77845-6457
T: 979.260.6963

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Application No. 12-5309A Technical RFI Comment Responses

Tristen Fisher <[REDACTED]>

Tue 12/6/2022 12:22 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: Kaspar, W. Paul <[REDACTED]>; Groves, Brianna <[REDACTED]>; Veronica Morgan <v@[REDACTED]>; Kerry Pillow <[REDACTED]>

 3 attachments (427 KB)

Accounting Plan Water Rights.pdf; Application No. 12-5309A Technical RFI Comment Responses #1.pdf; Water Balance Accounting Form.xlsx;

Lillian,

I have attached our comment responses to the Technical RFI we received on October 25th. I have also attached the updated Accounting Plan and Water Balance Accounting Spreadsheet. Please let me know if you have any questions or if there is anything else you need from me to complete the Request for Information. Thank you very much for the extension that was granted to complete this RFI.

Mitchell & Morgan, LLP will be closed Monday, December 26, 2022 through Friday, December 30, 2022, so that our employees can enjoy the holidays with their families. We will resume our normal business hours Monday, January 2, 2023. Wishing you a very Merry Christmas and a Happy New Year!

Tristen Fisher
Graduate Engineer

[Mitchell and Morgan, LLP](#)
3204 Earl Rudder Fwy. S.
College Station, Texas 77845-6457
T: [979.260.6963](tel:979.260.6963)

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Lillian E. Beerman, Ph.D.
Project Manager
TCEQ Water Rights Permitting Team
12100 Park 35 Circle,
Austin, Texas 78753

December 6, 2022

RE: Application No. 12-5309A Technical Request for Information Comments

Dear Lillian,

Please see the responses to your comments below.

Water Rights Permitting (Lillian E. Beerman)

Staff reviewed the accounting plan, City of Bryan Daily Water Balance Water Accounting Plan, dated April 11, 2022, and determined that the accounting plan will need to be revised, as discussed below, before staff can complete technical review of the application. Note, anytime a change is made within the accounting plan or text, the change should be reflected throughout both documents.

1. Correct the text document as follows:

A. Revise the following items in the *Daily Water Balance Accounting Spreadsheet* section:

1. Replace the coordinates in Column 2 with "30.640942° N, 96.364730° W" for the Midtown Park Well #1 discharge point.

Response: Coordinates have been replaced in Column 2.

2. Replace the coordinates in Column 8 with "30.640103° N, 96.359022° W" for Diversion Point #1.

Response: Coordinates have been replaced in Column 8.

3. Revised the description in Column 8 from "Calculation is Column 4 minus Column 7 and Column 8" to "Calculation is Column 4 minus Column 5."

Response: Description has been revised in Column 8.

4. Replace the coordinates in Column 9 with "30.640103° N, 96.359022° W" for Diversion Point #1.

Response: Coordinates have been replaced in Column 9. Per our conversation with Lillian E. Beerman on 12/6/22, although these coordinates are the location of the centerline of the existing spillway of the dam, as agreed upon in the Administrative RFI, the City of Bryan will be able to divert water from anywhere along the perimeter of the reservoir.

5. Revised the description in Column 10 from "Calculation is Column 11 minus Column 12" to "Calculation is Column 8 minus Column 9."

Response: Description has been revised in Column 10.

2. Correct the *City of Bryan Water Rights Permit Daily Water Balance Accounting Form* Worksheet as follows:

- A. Replace the coordinates in Column 2 with "30.640942° N, 96.364730° W" for Discharge Point #1 Midtown Park Well #1.

Response: Coordinates have been replaced in Column 2.

- B. Replace the coordinates in Column 8 with "30.640103° N, 96.359022° W" for Diversion Point #1.

Response: Coordinates have been replaced in Column 8. Per our conversation with Lillian E. Beerman on 12/6/22, although these coordinates are the location of the centerline of the existing spillway of the dam, as agreed upon in the Administrative RFI, the City of Bryan will be able to divert water from anywhere along the perimeter of the reservoir.

- C. Revise the description in Column 8 from "column 4-8" to "column 4-5".

Response: Description has been revised in Column 8.

- D. Replace the coordinates in Column 9 with "30.640103° N, 96.359022° W" for Amount Diverted at Diversion Point #1.

Response: Coordinates have been replaced in Column 9.

- E. Revise the description in Column 10 from "Remaining Amount (gpd) column 11-12" to "Remaining Amount (gpd) column 8-9."

Response: Description has been revised in Column 10.

If you have any questions or comments, please feel free to call our office at 979-260-6963.

Sincerely,



Tristen Fisher
Graduate Engineer

cc: File



**CITY OF BRYAN
DAILY WATER BALANCE
WATER ACCOUNTING PLAN
PERMIT NO. BVDO-0286 AND BVDO-0287**

INTRODUCTION

Permit No. BVDO-0286 and Permit No. BVDO-0287 are operating permits issued by direction of the Board of Directors of the Brazos Valley Groundwater Conservation District. These operating permits grant the City of Bryan authorization to operate water wells Midtown Park Well #1 (under permit BVDO-0286) and Midtown Park Well #2 (under permit BVDO-0287) for industrial use at their specified locations. Midtown Park Well #1 is located at 30.641111 N, 96.364722 W, and Midtown Park Well #2 is located at 30.638611 N, 96.366944 W. The City of Bryan has been authorized to produce water from the Sparta Aquifer at an annual maximum capacity not to exceed 250 GPM per well and a maximum annual production of 250-acre feet/year per well for both the Midtown Park Well #1 and the Midtown Park Well #2.

Both Midtown Park Well #1 and Midtown Park Well #2 will be used to discharge groundwater into Midtown Lake to maintain permanent pool at a total of 120-acre feet. Groundwater will then be diverted out of Midtown Lake and used to irrigate the adjacent Midtown Park. Subsequently, Midtown Park Well #1 and Midtown Park Well #2 will discharge groundwater back into Midtown Lake to maintain permanent pool.

DAILY WATER BALANCE ACCOUNTING SPREADSHEET

The following are descriptions of the data contained in each column of the Daily Water Balance Accounting Spreadsheet.

Column 1: Day, month, and year for which the discharge data apply.

Column 2: Amount of groundwater discharged from Midtown Park Well #1 BVDO-0286 at 30.640942 N, 96.364730 W in gallons per day for that date.

- Column 3: Amount of groundwater discharged from Midtown Park Well #2 BVDO-0287 at 30.638611 N, 96.366944 W in gallons per day for that date.
- Column 4: Amount of water discharged to Midtown Lake. Calculation is the total of Columns 2 and 3.
- Column 5: Amount of groundwater lost due to evaporation of Midtown Lake in gallons per day.
- Column 6: Diversion point #1 from Midtown Lake.
- Column 7: Day, month, and year for which the diversion data apply.
- Column 8: Amount of groundwater available for use at diversion point #1 located at 30.640103 N, 96.359022 W in gallons per day for that date. Calculation is Column 4 minus Column 5.
- Column 9: Amount of groundwater diverted at diversion point #1 located at 30.640103 N, 96.359022 W in gallons per day for that date.
- Column 10: Amount of groundwater remaining at diversion point #1 location after groundwater is diverted. Calculation is Column 8 minus Column 9.

**City of Bryan
Water Rights Permit
Daily Water Balance Accounting Form**

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7	Col 8	Col 9	Col 10
Discharge (Date)	Discharge Point #1 Midtown Park Well #1 (BVDO-0286) 30.640942 ⁰ N 96.364730 ⁰ W (gpd)	Discharge Point #2 Midtown Park Well #2 (BVDO-0287) 30.638611 ⁰ N 96.366944 ⁰ W (gpd)	Total Discharge to Midtown Lake (gpd) column 2+3	Lake Evaporation Loss (gpd)	Diversion Point #1 - From Midtown Lake	Diversion (Date)	Total Gallons Available at Diversion Point #1 30.640103 ⁰ N 96.359022 ⁰ W (gpd) column 4-5	Amount Diverted at Diversion Point #1 30.640103 ⁰ N 96.359022 ⁰ W (gpd)	Remaining Amount (gpd) column 8-9
1-Jan-23	150,000.0	150,000.0	300,000.0	190,688.0		1-Jan-23	109,312.0	100,000.0	9,312.0

Re: Application No. 12-5309A

Tristen Fisher <[REDACTED]>

Tue 12/6/2022 11:40 AM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Perfect, it does answer my question about the diversion point listed on the accounting plan. Thank you very much, Lillian.

Mitchell & Morgan, LLP will be closed Monday, December 26, 2022 through Friday, December 30, 2022, so that our employees can enjoy the holidays with their families. We will resume our normal business hours Monday, January 2, 2023. Wishing you a very Merry Christmas and a Happy New Year!

Tristen Fisher
Graduate Engineer

[Mitchell and Morgan, LLP](#)
3204 Earl Rudder Fwy. S.
College Station, Texas 77845-6457
T: [979.260.6963](tel:979.260.6963)

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On Tue, Dec 6, 2022 at 11:35 AM Lillian Beerman <Lillian.Beerman@tceq.texas.gov> wrote:

Mr. Tristin Fisher,

I spoke with TCEQ staff hydrologist who confirmed that the coordinates for the centerline of the dam are to indicate the location of the reservoir. As agreed in the Administrative RFI, the City of Bryan will be able to divert from anywhere on the perimeter of the reservoir.

I hope this answers your question for City of Bryan App No. 12-5309A. Please let me know if you have any questions or concerns.

Thank you,

[Lillian E. Beerman, Ph.D.](#)

[Water Rights Permitting Team](#)

[Water Availability Division](#)

[512-239-4019](tel:512-239-4019)

PHONE MEMO

From: Lillian E. Beerman, Ph.D.	To: Tristin Fisher Mitchell and Morgan LP
Phone: 979-260-6963	Permit: 12-5309A City of Bryan
Date: 12/6/2022	Re: Technical RFI

Returning email request from Tristin Fisher for a call to discuss their Response to the Technical RFI.

They are concerned about issue number 1.(4):

1. Correct the text document as follows: (4) Replace the coordinates in Column 9 with "30.640103° N, 96.359022° W" for Diversion Point #1.

The Coordinates are for the centerline of the dam. The City of Bryan's intention is to divert from "anywhere along the perimeter of the reservoir."

Their question is: Does confirming the coordinates listed in 1.(4) - the centerline of the dam - for the accounting plan, lock them into diverting from that point and not anywhere along the perimeter? The City of Bryan found no difference in their calculations for the accounting plan.

I told them that the coordinates of the centerline of the dam indicate the location of the reservoir and can reference locations where permittees wish to divert or discharge anywhere on the perimeter of the reservoir.

Statement confirmed by hydrologist who reiterated that the statement in the earlier RFI stands.

Lillian E. Beerman, Ph.D. 12/6/2022

lillian.beerman@tceq.texas.gov

From: Tristen Fisher <[REDACTED]>
Sent: Tuesday, December 6, 2022 9:23 AM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: Application No. 12-5309A

Good morning Lillian,

Could you please give me a call as soon as you see this? It should be really quick! 979-260-6963

Mitchell & Morgan, LLP will be closed Monday, December 26, 2022 through Friday, December 30, 2022, so that our employees can enjoy the holidays with their families. We will resume our normal business hours Monday, January 2, 2023. Wishing you a very Merry Christmas and a Happy New Year!

Tristen Fisher
Graduate Engineer

[Mitchell and Morgan, LLP](#)
3204 Earl Rudder Fwy. S.
College Station, Texas 77845-6457
T: [979.260.6963](tel:979.260.6963)

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City_of_Bryan_12-5309A_Extension for Technical_Request_for_Information

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Fri 12/2/2022 4:37 PM

To:

Cc: Veronica Morgan <[REDACTED]> Tristen Fisher <[REDACTED]>; Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

 1 attachments (142 KB)

City_of_Bryan_12-5309A_Extension_Letter_12.02.2022.pdf;

Mr. Paul Kaspar,

An extension has been granted for the City of Bryan's response to a Technical Request for Information for Application No. 12-5309A. See Attachment.

The due for the RFI is now December 16, 2022.

If you have any questions or concerns, please do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

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

December 2, 2022

Mr. Paul Kaspar, City Engineer
City of Bryan
300 S. Texas Ave.
Bryan, TX 77803

VIA E-MAIL

RE: City of Bryan
ADJ 5309
CN600373310, RN108452137
Application No. 12-5309A to amend Certificate of Adjudication No. 12-5309
Texas Water Code §§ 11.122, 11.042, Requiring Published and Mailed Notice
Unnamed tributary of Burton Creek, Brazos River Basin
Brazos County

Dear Mr. Kaspar:

This acknowledges the request, on November 30, 2022, for an extension of time to respond to the Texas Commission on Environmental Quality (TCEQ) request for additional information letter dated October 25, 2022. An extension is granted until December 16, 2022, and after that date the application may be returned pursuant to Title 30 Texas Administrative Code §281.19. No further extensions will be granted associated with this request for information.

If you have any questions concerning the application, please contact Lillian Beerman via email at lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

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

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

Re: City of Bryan 12-5309 A Technical RFI - Time Extension Request

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Wed 11/30/2022 12:14 PM

To: Kaspar, W. Paul <[REDACTED]>

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mr. Kaspar,

Thank you very much. I will share this with management and get back to you as soon as possible.

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

From: Kaspar, W. Paul <[REDACTED]>

Sent: Wednesday, November 30, 2022 11:54 AM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: Veronica Morgan <v[REDACTED]>; Tristen Fisher <[REDACTED]>

Subject: City of Bryan 12-5309 A Technical RFI - Time Extension Request

Ms. Beerman,

I appreciate your consideration of this time extension request. Please let me know if you need anything else from me.

W. Paul Kaspar, P.E., CFM
Bryan City Engineer
979-209-5030



November 30, 2022

Lillian E. Beerman, Ph.D.
Project Manager
TCEQ Water Rights Permitting Team
12100 Park 35 Circle,
Austin, Texas 78753

RE: Application No. 12-5309A Technical RFI Extension Request Letter

Dear Lillian,

On behalf of the City of Bryan for the Water Rights Application No. 12-5309A, I would like to request an official time extension for the responses to the Technical Report's Request for Information letter that was sent to us on October 25th, 2022. The original due date for the requested information was November 24th, 2022. The date I would like to request an extension to is 12:00 P.M. on December 16th, 2022 as this date falls within the 30 days after our original due date.

If you have any questions or comments, please feel free to call our office at 979-209-5030.

Sincerely,

W. Paul Kaspar, P.E., CFM
Bryan City Engineer

XC: Veronica Morgan, PE, CFM - Mitchell & Morgan
Tristen Fisher – Mitchell & Morgan

Re: City_of_Bryan_12-5309A_Technical_RFI_10.25.2022

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Tue 11/29/2022 5:26 PM

To: Tristen Fisher [REDACTED]

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Tristin,

Mr. Paul Kaspar is the official contact for the City of Bryan's Application No. 12-5309A. If he would like to request an extension, Mr. Kaspar should send an email addressed to me, Lillian E. Beerman, requesting additional time to respond to the Technical Request for Information. The email should include information in the header or footer regarding his professional affiliation, i.e., City Engineer, the City of Bryan in the letterhead. It can be an email or a letter attached to the email. The request should have an estimate of the time needed to respond to the Request for Information; the extension cannot exceed 30 days past the initial due date which was November 24, 2022.

Once I have received the extension request, I will forward it to my managers for approval.

If you have any questions or concerns, do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

From: Tristen Fisher [REDACTED]

Sent: Tuesday, November 29, 2022 4:45 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: Veronica Morgan <v[REDACTED]>

Subject: Re: City_of_Bryan_12-5309A_Technical_RFI_10.25.2022

Lillian,

Yes, we would like to request an extension if possible. Some complications came up with the locations of the wells and the diversion points, which has caused a delay in responding to the comments. What is the process for requesting an extension?

Mitchell & Morgan, LLP will be closed Monday, December 26, 2022 through Friday, December 30, 2022, so that our employees can enjoy the holidays with their families. We will resume our normal business hours Monday, January 2, 2023. Wishing you a very Merry Christmas and a Happy New Year!



Tristen Fisher
Graduate Engineer

[Mitchell and Morgan, LLP](#)
3204 Earl Rudder Fwy. S.
College Station, Texas 77845-6457
T: [979.260.6963](tel:979.260.6963)

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Re: City_of_Bryan_12-5309A_Technical_RFI_10.25.2022

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Tue 10/25/2022 5:08 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mr. Fisher,

I apologize for leaving the word "Draft" in the name of the file. The Technical RFI is final. Please answer the questions regarding the accounting plan which are in the RFI. You do not need to resubmit the application.

Thank you,

**Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov**

From: Tristen Fisher [REDACTED]
Sent: Tuesday, October 25, 2022 3:55 PM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Cc: Kaspar, W. Paul [REDACTED]; Veronica Morgan [REDACTED]
Subject: Re: City_of_Bryan_12-5309A_Technical_RFI_10.25.2022

Thank you for the comments, Lillian. I will get these addressed and back to you as soon as possible. When completed, should I resubmit the entire Water Rights Permit to you with these corrections or the corrected sections only?



Tristen Fisher
Graduate Engineer

[Mitchell and Morgan, LLP](#)
3204 Earl Rudder Fwy. S.
College Station, Texas 77845-6457
T: [979.260.6963](tel:979.260.6963)

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City_of_Bryan_12-5309A_Technical_RFI_10.25.2022

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Tue 10/25/2022 3:00 PM

To: Tristen Fisher

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

 1 attachments (218 KB)

City_of_Bryan_12-5309A_Draft_Tech_RFI_Sent_10.25.2022.pdf;

Mr. Fisher,

Attached is a Technical Request for Information for the City of Bryan's Application No. 12-5309A. Please respond by COB Thursday, November 24, 2022.

If you have any questions or concerns, do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

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

October 25, 2022

Mr. Paul Kaspar, City Engineer
City of Bryan
300 S. Texas Ave.
Bryan, TX 77803

VIA E-MAIL

RE: City of Bryan
ADJ 5309
CN600373310, RN108452137
Application No. 12-5309A to amend Certificate of Adjudication No. 12-5309
Texas Water Code §§ 11.122, 11.042, Requiring Published and Mailed Notice
Unnamed tributary of Burton Creek, Brazos River Basin
Brazos County

Dear Mr. Kaspar:

Additional information is required to complete the technical review of the referenced application.

Staff reviewed the accounting plan, *City of Bryan Daily Water Balance Water Accounting Plan*, dated April 11, 2022, and determined that the accounting plan will need to be revised, as discussed below, before staff can complete technical review of the application. Note, anytime a change is made within the accounting plan or text, the change should be reflected throughout both documents.

1. Correct the text document as follows:
 - A. Revise the following items in the *Daily Water Balance Accounting Spreadsheet* section:
 - (1) Replace the coordinates in Column 2 with "30.640942° N, 96.364730° W" for the Midtown Park Well #1 discharge point.
 - (2) Replace the coordinates in Column 8 with "30.640103° N, 96.359022° W" for Diversion Point #1.
 - (3) Revise the description in Column 8 from "Calculation is Column 4 minus Column 7 and Column 8" to "Calculation is Column 4 minus Column 5."
 - (4) Replace the coordinates in Column 9 with "30.640103° N, 96.359022° W" for Diversion Point #1.
 - (5) Revise the description in Column 10 from "Calculation is Column 11 minus Column 12" to "Calculation is Column 8 minus Column 9."

City of Bryan
Application No. 12-5309A
October 25, 2022
Page 2 of 2

2. Correct the *City of Bryan Water Rights Permit Daily Water Balance Accounting Form* Worksheet as follows:
 - A. Replace the coordinates in Column 2 with "30.640942° N, 96.364730° W" for Discharge Point #1 Midtown Park Well #1.
 - B. Replace the coordinates in Column 8 with "30.640103° N, 96.359022° W" for Diversion Point #1.
 - C. Revise the description in Column 8 from "column 4-8" to "column 4-5."
 - D. Replace the coordinates in Column 9 with "30.640103° N, 96.359022° W" for Amount Diverted at Diversion Point #1.
 - E. Revise the description in Column 10 from "Remaining Amount (gpd) column 11-12" to "Remaining Amount (gpd) column 8-9."

Please provide the requested information by November 24, 2022 or the application may be returned pursuant to 30 Texas Administrative Code § 281.19. Alternatively, you may have the question of the necessity of the requested data (or the sufficiency of the information already submitted) referred to the commission for a decision. To be considered, a request for a referral must be provided by November 24, 2022.

If you have any questions concerning this matter, please contact me via email at lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Re: Water Rights Permit 12-5309

Tristen Fisher <[REDACTED]>

Mon 10/3/2022 2:54 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Perfect - Thanks, Lillian.

Tristen Fisher
Graduate Engineer

Mitchell and Morgan, LLP
3204 Earl Rudder Fwy. S.
College Station, Texas 77845-6457
T: 979.260.6963

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On Mon, Oct 3, 2022 at 2:49 PM Lillian Beerman <Lillian.Beerman@tceq.texas.gov> wrote:

Tristen,
Our Hydrology Staff says that they are satisfied with your response.
Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Tristen Fisher <[REDACTED]>
Sent: Monday, October 3, 2022 2:27 PM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: Re: Water Rights Permit 12-5309

Please see attached. Let me know if this is not what you are looking for.

Tristen Fisher
Graduate Engineer

Mitchell and Morgan, LLP
3204 Earl Rudder Fwy. S.
College Station, Texas 77845-6457
T: 979.260.6963

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On Mon, Oct 3, 2022 at 2:14 PM Lillian Beerman <Lillian.Beerman@tceq.texas.gov> wrote:

Tristin,

Our Hydro Team says that they want the excel spreadsheet for the Accounting Plan. They appreciate the photo shot, but they need the electronic version to enable them to check the equations within the spreadsheet.

If you have any questions let me know and I will give you a call.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Tristen Fisher <[REDACTED]>
Sent: Monday, October 3, 2022 1:42 PM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Cc: Veronica Morgan <[REDACTED]>
Subject: Water Rights Permit 12-5309

Lillian,

I was told you were not able to view the accounting plan that we submitted with the application. I have attached the last few sheets of our application that include this section. Please let me know if this is what you are looking for and if there is anything else you might need from me. Thank you!

Tristen Fisher
Graduate Engineer

Mitchell and Morgan, LLP
3204 Earl Rudder Fwy. S.
College Station, Texas 77845-6457
T: 979.260.6963

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PHONE MEMO

From: Lillian Beerman	TO: Paul Kaspar
Phone: 979-209-5030	Document: City of Bryan COA No. 12-5309A
Date: September 30, 2022	RE: Accounting Plan

At the request of Hydro Staff called Mr. Kaspar to request an electronic version of the Accounting Plan – spreadsheet.

He said he will address the issue immediately.

Lillian E. Beerman, Ph.D. September 30, 2022

Re: Water Rights Permit 12-5309

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mon 8/29/2022 1:43 PM

To: Tristen Fisher <[REDACTED]>

Tristin,

I understand your concern for the TCEQ's timeframe for consideration and review of the application to amend Certificate of Adjudication No. 12-5309.

Please assure the City of Bryan that we appreciate your attentiveness to the progress of their application to amend COA No. 12-5309.

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

From: Tristen Fisher <[REDACTED]>

Sent: Wednesday, August 24, 2022 9:16 AM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: Re: Water Rights Permit 12-5309

Lillian, just to clarify, those 300 days are considered 300 working days and that typically includes the entire process from application submission to the amendment being issued?



Tristen Fisher
Graduate Engineer

Mitchell and Morgan, LLP
3204 Earl Rudder Fwy. S.
College Station, Texas 77845-6457
T: 979.260.6963

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On Tue, Aug 23, 2022 at 5:14 PM Lillian Beerman <Lillian.Beerman@tceq.texas.gov> wrote:

Hi Tristin,

According to our Standard Operating Procedures:

The target processing timeframes are 180 working days for those applications not requiring notice (e.g., .. abandonments, extension of time for construction) and 300 days for UNCONTESTED applications requiring notice. If an application is CONTESTED it may take longer to process.

The City of Bryan, Application No. 12-5309A to amend ADJ 5309, is currently in Technical Review. Once Technical Review is completed, if granted, the amendment will be drafted, reviewed internally, and sent to the City of Bryan for comment. Once the City has completed its review it will go to Notice. Assuming that the draft amendment is not contested, the amendment will be issued as drafted by TCEQ and reviewed by the City.

I hope this answers your questions. I hope ya'll got some rain!!!

Thank you,
Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

From: Tristen Fisher <[REDACTED]>
Sent: Tuesday, August 23, 2022 4:29 PM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: Re: Water Rights Permit 12-5309

Lillian,

Sorry for the bother, but to add to my previous question, we have read in the manual that uncontested applications are typically done in 300 days. Would this be 300 calendar days or 300 working days and does that timeframe begin after the application is deemed administratively complete or from when we first submitted? Also, if a public notice is required, when is that sent out? After the review or is there sometime in there when you publish a notice? I really do appreciate your help on this. Thank you, Lillian.



Tristen Fisher
Graduate Engineer

[Mitchell and Morgan, LLP](#)
3204 Earl Rudder Fwy. S.
College Station, Texas 77845-6457
T: [979.260.6963](tel:979.260.6963)

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On Mon, Aug 22, 2022 at 11:29 AM Tristen Fisher <[REDACTED]> wrote:
Lillian,

I hope all is well. Our client, the City of Bryan, has requested an update on the process of the Technical Review of the application. I understand this is a long process. By chance, do you have an estimated timeframe for when the technical review of the application could be complete?

Thank you so much for your time.



Tristen Fisher
Graduate Engineer

Mitchell and Morgan, LLP
3204 Earl Rudder Fwy. S.
College Station, Texas 77845-6457
T: 979.260.6963

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Re: City_of_Bryan_COA_12-5309A_Administratively_Complete

Tristen Fisher <[REDACTED]>

Mon 7/18/2022 1:07 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>

Fantastic - Thank you very much for the update, Lillian.

Tristen Fisher
Graduate Engineer

[Mitchell and Morgan, LLP](#)
3204 Earl Rudder Fwy. S.
College Station, Texas 77845-6457
T: [979.260.6963](tel:979.260.6963)

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On Mon, Jul 18, 2022 at 9:46 AM Lillian Beerman <Lillian.Beerman@tceq.texas.gov> wrote:

City_of_Bryan_COA_12-5309A_Administratively_Complete

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mon 7/18/2022 9:46 AM

To: Tristen Fisher <

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>

 1 attachments (419 KB)

City_of_Bryan_12-5309A_ADC_Letter_07.18.2022.pdf;

Tristen Fisher,

As of July 18, 2022, the City of Bryan's Application No. 12-5309A to amend COA No. 12-5309 is Administratively Complete. The Application has now been moved to Technical Review.

If you have any questions or concerns, do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

TCEQ Interoffice Memorandum

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

Thru: Chris Kozlowski, Team Leader
Water Rights Permitting Team

From: Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team

Date: July 18, 2022

Subject: City of Bryan
ADJ 5309
CN600373310, RN108452137
Application No. 12-5309A to amend Certificate of Adjudication
No. 12-5309
Texas Water Code §§ 11.122, 11.042, Requiring Published and
Mailed Notice
Unnamed tributary of Burton Creek, Brazos River Basin
Brazos County

The application and partial fees were received on April 19, 2022. Additional information and fees were received on June 14 and 21, 2022. The application was declared administratively complete and filed with the Office of the Chief Clerk on July 18, 2022. Published and mailed notice to water right holders of record in the Brazos River Basin is required pursuant to Title 30 Texas Administrative Code (TAC) §§ 295.158(b)(4) and (b)(7); notice to the Texas Parks and Wildlife Department and the Public Interest Council is required pursuant to Title 30 TAC § 295.161(c); and mailed notice to the Brazos Valley Groundwater Conservation District is required pursuant to Title 30 TAC § 295.153(b)(3).

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

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., 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

July 18, 2022

Mr. Paul Kaspar, PE, City Engineer
City of Bryan
300 S. Texas Ave.
Bryan, TX 77803

VIA E-MAIL

RE: City of Bryan
ADJ 5309
CN600373310, RN108452137
Application No. 12-5309A to amend Certificate of Adjudication No. 12-5309
Texas Water Code §§ 11.122, 11.042, Requiring Published and Mailed Notice
Unnamed tributary of Burton Creek, Brazos River Basin
Brazos County

Dear Mr. Kaspar:

This acknowledges receipt of additional information and fees, in the amount of \$47.00, on June 14 and 21, 2022 (Receipt No. M218465, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on July 18, 2022. 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 at lillian.beerman@tceq.texas.gov or by phone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



Basis2 Receipt Report by Endorsement Number

JUN-23-22 10:47 AM

Acct. #: WUP

Account Name: WATER USE PERMITS

<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
AMENDMENT	M218465	ADJ80J5309	BRYAN, CITY OF	CK	480512		BS00095610	21-JUN-22	\$47.00

Application No. 12 5309A Administrative Review Response Letter

Tristen Fisher [REDACTED]

Tue 6/14/2022 2:12 PM

To: Lillian Beerman Lillian.Beerman@Tceq.Texas.Gov

Cc: Kaspar, W. Paul [REDACTED]; Veronica Morgan [REDACTED]

Lillian,

As per our conversation, I have addressed all of your comments in the attached document. Please let me know if you have any questions and if there is anything else you need from us at this time to proceed with the technical review.

Tristen Fisher
Graduate Engineer

[Mitchell and Morgan, LLP](#)
3204 Earl Rudder Fwy. S.
College Station, Texas 77845 6457
T [979 260 6963](tel:9792606963)

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Lillian E. Beerman, Ph.D.
Project Manager
TCEQ Water Rights Permitting Team
12100 Park 35 Circle,
Austin, Texas 78753

June 14, 2022

RE: Application No. 12-5309A Administrative Review Comments

Dear Lillian,

Please see the responses to your comments below.

Water Rights Permitting (Lillian E. Beerman)

1. Confirm the coordinates for the diversion point. Staff has calculated the following coordinates on the perimeter of the reservoir to be Latitude 30.641445° N and Longitude 96.363228° W as described in the certificate.

Response: Applicant intends to divert water anywhere along the perimeter of the reservoir with the center of the located at Latitude 30.640103° N and Longitude 96.359022° W.

2. Confirm the coordinates for the discharge point of well #1. Staff has calculated the following coordinates on the watercourse to be Latitude 30.640942° N and Longitude 96.364730° W.

Response: Applicant confirms these coordinates as the discharge point of well #1.

3. Before the application can be declared administratively complete, remit fees in the amount of \$47.00, as described below. Please make the check payable to the TCEQ or Texas Commission on Environmental Quality.

Response: The City of Bryan has mailed a check in the amount of \$47.00 made payable to TCEQ.

If you have any questions or comments, please feel free to call our office at 979-260-6963.

Sincerely,

Veronica JB Morgan, PE, CFM
Managing Partner

cc: File

PHONE MEMO

From: Lillian Beerman	TO: Tristin Fisher
Phone: 979-260-6963	Document: City of Bryan COA No. 12-5309A
Date: June 10, 2022	RE: Request for Information

Response to Mr. Fisher's question of 6/9/22 after speaking with Hydrologist.

If the applicant is still in the design phase of a project, they will often use as their coordinate the following phrase: "anywhere along the perimeter of the reservoir, with the center point of the dam located at *Lat/Long*."

Mr. Fisher said that would work.

Lillian E. Beerman, Ph.D. June 10, 2022

PHONE MEMO

From: Lillian Beerman	TO: Tristin Fisher
Phone: 979-260-6963	Document: City of Bryan COA 12-5309A
Date: June 9, 2022	RE: Request for Information

Tristin's questions regarding the RFI:

Wants to know about confirming coordinates:

1. The diversion point location they chose was arbitrary. The construction on the project has not yet begun. They can confirm the points, but what if the project changes during construction?
2. The discharge point location is the well. It is the same point as the location in the permit with the groundwater conservation district. However, that point is for the well not the discharge location. They can confirm if this poses no problem.

Lillian E. Beerman, Ph.D. June 9, 2022

City_of_Bryan_12-5309A_Request for Information

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Thu 6/2/2022 12:32 PM

To:



Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

 1 attachments (129 KB)

City_of_Bryan_12-5309A_RFI_Sent_06.02.2022.pdf;

Mr. Paul Kaspar,

A Request for Information has been sent regarding the City of Bryan's Application No. 12-5309A to amend COA No. 12-5309. See Attached.

Please respond by COB Tuesday, July 5, 2022.

If you have any questions or concerns, do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

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 2, 2022

Mr. Paul Kaspar, City Engineer
City of Bryan
300 S. Texas Ave.
Bryan, TX 77803

VIA E-MAIL

RE: City of Bryan
ADJ 5309
CN600373310, RN108452137
Application No. 12-5309A to amend Certificate of Adjudication No. 12-5309
Texas Water Code §§ 11.122, 11.042, Requiring Published and Mailed Notice
Unnamed tributary of Burton Creek, Brazos River Basin
Brazos County

Dear Mr. Kaspar:

This acknowledges receipt, on April 19, 2022, of the referenced application and partial fees in the amount of \$1,109.84 (Receipt No. M216249, copy attached).

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

1. Confirm the coordinates for the diversion point. Staff has calculated the following coordinates on the perimeter of the reservoir to be Latitude 30.641445° N and Longitude 96.363228° W as described in the certificate.
2. Confirm the coordinates for the discharge point of well #1. Staff has calculated the following coordinates on the watercourse to be Latitude 30.640942° N and Longitude 96.364730° W.
4. Before the application can be declared administratively complete, remit fees in the amount of **\$47.00**, as described below. Please make the check payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee	(amendment)	\$	100.00
Recording Fee	(\$1.25 x 10 pages)	\$	12.50
Storage Fee	(\$1.00 x 47 acre-feet)	\$	47.00
Mailed Notice Fee	(Brazos River Basin)	\$	997.34
TOTAL FEES		\$	1,156.84
FEES RECEIVED		\$	1,109.84
TOTAL FEES DUE		\$	47.00

Please submit the requested information and fees by July 5, 2022 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

City of Bryan
Application No. 12-5309A
June 2, 2022
Page 2 of 2

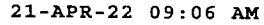
If you have any questions concerning this matter, please contact me via email at lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



RECEIVED

APR 22 2022

Page 4 of 4

<u>Fee Code</u>	<u>Ref#1</u>	<u>Check Number</u>	<u>CC Type</u>				
<u>Account#</u>	<u>Ref#2</u>	<u>Card Auth.</u>	<u>Tran Code</u>	<u>Slip Key</u>			
<u>Fee Description</u>	<u>Account Name</u>	<u>Paid In By</u>	<u>User Data</u>	<u>Rec Code</u>	<u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP	M216248	1002		BS00094293	21-APR-22	-\$587.81
	WUP		042022	N	D2802529		
	WATER USE PERMITS	ANNA	VACRUZ	CK			
		CROSSING					
		PARTNERSHIP					
		ACC					
	WUP	M216249	479727		BS00094293	21-APR-22	-\$1,109.84
	WUP		042022	N	D2802529		
	WATER USE PERMITS	BRYAN, CITY	VACRUZ	CK			
		OF					
Total (Fee Code):							-\$1,697.65
Grand Total:							-\$6,604.90

Re: Water Rights Permit 12 5309

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mon 5/23/2022 12:22 PM

To: Tristen Fisher [REDACTED]

Tristen,

A Request for Information for the City of Bryan's Application No. 12-5309A to amend ADJ 5309 is in Section Review. When review is complete, I will forward you the request.

Thank You,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512 239 4019
lillian.beerman@tceq.texas.gov

From: Tristen Fisher [REDACTED]

Sent: Monday, May 23, 2022 11 50 AM

To: Lillian Beerman Lillian.Beerman@Tceq Texas Gov

Subject: Re Water Rights Permit 12 5309

Good morning Lillian,

I hope you are doing well. Last we spoke, the initial review of the application was completed and there was some information you needed from me that you would inform me of shortly. I don't believe I received anything from you yet, but I wanted to double check seeing how it has been a few weeks since we last spoke. Are we still waiting on you to send us our next steps, or have you already sent those to me? If so, could you please send them again? I really appreciate your time!



Tristen Fisher
Graduate Engineer

[Mitchell and Morgan LLP](#)

3204 Earl Rudder Fwy. S.
College Station, Texas 77845-6457

T: [979.260.6963](tel:979.260.6963)

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Re: Water Rights Permit 12-5309

Tristen Fisher [REDACTED]

Wed 5/4/2022 12:00 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Lillian,

Thank you very much for the update. I appreciate the detailed information. We look forward to hearing from you with our next steps in the Administration Review.

Tristen Fisher
Graduate Engineer

[Mitchell and Morgan, LLP](#)
3204 Earl Rudder Fwy. S.
College Station, Texas 77845-6457
T: [979.260.6963](tel:979.260.6963)

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On Wed, May 4, 2022 at 11:50 AM Lillian Beerman <Lillian.Beerman@tceq.texas.gov> wrote:

Mr. Tristin Fisher,

Thank you for your inquiry regarding the processing timeline for the City of Bryan's Application No. 12-5309A.

I am the project manager. I have completed the initial setup of the application and it is now in Administrative Review. The technical staff and I have completed the initial review of the application and will be contacting you shortly requesting information needed to complete the Administrative Process and to perform Technical Review.

Once Technical Review and water availability analysis are completed, the amendment will be drafted and reviewed, and you will have an opportunity to review the draft amendment and the technical supporting documents.

The next step is Public Notice. The City of Bryan's Application No. 12-5309A will require full basin mailed and published notice to water right holders of record in the Brazos River Basin. Assuming the application is not contested, the final step is publication of the amendment.

The goal is to complete this process in less than a year. Applications are reviewed in the order they are received in a given river basin. However, the City of Bryan's Application No. 12-5309 is on a Fast Track, it will be given priority during Technical Review.

I will be contacting you shortly requesting information needed to complete Administrative Review. Please be assured that I will keep you apprised of the progress of the application. If you have any questions or concerns, do not hesitate to contact me.

Respectfully,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Tristen Fisher [REDACTED]

Sent: Tuesday, May 3, 2022 3:27 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: Water Rights Permit 12-5309

Good afternoon Lillian,

Our client was curious about the timeline for the review of the permit. We understand that an uncontested application is typically processed in 300 days, but were curious if there is a hard-fast deadline that y'all set for the review process of our application and what your timeline looked like. I really appreciate your help with this.

Tristen Fisher
Graduate Engineer

[Mitchell and Morgan, LLP](#)

3204 Earl Rudder Fwy. S.
College Station, Texas 77845-6457
T: [979.260.6963](tel:979.260.6963)

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TCEQ
Water Availability Division, MC-160
P.O. Box 13087
Austin, TX 78711-3087

April 11, 2022

RE: Water Rights Permit – Midtown Lake (Certificate of Adjudication #12-539)

CERTIFIED RETURN RECEIPT 7009 1410 0000 9212 2307

Dear TCEQ,

This letter is to inform you that we, Mitchell and Morgan, on behalf of the City of Bryan, have completed and enclosed the Water Rights Permit for the City of Bryan Midtown Lake for Texas Commission on Environmental Quality (TCEQ) approval. This application requests to increase the water impoundment at Midtown Lake, located in Midtown Park at the NW corner of Villa Maria Rd and South College Ave in Bryan, Texas. Enclosed you will find the complete application, along with all necessary attachments. We attended the required Pre-Application meeting via Zoom with TCEQ on December 7, 2021 and have addressed all of the comments made by TCEQ staff during that time. We have included, with this application, a check covering the required fees for this application, payable to TCEQ. Along with this hard copy submission, we will also be submitting an electronic version on the TCEQ FTP site.

Please contact us with any questions that you may have on the subject.

Thank you,

A handwritten signature in black ink, appearing to read "Veronica Morgan", is written over a horizontal line.

Veronica Morgan, PE, CFM
Managing Partner

cc: file
COB – Paul Kasper, City Engineer

**TCEQ WATER RIGHTS
PERMITTING APPLICATION**

FOR

**THE CITY OF BRYAN
CERT OF ADJ: 12-5309**

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ADMINISTRATIVE INFORMATION CHECKLIST

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): CITY OF BRYAN

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)
Y Map Showing Project Details
N Original Photographs
N Water Availability Analysis
Y **Worksheet 1.0**
Y Recorded Deeds for Irrigated Land
N Consent For Irrigation Land
N **Worksheet 1.1**
N Addendum to Worksheet 1.1
N **Worksheet 1.2**
N Addendum to Worksheet 1.2
Y **Worksheet 2.0**
N Additional W.S 2.0 for Each Reservoir
Y Dam Safety Documents
Y Notice(s) to Governing Bodies
Y Recorded Deeds for Inundated Land
Y 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
N Consent For Diversion Access
Y **Worksheet 4.0**
N TPDES Permit(s)
N WWTP Discharge Data
Y 24-hour Pump Test
Y Groundwater Well Permit
N Signed Water Supply Contract
Y **Worksheet 4.1**
Y **Worksheet 5.0**
Y Addendum to Worksheet 5.0
N **Worksheet 6.0**
N Water Conservation Plan(s)
N Drought Contingency Plan(s)
N Documentation of Adoption
Y **Worksheet 7.0**
Y Accounting Plan
Y **Worksheet 8.0**
Y Fees

For Commission Use Only:

Proposed/Current Water Right Number: _____

Basin: _____ Watermaster area Y/N: _____

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ADMINISTRATIVE INFORMATION REPORT

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."

The Summary of Request is attached on page 16.

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?

City of Bryan, Texas

(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 : CN600373310 (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: Kean Register

Title: City Manager

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: City of Bryan, City Mgr

Mailing Address: 300 S Texas Avenue

City: Bryan

State: Texas

ZIP Code:

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: N/A SOS Charter (filing) Number: N/A

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: Paul Kaspar, PE

Title: City Engineer

Organization Name: City of Bryan

Mailing Address: 300 S Texas Avenue

City: Bryan

State: Texas

ZIP Code: 77803

Phone No.: 979-209-5030

Extension:

Fax No.: 979-209-5035

E-mail Address:



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

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

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

First and Last Name: N/A

Title:

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 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 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 N/A**

- 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 YES**

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Kean Register

City Manager

(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: Kean Register
(Use blue ink)

Date: 4/05/2022

Subscribed and Sworn to before me by the said

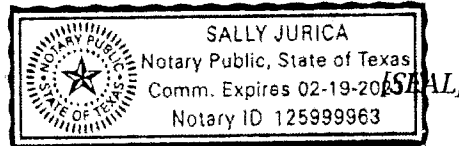
on this 5th day of April, 2022.

My commission expires on the 19th day of February, 2023.

Notary Public

[Signature]

County, Texas



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

**CERTIFICATE OF ADJUDICATION
12-5309**

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 12-5309

OWNER: City of Bryan
P. O. Box 1000
Bryan, Texas 77801

COUNTY: Brazos

PRIORITY DATE: January 6, 1975

WATERCOURSE: unnamed tributary of
Burton Creek, tributary
of Carters Creek,
tributary of the Navasota
River, tributary of the
Brazos River

BASIN: Brazos River

WHEREAS, by final decree of the 21st Judicial District Court of Bastrop County, in Cause No. 18,762, In Re: The Adjudication of Water Rights in the Brazos IV Segment of the Brazos River Basin and the San Jacinto-Brazos Coastal Basin dated June 1, 1987 a right was recognized under Permit 3045 authorizing the City of Bryan 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 Brazos River Basin is issued to the City of Bryan, subject to the following terms and conditions:

1. IMPOUNDMENT

Owner is authorized to maintain an existing dam and reservoir on an unnamed tributary of Burton Creek (Country Club Lake) and impound therein not to exceed 73 acre-feet of water. The dam is located in the Zeno Phillips Grant, Abstract 45, Brazos County, Texas.

2. USE

Owner is authorized to use the water impounded in the aforesaid reservoir for recreation purposes with no right of diversion.

3. PRIORITY

The time priority of owner's right is January 6, 1975.

4. SPECIAL CONDITION

Owner shall maintain a suitable outlet in the aforesaid dam authorized herein to allow the free passage of water that owner is not entitled to impound.

The location of pertinent features related to this certificate are shown on Page 2 of the Brazos IV River Segment Certificates of Adjudication Maps,

Certificate of Adjudication 12-5309

copies of which are located in the office of the Texas Water Commission, Austin, Texas.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 21st Judicial District Court of Bastrop County, Texas, in Cause No. 18,762, In Re: The Adjudication of Water Rights in the Brazos IV Segment of the Brazos River Basin and the San Jacinto-Brazos Coastal Basin dated June 1, 1987 and supersedes all rights of the owner asserted in that cause.

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

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

TEXAS WATER COMMISSION

Paul Hopkins

Paul Hopkins, Chairman

DATE ISSUED:

JAN 14 1988

ATTEST:

Karen A. Phillips
Karen A. Phillips, Chief Clerk

SUMMARY OF REQUEST



TCEQ Water Rights

Administrative Report

Summary of Request

The City of Bryan is requesting to increase its water impoundment on the unnamed tributary of Burton Creek (Midtown Lake, formerly known as Country Club Lake) from the current 73 acre-feet, authorized by certificate of adjudication 12-5309, to 120 acre-feet. Two groundwater wells have been permitted by the Brazos Valley Groundwater Conservation District (BVGCD) to be constructed on-site to produce 250 acre-feet/year each, for a total of 500 acre-feet/year. The City of Bryan intends to utilize privately owned groundwater from these wells to supplement its currently authorized impoundment of 73 acre-feet of state water and to maintain the requested impoundment of 120 acre-feet at a constant level. These on-site wells will discharge into an unnamed tributary of Burton Creek and the groundwater will be carried through the bed and banks of this channel to the lake. The lake will be used for recreational activities such as fishing and canoeing, while also providing an amenity to Midtown Park. The groundwater from the wells will be used to maintain the 120-acre feet of storage as well as a portion will be diverted out of Midtown Lake to be used for irrigation within portions of the adjacent Travis Bryan Midtown Park.

**CITY OF BRYAN
SIGNATURE
AUTHORITY**

RESOLUTION NO. 3967

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS ASSOCIATED WITH THE GOAL OF INCREASING THE AMOUNT OF WATER IMPOUNDED BY THE COUNTRY CLUB LAKE (TRAVIS BRYAN MIDTOWN LAKE), INCLUDING ADMINISTRATIVE INFORMATION REPORTS REQUIRED AS PART OF THE PERMIT PROCESS WITH THE STATE OF TEXAS (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY – TCEQ).

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) regulates the amount of water permitted to be impounded by the Country Club Lake reservoir; and

WHEREAS, the City of Bryan is proposing to increase the amount of water stored in the lake as part of the Travis Bryan Midtown Park redevelopment project; and

WHEREAS, project costs will be funded from existing bond funds or future bond funds; and

WHEREAS, the Travis Bryan Midtown Park redevelopment is on the Capital Improvement Program for the City of Bryan;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bryan, Texas that:

1.

The matters set forth in the preamble are true and correct and incorporated as if fully set forth herein.

2.

The City Council supports increasing the amount of water stored in the Country Club Lake and authorizes the City Manager (in accordance with 30 TAC 295.14 of the Texas Administrative Code) to sign all paperwork associated with that goal including any permitting with the State of Texas.

3.

This Resolution shall be effective immediately upon its adoption.

APPROVED AND ADOPTED by the City Council of the City of Bryan this 14th day of December, 2021.

ATTEST:

CITY OF BRYAN:

Mary L Stratta

Mary Lynne Stratta, City Secretary

Andrew Nelson

Andrew Nelson, Mayor

APPROVED AS TO FORM:

Thomas A. Leeper

Thomas A. Leeper, Interim City Attorney



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TECHNICAL INFORMATION REPORT

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

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

Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4600 to schedule a meeting. Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N YES (If yes, date : 12-7-2021).

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 NO
- b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? Y / N NO (If yes, indicate the Certificate or Permit number: 12-5309)

If Applicant answered yes to (a) or (b) above, does Applicant also wish to be considered for a term permit pursuant to TWC § 11.1381? Y / N NO

- c. Applicant requests to extend an existing Term authorization or to make the right permanent? Y / N NO (If yes, indicate the Term Certificate or Permit number: 12-5309)

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: 12-5309

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? Y / N NO (if yes, complete chart below):

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

- a. Applicant requests an amendment to an existing water right to increase the amount of the appropriation of State Water (diversion and/or impoundment)? Y / N NO

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

- b. Applicant requests to amend existing Term authorization to extend the term or make the water right permanent (remove conditions restricting water right to a term of years)? Y / N NO

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

- c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? Y / N NO

If yes, submit:

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

- d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? Y / N NO

If yes, submit:

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

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

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/A *If yes, call the Water Availability Division at (512) 239-4600 to discuss.*

Additionally, all amendments require:

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

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

- a. Pursuant to contract, Applicant requests authorization to convey, stored or conserved water to the place of use or diversion point of purchaser(s) using the bed and banks of a watercourse? TWC § 11.042(a). Y / N NO

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 NO

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 NO

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 NO

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 YES

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 attached document on pg.25

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

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

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

**TECHNICAL INFORMATION REPORT
ATTACHMENTS:**

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



TCEQ Water Rights

Technical Information Report

Addendum Regarding the State and Regional Water Plans

The City of Bryan's Midtown Lake project is located within Groundwater Management Area 12 in the Brazos G Water Planning Group. The application is consistent with both the 2022 State Water Plan and the 2021 Brazos Regional Water Plan, containing no conflicts with either plan.

The application's requested appropriation and well design yield both fall into the Regional Plan's groundwater availability. According to Table 3-10 on page 3-61 of the 2021 Brazos G Regional Water Plan¹, the portion of the Sparta aquifer available in Brazos County had groundwater availability of 5,404 acre-feet/year in the year 2020. This number will climb to 6,505 acre-feet/year by the year 2030. The application's request for 500 acre-feet falls comfortably below the water availability threshold. Along with this, typical wells out of the Sparta aquifer yield between 200 and 600 gpm, as shown in Table 3-11 on page 3-66. The application's request for two wells yielding a maximum of 250 gpm each fits within these parameters.

¹ Brazos River Authority (October 2020). "2021 Brazos G Regional Water Plan." Retrieved from: <http://www.brazosgwater.org/2021-Water-Plan.aspx>

Table 3-10. Groundwater Availability Used in the 2021 Brazos G Regional Water Plan

County	Aquifer	Availability (acre-feet/year)					
		2020	2030	2040	2050	2060	2070
Bell	Edwards-BFZ (N. Segment)	6,469	6,469	6,469	6,469	6,469	6,469
	Trinity	9,267	9,241	9,267	9,241	9,267	9,241
	Subtotal	15,736	15,710	15,736	15,710	15,736	15,710
Bosque	Brazos River Alluvium ^A	830	830	830	830	830	830
	Trinity	8,788	8,762	8,788	8,762	8,788	8,762
	Subtotal	9,618	9,592	9,618	9,592	9,618	9,592
Brazos	Brazos River Alluvium	81,581	80,311	80,081	79,976	79,913	79,872
	Carrizo-Wilcox	44,832	47,844	49,418	53,969	57,167	57,167
	Carrizo-Wilcox (MAG Peak Factor)	53,350	55,977	59,302	63,683	65,742	65,742
	Gulf Coast ^A	1,189	1,189	1,189	1,189	1,189	1,189
	Queen City	836	883	887	891	891	891
	Sparta	5,404	6,505	7,507	8,509	8,509	8,509
	Yegua-Jackson	6,856	6,854	6,854	6,854	6,854	6,854
	Subtotal ^B	149,216	151,719	155,820	161,102	163,098	163,057
Burleson	Brazos River Alluvium	28,472	28,418	28,414	28,414	28,414	28,413
	Carrizo-Wilcox	23,242	28,039	32,511	36,485	38,694	38,694
	Queen City	416	447	447	447	447	447
	Sparta	2,246	4,042	5,613	6,735	6,735	6,735
	Yegua-Jackson	14,544	12,576	12,564	12,478	12,326	12,326
	Subtotal	68,920	73,522	79,549	84,559	86,616	86,615
Callahan	Trinity	1,729	1,725	1,729	1,725	1,729	1,725
	Subtotal	1,729	1,725	1,729	1,725	1,729	1,725
Comanche	Trinity	12,072	12,039	12,072	12,039	12,072	12,039
	Subtotal	12,072	12,039	12,072	12,039	12,072	12,039
Coryell	Trinity	4,503	4,491	4,503	4,491	4,503	4,491
	Subtotal	4,503	4,491	4,503	4,491	4,503	4,491

Table 3-11. Groundwater Availability from the Brazos G Area Aquifers

Aquifer	2070 Groundwater Availability (acft/yr)	Typical Range in Well Yields (gpm)
Western Area		
Blaine	4,400	less than 25
Cross Timbers	1,495	5 to 300
Dockum	7,388	100 to 400
Edwards-Trinity (Plateau)	1,029	5 to 300
Ogallala and Edwards Trinity- High Plains	3	
Other (Local) Aquifers	80	5 to 300
Seymour	74,848	100 to 1,000
Trinity	26	50 to 500
Subtotal:	89,269	
Central Area		
Brazos River Alluvium	15,333	250 to 500
Carrizo-Wilcox	5,620	100 to 3,000
Edwards-BFZ (Northern Segment)	7,269	200 to 2,000
Ellenburger-San Saba	129	Unknown
Gulf Coast	201	300 to 800
Marble Falls	23	less than 100
Other (Local) Aquifers	524	5 to 300
Trinity	99,163	50 to 500
Woodbine	948	50 to 150
Subtotal:	129,210	
Eastern Area		
Brazos River Alluvium	129,906	250 to 500
Carrizo-Wilcox	123,808	100 to 3,000
Gulf Coast	10,097	300 to 800
Queen City	1,689	200 to 500
Sparta	8,810	200 to 600
Navasota River Alluvium	58	Unknown

**TECHNICAL INFORMATION REPORT
ATTACHMENTS:**

SECTION 5 GENERAL APPLICATION MAPS

4

WORKSHEET 1.0

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>
500	Groundwater from Sparta Aquifer	Irrigation/Recreation	Brazos
47	Burton Creek	Recreation	Brazos

⁵⁴⁷ _____ Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

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

a. Location Information Regarding the Lands to be Irrigated

- i) Applicant proposes to irrigate a total of 32.5 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 147.84 acres in BRAZOS County, TX.

- ii) Location of land to be irrigated: In the Country Club Lake Addition Original Survey No. _____, Abstract No. Block 1, Lot 1 (part of) and Lot 2.

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**
N/A				

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- Applicant proposes to irrigate a total of N/A acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of N/A acres in N/A County, TX.
 - Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. Block 1, Lot 1 (part of) and Lot 2.

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

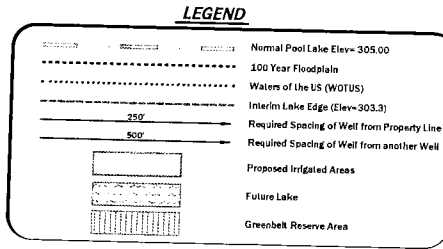
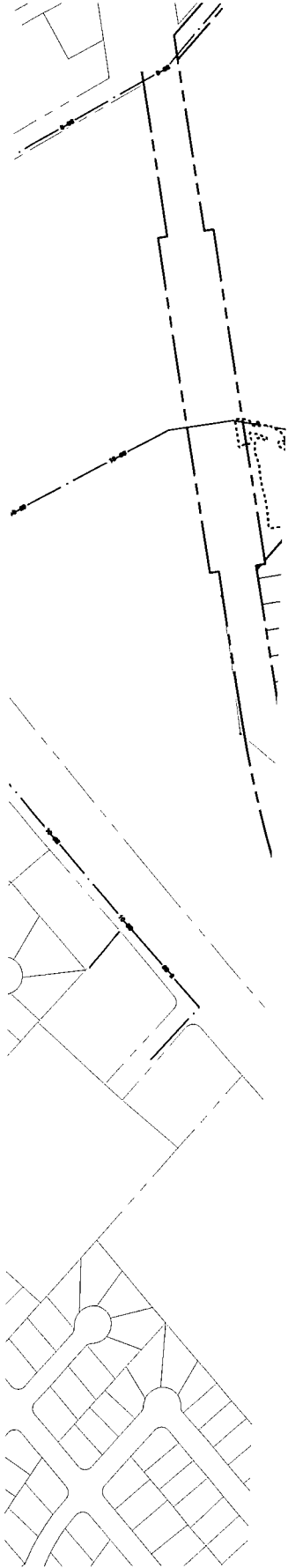
Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.

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

**SUPPLEMENT TO
WORKSHEET 1.0**

**IRRIGATION
MAP**

PROJECT BENCHMARK:



**MITCHELL
MORGAN**

T.979.260.6963
F.979.260.3564

TX. FIRM # F-1443

3204 EARL RUDDER Fwy. S.
COLLEGE STATION, TX 77845

PLAN & DESIGN SPECIALISTS IN
CIVIL ENGINEERING HYDRAULICS
HYDROLOGY UTILITIES STREETS
SITE PLANS SUBDIVISIONS

www.mitchellandmorgan.com

For Return Review Only
This drawing is not to be
used for construction
without the approval of
the Engineer of Record
J. Morgan, P.E.
No. 1212

JULY, 2021

NOVEMBER, 2021
Designed By: JAM
Drawn By: SS
Checked By: NSM

Prepared For:
Engineering Services
City of Bryan
P.O. Box 1000
Bryan, Texas 77805

Revisions

PROPOSED WATER WELL LOCATIONS

MIDTOWN PARK

EX1

**SUPPLEMENT TO
WORKSHEET 1.0
PROPERTY DEEDS**



VIA EMAIL

November 8, 2021

Tristen Fisher
Mitchell and Morgan
3204 Earl Rudder Fwy
College Station, Texas 77845
[REDACTED]

Dear Ms. Fisher:

This letter is in response to a request for information received by the City of Bryan on November 8, 2021, which asks for a copy of the following:

“the full deed documents with recording information for the two tracts of land in process of a Water Rights Permitting Application. The property ID's are:

**Property ID: 101898
Property ID: 101897**

Date Range: Jan. 6, 1998 - Jan. 16, 1998.”

Please find attached the records responsive to your request.

We now consider this request closed.

Sincerely,

Becky M. Aldridge
Records Management Coordinator

Enclosures

P.O. Box 1000, Bryan, Texas 77805 | 979.209.5000 | bryantx.gov

The State of Texas,
County of BRAZOS

Know all Men by These Presents:

That we, H. H. Williamson and wife Mrs. Pearl Williamson,

of the County of Brazos State of Texas for and in consideration
of the sum of

FORTY NINE HUNDRED SIXTY SIX AND NO/100 DOLLARS

to us ~~secured~~ secured to be paid, by The City of Bryan, a Municipal Corporation
of Brazos County, Texas, as follows:

The execution and delivery of one note for \$4966.00, of even date herewith, payable to H. H. Williamson, or order, at Bryan, Texas, payable in seven (7) installments of \$600.00 each, and one final installment of \$766.00, the first installment due and payable on or before January 1, 1941, and a like installment due and payable on or before the 1st day of each succeeding January thereafter until the whole principal sum of said note is paid. Said note bears four per cent interest from date, the interest payable annually, all past due interest to bear four per cent interest, and said note provides for accelerated maturity and for a ten per cent collection fee if default is made in the payment of same or any part thereof.

As part of the consideration for this deed, it is specially agreed that the dairy barn located on the first tract hereinafter described, may be removed by the grantors herein and title to said barn is not conveyed by this instrument.

have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said

The City of Bryan, a Municipal Corporation, of Brazos County, Texas,

of the County of Brazos State of Texas

All those certain tracts or parcels of land, lying and being situated in Brazos County, Texas, and described as follows:-

FIRST TRACT: All that certain tract or plot of land being situated in the Zeno Phillips League, Brazos County, Texas, and being more fully described as follows:-

BEGINNING at a point 25' north of the souther most corner of Lot No. 33, of the Evans Park Addition to the City of Bryan, which point is the mid-point of the southwest boundary of said Lot No. 33;
THENCE running S. 50 22 W. 987.65 feet, said line being center of proposed fifty foot street, and corner a stake;
THENCE S. 45 W. 1,324.2 feet, said line being center of proposed 50 foot street; and corner a stake in the east fence of the I. & G. N. R. R. Company right of way;
THENCE following I. & G. N. R. R. Company right of way fence a distance of 1,307.4 feet and corner a stake in said right of way fence, which stake is the south corner of the Robert Ellis, 25 acre tract;

THENCE N. 45 E. along the southeast line of the said 25 acre tract 1,647.35 feet and corner a stake, which stake is the east corner of said 25 acre tract;

THENCE N. 45 W. a distance of 705.6 feet and corner a stake in the northwest boundary line of the R. Ellis original 50 acre tract, said stake being also the north corner of said 25 acre tract;

THENCE N. 45 E. 1078.7 feet and corner a stake in said N. W. boundary line, which stake is also the south corner of Lot No. 40 of the Evans Park Addition;

THENCE N. 31-1/2 W. along south west line of the said Evans Park Addition a distance of 375 feet to the place of beginning, the above tract containing (24.8 and 24.6) 49.4 acres of land, more or less.

SECOND TRACT: All that plot or tract of land being situated in the Zeno Phillips League, Brazos County, Texas, also in the Evans Park Addition to the City of Bryan, and being more fully described as follows:

BEGINNING at the south corner of Lot No. 40 of the Evans Park Addition to the City of Bryan, Brazos County, Texas;

THENCE running N. 45 E. 63.7 feet and corner a stake;

THENCE running N. 44-1/4 W. 344.75 feet, said line being center of proposed 60 foot street, and corner a stake;

THENCE running S. 45 W. 4.25 feet and corner a stake which stake is south corner of Lot No. 33 of said Evans Park Addition;

THENCE S. 31-1/2 E. 350 feet to the place of beginning, said plot containing 11,606.41 square feet, more or less, or 0.266 acres.

THIRD TRACT: All that certain tract or parcel of land out of the Zeno Phillips League, Brazos County, Texas, and a part of a tract of 8.6 acres of land conveyed by H.L. Lawler and wife Carrie A. Lawler, to R. L. Pou dated February 28, 1922, and recorded in Vol. 57, page 613, of the Brazos County Deed Records and the portion of said tract herein conveyed is described as follows:

Off of the north west side of said tract of land fronting twenty (20) feet on Bryan-College Road and running back S. 45 W. from said road a distance of 500 feet and being heretofore used as an easement for the owners of the twenty five (25) acres adjoining said 8.6 acre tract on the southwest. In a map of Pou's Addition to the City of Bryan, Texas, recorded in Vol. 38, page 585, of the Brazos County Deed Records, the land hereby conveyed is referred to as a public road.

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

The City of Bryan, a Municipal Corporation, of Brazos County, Texas, its successors

do hereby bind ourselves, our,

heirs, executors and administrators, to Warrant and Forever Defend, all and singular the said premises

unto the said

The City of Bryan, a Municipal Corporation, of Brazos County, Texas, its successors,

do hereby bind ourselves, our heirs, executors and administrators, 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 note, and all interest thereon are fully paid according to its face and tenor, effect and reading, when this deed shall become absolute.

WITNESS our hands at Bryan, Texas,

this 9th day of December 1939.



SINGLE ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF _____

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared

known to me to be the person whose name subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____ A.D. 19

(L. S.)

Notary Public in and for _____ County, Texas

WIFE'S SEPARATE ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF _____

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared

_____, wife of _____, known

to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____ A. D. 19

(L. S.)

Notary Public in and for _____ County, Texas

JOINT ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF BRAZOS

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared

H. H. Williamson and Mrs. Pearl Williamson, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Mrs. Pearl Williamson, wife of the said H. H. Williamson having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Mrs. Pearl Williamson acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 9th day of December A. D. 19 39.

(L. S.)

Victoria Dominick
Notary Public in and for BRAZOS County, Texas

THE STATE OF TEXAS,
COUNTY OF Brazos

I HEREBY CERTIFY that the foregoing instrument of writing, with its certificate of authentication, was filed for record in my office on the 20 day of Dec, A. D. 19 39, at 10:30 o'clock P M. and was duly recorded by me on the 20th day of Dec, A. D. 19 39 in Vol. 101 page 621, of the Records of said County.

WITNESS MY HAND and the Seal of the County Court of said County, at my office in Bryan the day and year last above written.

(L. S.)

FRANK WORSHAM
County Clerk Brazos County, Texas.
By Mrs. L. P. Newlin Deputy

127
Warranty Deed
(WITH VENDOR'S LIES)

H. H. Williamson, et ux,
TO

The City of Bryan

FILED FOR RECORD

This day of _____ A. D. 19__

at _____
M
County Clerk

DEC 20 1939

By _____ Deputy
RECORDED

By _____ A. D. 19__
In Book _____, on Page 621
County Records

THANK WILSON
County Clerk

By _____ Deputy

Recording Fee \$ 1.25

This instrument should be filed immediately with
the County Clerk for record.

THE STATE OF TEXAS I

COUNTY OF BRAZOS I

KNOW ALL MEN BY THESE PRESENTS:

THAT the Bryan Country Club, acting herein by George G. Chance of Brazos County, Texas, as President, duly authorized and empowered to act under and by virtue of a resolution passed by said Bryan Country Club, a corporation, for the purpose of carrying out the Contract of Sale heretofore made by it, and the City of Bryan; and also for the purpose of carrying out a judgment of the District Court of Brazos County, Texas in Cause No. 13136, styled THE CITY OF BRYAN VS. BRYAN COUNTRY CLUB, IN THE DISTRICT COURT OF BRAZOS COUNTY, TEXAS; and for the consideration and purpose of cancelling and discharging the Deed of Trust Lien and other Liens held by said City of Bryan, and merging the legal title of said property into the City of Bryan, it being the legal owner and holder of said Notes and Liens as shown by said judgment and said Deed of Trust heretofore executed by it; the amount due on said Notes being in the sum of \$28,800.87, besides accrued interest and Attorney's fees; same being cancelled and discharged by this Deed, and by said judgment; have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey unto the said City of Bryan of the County of Brazos, State of Texas, all that certain following described property:

The following described parcels of land all situated in Brazos County, Texas, in the Zeno Phillips League on the Bryan--College paved road:

FIRST TRACT: 89.35 acres of land deeded to Bryan Country Club, October 13th, 1916, by James-Batts and Ettle, recorded in Volume 45, pages 566 and 567, Deed Records of Brazos County, Texas.

SECOND TRACT: 5.6 acres of land deeded to Bryan Country Club February 19th, 1920, by B. Sbisa, recorded in Deed Records, Brazos County, Texas, Volume 50, page 419.

THIRD TRACT: 5 acres land deeded to Bryan Country Club August 7th, 1918, by H. T. Lawler and wife, Carrie Lawler, recorded in Volume 50, page 436, Deed Records of Brazos County, Texas.

FOURTH TRACT: 12.5 acres land deeded to Bryan Country Club September 24, 1921, by H. T. Lawler and wife Carrie Lawler, recorded in Volume 57, page 604, Deed Records of Brazos County, Texas, together with all improvements situated thereon, or hereafter erected thereon.

BEING the same property described in the Deed of Trust

89.35-
5.6
5.0
12.5
112.45

recorded in the Deed Records of Brazos County, Texas, in Volume "X", page 317; said property was conveyed in said Deed of Trust to Shearn Moody as Trustee for the benefit of the American National Insurance Company; said Deed of Trust being fully described in the judgment of the District Court of Brazos County, Texas, in Cause No. 13130, styled THE CITY OF BRYAN VS. BRYAN COUNTRY CLUB, IN THE DISTRICT COURT OF BRAZOS 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 CITY OF BRYAN, its successors and assigns forever; and the Bryan Country Club does hereby bind itself, its successors and assigns to Warrant and Forever Defend all and singular the said premises unto the said CITY OF BRYAN, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

Witness the signature and seal of the Bryan Country Club at Bryan, Texas, this 26th day of SEPTEMBER, A. D. 1939.

attest:-

BRYAN COUNTRY CLUB

Wm. L. Lurell

Secretary

By

George G. Chance
President.

THE STATE OF TEXAS



COUNTY OF BRAZOS

Before me, the undersigned

authority, in and for Brazos County, Texas, on this day personally appeared George G. Chance, President of the Bryan Country Club, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of said Bryan Country Club and for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 30th day of SEPTEMBER, A. D. 1939.

Alvin Drogan
Notary Public in and for Brazos County, Texas.

THE STATE OF TEXAS }
COUNTY OF BRAZOS

I, **FRANK MORSHAM**, County Clerk in and for said
County, do hereby certify that the foregoing instrument dated the 26 day of Sept
1933, at 4:15 o'clock P.M., and duly recorded on the 4 day of
Oct in Vol 251 page 101 together with its certificates of authentication, was filed for record in my office the
28 day of Oct A. D. 1933 in Vol 251 page 101 A. D. 1933

WITNESS MY HAND AND OFFICIAL SEAL, At my office in Bryan, Texas, this 4 day of
Oct A. D. 1933

By Mr. K. H. Hinton Deputy
FRANK MORSHAM County Clerk, Brazos County, Texas

(L. S.)

5

WORKSHEET 1.1
N/A

6

WORKSHEET 2.0

WORKSHEET 2.0

Impoundment/Dam Information

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

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

1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: Midtown Lake (formerly known as Country Club Lake)
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 73 acre-feet.
- c. The impoundment is on-channel YES or off-channel _____ (mark one)
 - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / N YES
 - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / N YES
- d. Is the impoundment structure already constructed? Y / N YES
 - i. For already constructed **on-channel** structures:
 1. Date of Construction: 1920
 2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N NO
 - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N NO
 - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N NO
 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N NO
 - a. If yes, provide the Site No. _____ and watershed project name _____;
 - b. Authorization to close "ports" in the service spillway requested? Y / N NO
 - 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 YES
Provide the date and the name of the Staff Person Levi Best 11/10/2021
 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 YES
 - b. Plans (with engineer's seal) for the structure required. Y / N NO
 - c. Engineer's signed and sealed hazard classification required. Y / N NO
 - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N NO

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** YES

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: 22.
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** YES
If yes, the drainage area is ^{1.44} sq. miles.
(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): Unnamed Tributary of Burton Creek
- b. Zip Code: 77801
- c. In the Zeno Phillips Grant Original Survey No. , Abstract No. 45,
Brazos 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 30.640103 °N, Longitude 96.359022 °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): AutoCAD
- dii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. **Y / N** YES

**SUPPLEMENT TO
WORKSHEET 2.0**

**NOTICE TO
GOVERNING BODIES**



Duane Peters
Brazos County Judge
200 South Texas Avenue, Ste. 332
Bryan, Texas 77803

December 14, 2021

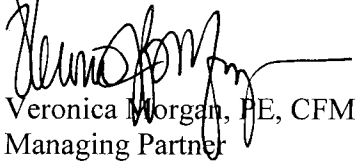
CERTIFIED RETURN RECEIPT 7009 1410 0000 9212 2291

Dear Judge Peters,

This letter is to inform you that Mitchell and Morgan, on behalf of the City of Bryan, is submitting a Water Rights Permit to the Texas Commission on Environmental Quality (TCEQ) for approval to increase their water impoundment at Country Club Lake, located at the NW corner of Villa Maria Rd and South College Ave. The existing lake is located at coordinates N30.641397, W96.359719. The dam to the lake will be modified to support the request to increase its water impoundment on an unnamed tributary of Burton Creek in the new Travis Bryan Midtown Park. This notice is administered in compliance with 30 TAC § 295.42 and TCEQ's Water Rights Report application requirements.

Please contact us with any questions that you may have on the subject.

Thank you,


Veronica Morgan, PE, CFM
Managing Partner

cc: file

USPS TRACKING #

NORTH HOUSTON TX 77060



9590 9402 6967 1225 8090 61

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box*

Mitchell & Morgan
3204 Earl Rudder Fwy S.
College Station, TX 77845



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mail piece, or on the front if space permits.

1. Article Addressed to:

Duane Peters
200 S. TX Ave., Ste. 332
Bryan, TX 77803



9590 9402 6967 1225 8090 61

2. Article Number (Transfer from service label)

7009 1410 0000 9212 2291

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X JD

☐ Agent
☐ Address

B. Received by (Printed Name)

JD

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

Bryan, TX 77803

Postage \$3.75

Certified Fee \$3.05

Return Receipt Fee (Endorsement Required) \$0.00

Restricted Delivery Fee (Endorsement Required) \$0.00

\$0.58

Total Postage & Fees \$7.38

0881
3Postmark
Here

12/14/2021

Sent To

Duane Peters

Street, Apt. No.,

or PO Box No. 200 S. TX Ave., Ste. 332

City, State, ZIP+4

Bryan, TX 77803

PS Form 3800, August 2008

See Reverse for Instructions

7009 1410 0000 9212 2291

**SUPPLEMENT TO
WORKSHEET 2.0**

**CONSENT FOR
INUNDATED LAND**


Girl Scouts of Central Texas
Bryan/College Station Scout House
2512 Roundtree Drive
Bryan, TX 77801

To whom it may concern,

The City of Bryan has informed us of their plan to make modifications to Midtown Park Lake, formerly known as Country Club Lake. We understand that they will increase the current storage capacity of the lake from 73-acre feet to 120-acre feet. We have been informed of these modifications because our property, the Bryan/College Station Scout House, may have frontage on this lake. The exact boundary of the Scout property along the lake is in discussion with the City of Bryan and may end up where our acreage does not directly abut the permanent pool of the lake. In any instance, the Girl Scouts of Central Texas hereby gives consent to these modifications and supports the City of Bryan's right to use the land as they have described per the request sent to the Texas Commission on Environmental Quality (TCEQ).

Please contact us with any questions that you may have on the subject.

Thanks you,



Girl Scouts of Central Texas

Paula Bookidis, CEO

3/31/2022

(Date)

**SUPPLEMENT TO
WORKSHEET 2.0**

**DRAINAGE
CALCULATION MAP**

7

WORKSHEET 3.0

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

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

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

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

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

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

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

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

Applicant has calculated the drainage area. Y / N YES

If yes, the drainage area is 1.44 sq. miles.

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Unnamed Tributary of Burton Creek
- b. Zip Code: 77801
- c. Location of point: In the Country Club Lake Addition Original Survey No. , Abstract No. Block 1, Lot 1 (part of) and Lot 2, BRAZOS 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 30.641490°N, Longitude 96.363416°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): AutoCAD
- 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.

**SUPPLEMENT TO
WORKSHEET 3.0**

**DIVERSION
POINT MAP**

8

WORKSHEET 4.0

MIDTOWN PARK WELL #1 BVDO - 0286

WORKSHEET 4.0 DISCHARGE INFORMATION

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

- a. The purpose of use for the water being discharged will be Irrigation.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses 0 % and explain the method of calculation: N/A - See supplemental documentation on page 69.

Is the source of the discharged water return flows? Y / N NO If yes, provide the following information:

1. The TPDES Permit Number(s). N/A (attach a copy of the **current** TPDES permit(s))

2. Applicant is the owner/holder of each TPDES permit listed above? Y / N N/A

PLEASE NOTE: If Applicant is not the discharger of the return flows, 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 N/A, surface water N/A?
5. If any percentage is surface water, provide the base water right number(s) N/A.
- c. Is the source of the water being discharged groundwater? Y / N YES If yes, provide the following information:

1. Source aquifer(s) from which water will be pumped: SPARTA
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 59-21-510 AND 59-22-508.
3. Indicate how the groundwater will be conveyed to the stream or reservoir.
Groundwater will be discharged in a pipe to the channel and will flow by gravity to the impoundment.
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 NO
If yes, provide the signed contract(s).

- cii. Identify any other source of the water N/A

WORKSHEET 4.0

MIDTOWN PARK WELL #2 BVDO - 0287

WORKSHEET 4.0

DISCHARGE INFORMATION

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

- a. The purpose of use for the water being discharged will be Irrigation.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses ⁰ % and explain the method of calculation: N/A - See supplemental documentation on page 69.

Is the source of the discharged water return flows? Y / N NO If yes, provide the following information:

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

PLEASE NOTE: If Applicant is not the discharger of the return flows, 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 N/A, surface water N/A?
 5. If any percentage is surface water, provide the base water right number(s) N/A.
- c. Is the source of the water being discharged groundwater? Y / N YES If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped: SPARTA
 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 59-21-510 AND 59-22-508.
 3. Indicate how the groundwater will be conveyed to the stream or reservoir.
Groundwater will be discharged in a pipe to the channel and will flow by gravity to the impoundment.
 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 NO
If yes, provide the signed contract(s).
- cii. Identify any other source of the water N/A

SUPPLEMENT TO WORKSHEET 4.0

EVAPORATION CALCULATIONS



TCEQ Water Rights

Technical Report Worksheet 4.0

Evaporation Calculations

Table 1.0 below displays the calculations for the total evaporation of 67 acre-feet per year from the impoundment at Travis Bryan Midtown Park. The evaporation losses for bed and banks conveyance from each discharge point, Midtown Park Well #1 (BVDO-0286) and Midtown Park Well #2 (BVDO-0287), are considered negligible.

Table 1.0

MIDTOWN LAKE EVAPORATION CALCULATIONS		
Evap by WAM (by month)		
Evaporation Per Month	0.798	feet
Evaporation Per Day	0.3192	Inches
Area of Lake	22	Acres
Area of Lake	958,320	S.F.
Vol / Day (c.f.)	25,491	C.F.
Vol/Day (gal)	190,688.27	Gal
Reqd Flow rate (gpm)	132.42	Gal / Min
Evap by WAM (by year)		
Evaporation Per Year	3.029	feet
Evaporation Per Day	0.099583562	Inches
Area of Lake	22	Acres
Area of Lake	958,320	S.F.
Vol / Day (c.f.)	7,953	C.F.
Vol/Day (gal)	59,490.65	Gal
Reqd Flow rate (gpm)	41.31	Gal / Min
Evaporation annually (acft)	66.64	Acft

**SUPPLEMENT TO
WORKSHEET 4.0**

**SPARTA WELL
PUMP TESTS**

GWDB Reports and Downloads

Well Basic Details

Scanned Documents

State Well Number	5921510
County	Brazos
River Basin	Brazos
Groundwater Management Area	12
Regional Water Planning Area	G - Brazos G
Groundwater Conservation District	Brazos Valley GCD
Latitude (decimal degrees)	30.698889
Latitude (degrees minutes seconds)	30° 41' 56" N
Longitude (decimal degrees)	-96.451389
Longitude (degrees minutes seconds)	096° 27' 05" W
Coordinate Source	Global Positioning System - GPS
Aquifer Code	124SPRT - Sparta Sand
Aquifer	Sparta
Aquifer Pick Method	
Land Surface Elevation (feet above sea level)	321
Land Surface Elevation Method	Digital Elevation Model -DEM
Well Depth (feet below land surface)	540
Well Depth Source	Driller's Log
Drilling Start Date	
Drilling End Date	5/26/2006
Drilling Method	Mud (Hydraulic) Rotary
Borehole Completion	Filter Packed; 24" Underream

Well Type	Withdrawal of Water
Well Use	Public Supply
Water Level Observation	GCD Current Observation Well
Water Quality Available	Yes
Pump	Turbine
Pump Depth (feet below land surface)	
Power Type	Electric Motor
Annular Seal Method	Positive Displacement
Surface Completion	Surface Slab Installed
Owner	City of College Station (Sparta #1)
Driller	J & S Water Wells
Other Data Available	Drillers Log; Specific Capacity
Well Report Tracking Number	195663
Plugging Report Tracking Number	
U.S. Geological Survey Site Number	
Texas Commission on Environmental Quality Source Id	G0210002H
Groundwater Conservation District Well Number	
Owner Well Number	Sparta 1
Other Well Number	
Previous State Well Number	
Reporting Agency	Texas Commission on Environmental Quality
Created Date	7/8/2010
Last Update Date	10/10/2012

Remarks Owners Sparta #1 well. TCEQ ID #0210002H. Measured yield 1218 GPM with 81.6 feet drawdown after pump- ing 36 hours in 2006. Specific capacity 14.93 GPM/ft. Pumping level 214 feet. Pump set at 350 feet. Cemented from 0 to 441 feet. Underreamed and gravel packed.

Casing - No Data

Well Tests

Test Date	Test Type	Yield (gallons per minute)	Drawdown (ft.)	Test Hours
2006-05-26	Pump	1218	81.6	36

Lithology

Top Depth (ft.)	Bottom Depth (ft.)	Description
0	40	30-inch Conductor
40	44	Red Clay
44	65	Gray Sand & Rocks
65	92	Gray Clay & Sand Streaks
92	127	Gray Clay
127	185	Gray Shale
185	233	Rocks & Shale
233	243	Gray Sand & Shale Streaks
243	285	Gray Shale & Clay
285	333	Gray Semi-Coarse Sand
333	360	Gray Clay
360	365	Sand
365	420	Gray Clay
420	500	Light Gray Coarse Sand
500	520	Hard Rocks & Coarse Sand
520	577	Hard Gray Clay
577	600	Gray Sand & Rocks
600	630	Gray Sand
630	640	Rocks & Sand
640	688	Clay & Sand Streaks
688	780	Gray Sand Mixed with Some Rocks
780	790	Gray Clay
790	864	Gray Sand & Rocks

Annular Seal Range - No Data

Borehole

Diameter (in.)	Top Depth (ft.)	Bottom Depth (ft.)
36	0	40
24	40	441
18	441	540

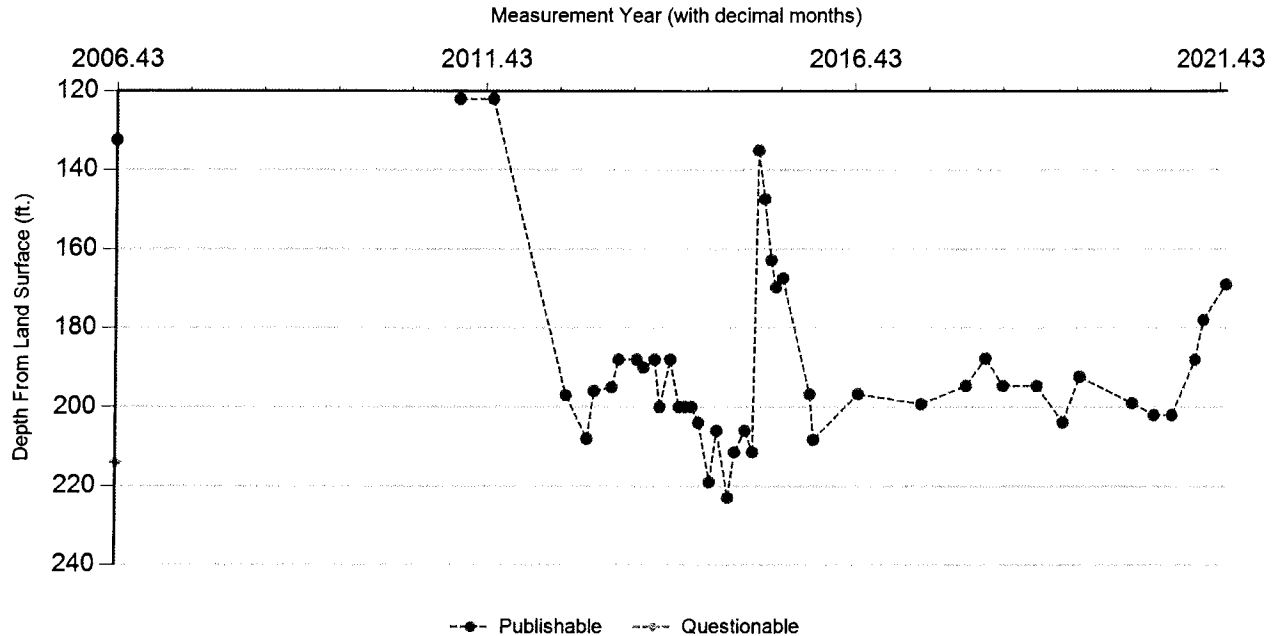
Plugged Back - No Data

Filter Pack

Filter Material	Top Depth (ft.)	Bottom Depth (ft.)	Size
Gravel	361	540	

Packers - No Data

Water Level Measurements



Status Code	Date	Time	Water Level (ft. below land surface)	Change value in () indicates rise in level	Water Elevation (ft. above sea level)	Meas #	Measuring Agency	Method	Remark ID	Comments
P	6/8/2006		132.4		188.6	1	Registered Water Well Driller	Unknown		
Q	6/9/2006		214	81.60	107	1	Registered Water Well Driller	Unknown	2	
P	1/26/2011		122	(92.00)	199	1	Groundwater Conservation District	Air Line		
P	7/11/2011		122	0.00	199	1	Groundwater Conservation District	Air Line		
P	7/11/2012		197	75.00	124	1	Groundwater Conservation District	Air Line		
P	10/25/2012		208	11.00	113	1	Groundwater Conservation District	Air Line		
P	11/30/2012		196	(12.00)	125	1	Groundwater Conservation District	Air Line		
P	2/22/2013		195	(1.00)	126	1	Groundwater Conservation District	Air Line		
P	3/26/2013		188	(7.00)	133	1	Groundwater Conservation District	Air Line		
P	6/26/2013		188	0.00	133	1	Groundwater Conservation District	Air Line		
P	7/30/2013		190	2.00	131	1	Groundwater Conservation District	Air Line		
P	9/26/2013		188	(2.00)	133	1	Groundwater Conservation District	Air Line		
P	10/21/2013		200	12.00	121	1	Groundwater Conservation District	Air Line		
P	12/13/2013		188	(12.00)	133	1	Groundwater Conservation District	Air Line		

**Texas Water Development Board (TWDB)
Groundwater Database (GWDB)
Well Information Report for State Well Number
59-21-510**

Status Code	Date	Time	Water Level (ft. below land surface)	Change value in () indicates rise in level	Water Elevation (ft. above sea level)	Meas #	Measuring Agency	Method	Remark ID	Comments
P	1/21/2014		200	12.00	121	1	Groundwater Conservation District	Air Line		
P	2/21/2014		200	0.00	121	1	Groundwater Conservation District	Air Line		
P	3/25/2014		200	0.00	121	1	Groundwater Conservation District	Air Line		
P	4/28/2014		204	4.00	117	1	Groundwater Conservation District	Air Line		
P	6/24/2014		219	15.00	102	1	Groundwater Conservation District	Air Line		
P	7/29/2014		206	(13.00)	115	1	Groundwater Conservation District	Air Line		
P	9/25/2014		222.9	16.90	98.1	1	Groundwater Conservation District	Air Line		
P	10/28/2014		211.4	(11.50)	109.6	1	Groundwater Conservation District	Air Line		
P	12/19/2014		206	(5.40)	115	1	Groundwater Conservation District	Air Line		
P	1/22/2015		211.4	5.40	109.6	1	Groundwater Conservation District	Air Line		
P	2/17/2015		135	(76.40)	186	1	Groundwater Conservation District	Air Line		
P	3/18/2015		147.3	12.30	173.7	1	Groundwater Conservation District	Air Line		
P	4/22/2015		162.8	15.50	158.2	1	Groundwater Conservation District	Air Line		
P	5/15/2015		169.7	6.90	151.3	1	Groundwater Conservation District	Air Line		
P	6/19/2015		167.4	(2.30)	153.6	1	Groundwater Conservation District	Air Line		
P	11/4/2015		196.75	29.35	124.25	1	Groundwater Conservation District	Air Line		
P	11/23/2015		208.3	11.55	112.7	1	Groundwater Conservation District	Air Line		
P	6/27/2016		196.75	(11.55)	124.25	1	Groundwater Conservation District	Air Line		
P	5/4/2017		199.27	2.52	121.73	1	Groundwater Conservation District	Air Line		
P	12/14/2017	14:2	194.65	(4.62)	126.35	1	Groundwater Conservation District	Air Line		
P	3/15/2018	12:4	187.72	(6.93)	133.28	1	Groundwater Conservation District	Air Line		
P	6/13/2018	9:00	194.65	6.93	126.35	1	Groundwater Conservation District	Air Line		
P	11/29/2018		194.65	0.00	126.35	1	Groundwater Conservation District	Air Line		Static
P	4/4/2019		203.89	9.24	117.11	1	Groundwater Conservation District	Air Line		Static
P	6/26/2019		192.34	(11.55)	128.66	1	Groundwater Conservation District	Air Line		Static
P	3/12/2020		199	6.66	122	1	Groundwater Conservation District	Air Line		Static
P	7/2/2020		202	3.00	119	1	Groundwater Conservation District	Air Line		Static

**Texas Water Development Board (TWDB)
Groundwater Database (GWDB)
Well Information Report for State Well Number
59-21-510**

Status Code	Date	Time	Water Level (ft. below land surface)	Change value in () indicates rise in level	Water Elevation (ft. above sea level)	Meas #	Measuring Agency	Method	Remark ID	Comments
P	10/7/2020		202	0.00	119	1	Groundwater Conservation District	Air Line		
P	2/4/2021		188	(14.00)	133	1	Groundwater Conservation District	Air Line		
P	3/18/2021		178	(10.00)	143	1	Groundwater Conservation District	Air Line		
P	7/14/2021		169	(9.00)	152	1	Groundwater Conservation District	Air Line		

Code Descriptions

Status Code	Status Description
P	Publishable
Q	Questionable

Remark ID	Remark Description
2	Pumping-level measurement

**Texas Water Development Board (TWDB)
Groundwater Database (GWDB)
Well Information Report for State Well Number
59-22-508**

GWDB Reports and Downloads

Well Basic Details

Scanned Documents

State Well Number	5922508
County	Brazos
River Basin	Brazos
Groundwater Management Area	12
Regional Water Planning Area	G - Brazos G
Groundwater Conservation District	Brazos Valley GCD
Latitude (decimal degrees)	30.68
Latitude (degrees minutes seconds)	30° 40' 48" N
Longitude (decimal degrees)	-96.308334
Longitude (degrees minutes seconds)	096° 18' 30" W
Coordinate Source	Global Positioning System - GPS
Aquifer Code	124SPRT - Sparta Sand
Aquifer	Sparta
Aquifer Pick Method	
Land Surface Elevation (feet above sea level)	335
Land Surface Elevation Method	Digital Elevation Model -DEM
Well Depth (feet below land surface)	1080
Well Depth Source	Driller's Log
Drilling Start Date	
Drilling End Date	9/10/2003
Drilling Method	Mud (Hydraulic) Rotary
Borehole Completion	Gravel Pack w/Screen

Well Type	Withdrawal of Water
Well Use	Irrigation
Water Level Observation	GCD Current Observation Well
Water Quality Available	No
Pump	Turbine
Pump Depth (feet below land surface)	
Power Type	Electric Motor
Annular Seal Method	Slurry
Surface Completion	Surface Slab Installed
Owner	Miramont Country Club #3
Driller	J & S Water Wells
Other Data Available	Drillers Log
Well Report Tracking Number	66845
Plugging Report Tracking Number	
U.S. Geological Survey Site Number	
Texas Commission on Environmental Quality Source Id	
Groundwater Conservation District Well Number	
Owner Well Number	3
Other Well Number	
Previous State Well Number	
Reporting Agency	Texas Water Development Board
Created Date	3/19/2013
Last Update Date	3/19/2013

Remarks

Casing

Diameter (in.)	Casing Type	Casing Material	Schedule	Gauge	Top Depth (ft.)	Bottom Depth (ft.)
12	Blank	Steel			0	839
10	Screen	Stainless Steel			839	902
10	Blank	Steel			902	920
10	Screen	Stainless Steel			920	1060

Well Tests

Test Date	Test Type	Yield (gallons per minute)	Drawdown (ft.)	Test Hours
2003-09-10	Pump	934	295	8

Lithology

Top Depth (ft.)	Bottom Depth (ft.)	Description
0	40	24 inch Conductor
40	80	Sand
80	100	Clay
100	110	Sand
110	120	Clay
120	280	Sand and Rocks
280	320	Clay
320	340	Sand
340	390	Shale and Coal
390	400	Sand and Clay
400	570	Shale and Clay
570	586	Sand and Clay
586	660	Hard Clay
660	700	Clay and Rocks
700	780	Shale and Clay
780	830	Shale and Sand Streaks
830	900	Sand and Rocks
900	920	Clay and Shale
920	1060	Sand, Rocks, and Some Lignite
1060	1190	Hard Clay
1190	1240	Sand and Shale Streaks
1240	1280	Hard Rocks and Shale
1280	1300	Hard Sand
1300	1340	Hard Clay
1340	1360	Hard Sand
1360	1370	Clay
1370	1480	Clay and Sand Streaks
1480	1510	Sand and Rocks
1510	1546	Clay

Annular Seal Range - No Data

Borehole

Diameter (in.)	Top Depth (ft.)	Bottom Depth (ft.)
24	0	40
20	40	1080

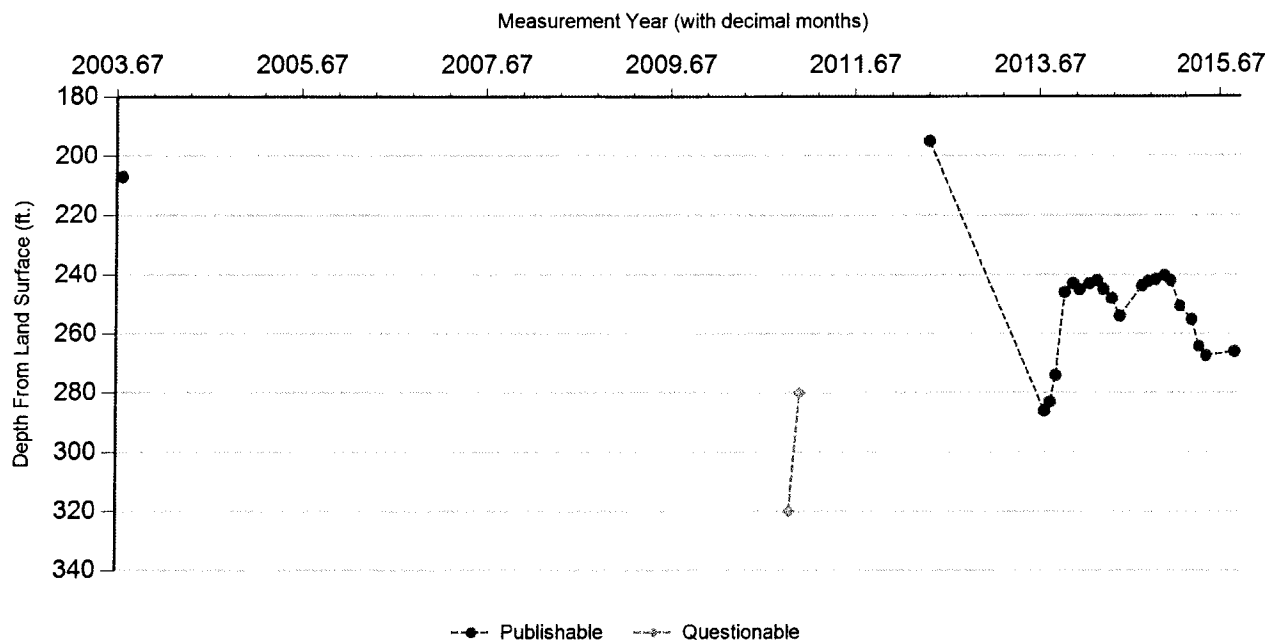
Plugged Back - No Data

Filter Pack

Filter Material	Top Depth (ft.)	Bottom Depth (ft.)	Size
Gravel	400	1080	44 sacks

Packers - No Data

Water Level Measurements



Status Code	Date	Time	Water Level (ft. below land surface)	Change value in () indicates rise in level	Water Elevation (ft. above sea level)	Meas #	Measuring Agency	Method	Remark ID	Comments
P	9/25/2003		207		128	1	Registered Water Well Driller	Unknown		
Q	12/20/2010		320	113.00	15	1	Groundwater Conservation District	Air Line	12	
Q	1/25/2011		280	(40.00)	55	1	Groundwater Conservation District	Air Line	12	
P	6/20/2012		195	(85.00)	140	1	Groundwater Conservation District	Air Line		
P	9/23/2013		286	91.00	49	1	Groundwater Conservation District	Air Line		
P	10/15/2013		283	(3.00)	52	1	Groundwater Conservation District	Air Line		
P	11/7/2013		274	(9.00)	61	1	Groundwater Conservation District	Air Line		
P	12/12/2013		246	(28.00)	89	1	Groundwater Conservation District	Air Line		
P	1/10/2014		243	(3.00)	92	1	Groundwater Conservation District	Air Line		
P	2/5/2014		245	2.00	90	1	Groundwater Conservation District	Air Line		
P	3/14/2014		243	(2.00)	92	1	Groundwater Conservation District	Air Line		
P	4/14/2014		242	(1.00)	93	1	Groundwater Conservation District	Air Line		
P	5/9/2014		245	3.00	90	1	Groundwater Conservation District	Air Line		
P	6/13/2014		248	3.00	87	1	Groundwater Conservation District	Air Line		

**Texas Water Development Board (TWDB)
Groundwater Database (GWDB)
Well Information Report for State Well Number
59-22-508**

Status Code	Date	Time	Water Level (ft. below land surface)	Change value in () indicates rise in level	Water Elevation (ft. above sea level)	Meas #	Measuring Agency	Method	Remark ID	Comments
P	7/15/2014		254	6.00	81	1	Groundwater Conservation District	Air Line		
P	10/13/2014		243.8	(10.20)	91.2	1	Groundwater Conservation District	Air Line		
P	11/7/2014		242.3	(1.50)	92.7	1	Groundwater Conservation District	Air Line		
P	12/8/2014		241.7	(0.60)	93.3	1	Groundwater Conservation District	Air Line		
P	1/9/2015		240.3	(1.40)	94.7	1	Groundwater Conservation District	Air Line		
P	2/6/2015		242.1	1.80	92.9	1	Groundwater Conservation District	Air Line		
P	3/16/2015		250.6	8.50	84.4	1	Groundwater Conservation District	Air Line		
P	5/7/2015		255.2	4.60	79.8	1	Groundwater Conservation District	Air Line		
P	6/9/2015		264.2	9.00	70.8	1	Groundwater Conservation District	Air Line		
P	7/10/2015		267.4	3.20	67.6	1	Groundwater Conservation District	Electric Line		
P	11/5/2015		266	(1.40)	69	1	Groundwater Conservation District	Air Line		

Code Descriptions

Status Code	Status Description
P	Publishable
Q	Questionable

Remark ID	Remark Description
12	Uncertain of reason for questionable measurement

**SUPPLEMENT TO
WORKSHEET 4.0**

**GROUNDWATER WELL
OPERATING PERMITS**



BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

P.O. Box 528 · HEARNE, TX 77859 · (979) 279-9350

[HTTPS://BRAZOSVALLEYGCD.ORG](https://brazosvalleygcd.org)

November 11, 2021

Jayson Barfknecht
Director of Utilities, City of Bryan
P.O. Box 1000
Bryan, Texas 77805

Dear Jayson,

Enclosed are Drilling/Operating permits BVDO-0286 and BVDO-0287 approved by the Brazos Valley Groundwater Conservation District Board of Directors on November 11, 2021 for Industrial use.

This well is subject to yearly water production fees that will be assessed at an Industrial rate of \$0.04625/1000 gallons produced. The well must be metered prior to production from the well and the annual water production reported to the District by no later than February 1st following the year of production.

Pertinent information you should be aware of is:

- This permit will be reviewed and evaluated for renewal in November 2026.
- A meter must be placed near the wellhead prior to the production of water.
- Enclosed is a copy of the most recently revised District Rules for your review.

If you have any questions concerning your permit, please feel free to contact me at 979-279-9350 (office) or 817-774-6412 (cell).

Best regards,

Alan M. Day

BOARD OF DIRECTORS:
JAYSON BARFKNECHT, SECRETARY
GARY MECHLER

STEPHEN CAST, PRESIDENT
DAVID STRATTA, TREASURER
LINDA PECINA

PETE BRIEN, VICE PRESIDENT
MARK CARRABBA
CHRIS ZEIG

Permit No. BVDO-0286

**Operating Permit
Issued By Direction of the Board of Directors of the
Brazos Valley Groundwater Conservation District**

This **Operating Permit** is granted to **City of Bryan** (Permittee) authorizing the Permittee to operate a water well known as **Midtown Park Well #1** ("Well") at the location specified below within the Brazos Valley Groundwater Conservation District (District) for the beneficial purpose of producing water for **Industrial** use. Permittee is authorized to operate the Well located at **N 30.641111° and W 96.364722°** to produce water from the **Sparta Aquifer** at an annual maximum capacity not to exceed **250 GPM** and a maximum annual production of **250 acre feet/year**.

Operating Permit Term:

- (a) An operating and drilling permit for a well or well site will automatically expire within three years from its issuance if the permitted well(s) has not been completed or is not significantly under development.
- (b) Unless specified otherwise by the Board or these Rules, operating permits are effective for five-year terms. At the end of each five-year term, the permit shall be renewed by the Board for an additional five-year term, upon submittal of a permit renewal application by the permit holder that provides adequate evidence of continued beneficial use for the permitted amount of water withdrawal. The District shall send notices to permit holders that contain the permit renewal applications, prior to permit expirations.
- (c) The District may amend or revoke an operating permit at any time if there is evidence of:
 - (1) the owner or operator of the well or well system has operated in violation of their permit, District Rules, or Chapter 36 of the Texas Water Code; or
 - (2) a change in the permit is required to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or reduction of artesian pressure, lessen interference between wells, or control and prevent subsidence; or
 - (3) The permitted well(s) has not been completed, is not significantly under construction; or no significant progress is being made toward construction.

This permit is issued and effective as of November 11, 2021.

Special Provisions/Notes: None

This Permit is granted subject to these Rules, orders of the Board, and the laws of the State of Texas. In addition to any special provisions or other requirements incorporated into the permit issued by the District.

- (1) This Permit is granted in accordance with provisions of the Rules of the District, including amendments, and acceptance of this Permit constitutes an acknowledgment and agreement that Permittee will comply with the Rules of the District.
- (2) This Permit confers only the right to operate the permitted well under the provisions of the District Rules and its terms may be modified or amended pursuant to the provisions of those Rules. To protect the permit holder from the illegal use of a new landowner, within ten (10) days after the date of sale of property containing a well having been issued an operating permit, the operating permit holder must notify the District in writing of the name of the new owner. Any person who becomes the owner of a currently permitted well must, within forty-five (45) calendar days from the date of the change in ownership, file an application for a permit amendment to affect a transfer of the permit.
- (3) The operation of the well for the authorized purposes must be conducted in a non-wasteful manner.
- (4) All groundwater production from non-exempt wells in the District is required to be metered, except for the groundwater produced from wells in the Brazos River Alluvium aquifer. The District maintains the discretion to require meters on wells in the Brazos River Alluvium aquifer. Permittee shall maintain records of withdrawal on the property where the well is located or at its business office, and shall make those records available to the District for inspection. The Permittee shall submit complete, accurate, and timely metered pumpage and transport reports to the District annually, as requested by the District, no later than February first (1st) of each year.
- (5) The well site must be accessible to District representatives for inspection, and Permittee agrees to cooperate fully in any reasonable inspection of the well and well site by the District representatives.
- (6) The application pursuant to which this Permit has been issued is incorporated in this Permit, and this Permit is granted on the basis of and contingent upon the accuracy of the information supplied in that application. A finding that false information has been supplied is grounds for immediate revocation of the permit.
- (7) Violation of this Permit's terms, conditions, requirements, or special provisions, including pumping amounts in excess of authorized withdrawal, is punishable by civil penalties as provided by the District Rule 15.3, as well as revocation of the permit.
- (8) Permittee will use reasonable diligence to protect groundwater quality and will follow well-plugging guidelines at the time of well closure.

The issuance of this Permit does not grant to Permittee the right to use any private property, or any public property, for the production or conveyance of water. Neither does this permit authorize the invasion of any personal rights nor the violation of any federal, state, or local laws, rules or regulations. Further, the District makes no representations and shall have no responsibility with respect to the availability or quality of water authorized to be produced under this permit.

Brazos Valley Groundwater Conservation District

By: 
Alan M. Day, General Manager

11-11-21
Date

Permit No. BVDO-0287

**Operating Permit
Issued By Direction of the Board of Directors of the
Brazos Valley Groundwater Conservation District**

This **Operating Permit** is granted to **City of Bryan** (Permittee) authorizing the Permittee to operate a water well known as **Midtown Park Well #2** ("Well") at the location specified below within the Brazos Valley Groundwater Conservation District (District) for the beneficial purpose of producing water for **Industrial** use. Permittee is authorized to operate the Well located at **N 30.638611° and W 96.366944°** to produce water from the **Sparta Aquifer** at an annual maximum capacity not to exceed **250 GPM** and a maximum annual production of **250 acre feet/year**.

Operating Permit Term:

- (a) An operating and drilling permit for a well or well site will automatically expire within three years from its issuance if the permitted well(s) has not been completed or is not significantly under development.
- (b) Unless specified otherwise by the Board or these Rules, operating permits are effective for five-year terms. At the end of each five-year term, the permit shall be renewed by the Board for an additional five-year term, upon submittal of a permit renewal application by the permit holder that provides adequate evidence of continued beneficial use for the permitted amount of water withdrawal. The District shall send notices to permit holders that contain the permit renewal applications, prior to permit expirations.
- (c) The District may amend or revoke an operating permit at any time if there is evidence of:
 - (1) the owner or operator of the well or well system has operated in violation of their permit, District Rules, or Chapter 36 of the Texas Water Code; or
 - (2) a change in the permit is required to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or reduction of artesian pressure, lessen interference between wells, or control and prevent subsidence; or
 - (3) The permitted well(s) has not been completed, is not significantly under construction; or no significant progress is being made toward construction.

This permit is issued and effective as of November 11, 2021.

Special Provisions/Notes: None

This Permit is granted subject to these Rules, orders of the Board, and the laws of the State of Texas. In addition to any special provisions or other requirements incorporated into the permit issued by the District.

- (1) This Permit is granted in accordance with provisions of the Rules of the District, including amendments, and acceptance of this Permit constitutes an acknowledgment and agreement that Permittee will comply with the Rules of the District.
- (2) This Permit confers only the right to operate the permitted well under the provisions of the District Rules and its terms may be modified or amended pursuant to the provisions of those Rules. To protect the permit holder from the illegal use of a new landowner, within ten (10) days after the date of sale of property containing a well having been issued an operating permit, the operating permit holder must notify the District in writing of the name of the new owner. Any person who becomes the owner of a currently permitted well must, within forty-five (45) calendar days from the date of the change in ownership, file an application for a permit amendment to affect a transfer of the permit.
- (3) The operation of the well for the authorized purposes must be conducted in a non-wasteful manner.
- (4) All groundwater production from non-exempt wells in the District is required to be metered, except for the groundwater produced from wells in the Brazos River Alluvium aquifer. The District maintains the discretion to require meters on wells in the Brazos River Alluvium aquifer. Permittee shall maintain records of withdrawal on the property where the well is located or at its business office, and shall make those records available to the District for inspection. The Permittee shall submit complete, accurate, and timely metered pumpage and transport reports to the District annually, as requested by the District, no later than February first (1st) of each year.
- (5) The well site must be accessible to District representatives for inspection, and Permittee agrees to cooperate fully in any reasonable inspection of the well and well site by the District representatives.
- (6) The application pursuant to which this Permit has been issued is incorporated in this Permit, and this Permit is granted on the basis of and contingent upon the accuracy of the information supplied in that application. A finding that false information has been supplied is grounds for immediate revocation of the permit.
- (7) Violation of this Permit's terms, conditions, requirements, or special provisions, including pumping amounts in excess of authorized withdrawal, is punishable by civil penalties as provided by the District Rule 15.3, as well as revocation of the permit.
- (8) Permittee will use reasonable diligence to protect groundwater quality and will follow well-plugging guidelines at the time of well closure.

The issuance of this Permit does not grant to Permittee the right to use any private property, or any public property, for the production or conveyance of water. Neither does this permit authorize the invasion of any personal rights nor the violation of any federal, state, or local laws, rules or regulations. Further, the District makes no representations and shall have no responsibility with respect to the availability or quality of water authorized to be produced under this permit.

Brazos Valley Groundwater Conservation District

By: _____

Alan M. Day, General Manager

11-11-21
Date

WORKSHEET 4.1

MIDTOWN PARK WELL #1 BVDO - 0286

WORKSHEET 4.1

DISCHARGE POINT INFORMATION

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

For water discharged at this location provide:

- a. The amount of water that will be discharged at this point is ²⁵⁰_____ 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 ²⁵⁰_____ gpm.
- c. Name of Watercourse as shown on Official USGS maps: Unnamed Tributary of Burton Creek
- d. Zip Code 77801
- f. Location of point: In the Country Club Lake Addition Original Survey No. _____, Abstract No. Block 1, Lot 1 (pt. of) and Lot 2, BRAZOS County, Texas.
- g. Point is at:
Latitude 30.641111 °N, Longitude 96.364722 °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): AutoCAD

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

WORKSHEET 4.1

MIDTOWN PARK WELL #2

BVDO - 0287

WORKSHEET 4.1 DISCHARGE POINT INFORMATION

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

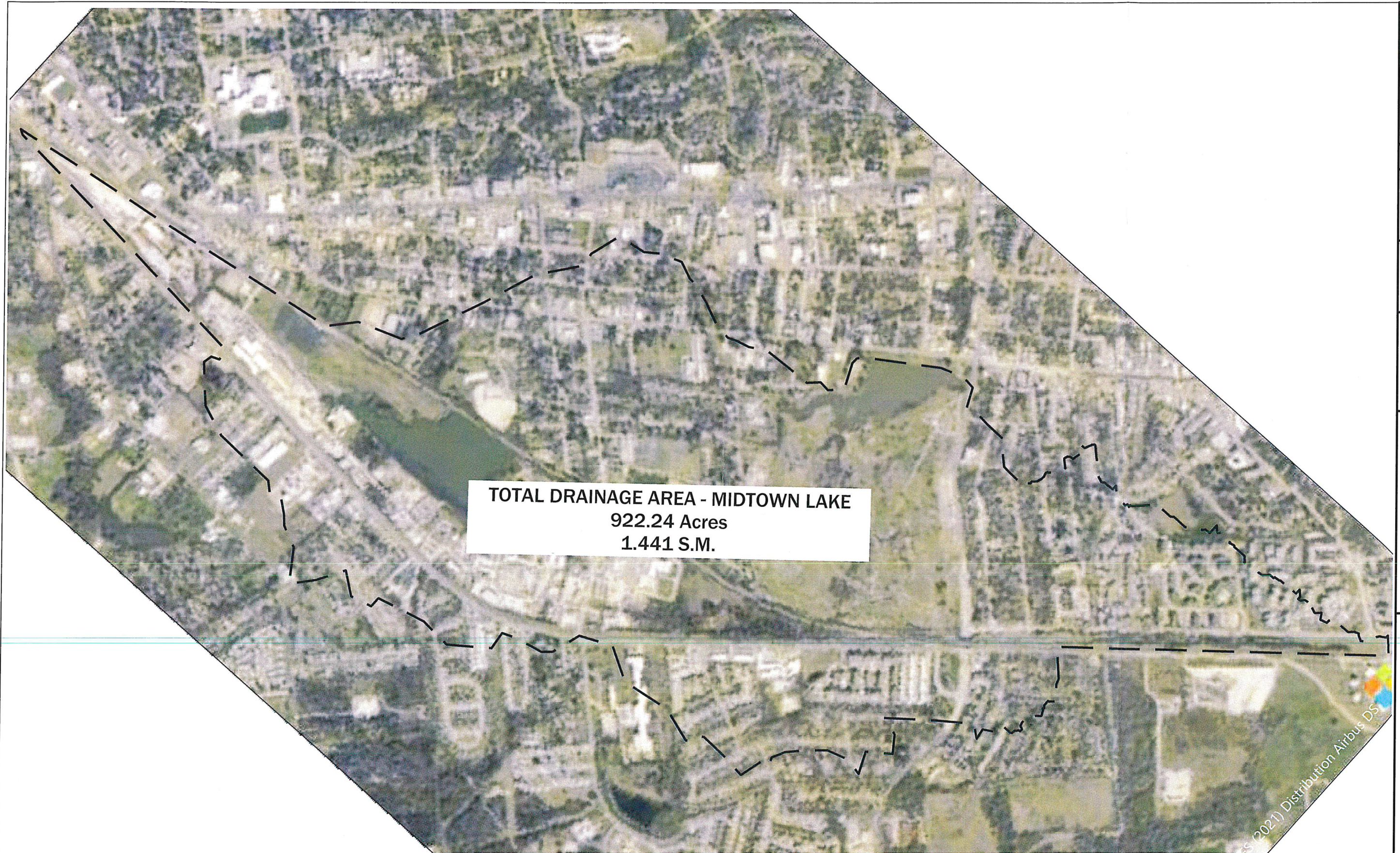
For water discharged at this location provide:

- a. The amount of water that will be discharged at this point is 250 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 250 gpm.
- c. Name of Watercourse as shown on Official USGS maps: Unnamed Tributary of Burton Creek
- d. Zip Code 77801
- f. Location of point: In the Country Club Lake Addition Original Survey No. _____, Abstract No. Block 1, Lot 1 (pt. of) and Lot 2, BRAZOS County, Texas.
- g. Point is at:
Latitude 30.638611 °N, Longitude 96.366944 °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): AutoCAD

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

**SUPPLEMENT TO
WORKSHEET 4.1**

**DISCHARGE POINTS
MAP**



T.979.260.6963
F.979.260.3564
FIRM# F-1443
3204 EARL RUDDER FWY S.
COLLEGE STATION, TX 77845

PLAN & DESIGN SPECIALISTS IN
CIVIL ENGINEERING • HYDRAULICS
HYDROLOGY • UTILITIES • STREETS
SITE PLANS • SUBDIVISIONS

www.mitchellandmorgan.com

DECEMBER, 2021
Designed by: JM
Drawn by: JM

Prepared For:
TCEQ Water Availability
Division, MC-160
P.O. Box 13087
Austin, TX 78711

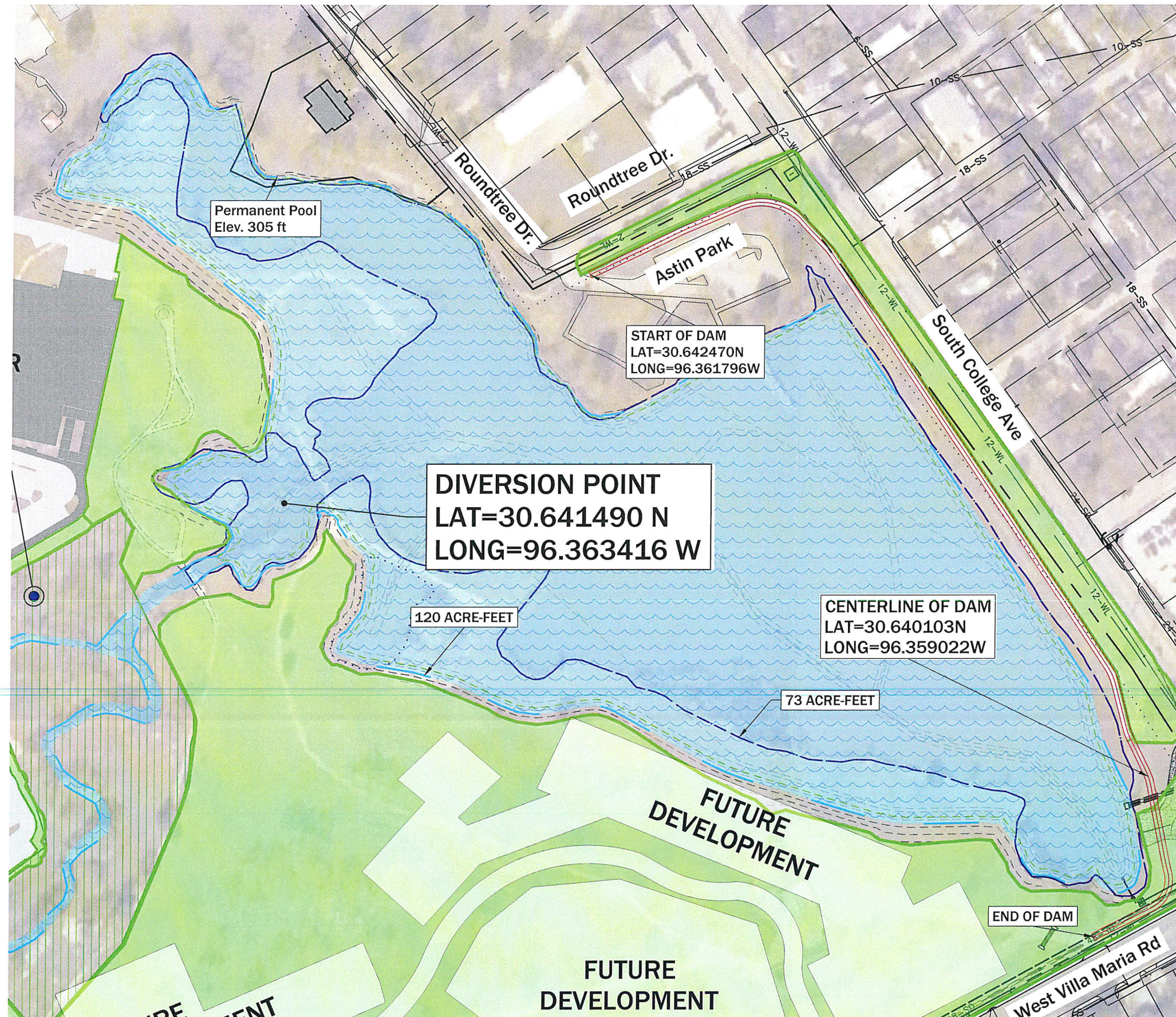
Revisions

DRAINAGE CALCULATION MAP
TRAVIS BRYAN PARK—MIDTOWN

DA

**SUPPLEMENT TO
WORKSHEET 2.0**

**DAM LOCATION
MAP**



LEGEND	
	Normal Pool Lake Elev= 305.00
	Waters of the US (WOTUS)
	Interim Lake Edge (Elev=303.3)
	Country Club Lake Dam
	Proposed Irrigated Areas
	Future Lake
	Greenbelt Reserve Area



T.979.260.6963
F.979.260.3564
TX FIRM # F-1443

3204 EARL RUDDER FWY. S.
COLLEGE STATION, TX 77845

PLAN & DESIGN SPECIALISTS IN
CIVIL ENGINEERING HYDRAULICS
HYDROLOGY UTILITIES STREETS
SITE PLANS SUBDIVISIONS
www.mitchellandmorgan.com

For Review Only
Not for Construction
Issued for Construction
Project No. 2021-01
No. 7785

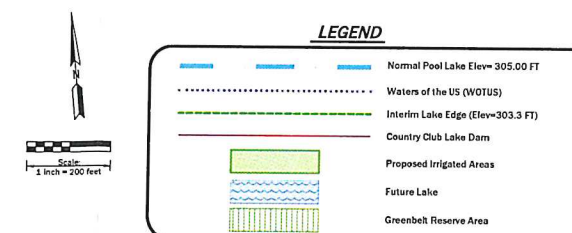
DECEMBER, 2021
Designed by JIM
Drawn by SB
Checked by JIM

Prepared For:
TCEQ Water Availability
Division, MC-160
P.O. Box 13087
Austin, TX 78711

Revisions

COUNTRY CLUB LAKE DAM
LOCATION MAP
MIDTOWN PARK

EX1



10

WORKSHEET 5.0

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

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

See attached document on pg.97

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: 5 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 N/A
- 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	1	1	1	TWDB Protocol	Nov. 6, 2007
Chloride, mg/L	14.3	16	2	TWDB Protocol	'07 and '12
Total Dissolved Solids, mg/L	190	194	2	TWDB Protocols	Nov. 2007 and Sept. 2012
pH, standard units	8.825	8.95	2	TWDB Protocol	'07 and '12
Temperature*, degrees Celsius	25.2	25.2	1	TWDB Protocols	Sept. 20, 2012

* 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 UNKNOWN and the name of the aquifer from which water is withdrawn Sparta.

SUPPLEMENT TO WORKSHEET 5.0

IMPINGEMENT AND ENTRAINMENT



TCEQ Water Rights

Technical Report Worksheet 5.0

Impingement and Entrainment

The City of Bryan will ensure that all design and construction phases of the diversion point located approximately at 30.641690 N, 96.363416 W, will avoid impingement and entrainment of aquatic organisms. Thorough research will be conducted to include proper screening on the diversion pipe, meeting all necessary standards. No further design details are known at this time.

SUPPLEMENT TO WORKSHEET 5.0

ASSESSMENT OF ADEQUACY



TCEQ Water Rights

Technical Report Worksheet 5.0

Assessment of Adequacy

The application only requests to discharge and subsequently divert groundwater from the Sparta Aquifer. The amount of water diverted will not exceed the amount of water discharged, less losses. There will be no impacts on downstream flows or freshwater inflows from the request in this application.

11

WORKSHEET 6.0

N/A

12

WORKSHEET 7.0

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

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

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

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

SUPPLEMENT TO WORKSHEET 7.0

**ACCOUNTING PLAN
TEXT FILE**



**CITY OF BRYAN
DAILY WATER BALANCE
WATER ACCOUNTING PLAN
PERMIT NO. BVDO-0286 AND BVDO-0287**

INTRODUCTION

Permit No. BVDO-0286 and Permit No. BVDO-0287 are operating permits issued by direction of the Board of Directors of the Brazos Valley Groundwater Conservation District. These operating permits grant the City of Bryan authorization to operate water wells Midtown Park Well #1 (under permit BVDO-0286) and Midtown Park Well #2 (under permit BVDO-0287) for industrial use at their specified locations. Midtown Park Well #1 is located at 30.641111 N, 96.364722 W, and Midtown Park Well #2 is located at 30.638611 N, 96.366944 W. The City of Bryan has been authorized to produce water from the Sparta Aquifer at an annual maximum capacity not to exceed 250 GPM per well and a maximum annual production of 250-acre feet/year per well for both the Midtown Park Well #1 and the Midtown Park Well #2.

Both Midtown Park Well #1 and Midtown Park Well #2 will be used to discharge groundwater into Midtown Lake to maintain permanent pool at a total of 120-acre feet. Groundwater will then be diverted out of Midtown Lake and used to irrigate the adjacent Midtown Park. Subsequently, Midtown Park Well #1 and Midtown Park Well #2 will discharge groundwater back into Midtown Lake to maintain permanent pool.

DAILY WATER BALANCE ACCOUNTING SPREADSHEET

The following are descriptions of the data contained in each column of the Daily Water Balance Accounting Spreadsheet.

Column 1: Day, month, and year for which the discharge data apply.

Column 2: Amount of groundwater discharged from Midtown Park Well #1 BVDO-0286 at 30.641111 N, 96.364722 W in gallons per day for that date.

- Column 3: Amount of groundwater discharged from Midtown Park Well #2 BVDO-0287 at 30.638611 N, 96.366944 W in gallons per day for that date.
- Column 4: Amount of water discharged to Midtown Lake. Calculation is the total of Columns 2 and 3.
- Column 5: Amount of groundwater lost due to evaporation of Midtown Lake in gallons per day.
- Column 6: Diversion point #1 from Midtown Lake.
- Column 7: Day, month, and year for which the diversion data apply.
- Column 8: Amount of groundwater available for use at diversion point #1 located at 30.641490 N, 96.363416 W in gallons per day for that date. Calculation is Column 4 minus Column 7 and Column 8.
- Column 9: Amount of groundwater diverted at diversion point #1 located at 30.641490 N, 96.363416 W in gallons per day for that date.
- Column 10: Amount of groundwater remaining at diversion point #1 location after groundwater is diverted. Calculation is Column 11 minus Column 12.

SUPPLEMENT TO WORKSHEET 7.0

ACCOUNTING PLAN SPREADSHEET

City of Bryan
Water Rights Per
Daily Water Balan

Col 1	Col 2	Col 10
Discharge (Date)	Discharge diverted at Midtown Point #1 (BVDO-0 N 30.6411 W 96.3647	Remaining Amount (gpd) column 11-12
1-Jan-23	100,000.0	9,312.0

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WORKSHEET 8.0

WORKSHEET 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

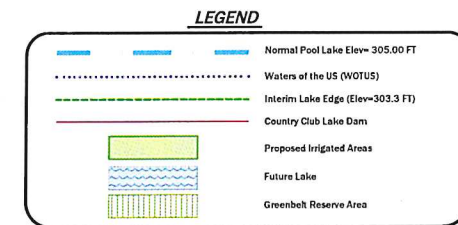
	Description	Amount (\$)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$) . <u>In Acre-Feet</u> a. Less than 100 \$100.00 b. 100 - 5,000 \$250.00 c. 5,001 - 10,000 \$500.00 d. 10,001 - 250,000 \$1,000.00 e. More than 250,000 \$2,000.00	
Recording Fee		\$25.00
Agriculture Use Fee	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
Use Fee	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
Recreational Storage Fee	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
Storage Fee	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	997.34
TOTAL		\$997.34

2. AMENDMENT OR SEVER AND COMBINE

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

3. BED AND BANKS

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



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intended for construction,
bidding, or permit purposes.
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No. 77649

DECEMBER, 2021
Designed by: JJM
Drawn By: SB
Checked By: VJBM

Prepared For:
TCEQ Water Availability
Division, MC-160
P.O. Box 13087
Austin, TX 78711

Revisions

WATER RIGHTS PERMIT LOCATION MAP

MIDTOWN PARK

EX2