

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A WATER USE PERMIT

APPLICATION NO. 12788B

The City of Conroe seeks to amend Water Use Permit No. 12788, as amended, to authorize use of the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to an additional 13,450.64 acre-feet per year of groundwater-based return flows, which are discharged under new authorization, for subsequent diversion and use for municipal, industrial, and agricultural use in Montgomery County, add a diversion reach, and increase the maximum combined diversion rate to 129.630 cfs (58,333 gpm). More information on the application and how to participate in the permitting process is given below.

APPLICATION. The City of Conroe, 401 Sgt. Ed Holcomb Blvd. South, Conroe, Texas 77305, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) to amend Water Use Permit No. 12788 pursuant to Texas Water Code (TWC) §§ 11.122, 11.042 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Notice is being mailed to the interjacent water rights holders of record in the San Jacinto River Basin pursuant to Title 30 TAC § 295.161(b) and to Texas Parks and Wildlife Department and the Public Interest Counsel pursuant to Title 30 TAC § 295.161(c).

Water Use Permit No. 12788, as amended, with special conditions, authorizes the City of Conroe (Permittee/Applicant) to use the bed and banks of the West Fork San Jacinto River, San Jacinto River Basin to convey up to 13,450.64 acre-feet per year of groundwater-based return flows, authorized by TPDES Permit No. WQ0010008002, for subsequent diversion from a point and a reach on the West Fork San Jacinto River, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), for municipal, industrial and agricultural purposes in Montgomery County. Special Conditions apply.

Subsequent to issuance of Water Use Permit No. 12788A, Applicant applied for and was granted authority to discharge up to an additional average annual 12 MGD (13,450.64 acre-feet) of return flows to Stewarts Creek, tributary of the West Fork San Jacinto River pursuant to TPDES Permit No. WQ0010008003 from new facilities to be constructed. Applicant indicates that the additional return flows will be discharged at a maximum discharge rate of 74.073 cfs (33,333 gpm) at a point on Stewarts Creek, located at Latitude 30.2909683° N, Longitude 95.4347829° W, in Montgomery County, within ZIP Code 77301.

Applicant seeks to amend Water Use Permit No. 12788, as amended, to authorize it to use the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to the additional 13,450.64 acre-feet per year of groundwater-based return flows for subsequent diversion and use for municipal, industrial, and agricultural purposes in Montgomery County.

Applicant seeks to divert the additional 13,450.64 acre-feet per year of groundwater-based return flows from multiple points in a new diversion reach between the point of discharge and the confluence of Stewarts Creek and the West Fork San Jacinto River at a maximum combined diversion rate of 74.073 cfs (33,333 gpm) and from multiple points within that part of the existing diversion reach that is downstream of such confluence at a maximum diversion rate of 129.63 cfs (58,333 gpm) when combined with diversions of groundwater-based return flows discharged pursuant to TPDES Permit No. WQ0010008002.

The upstream point of the additional diversion reach is located on Stewarts Creek, at Latitude 30.2909683° N, Longitude 95.4347829° W, and the downstream point is located at the confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude 30.248727° N, Longitude 95.453283° W, Montgomery County, within ZIP Code 77301. That part of the existing reach authorized in Permit No. 12788A that is downstream of the confluence of Stewarts Creek and the West Fork San Jacinto River terminates at Latitude 30.032369° N, Longitude 95.263387° W, near the line between Montgomery and Harris Counties within Zip Code 77365.

Applicant further seeks to delete existing Discharge Paragraph 3.B., which pursuant to contract identified a customer diversion point within the authorized diversion reach on the West Fork San Jacinto River.

Applicant further requests a special condition be included in the permit that requires Applicant to obtain Executive Director approval for modifications to its accounting plan, consistent with this Permit, prior to commencing diversions from Stewarts Creek pursuant to this amendment.

Applicant further requests that special conditions in Water Use Permit No. 12788, as amended, that address streamflow and specified information provided to the San Jacinto River Authority and the City of Houston apply to conveyance and diversion of the additional groundwater-based return flows in Stewarts Creek and the West Fork San Jacinto River pursuant to this amendment.

The application and fees were received on July 27, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on September 16, 2020.

The Executive Director has completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions, including, but not limited to, the continued applicability of specific special conditions in Water Use Permit No. 12788A to the additional return flows. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below, by May 28, 2025. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by May 28, 2025. The Executive Director may approve the application unless a written request for a contested case hearing is filed by May 28, 2025.

To request a contested case hearing, you must submit the following: (1) your name (or for a

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

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

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRPERM 12788 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: April 25, 2025

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A WATER USE PERMIT

PERMIT NO.	12788B	TYPE §§	11.122, 11.042
Permittee:	City of Conroe	Address:	401 Sgt. Ed Holcomb Blvd. Conroe, Texas 77305
Filed:	September 16, 2020	Granted:	
Purposes:	Municipal, Industrial and Agricultural	County:	Montgomery
Watercourse:	Stewarts Creek and West Fork San Jacinto River	Watershed:	San Jacinto River Basin

WHEREAS, Water Use Permit No. 12788, as amended, with special conditions, authorizes the City of Conroe (Permittee/Applicant) to use the bed and banks of the West Fork San Jacinto River, San Jacinto River Basin to convey up to 13,450.64 acre-feet per year of groundwater-based return flows, authorized by TPDES Permit No. WQ0010008002, for subsequent diversion from a point and a reach on the West Fork San Jacinto River, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), for municipal, industrial and agricultural purposes in Montgomery County; and

WHEREAS, subsequent to issuance of Water Use Permit No. 12788A, Applicant applied for and was granted authority to discharge up to an additional average annual 12 MGD (13,450.64 acre-feet) of return flows to Stewarts Creek, tributary of the West Fork San Jacinto River pursuant to TPDES Permit No. WQ0010008003, from new facilities to be constructed; and

WHEREAS, Applicant seeks to amend Water Use Permit No. 12788, as amended, to authorize it to use the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to the additional 13,450.64 acre-feet per year of groundwater-based return flows for subsequent diversion and use for municipal, industrial, and agricultural purposes in Montgomery County; and

WHEREAS, Applicant indicates that the additional return flows will be discharged at a maximum discharge rate of 74.073 cfs (33,333 gpm) at a point on Stewarts Creek located at Latitude 30.2909683° N, Longitude 95.4347829° W, in Montgomery County; and

WHEREAS, Applicant seeks to divert the additional 13,450.64 acre-feet per year of groundwater-based return flows from multiple points in a new diversion reach between the point of discharge and the confluence of Stewarts Creek and the West Fork San Jacinto River at a maximum combined diversion rate of 74.073 cfs (33,333 gpm), and from multiple points

within that part of the existing diversion reach that is downstream of such confluence at a maximum diversion rate of 129.63 cfs (58,333 gpm) when combined with diversions of groundwater-based return flows discharged pursuant to TPDES Permit No. WQ0010008002; and

WHEREAS, the upstream point of the new diversion reach is located on Stewarts Creek, at Latitude 30.2909683° N, Longitude 95.4347829° W, and the downstream point is located at the confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude 30.248727° N, Longitude 95.453283° W, Montgomery County; and

WHEREAS, Applicant indicates that the maximum combined diversion rate for groundwater-based return flows diverted from the West Fork San Jacinto River below its confluence with Stewarts Creek will be 129.63 cfs (58,333 gpm); and

WHEREAS, Applicant further seeks to delete existing Discharge Paragraph 3.B., which pursuant to contract identified a customer diversion point within the authorized diversion reach; and

WHEREAS, Applicant further requests an additional special condition be included in the permit that requires Applicant to obtain Executive Director approval for modifications to its accounting plan, consistent with this Permit, prior to commencing such diversions from Stewarts Creek; and

WHEREAS, Applicant further requests that special conditions in Water Use Permit No. 12788, as amended, that address streamflow and specified information provided to the San Jacinto River Authority and the City of Houston apply to conveyance and diversion of additional groundwater-based return flows in the West Fork San Jacinto River and Stewarts Creek pursuant to this amendment; and

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

WHEREAS, Applicant has submitted, and the Executive Director has approved, the *City of Conroe Accounting Plan*; and

WHEREAS, the Executive Director recommends that the special conditions requested by the Applicant and reference to other special conditions in Permit No. 12788A, except as specifically amended herein, 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 Water Use Permit No. 12788, designated Water Use Permit No. 12788B, is issued to the City of Conroe, subject to the following terms and conditions:

1. USE

Permittee is authorized to use the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to 26,901.28 acre-feet per year of groundwater-based return flows authorized by TPDES Permit Nos. WQ0010008002 and WQ0010008003, as amended, for subsequent diversion and use for municipal, industrial, and agricultural purposes in Montgomery County.

2. DISCHARGE

- A. Permittee is authorized by TPDES Permit No. WQ0010008002, as amended, to:
1. Discharge return flows, at a point on the West Fork San Jacinto River, San Jacinto River Basin being at Latitude 30.267400° N, Longitude 95.492200° W in Montgomery County,
 2. At a maximum rate of 55.702 cfs (25,000 gpm).
- B. Permittee is authorized by TPDES Permit No. WQ0010008003, as amended, to:
1. Discharge return flows, at a point on Stewarts Creek, tributary to the West Fork San Jacinto River, San Jacinto River Basin being at Latitude 30.2909683° N, Longitude 95.4347829° W in Montgomery County,
 2. At a maximum rate of 74.073 cfs (33,333 gpm).

3. DIVERSION

- A. Permittee is authorized to divert its groundwater-based return flows, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), from anywhere between the following two points on the West Fork San Jacinto River in Montgomery County:
1. At Latitude 30.267400° N, Longitude 95.492200° W.
 2. The confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude 30.248727° N, Longitude 95.453283° W.
- B. Permittee is authorized to divert its groundwater-based return flows, at a maximum combined diversion rate of 129.630 cfs (58,333 gpm), from anywhere between the following two points on the West Fork San Jacinto River in Montgomery County:
1. The confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude 30.248727° N, Longitude 95.453283° W.
 2. At Latitude 30.032369° N, Longitude 95.263387° W.
- C. Permittee is authorized to divert its groundwater-based return flows, at a maximum combined diversion rate of 74.073 cfs (33,333 gpm), from anywhere between the following two points on Stewarts Creek, tributary to the West Fork San Jacinto River, in Montgomery County:
1. Latitude 30.2909683° N, Longitude 95.4347829° W; and
 2. The confluence of Stewarts Creek and the West Fork San Jacinto River, in Montgomery County, being Latitude 30.248727° N, Longitude 95.453283° W.

4. SPECIAL CONDITIONS

- A. Paragraphs 4.A. – 4.G. and Paragraphs 4.I. – 4.J. in Water Use Permit 12788A apply to conveyance and diversion of additional groundwater-based return flows in the West Fork San Jacinto River and Stewarts Creek pursuant to this amendment.
- B. Permittee shall obtain Executive Director approval of modifications to its accounting plan (*City of Conroe Accounting Plan*), consistent with this Permit, to implement diversions of return flows pursuant to Paragraph 3.C. prior to commencing such diversions.
- C. Prior to diversion of groundwater-based return flows in excess of the amount currently authorized by TPDES Permit Nos. WQ0010008002 and WQ0010008003, as amended, described in Paragraph 2. DISCHARGE, Permittee shall apply for and be granted the right to divert those return flows.

This amendment is issued subject to all superior water rights in the San Jacinto River Basin.

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

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

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

Date issued:

For the Commission

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A WATER USE PERMIT

PERMIT NO.	12788B	TYPE §§	11.122, 11.042
Permittee:	City of Conroe	Address:	401 Sgt. Ed Holcomb Blvd. Conroe, Texas 77305
Filed:	September 16, 2020	Granted:	
Purposes:	Municipal, Industrial and Agricultural	County:	Montgomery
Watercourse:	Stewarts Creek and West Fork San Jacinto River	Watershed:	San Jacinto River Basin

WHEREAS, Water Use Permit No. 12788, as amended, with special conditions, authorizes the City of Conroe (Permittee/Applicant) to use the bed and banks of the West Fork San Jacinto River, San Jacinto River Basin to convey up to 13,450.64 acre-feet per year of groundwater-based return flows, authorized by TPDES Permit No. WQ0010008002, for subsequent diversion from a point and a reach on the West Fork San Jacinto River, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), for municipal, industrial and agricultural purposes in Montgomery County; and

WHEREAS, subsequent to issuance of Water Use Permit No. 12788A, Applicant applied for and was granted authority to discharge up to an additional average annual 12 MGD (13,450.64 acre-feet) of return flows to Stewarts Creek, tributary of the West Fork San Jacinto River pursuant to TPDES Permit No. WQ0010008003, from new facilities to be constructed; and

WHEREAS, Applicant seeks to amend Water Use Permit No. 12788, as amended, to authorize it to use the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to the additional 13,450.64 acre-feet per year of groundwater-based return flows for subsequent diversion and use for municipal, industrial, and agricultural purposes in Montgomery County; and

WHEREAS, Applicant indicates that the additional return flows will be discharged at a maximum discharge rate of 74.073 cfs (33,333 gpm) at a point on Stewarts Creek located at Latitude 30.2909683° N, Longitude 95.4347829° W, in Montgomery County; and

WHEREAS, Applicant seeks to divert the additional 13,450.64 acre-feet per year of groundwater-based return flows from multiple points in a new diversion reach between the point of discharge and the confluence of Stewarts Creek and the West Fork San Jacinto River at a maximum combined diversion rate of 74.073 cfs (33,333 gpm), and from multiple points

within that part of the existing diversion reach that is downstream of such confluence at a maximum diversion rate of 129.63 cfs (58,333 gpm) when combined with diversions of groundwater-based return flows discharged pursuant to TPDES Permit No. WQ0010008002; and

WHEREAS, the upstream point of the new diversion reach is located on Stewarts Creek, at Latitude 30.2909683° N, Longitude 95.4347829° W, and the downstream point is located at the confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude 30.248727° N, Longitude 95.453283° W, Montgomery County; and

WHEREAS, Applicant indicates that the maximum combined diversion rate for groundwater-based return flows diverted from the West Fork San Jacinto River below its confluence with Stewarts Creek will be 129.63 cfs (58,333 gpm); and

WHEREAS, Applicant further seeks to delete existing Discharge Paragraph 3.B., which pursuant to contract identified a customer diversion point within the authorized diversion reach; and

WHEREAS, Applicant further requests an additional special condition be included in the permit that requires Applicant to obtain Executive Director approval for modifications to its accounting plan, consistent with this Permit, prior to commencing such diversions from Stewarts Creek; and

WHEREAS, Applicant further requests that special conditions in Water Use Permit No. 12788, as amended, that address streamflow and specified information provided to the San Jacinto River Authority and the City of Houston apply to conveyance and diversion of additional groundwater-based return flows in the West Fork San Jacinto River and Stewarts Creek pursuant to this amendment; and

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

WHEREAS, Applicant has submitted, and the Executive Director has approved, the *City of Conroe Accounting Plan*; and

WHEREAS, the Executive Director recommends that the special conditions requested by the Applicant and reference to other special conditions in Permit No. 12788A, except as specifically amended herein, 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 Water Use Permit No. 12788, designated Water Use Permit No. 12788B, is issued to the City of Conroe, subject to the following terms and conditions:

1. USE

Permittee is authorized to use the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to 26,901.28 acre-feet per year of groundwater-based return flows authorized by TPDES Permit Nos. WQ0010008002 and WQ0010008003, as amended, for subsequent diversion and use for municipal, industrial, and agricultural purposes in Montgomery County.

2. DISCHARGE

- A. Permittee is authorized by TPDES Permit No. WQ0010008002, as amended, to:
1. Discharge return flows, at a point on the West Fork San Jacinto River, San Jacinto River Basin being at Latitude 30.267400° N, Longitude 95.492200° W in Montgomery County,
 2. At a maximum rate of 55.702 cfs (25,000 gpm).
- B. Permittee is authorized by TPDES Permit No. WQ0010008003, as amended, to:
1. Discharge return flows, at a point on Stewarts Creek, tributary to the West Fork San Jacinto River, San Jacinto River Basin being at Latitude 30.2909683° N, Longitude 95.4347829° W in Montgomery County,
 2. At a maximum rate of 74.073 cfs (33,333 gpm).

3. DIVERSION

- A. Permittee is authorized to divert its groundwater-based return flows, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), from anywhere between the following two points on the West Fork San Jacinto River in Montgomery County:
1. At Latitude 30.267400° N, Longitude 95.492200° W.
 2. The confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude 30.248727° N, Longitude 95.453283° W.
- B. Permittee is authorized to divert its groundwater-based return flows, at a maximum combined diversion rate of 129.630 cfs (58,333 gpm), from anywhere between the following two points on the West Fork San Jacinto River in Montgomery County:
1. The confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude 30.248727° N, Longitude 95.453283° W.
 2. At Latitude 30.032369° N, Longitude 95.263387° W.
- C. Permittee is authorized to divert its groundwater-based return flows, at a maximum combined diversion rate of 74.073 cfs (33,333 gpm), from anywhere between the following two points on Stewarts Creek, tributary to the West Fork San Jacinto River, in Montgomery County:
1. Latitude 30.2909683° N, Longitude 95.4347829° W; and
 2. The confluence of Stewarts Creek and the West Fork San Jacinto River, in Montgomery County, being Latitude 30.248727° N, Longitude 95.453283° W.

4. SPECIAL CONDITIONS

- A. Paragraphs 4.A. – 4.G. and Paragraphs 4.I. – 4.J. in Water Use Permit 12788A apply to conveyance and diversion of additional groundwater-based return flows in the West Fork San Jacinto River and Stewarts Creek pursuant to this amendment.
- B. Permittee shall obtain Executive Director approval of modifications to its accounting plan (*City of Conroe Accounting Plan*), consistent with this Permit, to implement diversions of return flows pursuant to Paragraph 3.C. prior to commencing such diversions.
- C. Prior to diversion of groundwater-based return flows in excess of the amount currently authorized by TPDES Permit Nos. WQ0010008002 and WQ0010008003, as amended, described in Paragraph 2. DISCHARGE, Permittee shall apply for and be granted the right to divert those return flows.

This amendment is issued subject to all superior water rights in the San Jacinto River Basin.

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

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

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

Date issued:

For the Commission

From: [Carolyn Ahrens](#)
To: [Joshua Schauer](#)
Cc: [Kathy Alexander](#); [Chris Kozlowski](#); [Humberto Galvan](#)
Subject: Conroe / Water Rights Application No. 12788 B: Request to Proceed with Official Notice
Date: Friday, April 11, 2025 12:20:48 PM
Attachments: [City of Conroe 12788B Extension Letter 3.3.2025.pdf](#)

Good afternoon to all.

Thank you for the extra time provided for City of Conroe's regional outreach regarding Water Rights Application 12788 B. (See emails below).

The time spent with SJRA and Houston has been fruitful, and Conroe asks that you proceed with official notice of the Executive Director's recommendation to grant the permit.

If there is any additional information that will facilitate progress on the permit, please let me know.

Carolyn Ahrens
512.619.4079

On Mar 3, 2025, at 2:05 PM, Joshua Schauer <Joshua.Schauer@tceq.texas.gov> wrote:

Hi Ms. Ahrens,

The six-week extension request is granted until April 11, 2025. Please see the attached letter.

Thanks,
Josh

*Joshua Schauer, Project Manager
Texas Commission on Environmental Quality
Water Rights Permitting Team
512.239.1371*

From: Carolyn Ahrens [REDACTED]
Sent: Monday, March 3, 2025 12:38 PM
To: Joshua Schauer <Joshua.Schauer@Tceq.Texas.Gov>
Cc: Kathy Alexander <kathy.alexander@tceq.texas.gov>
Subject: Re: Conroe / Water Rights Application 12788 B: Status Report and Request for

Extension of Time

Hi Josh.

Recalling this message to your attention

Thanks,

Carolyn
512.619.4079

On Feb 27, 2025, at 3:29 PM, Carolyn Ahrens

<[REDACTED]> wrote:

Joshua,

Yesterday, I received a list of questions about Conroe's permit application from legal counsel for San Jacinto River Authority. Among other things, I anticipate that we will want to consider corrective changes to the submitted accounting plan.

Having spoken with Dr. Alexander this afternoon, I am writing to request a six-week extension for providing comments. During that time, we will continue to work with SJRA and to engage Houston to resolve issues prior to notice.

Please confirm that an extension is granted.

Thanks so much for your continuing assistance.

Carolyn

On Dec 30, 2024, at 3:42 PM, Joshua Schauer

<Joshua.Schauer@tceq.texas.gov> wrote:

Ms. Ahrens,

Revised drafts, subject to revision, of the public notice, proposed amendment to Water Use Permit No. 12788, and the related technical memoranda are attached. Please review the revised drafts and provide comments by February 28, 2024.

Thanks,

*Joshua Schauer, Project Manager
Texas Commission on Environmental Quality
Water Rights Permitting Team
512.239.1371*

<City of Conroe_12788B_Drafts 12.30.2024.pdf>

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 3, 2025

Ms. Carolyn Ahrens, Of Counsel
Booth & Associates, P.C.
4330 Gaines Ranch Loop, Suite 240
Austin, TX 78735

VIA E-MAIL

Re: City of Conroe
WRPERM 12788
CN600650311, RN106406408
Application No. 12788B to Amend Water Use Permit No. 12788
Texas Water Code §§ 11.122, 11.042, Requiring Limited Mailed Notice
Stewarts Creek and West Fork San Jacinto River, San Jacinto River Basin
Montgomery County

Dear Ms. Ahrens:

This acknowledges receipt, on February 27, 2025, of the applicant's request for a six-week extension to review and provide written comments to the revised draft public notice and amendment dated December 30, 2024.

The six-week extension request is granted until April 11, 2025. Please review the revised drafts and contact me no later than April 11, 2025 with any comments or questions as the public notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

If you have any questions concerning the application, please contact Joshua Schauer via e-mail at Joshua.Schauer@tceq.texas.gov or by telephone at (512) 239-1371.

Sincerely,

A handwritten signature in black ink, appearing to read "Bert Galvan".

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

BG/js

From: [Carolyn Ahrens](#)
To: [Joshua Schauer](#)
Cc: [Kathy Alexander](#)
Subject: Conroe / Water Rights Application 12788 B: Status Report and Request for Extension of Time
Date: Thursday, February 27, 2025 3:29:42 PM
Attachments: [City of Conroe_12788B_Drafts_12.30.2024.pdf](#)

Joshua,

Yesterday, I received a list of questions about Conroe's permit application from legal counsel for San Jacinto River Authority. Among other things, I anticipate that we will want to consider corrective changes to the submitted accounting plan.

Having spoken with Dr. Alexander this afternoon, I am writing to request a six-week extension for providing comments. During that time, we will continue to work with SJRA and to engage Houston to resolve issues prior to notice.

Please confirm that an extension is granted.

Thanks so much for your continuing assistance.

Carolyn

On Dec 30, 2024, at 3:42 PM, Joshua Schauer <Joshua.Schauer@tceq.texas.gov> wrote:

Ms. Ahrens,

Revised drafts, subject to revision, of the public notice, proposed amendment to Water Use Permit No. 12788, and the related technical memoranda are attached. Please review the revised drafts and provide comments by February 28, 2024.

Thanks,

*Joshua Schauer, Project Manager
Texas Commission on Environmental Quality
Water Rights Permitting Team
512.239.1371*

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

December 30, 2024

Ms. Carolyn Ahrens, *Of Counsel*
Booth & Associates, P.C.
4330 Gaines Ranch Loop, Suite 240
Austin, TX 78735

VIA E-MAIL

Re: City of Conroe
WRPERM 12788
CN600650311, RN106406408
Application No. 12788B to Amend Water Use Permit No. 12788
Texas Water Code §§ 11.122, 11.042, Requiring Limited Mailed Notice
Stewarts Creek and West Fork San Jacinto River, San Jacinto River Basin
Montgomery County

Dear Ms. Ahrens:

Drafts, subject to revision, of the public notice, proposed amendment to Water Use Permit No. 12788, and the related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the attached draft. Please review the draft and contact me no later than February 28, 2025 with any comments or questions as the draft amendment will be forwarded to the Office of the Chief Clerk for further processing after that date.

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

Sincerely,

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

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

Attachments

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A WATER USE PERMIT

APPLICATION NO. 12788B

The City of Conroe seeks to amend Water Use Permit No. 12788, as amended, to authorize use of the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to an additional 13,450.64 acre-feet per year of groundwater-based return flows, which are discharged under new authorization, for subsequent diversion and use for municipal, industrial, and agricultural use in Montgomery County, add a diversion reach, and increase the maximum combined diversion rate to 129.630 cfs (58,333 gpm). More information on the application and how to participate in the permitting process is given below.

APPLICATION. The City of Conroe, 401 Sgt. Ed Holcomb Blvd. South, Conroe, Texas 77305, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) to amend Water Use Permit No. 12788 pursuant to Texas Water Code (TWC) §§ 11.122, 11.042 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Notice is being mailed to the interjacent water rights holders of record in the San Jacinto River Basin pursuant to Title 30 TAC § 295.161(b) and to Texas Parks and Wildlife Department and the Public Interest Counsel pursuant to Title 30 TAC § 295.161(c).

Water Use Permit No. 12788, as amended, with special conditions, authorizes the City of Conroe (Permittee/Applicant) to use the bed and banks of the West Fork San Jacinto River, San Jacinto River Basin to convey up to 13,450.64 acre-feet per year of groundwater-based return flows, authorized by TPDES Permit No. WQ0010008002, for subsequent diversion from a point and a reach on the West Fork San Jacinto River, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), for municipal, industrial and agricultural purposes in Montgomery County. Special Conditions apply.

Subsequent to issuance of Water Use Permit No. 12788A, Applicant applied for and was granted authority to discharge up to an additional average annual 12 MGD (13,450.64 acre-feet) of return flows to Stewarts Creek, tributary of the West Fork San Jacinto River pursuant to TPDES Permit No. WQ0010008003 from new facilities to be constructed. Applicant indicates that the additional return flows will be discharged at a maximum discharge rate of 74.073 cfs (33,333 gpm) at a point on Stewarts Creek, located at Latitude 30.2909683° N, Longitude 95.4347829° W, in Montgomery County, within ZIP Code 77301.

Applicant seeks to amend Water Use Permit No. 12788, as amended, to authorize it to use the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to the additional 13,450.64 acre-feet per year of groundwater-based return flows for subsequent diversion and use for municipal, industrial, and agricultural purposes in Montgomery County.

Applicant seeks to divert the additional 13,450.64 acre-feet per year of groundwater-based return flows from multiple points in a new diversion reach between the point of discharge and the confluence of Stewarts Creek and the West Fork San Jacinto River at a maximum combined diversion rate of 74.073 cfs (33,333 gpm) and from multiple points within that part of the existing diversion reach that is downstream of such confluence at a maximum diversion rate of 129.63 cfs (58,333 gpm) when combined with diversions of groundwater-based return flows discharged pursuant to TPDES Permit No. WQ0010008002.

The upstream point of the additional diversion reach is located on Stewarts Creek, at Latitude 30.2909683° N, Longitude 95.4347829° W, and the downstream point is located at the confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude 30.248727° N, Longitude 95.453283° W, Montgomery County, within ZIP Code 77301. That part of the existing reach authorized in Permit No. 12788A that is downstream of the confluence of Stewarts Creek and the West Fork San Jacinto River terminates at Latitude 30.032369° N, Longitude 95.263387° W, near the line between Montgomery and Harris Counties within Zip Code 77365.

Applicant further seeks to delete existing Discharge Paragraph 3.B., which pursuant to contract identified a customer diversion point within the authorized diversion reach on the West Fork San Jacinto River.

Applicant further requests a special condition be included in the permit that requires Applicant to obtain Executive Director approval for modifications to its accounting plan, consistent with this Permit, prior to commencing diversions from Stewarts Creek pursuant to this amendment.

Applicant further requests that special conditions in Water Use Permit No. 12788, as amended, that address streamflow and specified information provided to the San Jacinto River Authority and the City of Houston apply to conveyance and diversion of the additional groundwater-based return flows in Stewarts Creek and the West Fork San Jacinto River pursuant to this amendment.

The application and fees were received on July 27, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on September 16, 2020.

The Executive Director has completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions, including, but not limited to, the continued applicability of specific special conditions in Water Use Permit No. 12788A to the additional return flows. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

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

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

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

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

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRPERM 12788 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



AMENDMENT TO A WATER USE PERMIT

PERMIT NO.	12788B	TYPE	§§ 11.122, 11.042
Permittee:	City of Conroe	Address:	401 Sgt. Ed Holcomb Blvd. Conroe, Texas 77305
Filed:	September 16, 2020	Granted:	
Purposes:	Municipal, Industrial and Agricultural	County:	Montgomery
Watercourse:	Stewarts Creek and West Fork San Jacinto River	Watershed:	San Jacinto River Basin

WHEREAS, Water Use Permit No. 12788, as amended, with special conditions, authorizes the City of Conroe (Permittee/Applicant) to use the bed and banks of the West Fork San Jacinto River, San Jacinto River Basin to convey up to 13,450.64 acre-feet per year of groundwater-based return flows, authorized by TPDES Permit No. WQ0010008002, for subsequent diversion from a point and a reach on the West Fork San Jacinto River, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), for municipal, industrial and agricultural purposes in Montgomery County; and

WHEREAS, subsequent to issuance of Water Use Permit No. 12788A, Applicant applied for and was granted authority to discharge up to an additional average annual 12 MGD (13,450.64 acre-feet) of return flows to Stewarts Creek, tributary of the West Fork San Jacinto River pursuant to TPDES Permit No. WQ0010008003, from new facilities to be constructed; and

WHEREAS, Applicant seeks to amend Water Use Permit No. 12788, as amended, to authorize it to use the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to the additional 13,450.64 acre-feet per year of groundwater-based return flows for subsequent diversion and use for municipal, industrial, and agricultural purposes in Montgomery County; and

WHEREAS, Applicant indicates that the additional return flows will be discharged at a maximum discharge rate of 74.073 cfs (33,333 gpm) at a point on Stewarts Creek located at Latitude 30.2909683° N, Longitude 95.4347829° W, in Montgomery County; and

WHEREAS, Applicant seeks to divert the additional 13,450.64 acre-feet per year of groundwater-based return flows from multiple points in a new diversion reach between the point of discharge and the confluence of Stewarts Creek and the West Fork San Jacinto River at a maximum combined diversion rate of 74.073 cfs (33,333 gpm), and from multiple points

within that part of the existing diversion reach that is downstream of such confluence at a maximum diversion rate of 129.63 cfs (58,333 gpm) when combined with diversions of groundwater-based return flows discharged pursuant to TPDES Permit No. WQ0010008002; and

WHEREAS, the upstream point of the new diversion reach is located on Stewarts Creek, at Latitude 30.2909683° N, Longitude 95.4347829° W, and the downstream point is located at the confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude 30.248727° N, Longitude 95.453283° W, Montgomery County; and

WHEREAS, Applicant indicates that the maximum combined diversion rate for groundwater-based return flows diverted from the West Fork San Jacinto River below its confluence with Stewarts Creek will be 129.63 cfs (58,333 gpm); and

WHEREAS, Applicant further seeks to delete existing Discharge Paragraph 3.B., which pursuant to contract identified a customer diversion point within the authorized diversion reach; and

WHEREAS, Applicant further requests an additional special condition be included in the permit that requires Applicant to obtain Executive Director approval for modifications to its accounting plan, consistent with this Permit, prior to commencing such diversions from Stewarts Creek; and

WHEREAS, Applicant further requests that special conditions in Water Use Permit No. 12788, as amended, that address streamflow and specified information provided to the San Jacinto River Authority and the City of Houston apply to conveyance and diversion of additional groundwater-based return flows in the West Fork San Jacinto River and Stewarts Creek pursuant to this amendment; and

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

WHEREAS, Applicant has submitted, and the Executive Director has approved, the *City of Conroe Accounting Plan*; and

WHEREAS, the Executive Director recommends that the special conditions requested by the Applicant and reference to other special conditions in Permit No. 12788A, except as specifically amended herein, 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 Water Use Permit No. 12788, designated Water Use Permit No. 12788B, is issued to the City of Conroe, subject to the following terms and conditions:

1. USE

Permittee is authorized to use the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to 26,901.28 acre-feet per year of groundwater-based return flows authorized by TPDES Permit Nos. WQ0010008002 and WQ0010008003, as amended, for subsequent diversion and use for municipal, industrial, and agricultural purposes in Montgomery County.

2. DISCHARGE

- A. Permittee is authorized by TPDES Permit No. WQ0010008002, as amended, to:
1. Discharge return flows, at a point on the West Fork San Jacinto River, San Jacinto River Basin being at Latitude 30.267400° N, Longitude 95.492200° W in Montgomery County,
 2. At a maximum rate of 55.702 cfs (25,000 gpm).
- B. Permittee is authorized by TPDES Permit No. WQ0010008003, as amended, to:
1. Discharge return flows, at a point on Stewarts Creek, tributary to the West Fork San Jacinto River, San Jacinto River Basin being at Latitude 30.2909683° N, Longitude 95.4347829° W in Montgomery County,
 2. At a maximum rate of 74.073 cfs (33,333 gpm).

3. DIVERSION

- A. Permittee is authorized to divert its groundwater-based return flows, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), from anywhere between the following two points on the West Fork San Jacinto River in Montgomery County:
1. At Latitude 30.267400° N, Longitude 95.492200° W.
 2. The confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude 30.248727° N, Longitude 95.453283° W.
- B. Permittee is authorized to divert its groundwater-based return flows, at a maximum combined diversion rate of 129.630 cfs (58,333 gpm), from anywhere between the following two points on the West Fork San Jacinto River in Montgomery County:
1. The confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude 30.248727° N, Longitude 95.453283° W.
 2. At Latitude 30.032369° N, Longitude 95.263387° W.
- C. Permittee is authorized to divert its groundwater-based return flows, at a maximum combined diversion rate of 74.073 cfs (33,333 gpm), from anywhere between the following two points on Stewarts Creek, tributary to the West Fork San Jacinto River, in Montgomery County:
1. Latitude 30.2909683° N, Longitude 95.4347829° W; and
 2. The confluence of Stewarts Creek and the West Fork San Jacinto River, in Montgomery County, being Latitude 30.248727° N, Longitude 95.453283° W.

4. SPECIAL CONDITIONS

- A. Paragraphs 4.A. – 4.G. and Paragraphs 4.I. – 4.J. in Water Use Permit 12788A apply to conveyance and diversion of additional groundwater-based return flows in the West Fork San Jacinto River and Stewarts Creek pursuant to this amendment.
- B. Permittee shall obtain Executive Director approval of modifications to its accounting plan (*City of Conroe Accounting Plan*), consistent with this Permit, to implement diversions of return flows pursuant to Paragraph 3.C. prior to commencing such diversions.
- C. Prior to diversion of groundwater-based return flows in excess of the amount currently authorized by TPDES Permit Nos. WQ0010008002 and WQ0010008003, as amended, described in Paragraph 2. DISCHARGE, Permittee shall apply for and be granted the right to divert those return flows.

This amendment is issued subject to all superior water rights in the San Jacinto River Basin.

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

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

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

Date issued:

For the Commission

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Josh Schauer, Project Manager
Water Rights Permitting Team

Date: October 1, 2024

From: Kathy Alexander, Ph.D. Policy and Technical Analyst
Water Availability Division

Subject: City of Conroe
WRPERM 12788
CN600650311
Stewarts Creek and West Fork San Jacinto River, San
Jacinto River Basin
Montgomery County

HYDROLOGY REVIEW

Application Summary

Water Use Permit No. 12788 (Permit) authorizes the City of Conroe (City) to use the bed and banks of the West Fork San Jacinto River, San Jacinto River Basin, to convey 13,450.64 acre-feet per year of groundwater-based return flows authorized by Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010008002 for subsequent diversion from a point and a reach on the West Fork San Jacinto River, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), for municipal, industrial and agricultural purposes in Montgomery County.

The City requests to amend the Permit to authorize use of the bed and banks of Stewarts Creek, San Jacinto River Basin and the West Fork San Jacinto River to convey 13,450.64 acre-feet of groundwater-based return flows authorized under TPDES Permit No. WQ0010008003 for subsequent diversion and reuse for municipal, industrial and agricultural purposes in Montgomery County.

The City also requests to add a diversion reach on Stewarts Creek and the West Fork San Jacinto River at a diversion rate of 74.073 cfs (33,333 gpm) and to divert the return flows at a maximum combined diversion rate of 129.630 cfs (58,333gpm), for municipal, industrial, and agricultural purposes in Montgomery County and to revise Section 3 (DIVERSION) by deleting Subsection B.

The City submitted an accounting plan (City of Conroe Accounting Plan) on November 17, 2020, which was subsequently revised on July 29, 2021, December 08, 2021, December 19, 2022, and February 21, 2023.

The application was declared administratively complete on September 16, 2020.

Hydrology Review

Resource Protection staff did not recommend that the application be subject to additional instream flow requirements beyond the existing requirements in the permit, as amended; however, they did recommend a special condition. See Resource Protection staff's October 1, 2024 memorandum.

Regarding the City's request to use the bed and banks of Stewarts Creek and West Fork San Jacinto River to convey its groundwater-based return flows, the application included the information required in 30 Texas Administrative Code (TAC) §295.112.

Staff reviewed the City's request to reuse its groundwater-based return flows by evaluating whether diversion and use of these return flows would affect water rights that were granted based on the use or availability of those return flows. Staff determined that at the time of this technical review, the City had not discharged the groundwater-based return flows requested in the application.

Under Texas Water Code (TWC) §11.042(b) an authorization to convey groundwater-based return flows may be subject to special conditions to protect the environment and other water rights. Staff notes that no water rights can be affected because no water rights have been granted based on the City's groundwater-based return flows; therefore no special conditions to protect water rights are required.

The City submitted an accounting plan (*City of Conroe Accounting Plan*), that accounts for the discharge and diversion of return flows, calculates the percentage of groundwater-based return flows, losses and travel time. Staff reviewed the accounting plan and found it adequately documents compliance with the terms and conditions of the permit, as amended. Therefore, Staff's opinion is that any possible impacts on existing basin water rights, should those impacts be determined to exist, would be mitigated by the accounting plan.

Staff also notes that the existing permit also includes multiple special conditions and these special conditions will continue to apply to this amendment.

Conclusion

TWC 11.042(b) specifically allows for the use of a state watercourse for the conveyance of groundwater-based return flows. The City's groundwater-based return flows would not be considered to be part of the natural flow of the San

Jacinto River. Pursuant to TWC 11.042(b), the only limitations on the amount of groundwater-based return flows the City could reuse are for losses, environmental interests and protection of any water rights that were granted based on the use or availability of those return flows. Therefore, staff can support granting the City's request to reuse its additional groundwater-based return flows.

Regarding reuse of groundwater-based return flows that may be discharged in the future as a result of authorized increases in discharges from the WWTP, the City can apply to reuse those return flows when the increased discharges are authorized under a TPDES permit.

Staff recommends that the following special conditions be included in the amendment:

1. Diversion of the additional groundwater-based return flows authorized by this amendment are dependent upon potentially interruptible return flows or discharges and are conditioned on the availability of those discharges. The right to divert the discharged return flows is subject to revocation if the discharges become permanently unavailable for diversion and may be subject to reduction if the return flows are not available in quantities and qualities sufficient to fully satisfy the amendment. Should the discharges become permanently unavailable for diversion, Permittee shall immediately cease diversion under this amendment and either apply to amend the permit, or voluntarily forfeit the amendment. If Permittee does not amend the permit or forfeit the amendment, the Commission may begin proceedings to cancel the amendment.
2. Permittee shall only divert daily groundwater-based return flows that are actually discharged.
3. Permittee shall only divert and use groundwater-based return flows pursuant to Paragraph 1. USE, and Paragraph 3. DIVERSION in accordance with the most recently approved accounting plan (*City of Conroe Accounting Plan*). Permittee shall maintain the plan in electronic format and make the data available upon request. Any modifications to the accounting plan shall be approved by the Executive Director. Any modification to the accounting plan that changes the permit terms must be in the form of an amendment to the permit. Should Permittee fail to maintain the accounting plan or notify the Executive Director of any modifications to the plan, Permittee shall immediately cease diversion of discharged return flows, authorized in this amendment and either apply to amend the permit, or voluntarily forfeit this amendment. If Permittee fails to amend the accounting plan or forfeit the amendment, the Commission may begin proceedings to cancel the amendment. Permittee shall immediately notify the Executive Director upon modification of the accounting plan and provide copies of the appropriate documents effectuating such changes.


4. Prior to the diversion of groundwater-based return flows from the West Fork San Jacinto River, Permittee shall submit a revised accounting plan incorporating any additional diversion points to the Executive Director for approval. The revised accounting plan must account for any streamflow restrictions, travel time, and losses.
5. Prior to reuse of groundwater-based return flows in excess of the amount currently authorized by TPDES Permit No. WQ0010008003, described in Paragraph 3. DISCHARGE, Permittee shall apply for and be granted the right to reuse those return flows.

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Joshua Schauer, Project Manager
Water Rights Permitting Team

Date: October 1, 2024

Through: Leslie Patterson, Team Leader 
Resource Protection Team

From: George Gable, Aquatic Scientist
Resource Protection Team

Subject: City of Conroe
WRPERM 12788
CN600650311
West Fork San Jacinto River and Stewarts Creek, San Jacinto River
Basin
Montgomery 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

Water Use Permit No. 12788 (Permit) authorizes the City of Conroe (City) to use the bed and banks of the West Fork San Jacinto River, San Jacinto River Basin, to convey 13,450.64 acre-feet per year of groundwater-based return flows authorized by Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010008002 for subsequent diversion from a point and a reach on the West Fork San Jacinto River, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), for municipal, industrial and agricultural purposes in Montgomery County.

The City requests to amend the Permit to authorize use of the bed and banks of Stewarts Creek, San Jacinto River Basin and the West Fork San Jacinto River to convey 13,450.64 acre-feet of groundwater-based return flows authorized under TPDES Permit No. WQ0010008003 for subsequent diversion and reuse for municipal, industrial and agricultural purposes in Montgomery County.

The City also requests to add a diversion reach on Stewarts Creek and the West Fork San Jacinto River at a diversion rate of 74.073 cfs (33,333 gpm) and to divert

the return flows at a maximum combined diversion rate of 129.630 cfs (58,333 gpm), for municipal, industrial, and agricultural purposes in Montgomery County and to revise Section 3 (DIVERSION) by deleting Subsection B.

ENVIRONMENTAL ANALYSIS

Aquatic and Riparian Habitats: The City's diversion reach is located on the West Fork San Jacinto River and Stewarts Creek, perennial water bodies, located in the Southern Tertiary Uplands and the Flatwoods ecoregions (Griffith et al. 2004).

The checklist for the Colorado River Basin identified 77 species of ichthyofauna occurring within West Fork San Jacinto hydrologic unit (United States Geologic Survey Code 12040101) (Hendrickson and Cohen 2015). The Houston burrowing crayfish (*Fallicambarus houstonensis*), chub shiner (*Notropis potteri*), Louisiana pigtoe (*Pleurobema riddellii*), sandbank pocketbook (*Lampsilis satura*), and alligator snapping turtle (*Macrochelys temminckii*), high interest aquatic or aquatic-dependent species have been determined to occur in Montgomery 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 structures 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-based treated effluent 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 April 20, 2011, the TCEQ adopted environmental flow standards for the Trinity and San Jacinto Rivers, and Galveston Bay (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter B). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC §298.210). This review is conducted in accordance with §11.042 of the TWC. The City is requesting authorization to divert groundwater-based return flows that have not been historically discharged and 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.

Recreational Uses: Stewarts Creek has a presumed primary contact recreation 1 use. West Fork San Jacinto River (Segment 1004) has a designated primary contact recreation 1 use (TCEQ 2022a). The City's request should not adversely impact recreational uses.

Water Quality: Stewarts Creek has a presumed high aquatic life use. West Fork San Jacinto River (Segment 1004) has designated high aquatic life use (TCEQ 2022a). West Fork San Jacinto River from Spring Creek confluence upstream to the

Stewarts Creek confluence and Stewarts Creek from Airport Road to confluence with West Fork San Jacinto River is identified in the *Texas Integrated Report* as non-supporting for bacteria (TCEQ 2022b). The City's request should not adversely impact water quality.

Freshwater Inflows: Freshwater inflows are critical for maintaining the historical productivity of bays and estuaries along the Gulf Coast. The application is for a very small amount of water compared to the total inflows of Galveston Bay (less than 0.1 %). Therefore, the City's request should not have any impact to Galveston Bay.

RECOMMENDATIONS

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

Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).

LITERATURE CITED


Griffith, G.E., S.A. Bryce, J.M. Omernik, J.A. Comstock, A.C. Rogers, B. Harrison, S.L. Hatch, and D. Bezanson. 2004. Ecoregions of Texas. (2-sided color poster with map, descriptive text, and photographs). U.S. Geological Survey, Reston, VA. Scale 1:2,500,000.

Hendrickson DA, Cohen AE. 2015. Fishes of Texas Project Database [Internet]. [Cited 2023 July 24]; Version 2.0. Available from <http://www.fishesoftexas.org/home/> doi:10.17603/C3WC70

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

TCEQ. 2022b. Texas Integrated Report of Surface Water Quality §§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): Montgomery County, revised January 4, 2023. [Cited 2023 July 24]. Available from <http://tpwd.texas.gov/gis/rtest/>.



George Gable, Aquatic Scientist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Joshua Schauer, Project Manager
Water Rights Permitting Team

Date: October 1, 2024

Through: Leslie Patterson, Team Leader 
Resource Protection Team

From: Trent Jennings, Water Conservation Specialist
Resource Protection Team

Subject: City of Conroe
WRPERM 12788
CN600650311
West Fork San Jacinto River and Stewarts Creek, San Jacinto River Basin
Montgomery County

APPLICATION SUMMARY

Water Use Permit No. 12788 (Permit) authorizes the City of Conroe (City) to use the bed and banks of the West Fork San Jacinto River, San Jacinto River Basin, to convey 13,450.64 acre-feet per year of groundwater-based return flows authorized by Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010008002 for subsequent diversion from a point and a reach on the West Fork San Jacinto River, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), for municipal, industrial and agricultural purposes in Montgomery County.

The City requests to amend the Permit to authorize use of the bed and banks of Stewarts Creek, San Jacinto River Basin and the West Fork San Jacinto River to convey 13,450.64 acre-feet of groundwater-based return flows authorized under TPDES Permit No. WQ0010008003 for subsequent diversion and reuse for municipal, industrial and agricultural purposes in Montgomery County.

The City also requests to add a diversion reach on Stewarts Creek and the West Fork San Jacinto River at a diversion rate of 74.073 cfs (33,333 gpm) and to divert the return flows at a maximum combined diversion rate of 129.630 cfs (58,333 gpm), for municipal, industrial, and agricultural purposes in Montgomery County and to revise Section 3 (DIVERSION) by deleting Subsection B.


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 for only groundwater-based return flows.

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

RECOMMENDATIONS

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



Trent Jennings, Water Conservation Specialist

From: [Carolyn Ahrens](#)
To: [Joshua Schauer](#); [Kathy Alexander](#); [Trent Gay](#)
Subject: Conroe / Bed & Banks 12788B: Applicant's Comments and Requested Modifications to Executive Director's First Draft Permit Package
Date: Tuesday, November 19, 2024 3:01:25 PM
Attachments: [\(1\) Conroe Submits Comments App 12788B Drafts 111924.pdf](#)
[\(2\) Mark-up City of Conroe 12788B Draft Notice Submitted 111824.pdf](#)
[\(3\) Mark-up City of Conroe 12788B First Draft Permit Submitted 111924.pdf](#)
[\(4\) Changes Accepted City of Conroe 12788B Draft Notice Submitted 111924.docx](#)
[\(5\) Changes Accepted City of Conroe 12788B Draft Permit Submitted 111924.docx](#)

Good afternoon, all.

For the City of Conroe as applicant, this email submits comments and requests for modification of the Executive Director's initial draft notice and permit for granting Water Rights Permit No. 12788B, related to bed and banks conveyance, diversion and use of discharges authorized pursuant to new TPDES authority for the Conroe Central WWTP.

Conroe requests an opportunity to review a revised draft notice and revised draft permit, from the Executive Director, prior to notice. Conroe also requests 60 days following receipt of the revised drafts for regional outreach before notice is issued.

As attachments here, please see:

(1) A cover letter with additional context for proposed revisions to the first draft notice and permit, and a note of clarification regarding technical memoranda. Numbered comments in the letter are keyed to margin-notes in the mark-ups described below.


(2) and (3) As separate documents, Conroe's request for modification as mark-ups to the first draft notice and the first draft permit, as .pdf for stability.

(4) and (5) For convenience and also as separate documents, .docx versions of the draft notice and permit with all proposed changes "accepted".

I would be happy to follow-up with .docx versions of the mark-ups (without margin notes, which were added to the .pdf versions), if it would be helpful.

Thank you for your continuing assistance with this matter. If there is any additional information or discussion that will facilitate your consideration of Conroe's comments and requested changes, please let me know.

Carolyn Ahrens, Of Counsel



CAROLYN AHRENS

ATTORNEY AT LAW

November 19, 2024

Via: Joshua.Schauer@tceq.texas.gov

Mr. Joshua Schauer
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality
P.O. Box 13087, MC 160
Austin, Texas 78711

**RE: City of Conroe Water Rights Application No. 12788B (Bed & Banks); Applicant's
Comments to First Draft Permit Package**

Dear Mr. Schauer:

On behalf of City of Conroe, Texas (Conroe) as applicant, this letter with attachments requests changes to the Executive Director's first draft permit package for Water Rights Application No. 12788B, provided by email on October 7, 2024, including a draft permit, a draft notice, and technical memoranda.

The Executive Director granted an extension of time for these formal comments on October 15, 2024. I appreciated the opportunity to discuss questions regarding the drafts with the Executive Director's team on November 6, 2024.

Conroe's proposed changes to the draft permit and to the draft notice are provided in the attached mark-ups as .pdf (for stability). The base documents for the mark-ups are the Executive Director's October 7 versions. For convenience, the attachments here also include "all proposed changes accepted" versions of the draft notice and draft permit as .docx.

Conroe requests an opportunity to review both a revised draft notice and a revised draft permit, from the Executive Director, prior to mailed notice. Conroe also requests 60 days following receipt of the revised drafts for regional outreach before notice is issued.

Explanations for certain requested changes are offered below, keyed to reference numbers bracketed in the margin of the attached mark-ups. Reference to paragraphs and recitals are to paragraphs and recitals in the changes-accepted versions.

- (1) Notice Paragraph 1 (Summary): Conroe proposes that the summary include the connection between the requested authority and new discharge authority, as significant to understanding the application.
- (2) Notice Paragraph 4: An artifact of editing software marks in green underlining that language was moved up to paragraph four, rather than deleted. The purpose of the move is to group together references to discharge authority.

- (3) Notice Paragraph 6: Changes are proposed for clarity, patterned on discussion regarding the draft permit. For this proposal, particularly, please let me know if the proposed changes are not consistent with the Executive Director's intent on diversion reach references so that we can revisit. Please also note that as reference to the combined diversion rate below the confluence is included here, the same reference below becomes redundant.
- (4) Notice Paragraph 7: Latitude / Longitude is corrected for the confluence of Stewarts Creek and the West Fork. Reference to the terminus of the existing reach is added. Description of county lines and Zip Code for the existing reach terminus is copied from notice of the original water right (CA 12788).
- (5) Deleted Language: Reference to combined diversion rate below the confluence is in paragraph six.
- (6) Notice Paragraph 9:

Maximum diversion rate above the confluence was referenced twice in the Executive Director's first draft notice. The reference is retained in paragraph six of the proposed revised draft. Deletion here resolves confusion regarding the applicant's "further" requests. Deletion here also resolves a typographical error in the conversion of cfs to gpm in the original draft.

What remains in this paragraph is the applicant's request for a special condition related to future modification of the accounting plan.
- (7) Notice Paragraph 10: The proposed change puts references in river order.
- (8) Draft Permit Fifth Recital: Changes are proposed as discussed with the Executive Director's Staff. Please see also Item 3, above, for companion changes to the draft notice.
- (9) Draft Permit Sixth Recital: Latitude / Longitude at the confluence of Stewarts Creek and the West Fork is conformed to Permit Section 3 (Diversion), which we understand to be correct.
- (10) Draft Permit Ninth Recital: Maximum diversion rate above the confluence was referenced twice in the Executive Director's first draft permit. The reference is retained in the fifth recital and deleted here. Deletion here also resolves a typographical error in the conversion of cfs to gpm in the first draft.
- (11) Draft Permit General Language: The word "water" is reinstated in general language regarding the superiority of certain basin water rights. Please advise if there was intent behind the Executive Director's deletion of the word in the original draft permit.

- (12) Draft Permit General Language: Based on specifications in Special Condition 4.A, we understand that it is the Executive Director's preference to omit general language usually included regarding the continuation of special conditions in the underlying water right. We have not proposed to reinstate the language.

Please also note that the last paragraph of the October 1, 2024, Hydrology Review Memo is in error regarding the special condition requested by the City, and recommended by the Executive Director, regarding changes to the City's accounting plan prior to diversion. For clarity of the administrative record as we discussed, please note that Conroe and the Executive Director concur that all diversions below the confluence of Stewarts Creek and the West Fork are reflected in Conroe's accounting plan as proposed. As correctly provided in Special Condition 4.B of the Executive Director's draft permit (emphasis added), Conroe will obtain approval of modifications to its accounting plan prior to diverting discharges *from Stewarts Creek, pursuant to Paragraph 3.C.* prior to commencing such diversions.

Conroe does, of course, continue to rely on your independent review to ensure that notice is both sufficient and supportive of mailed notice to interjacent users and is consistent with the draft permit.

Please let us know if you have any questions regarding these comments, or if a conference with Conroe would be helpful. We sincerely thank you, Dr. Alexander, and the rest of the water rights team again for your continuing assistance with this application.

Very truly yours,



Carolyn Ahrens, Of Counsel

Cc via email:

Dr. Kathy Alexander (TCEQ)
Mr. Trent Gay (TCEQ)
Mr. Norman McGuire (Conroe)
Mr. Jason Miller (Conroe)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A WATER USE PERMIT

APPLICATION NO. 12788B

- (1) The City of Conroe seeks to amend Water Use Permit No. 12788, as amended, to authorize use of the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to an additional 13,450.64 acre-feet per year of groundwater-based return flows, which are discharged under new authorization, for subsequent diversion and use for municipal, industrial, and agricultural use in Montgomery County, add a diversion reach, and increase the maximum combined diversion rate to 129.630 cfs (58,333 gpm). More information on the application and how to participate in the permitting process is given below.

APPLICATION. The City of Conroe, 401 Sgt. Ed Holcomb Blvd. South, Conroe, Texas 77305, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) to amend Water Use Permit No. 12788 pursuant to Texas Water Code (TWC) §§ 11.122, 11.042 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Notice is being mailed to the interjacent water rights holders of record in the San Jacinto River Basin pursuant to Title 30 TAC § 295.161(b) and to Texas Parks and Wildlife Department and the Public Interest Counsel pursuant to Title 30 TAC § 295.161(c).

Water Use Permit No. 12788, as amended, with special conditions, authorizes the City of Conroe (Permittee/Applicant) to use the bed and banks of the West Fork San Jacinto River, San Jacinto River Basin to convey up to 13,450.64 acre-feet per year of groundwater-based return flows, authorized by TPDES Permit No. WQ0010008002, for subsequent diversion from a point and a reach on the West Fork San Jacinto River, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), for municipal, industrial and agricultural purposes in Montgomery County. Special Conditions apply.

- (2) Subsequent to issuance of Water Use Permit No. 12788A, Applicant applied for and was granted authority to discharge up to an additional average annual 12 MGD (13,450.64 acre-feet) of return flows to Stewarts Creek, tributary of the West Fork San Jacinto River pursuant to TPDES Permit No. WQ0010008003 from new facilities to be constructed. Applicant indicates that the additional return flows will be discharged at a maximum discharge rate of 74.073 cfs (33,333 gpm) at a point on Stewarts Creek, located at Latitude 30.2909683° N, Longitude 95.4347829° W, in Montgomery County, within ZIP Code 77301.

Applicant seeks to amend Water Use Permit No. 12788, as amended, to authorize it to use the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to ~~an~~ the additional 13,450.64 acre-feet per year of groundwater-based return flows for subsequent diversion and use for municipal, industrial, and agricultural purposes in Montgomery County.

~~Applicant indicates that the additional return flows will be discharged at a maximum discharge rate of 74.073 cfs (33,333 gpm) at a point on Stewarts Creek, located at Latitude 30.2909683° N, Longitude 95.4347829° W, in Montgomery County, within ZIP Code 77301.~~

- (3) Applicant seeks to divert the additional 13,450.64 acre-feet per year of groundwater-based return flows ~~at a maximum combined diversion rate of 74.073 cfs (33,333 gpm), from multiple points within the currently authorized diversion reach on the West Fork San Jacinto River and from an additional diversion reach on Stewarts Creek from multiple points in a new diversion reach between the point of discharge and the confluence of Stewarts Creek and the West Fork San Jacinto River at a maximum combined diversion rate of 74.073 cfs (33,333 gpm) and from multiple points within that part of the existing diversion reach that is downstream of such confluence at a maximum diversion rate of 129.63 cfs (58,333 gpm) when combined with diversions of groundwater-based return flows discharged pursuant to TPDES Permit No. WQ0010008002.~~

- (4) The upstream point of the additional diversion reach is located on Stewarts Creek, at Latitude 30.2909683° N, Longitude 95.4347829° W, and the downstream point is located at the confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude 30.03236930.248727° N, Longitude 98.26338795.453283° W, Montgomery County, within ZIP Code 77301. That part of the existing reach authorized in Permit No. 12788A that is downstream of the confluence of Stewarts Creek and the West Fork San Jacinto River terminates at Latitude 30.032369° N, Longitude 95.263387° W, near the line between Montgomery and Harris Counties within Zip Code 77365.

- (5) ~~Applicant indicates that the maximum combined diversion rate for groundwater-based return flows diverted from the West Fork San Jacinto River below its confluence with Stewarts Creek will be 129.63 cfs (58,333 gpm).~~

Applicant further seeks to delete existing Discharge Paragraph 3.B., which pursuant to contract identified a customer diversion point within the authorized diversion reach on the West Fork San Jacinto River.

- (6) Applicant further ~~seeks authorization to divert the conveyed groundwater-based return flows at a maximum combined diversion rate of 74.073 cfs (33,333 gpm), anywhere within the newly authorized reach on Stewarts Creek above its confluence with the West Fork San Jacinto River and requests an additional~~ special condition be included in the permit that requires Applicant to obtain Executive Director approval for modifications to its accounting plan, consistent with this Permit, prior to commencing ~~such~~ diversions from Stewarts Creek pursuant to this amendment.

- (7) Applicant further requests that special conditions in Water Use Permit No. 12788, as amended, that address streamflow and specified information provided to the San Jacinto River Authority and the City of Houston apply to conveyance and diversion of the additional groundwater-based return flows in Stewarts Creek and the West Fork San Jacinto River ~~and Stewarts Creek~~ pursuant to this amendment.

The application and fees were received on July 27, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on September 16, 2020.

The Executive Director has completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions, including, but not limited to, the continued applicability of specific special conditions in Water Use Permit No. 12788A to the additional return flows. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at:

https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice

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

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

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

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

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

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRPERM 12788 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



AMENDMENT TO A WATER USE PERMIT

PERMIT NO.	12788B	TYPE	§§ 11.122, 11.042
Permittee:	City of Conroe	Address:	401 Sgt. Ed Holcomb Blvd. Conroe, Texas 77305
Filed:	September 16, 2020	Granted:	
Purposes:	Municipal, Industrial and Agricultural	County:	Montgomery
Watercourse:	Stewarts Creek and West Fork San Jacinto River	Watershed:	San Jacinto River Basin

WHEREAS, Water Use Permit No. 12788, as amended, with special conditions, authorizes the City of Conroe (Permittee/Applicant) to use the bed and banks of the West Fork San Jacinto River, San Jacinto River Basin to convey up to 13,450.64 acre-feet per year of groundwater-based return flows, authorized by TPDES Permit No. WQ0010008002, for subsequent diversion from a point and a reach on the West Fork San Jacinto River, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), for municipal, industrial and agricultural purposes in Montgomery County; and

WHEREAS, subsequent to issuance of Water Use Permit No. 12788A, Applicant applied for and was granted authority to discharge up to an additional average annual 12 MGD (13,450.64 acre-feet) of return flows to Stewarts Creek, tributary of the West Fork San Jacinto River pursuant to TPDES Permit No. WQ0010008003, from new facilities to be constructed; and

WHEREAS, Applicant seeks to amend Water Use Permit No. 12788, as amended, to authorize it to use the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to ~~an~~ the additional 13,450.64 acre-feet per year of groundwater-based return flows for subsequent diversion and use for municipal, industrial, and agricultural purposes in Montgomery County; and

WHEREAS, Applicant indicates that the additional return flows will be discharged at a maximum discharge rate of 74.073 cfs (33,333 gpm) at a point on Stewarts Creek located at Latitude 30.2909683° N, Longitude 95.4347829° W, in Montgomery County; and

WHEREAS, Applicant seeks to divert the additional 13,450.64 acre-feet per year of groundwater-based return flows from multiple points in a new diversion reach between the point of discharge and the confluence of Stewarts Creek and the West Fork San Jacinto River at a maximum combined diversion rate of 74.073 cfs (33,333 gpm), and from multiple points

within ~~that part of the existing diversion reach that is downstream of such confluence at a maximum diversion rate of 129.63 cfs (58,333 gpm) when combined with diversions of groundwater-based return flows discharged pursuant to TPDES Permit No. WQ0010008002 the currently authorized diversion reach on the West Fork San Jacinto River and from an additional diversion reach on Stewarts Creek;~~ and

WHEREAS, the upstream point of the ~~additional-new~~ diversion reach is located on Stewarts Creek, at Latitude 30.2909683° N, Longitude 95.4347829° W, and the downstream point is located at the confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude ~~30.24872730-032369~~° N, Longitude ~~95.45328398-263387~~° W, Montgomery County; and

WHEREAS, Applicant indicates that the maximum combined diversion rate for groundwater-based return flows diverted from the West Fork San Jacinto River below its confluence with Stewarts Creek will be 129.63 cfs (58,333 gpm); and

WHEREAS, Applicant further seeks to delete existing Discharge Paragraph 3.B., which pursuant to contract identified a customer diversion point within the authorized diversion reach; and

WHEREAS, Applicant further ~~seeks authorization to divert the conveyed groundwater-based return flows at a maximum combined diversion rate of 74.073 cfs (333,333 gpm); anywhere within the newly authorized reach on Stewarts Creek above its confluence with the West Fork San Jacinto River and~~ requests an additional special condition be included in the permit that requires Applicant to obtain Executive Director approval for modifications to its accounting plan, consistent with this Permit, prior to commencing such diversions from Stewarts Creek; and

WHEREAS, Applicant further requests that special conditions in Water Use Permit No. 12788, as amended, that address streamflow and specified information provided to the San Jacinto River Authority and the City of Houston apply to conveyance and diversion of additional groundwater-based return flows in the West Fork San Jacinto River and Stewarts Creek pursuant to this amendment; and

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

WHEREAS, Applicant has submitted, and the Executive Director has approved, the *City of Conroe Accounting Plan*; and

WHEREAS, the Executive Director recommends that the special conditions requested by the Applicant and reference to other special conditions in Permit No. 12788A, except as specifically amended herein, 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 Water Use Permit No. 12788, designated Water Use Permit No. 12788B, is issued to the City of Conroe, subject to the following terms and conditions:

1. USE

Permittee is authorized to use the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to 26,901.28 acre-feet per year of groundwater-based

return flows authorized by TPDES Permit Nos. WQ0010008002 and WQ0010008003, as amended, for subsequent diversion and use for municipal, industrial, and agricultural purposes in Montgomery County.

2. DISCHARGE

A. Permittee is authorized by TPDES Permit No. WQ0010008002, as amended, to:

1. Discharge return flows, at a point on the West Fork San Jacinto River, San Jacinto River Basin being at Latitude 30.267400° N, Longitude 95.492200° W in Montgomery County,
2. At a maximum rate of 55.702 cfs (25,000 gpm).

B. Permittee is authorized by TPDES Permit No. WQ0010008003, as amended, to:

1. Discharge return flows, at a point on Stewarts Creek, tributary to the West Fork San Jacinto River, San Jacinto River Basin being at Latitude 30.2909683° N, Longitude 95.4347829° W in Montgomery County,
2. At a maximum rate of 74.073 cfs (33,333 gpm).

3. DIVERSION

A. Permittee is authorized to divert its groundwater-based return flows, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), from anywhere between the following two points on the West Fork San Jacinto River in Montgomery County:

1. At Latitude 30.267400° N, Longitude 95.492200° W.
2. The confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude 30.248727° N, Longitude 95.453283° W.

B. Permittee is authorized to divert its groundwater-based return flows, at a maximum combined diversion rate of 129.630 cfs (58,333 gpm), from anywhere between the following two points on the West Fork San Jacinto River in Montgomery County:

1. The confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude 30.248727° N, Longitude 95.453283° W.
2. At Latitude 30.032369° N, Longitude 95.263387° W.

C. Permittee is authorized to divert its groundwater-based return flows, at a maximum combined diversion rate of 74.073 cfs (33,333 gpm), from anywhere between the following two points on Stewarts Creek, tributary to the West Fork San Jacinto River, in Montgomery County:

1. Latitude 30.2909683° N, Longitude 95.4347829° W; and

2. The confluence of Stewarts Creek and the West Fork San Jacinto River, in Montgomery County, being Latitude 30.248727° N, Longitude 95.453283° W.

4. SPECIAL CONDITIONS

- A. Paragraphs 4.A. – 4.G. and Paragraphs 4.I. – 4.J. in Water Use Permit 12788A apply to conveyance and diversion of additional groundwater-based return flows in the West Fork San Jacinto River and Stewarts Creek pursuant to this amendment.
- B. Permittee shall obtain Executive Director approval of modifications to its accounting plan (*City of Conroe Accounting Plan*), consistent with this Permit, to implement diversions of return flows pursuant to Paragraph 3.C. prior to commencing such diversions.
- C. Prior to diversion of groundwater-based return flows in excess of the amount currently authorized by TPDES Permit Nos. WQ0010008002 and WQ0010008003, as amended, described in Paragraph 2. DISCHARGE, Permittee shall apply for and be granted the right to divert those return flows.

| This amendment is issued subject to all superior water rights in the San Jacinto River Basin.

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

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

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

Date issued:

For the Commission

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A WATER USE PERMIT

APPLICATION NO. 12788B

The City of Conroe seeks to amend Water Use Permit No. 12788, as amended, to authorize use of the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to an additional 13,450.64 acre-feet per year of groundwater-based return flows, which are discharged under new authorization, for subsequent diversion and use for municipal, industrial, and agricultural use in Montgomery County, add a diversion reach, and increase the maximum combined diversion rate to 129.630 cfs (58,333 gpm). More information on the application and how to participate in the permitting process is given below.

APPLICATION. The City of Conroe, 401 Sgt. Ed Holcomb Blvd. South, Conroe, Texas 77305, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) to amend Water Use Permit No. 12788 pursuant to Texas Water Code (TWC) §§ 11.122, 11.042 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Notice is being mailed to the interjacent water rights holders of record in the San Jacinto River Basin pursuant to Title 30 TAC § 295.161(b) and to Texas Parks and Wildlife Department and the Public Interest Counsel pursuant to Title 30 TAC § 295.161(c).

Water Use Permit No. 12788, as amended, with special conditions, authorizes the City of Conroe (Permittee/Applicant) to use the bed and banks of the West Fork San Jacinto River, San Jacinto River Basin to convey up to 13,450.64 acre-feet per year of groundwater-based return flows, authorized by TPDES Permit No. WQ0010008002, for subsequent diversion from a point and a reach on the West Fork San Jacinto River, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), for municipal, industrial and agricultural purposes in Montgomery County. Special Conditions apply.

Subsequent to issuance of Water Use Permit No. 12788A, Applicant applied for and was granted authority to discharge up to an additional average annual 12 MGD (13,450.64 acre-feet) of return flows to Stewarts Creek, tributary of the West Fork San Jacinto River pursuant to TPDES Permit No. WQ0010008003 from new facilities to be constructed. Applicant indicates that the additional return flows will be discharged at a maximum discharge rate of 74.073 cfs (33,333 gpm) at a point on Stewarts Creek, located at Latitude 30.2909683° N, Longitude 95.4347829° W, in Montgomery County, within ZIP Code 77301.

Applicant seeks to amend Water Use Permit No. 12788, as amended, to authorize it to use the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to the additional 13,450.64 acre-feet per year of groundwater-based return flows for subsequent diversion and use for municipal, industrial, and agricultural purposes in Montgomery County.

Applicant seeks to divert the additional 13,450.64 acre-feet per year of groundwater-based return flows from multiple points in a new diversion reach between the point of discharge and the confluence of Stewarts Creek and the West Fork San Jacinto River at a maximum combined diversion rate of 74.073 cfs (33,333 gpm) and from multiple points within that part of the existing diversion reach that is downstream of such confluence at a maximum diversion rate of 129.63 cfs (58,333 gpm) when combined with diversions of groundwater-based return flows discharged pursuant to TPDES Permit No. WQ0010008002.

The upstream point of the additional diversion reach is located on Stewarts Creek, at Latitude 30.2909683° N, Longitude 95.4347829° W, and the downstream point is located at the confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude 30.248727° N, Longitude 95.453283° W, Montgomery County, within ZIP Code 77301. That part of the existing reach authorized in Permit No. 12788A that is downstream of the confluence of Stewarts Creek and the West Fork San Jacinto River terminates at Latitude 30.032369° N, Longitude 95.263387° W, near the line between Montgomery and Harris Counties within Zip Code 77365.

Applicant further seeks to delete existing Discharge Paragraph 3.B., which pursuant to contract identified a customer diversion point within the authorized diversion reach on the West Fork San Jacinto River.

Applicant further requests a special condition be included in the permit that requires Applicant to obtain Executive Director approval for modifications to its accounting plan, consistent with this Permit, prior to commencing diversions from Stewarts Creek pursuant to this amendment.

Applicant further requests that special conditions in Water Use Permit No. 12788, as amended, that address streamflow and specified information provided to the San Jacinto River Authority and the City of Houston apply to conveyance and diversion of the additional groundwater-based return flows in Stewarts Creek and the West Fork San Jacinto River pursuant to this amendment.

The application and fees were received on July 27, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on September 16, 2020.

The Executive Director has completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions, including, but not limited to, the continued applicability of specific special conditions in Water Use Permit No. 12788A to the additional return flows. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice

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

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

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

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

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

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRPERM 12788 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



AMENDMENT TO A WATER USE PERMIT

PERMIT NO.	12788B	TYPE §§	11.122, 11.042
Permittee:	City of Conroe	Address:	401 Sgt. Ed Holcomb Blvd. Conroe, Texas 77305
Filed:	September 16, 2020	Granted:	
Purposes:	Municipal, Industrial and Agricultural	County:	Montgomery
Watercourse:	Stewarts Creek and West Fork San Jacinto River	Watershed:	San Jacinto River Basin

WHEREAS, Water Use Permit No. 12788, as amended, with special conditions, authorizes the City of Conroe (Permittee/Applicant) to use the bed and banks of the West Fork San Jacinto River, San Jacinto River Basin to convey up to 13,450.64 acre-feet per year of groundwater-based return flows, authorized by TPDES Permit No. WQ0010008002, for subsequent diversion from a point and a reach on the West Fork San Jacinto River, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), for municipal, industrial and agricultural purposes in Montgomery County; and

WHEREAS, subsequent to issuance of Water Use Permit No. 12788A, Applicant applied for and was granted authority to discharge up to an additional average annual 12 MGD (13,450.64 acre-feet) of return flows to Stewarts Creek, tributary of the West Fork San Jacinto River pursuant to TPDES Permit No. WQ0010008003, from new facilities to be constructed; and

WHEREAS, Applicant seeks to amend Water Use Permit No. 12788, as amended, to authorize it to use the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to the additional 13,450.64 acre-feet per year of groundwater-based return flows for subsequent diversion and use for municipal, industrial, and agricultural purposes in Montgomery County; and

WHEREAS, Applicant indicates that the additional return flows will be discharged at a maximum discharge rate of 74.073 cfs (33,333 gpm) at a point on Stewarts Creek located at Latitude 30.2909683° N, Longitude 95.4347829° W, in Montgomery County; and

WHEREAS, Applicant seeks to divert the additional 13,450.64 acre-feet per year of groundwater-based return flows from multiple points in a new diversion reach between the point of discharge and the confluence of Stewarts Creek and the West Fork San Jacinto River at a maximum combined diversion rate of 74.073 cfs (33,333 gpm), and from multiple points

within that part of the existing diversion reach that is downstream of such confluence at a maximum diversion rate of 129.63 cfs (58,333 gpm) when combined with diversions of groundwater-based return flows discharged pursuant to TPDES Permit No. WQ0010008002; and

WHEREAS, the upstream point of the new diversion reach is located on Stewarts Creek, at Latitude 30.2909683° N, Longitude 95.4347829° W, and the downstream point is located at the confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude 30.248727° N, Longitude 95.453283° W, Montgomery County; and

WHEREAS, Applicant indicates that the maximum combined diversion rate for groundwater-based return flows diverted from the West Fork San Jacinto River below its confluence with Stewarts Creek will be 129.63 cfs (58,333 gpm); and

WHEREAS, Applicant further seeks to delete existing Discharge Paragraph 3.B., which pursuant to contract identified a customer diversion point within the authorized diversion reach; and

WHEREAS, Applicant further requests an additional special condition be included in the permit that requires Applicant to obtain Executive Director approval for modifications to its accounting plan, consistent with this Permit, prior to commencing such diversions from Stewarts Creek; and

WHEREAS, Applicant further requests that special conditions in Water Use Permit No. 12788, as amended, that address streamflow and specified information provided to the San Jacinto River Authority and the City of Houston apply to conveyance and diversion of additional groundwater-based return flows in the West Fork San Jacinto River and Stewarts Creek pursuant to this amendment; and

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

WHEREAS, Applicant has submitted, and the Executive Director has approved, the *City of Conroe Accounting Plan*; and

WHEREAS, the Executive Director recommends that the special conditions requested by the Applicant and reference to other special conditions in Permit No. 12788A, except as specifically amended herein, 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 Water Use Permit No. 12788, designated Water Use Permit No. 12788B, is issued to the City of Conroe, subject to the following terms and conditions:

1. USE

Permittee is authorized to use the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to 26,901.28 acre-feet per year of groundwater-based return flows authorized by TPDES Permit Nos. WQ0010008002 and WQ0010008003, as amended, for subsequent diversion and use for municipal, industrial, and agricultural purposes in Montgomery County.

2. DISCHARGE

A. Permittee is authorized by TPDES Permit No. WQ0010008002, as amended, to:

1. Discharge return flows, at a point on the West Fork San Jacinto River, San Jacinto River Basin being at Latitude 30.267400° N, Longitude 95.492200° W in Montgomery County,
2. At a maximum rate of 55.702 cfs (25,000 gpm).

B. Permittee is authorized by TPDES Permit No. WQ0010008003, as amended, to:

1. Discharge return flows, at a point on Stewarts Creek, tributary to the West Fork San Jacinto River, San Jacinto River Basin being at Latitude 30.2909683° N, Longitude 95.4347829° W in Montgomery County,
2. At a maximum rate of 74.073 cfs (33,333 gpm).

3. DIVERSION

A. Permittee is authorized to divert its groundwater-based return flows, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), from anywhere between the following two points on the West Fork San Jacinto River in Montgomery County:

1. At Latitude 30.267400° N, Longitude 95.492200° W.
2. The confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude 30.248727° N, Longitude 95.453283° W.

B. Permittee is authorized to divert its groundwater-based return flows, at a maximum combined diversion rate of 129.630 cfs (58,333 gpm), from anywhere between the following two points on the West Fork San Jacinto River in Montgomery County:

1. The confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude 30.248727° N, Longitude 95.453283° W.
2. At Latitude 30.032369° N, Longitude 95.263387° W.

C. Permittee is authorized to divert its groundwater-based return flows, at a maximum combined diversion rate of 74.073 cfs (33,333 gpm), from anywhere between the following two points on Stewarts Creek, tributary to the West Fork San Jacinto River, in Montgomery County:

1. Latitude 30.2909683° N, Longitude 95.4347829° W; and
2. The confluence of Stewarts Creek and the West Fork San Jacinto River, in Montgomery County, being Latitude 30.248727° N, Longitude 95.453283° W.

4. SPECIAL CONDITIONS

- A. Paragraphs 4.A. – 4.G. and Paragraphs 4.I. – 4.J. in Water Use Permit 12788A apply to conveyance and diversion of additional groundwater-based return flows in the West Fork San Jacinto River and Stewarts Creek pursuant to this amendment.
- B. Permittee shall obtain Executive Director approval of modifications to its accounting plan (*City of Conroe Accounting Plan*), consistent with this Permit, to implement diversions of return flows pursuant to Paragraph 3.C. prior to commencing such diversions.
- C. Prior to diversion of groundwater-based return flows in excess of the amount currently authorized by TPDES Permit Nos. WQ0010008002 and WQ0010008003, as amended, described in Paragraph 2. DISCHARGE, Permittee shall apply for and be granted the right to divert those return flows.

This amendment is issued subject to all superior water rights in the San Jacinto River Basin.

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

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

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

Date issued:

For the Commission

From: [Carolyn Ahrens](#)
To: [Joshua Schauer](#)
Subject: Fwd: Conroe / Bed & Banks 12788B / Request for Extension of Time to Respond to Draft Permit Package + Request for Word-Versions
Date: Wednesday, October 16, 2024 8:48:55 AM
Attachments: [City of Conroe 12788B Ext Letter 10-15-2024.pdf](#)

Thanks so much, Joshua.

Carolyn
[REDACTED]

Begin forwarded message:

From: Joshua Schauer <Joshua.Schauer@Tceq.Texas.Gov>
Subject: RE: Conroe / Bed & Banks 12788B / Request for Extension of Time to Respond to Draft Permit Package + Request for Word-Versions
Date: October 15, 2024 at 4:00:51 PM CDT
[REDACTED] <[REDACTED]@tceq.texas.gov>, Chris Kozlowski <chris.kozlowski@tceq.texas.gov>

Carolyn,

An extension of time to respond to the drafts is granted until November 20, 2024.
Please see the attached letter for your files.

Thanks,
Josh

Joshua Schauer
Project Manager
Water Rights Permitting Team, Water Availability Division
Texas Commission on Environmental Quality
512-239-1371 Joshua.Schauer@tceq.texas.gov

From: Carolyn Ahrens [REDACTED]
Sent: Monday, October 14, 2024 2:38 PM
To: Joshua Schauer <Joshua.Schauer@Tceq.Texas.Gov>
Cc: Kathy Alexander <kathy.alexander@tceq.texas.gov>; Brooke McGregor <brooke.mcgregor@tceq.texas.gov>; Norman McGuire [REDACTED]
Miller, Jason [REDACTED]

Subject: Conroe / Bed & Banks 12788B / Request for Extension of Time to Respond to Draft Permit Package + Request for Word-Versions

Good afternoon, Joshua.

Thank you for providing the draft permit package referenced in your email below, for City of Conroe.

Conroe's request for an extension of time to respond is attached. Please let us know as soon as possible regarding granting the extension.

Also, would you please send me a .doc version of the draft notice and draft permit to facilitate the City's comments?

We appreciate your continuing assistance.

Thanks,
Carolyn Ahrens
[REDACTED]

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

Subject: City of Conroe; 12788B DRAFT Amendment and Public Notice

Date: October 7, 2024 at 9:27:59 AM CDT

[REDACTED] <[REDACTED]@texas.gov>,
Humberto Galvan <Humberto.Galvan@tceq.texas.gov>

Drafts, subject to revision, of the public notice, proposed amendment to Water Use Permit No. 12788, and the related technical memoranda are attached.

Please review the drafts and contact me by October 21, 2024 with any comments or questions.

Best,
Josh

*Joshua Schauer
Project Manager
Water Rights Permitting Team, Water Availability Division
Texas Commission on Environmental Quality*

512-239-1371 Joshua.Schauer@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

October 15, 2024

Ms. Carolyn Ahrens, *Of Counsel*
Booth & Associates, P.C.
4330 Gaines Ranch Loop, Suite 240
Austin, TX 78735

VIA E-MAIL

Re: City of Conroe
WRPERM 12788
CN600650311, RN106406408
Application No. 12788B to Amend Water Use Permit No. 12788
Texas Water Code §§ 11.122, 11.042, Requiring Limited Mailed Notice
Stewarts Creek and West Fork San Jacinto River, San Jacinto River Basin
Montgomery County

Dear Ms. Ahrens:

This acknowledges receipt, on October 14, 2024, of the applicant's request for an extension to review and provide written comments to the draft public notice and draft amendment dated October 7, 2024.

The extension is granted until November 20, 2024. Please review the drafts and contact me no later than November 20, 2024 with any comments or questions as the public notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

If you have any questions concerning the application, please contact Joshua Schauer via e-mail at Joshua.Schauer@tceq.texas.gov or by telephone at (512) 239-1371.

Sincerely,

A handwritten signature in black ink, appearing to read "Bert Galvan".

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

BG/js

From: [Carolyn Ahrens](#)
To: [Joshua Schauer](#)
Cc: [Kathy Alexander](#); [Brooke McGregor](#); [Norman McGuire](#); [Miller, Jason](#)
Subject: Conroe / Bed & Banks 12788B / Request for Extension of Time to Respond to Draft Permit Package + Request for Word-Versions
Date: Monday, October 14, 2024 2:38:49 PM
Attachments: [Conroe 12788B Letter Requesting Extension of Time \(Submitted\).pdf](#)


Good afternoon, Joshua.

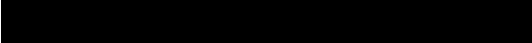
Thank you for providing the draft permit package referenced in your email below, for City of Conroe.

Conroe's request for an extension of time to respond is attached. Please let us know as soon as possible regarding granting the extension.

Also, would you please send me a .doc version of the draft notice and draft permit to facilitate the City's comments?

We appreciate your continuing assistance.

Thanks,
Carolyn Ahrens


From: Joshua Schauer <Joshua.Schauer@Tceq.Texas.Gov>
Subject: City of Conroe; 12788B DRAFT Amendment and Public Notice
Date: October 7, 2024 at 9:27:59 AM CDT
To: 
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>, Humberto Galvan <Humberto.Galvan@tceq.texas.gov>

Drafts, subject to revision, of the public notice, proposed amendment to Water Use Permit No. 12788, and the related technical memoranda are attached. Please review the drafts and contact me by October 21, 2024 with any comments or questions.

Best,
Josh

Joshua Schauer
Project Manager
Water Rights Permitting Team, Water Availability Division
Texas Commission on Environmental Quality
512-239-1371 Joshua.Schauer@tceq.texas.gov

CAROLYN AHRENS
ATTORNEY AT LAW

October 14, 2024

Via email to Joshua.Schauer@Tceq.Texas.Gov

Mr. Joshua Schauer, Project Manager
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality
P.O. Box 13087, MC 160
Austin, Texas 78711

**RE: City of Conroe / Water Rights Application No. 12788B to Reflect Discharge
Authorization at the Conroe Central WWTP, San Jacinto River Basin;
Applicant's Request to Extend Time for Response to Draft Permit Package**

Dear Joshua:

City of Conroe has received and appreciates email correspondence from you addressed to me and dated October 7, 2024, providing us an initial draft permit and notice package for review and comment, including technical memoranda, regarding Conroe's Water Rights Application No. 12788B. The correspondence asks for Conroe's comments by October 21, 2024.

By this letter, Conroe requests an additional 30 days to respond. Counting from the response date specified in the letter, that is an extension until November 20, 2024. We understand that this extension would be slightly longer than that which is usually requested; however, we hope to use the time to pick back up our conversations with regional interests regarding the application. We will make every effort to provide formal comments more quickly, if feasible.

Please let me know as soon as possible if an extension and the requested deadline is acceptable to the Executive Director. As always, we appreciate your continuing assistance.

Very truly yours,



Carolyn Ahrens

([REDACTED])

Cc via email:

Dr. Kathy Alexander (TCEQ)
Ms. Brooke McGregor (TCEQ)
Mr. Norman McGuire (Conroe, Director of Public Works)
Mr. Jason Miller (Conroe, Assistant Director of Public Works)

4006 Texas Wildlife Trail
Austin, Texas 78735
512.472.3263 (office) / ([REDACTED])

Of Counsel To Booth & Associates, P.C.
5701 West Slaughter Lane, Ste A130
www.BoothAhrens.com

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

October 7, 2024

Ms. Carolyn Ahrens, *Of Counsel*
Booth & Associates, P.C.
4330 Gaines Ranch Loop, Suite 240
Austin, TX 78735

VIA E-MAIL

Re: City of Conroe
WRPERM 12788
CN600650311, RN106406408
Application No. 12788B to Amend Water Use Permit No. 12788
Texas Water Code §§ 11.122, 11.042, Requiring Limited Mailed Notice
Stewarts Creek and West Fork San Jacinto River, San Jacinto River Basin
Montgomery County

Dear Ms. Ahrens:

Drafts, subject to revision, of the public notice, proposed amendment to Water Use Permit No. 12788, and the related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the attached draft. Please review the draft and contact me no later than October 21, 2024 with any comments or questions as the draft amendment will be forwarded to the Office of the Chief Clerk for further processing after that date.

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

Sincerely,

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

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

Attachments

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A WATER USE PERMIT

APPLICATION NO. 12788B

The City of Conroe seeks to amend Water Use Permit No. 12788, as amended, to authorize use of the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to an additional 13,450.64 acre-feet per year of groundwater-based return flows for subsequent diversion and use for municipal, industrial, and agricultural use in Montgomery County, add a diversion reach, and increase the maximum combined diversion rate to 129.630 cfs (58,333 gpm). More information on the application and how to participate in the permitting process is given below.

APPLICATION. The City of Conroe, 401 Sgt. Ed Holcomb Blvd. South, Conroe, Texas 77305, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) to amend Water Use Permit No. 12788 pursuant to Texas Water Code (TWC) §§ 11.122, 11.042 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Notice is being mailed to the interjacent water rights holders of record in the San Jacinto River Basin pursuant to Title 30 TAC § 295.161(b) and to Texas Parks and Wildlife Department and the Public Interest Counsel pursuant to Title 30 TAC § 295.161(c).

Water Use Permit No. 12788, as amended, with special conditions, authorizes the City of Conroe (Permittee/Applicant) to use the bed and banks of the West Fork San Jacinto River, San Jacinto River Basin to convey up to 13,450.64 acre-feet per year of groundwater-based return flows, authorized by TPDES Permit No. WQ0010008002, for subsequent diversion from a point and a reach on the West Fork San Jacinto River, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), for municipal, industrial and agricultural purposes in Montgomery County. Special Conditions apply.

Subsequent to issuance of Water Use Permit No. 12788A, Applicant applied for and was granted authority to discharge up to an additional average annual 12 MGD (13,450.64 acre-feet) of return flows to Stewarts Creek, tributary of the West Fork San Jacinto River pursuant to TPDES Permit No. WQ0010008003 from new facilities to be constructed.

Applicant seeks to amend Water Use Permit No. 12788, as amended, to authorize it to use the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to an additional 13,450.64 acre-feet per year of groundwater-based return flows for subsequent diversion and use for municipal, industrial, and agricultural purposes in Montgomery County.

Applicant indicates that the additional return flows will be discharged at a maximum discharge rate of 74.073 cfs (33,333 gpm) at a point on Stewarts Creek, located at Latitude 30.2909683° N, Longitude 95.4347829° W, in Montgomery County, within ZIP Code 77301.

Applicant seeks to divert the additional 13,450.64 acre-feet per year of groundwater-based return flows at a maximum combined diversion rate of 74.073 cfs (33,333 gpm), from multiple points within the currently authorized diversion reach on the West Fork San Jacinto River and from an additional diversion reach on Stewarts Creek.

The upstream point of the additional diversion reach is located on Stewarts Creek, at Latitude 30.2909683° N, Longitude 95.4347829° W, and the downstream point is located on the West Fork San Jacinto River, at Latitude 30.032369° N, Longitude 98.263387° W, Montgomery County, within ZIP Code 77301.

Applicant indicates that the maximum combined diversion rate for groundwater-based return flows diverted from the West Fork San Jacinto River below its confluence with Stewarts Creek will be 129.63 cfs (58,333 gpm).

Applicant further seeks to delete existing Discharge Paragraph 3.B., which pursuant to contract identified a customer diversion point within the authorized diversion reach on the West Fork San Jacinto River.

Applicant further seeks authorization to divert the conveyed groundwater-based return flows at a maximum combined diversion rate of 74.073 cfs (333,333 gpm), anywhere within the newly authorized reach on Stewarts Creek above its confluence with the West Fork San Jacinto River and requests an additional special condition be included in the permit that requires Applicant to obtain Executive Director approval for modifications to its accounting plan, consistent with this Permit, prior to commencing such diversions from Stewarts Creek.

Applicant further requests that special conditions in Water Use Permit No. 12788, as amended, that address streamflow and specified information provided to the San Jacinto River Authority and the City of Houston apply to conveyance and diversion of additional groundwater-based return flows in the West Fork San Jacinto River and Stewarts Creek pursuant to this amendment.

The application and fees were received on July 27, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on September 16, 2020.

The Executive Director has completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions, including, but not limited to, the continued applicability of specific special conditions in Water Use Permit No. 12788A to the additional return flows. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

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

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

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

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

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRPERM 12788 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



AMENDMENT TO A WATER USE PERMIT

PERMIT NO.	12788B	TYPE	§§ 11.122, 11.042
Permittee:	City of Conroe	Address:	401 Sgt. Ed Holcomb Blvd. Conroe, Texas 77305
Filed:	September 16, 2020	Granted:	
Purposes:	Municipal, Industrial and Agricultural	County:	Montgomery
Watercourse:	Stewarts Creek and West Fork San Jacinto River	Watershed:	San Jacinto River Basin

WHEREAS, Water Use Permit No. 12788, as amended, with special conditions, authorizes the City of Conroe (Permittee/Applicant) to use the bed and banks of the West Fork San Jacinto River, San Jacinto River Basin to convey up to 13,450.64 acre-feet per year of groundwater-based return flows, authorized by TPDES Permit No. WQ0010008002, for subsequent diversion from a point and a reach on the West Fork San Jacinto River, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), for municipal, industrial and agricultural purposes in Montgomery County; and

WHEREAS, subsequent to issuance of Water Use Permit No. 12788A, Applicant applied for and was granted authority to discharge up to an additional average annual 12 MGD (13,450.64 acre-feet) of return flows to Stewarts Creek, tributary of the West Fork San Jacinto River pursuant to TPDES Permit No. WQ0010008003, from new facilities to be constructed; and

WHEREAS, Applicant seeks to amend Water Use Permit No. 12788, as amended, to authorize it to use the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to an additional 13,450.64 acre-feet per year of groundwater-based return flows for subsequent diversion and use for municipal, industrial, and agricultural purposes in Montgomery County; and

WHEREAS, Applicant indicates that the additional return flows will be discharged at a maximum discharge rate of 74.073 cfs (33,333 gpm) at a point on Stewarts Creek located at Latitude 30.2909683° N, Longitude 95.4347829° W, in Montgomery County; and

WHEREAS, Applicant seeks to divert the additional 13,450.64 acre-feet per year of groundwater-based return flows at a maximum combined diversion rate of 74.073 cfs (33,333 gpm), from multiple points within the currently authorized diversion reach on the West Fork San Jacinto River and from an additional diversion reach on Stewarts Creek; and

WHEREAS, the upstream point of the additional diversion reach is located on Stewarts Creek, at Latitude 30.2909683° N, Longitude 95.4347829° W, and the downstream point is located at the confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude 30.032369° N, Longitude 98.263387° W, Montgomery County; and

WHEREAS, Applicant indicates that the maximum combined diversion rate for groundwater-based return flows diverted from the West Fork San Jacinto River below its confluence with Stewarts Creek will be 129.63 cfs (58,333 gpm); and

WHEREAS, Applicant further seeks to delete existing Discharge Paragraph 3.B., which pursuant to contract identified a customer diversion point within the authorized diversion reach; and

WHEREAS, Applicant further seeks authorization to divert the conveyed groundwater-based return flows at a maximum combined diversion rate of 74.073 cfs (333,333 gpm), anywhere within the newly authorized reach on Stewarts Creek above its confluence with the West Fork San Jacinto River and requests an additional special condition be included in the permit that requires Applicant to obtain Executive Director approval for modifications to its accounting plan, consistent with this Permit, prior to commencing such diversions from Stewarts Creek; and

WHEREAS, Applicant further requests that special conditions in Water Use Permit No. 12788, as amended, that address streamflow and specified information provided to the San Jacinto River Authority and the City of Houston apply to conveyance and diversion of additional groundwater-based return flows in the West Fork San Jacinto River and Stewarts Creek pursuant to this amendment; and

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

WHEREAS, Applicant has submitted, and the Executive Director has approved, the *City of Conroe Accounting Plan*; and

WHEREAS, the Executive Director recommends that the special conditions requested by the Applicant and reference to other special conditions in Permit No. 12788A, except as specifically amended herein, 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 Water Use Permit No. 12788, designated Water Use Permit No. 12788B, is issued to the City of Conroe, subject to the following terms and conditions:

1. USE

Permittee is authorized to use the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to 26,901.28 acre-feet per year of groundwater-based return flows authorized by TPDES Permit Nos. WQ0010008002 and WQ0010008003, as amended, for subsequent diversion and use for municipal, industrial, and agricultural purposes in Montgomery County.

2. DISCHARGE

- A. Permittee is authorized by TPDES Permit No. WQ0010008002, as amended, to:
1. Discharge return flows, at a point on the West Fork San Jacinto River, San Jacinto River Basin being at Latitude 30.267400° N, Longitude 95.492200° W in Montgomery County,
 2. At a maximum rate of 55.702 cfs (25,000 gpm).
- B. Permittee is authorized by TPDES Permit No. WQ0010008003, as amended, to:
1. Discharge return flows, at a point on Stewarts Creek, tributary to the West Fork San Jacinto River, San Jacinto River Basin being at Latitude 30.2909683° N, Longitude 95.4347829° W in Montgomery County,
 2. At a maximum rate of 74.073 cfs (33,333 gpm).

3. DIVERSION

- A. Permittee is authorized to divert its groundwater-based return flows, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), from anywhere between the following two points on the West Fork San Jacinto River in Montgomery County:
1. At Latitude 30.267400° N, Longitude 95.492200° W.
 2. The confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude 30.248727° N, Longitude 95.453283° W.
- B. Permittee is authorized to divert its groundwater-based return flows, at a maximum combined diversion rate of 129.630 cfs (58,333 gpm), from anywhere between the following two points on the West Fork San Jacinto River in Montgomery County:
1. The confluence of Stewarts Creek and the West Fork San Jacinto River, at Latitude 30.248727° N, Longitude 95.453283° W.
 2. At Latitude 30.032369° N, Longitude 95.263387° W.
- C. Permittee is authorized to divert its groundwater-based return flows, at a maximum combined diversion rate of 74.073 cfs (33,333 gpm), from anywhere between the following two points on Stewarts Creek, tributary to the West Fork San Jacinto River, in Montgomery County:
1. Latitude 30.2909683° N, Longitude 95.4347829° W; and
 2. The confluence of Stewarts Creek and the West Fork San Jacinto River, in Montgomery County, being Latitude 30.248727° N, Longitude 95.453283° W.

4. SPECIAL CONDITIONS

- A. Paragraphs 4.A. - 4.G. and Paragraphs 4.I. - 4.J. in Water Use Permit 12788A apply to conveyance and diversion of additional groundwater-based return flows in the West Fork San Jacinto River and Stewarts Creek pursuant to this amendment.
- B. Permittee shall obtain Executive Director approval of modifications to its accounting plan (*City of Conroe Accounting Plan*), consistent with this Permit, to implement diversions of return flows pursuant to Paragraph 3.C. prior to commencing such diversions.
- C. Prior to diversion of groundwater-based return flows in excess of the amount currently authorized by TPDES Permit Nos. WQ0010008002 and WQ0010008003, as amended, described in Paragraph 2. DISCHARGE, Permittee shall apply for and be granted the right to divert those return flows.

This amendment is issued subject to all superior rights in the San Jacinto River Basin.

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

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

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

Date issued:

For the Commission

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Josh Schauer, Project Manager
Water Rights Permitting Team

Date: October 1, 2024

From: Kathy Alexander, Ph.D. Policy and Technical Analyst
Water Availability Division

Subject: City of Conroe
WRPERM 12788
CN600650311
Stewarts Creek and West Fork San Jacinto River, San
Jacinto River Basin
Montgomery County

HYDROLOGY REVIEW

Application Summary

Water Use Permit No. 12788 (Permit) authorizes the City of Conroe (City) to use the bed and banks of the West Fork San Jacinto River, San Jacinto River Basin, to convey 13,450.64 acre-feet per year of groundwater-based return flows authorized by Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010008002 for subsequent diversion from a point and a reach on the West Fork San Jacinto River, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), for municipal, industrial and agricultural purposes in Montgomery County.

The City requests to amend the Permit to authorize use of the bed and banks of Stewarts Creek, San Jacinto River Basin and the West Fork San Jacinto River to convey 13,450.64 acre-feet of groundwater-based return flows authorized under TPDES Permit No. WQ0010008003 for subsequent diversion and reuse for municipal, industrial and agricultural purposes in Montgomery County.

The City also requests to add a diversion reach on Stewarts Creek and the West Fork San Jacinto River at a diversion rate of 74.073 cfs (33,333 gpm) and to divert the return flows at a maximum combined diversion rate of 129.630 cfs (58,333gpm), for municipal, industrial, and agricultural purposes in Montgomery County and to revise Section 3 (DIVERSION) by deleting Subsection B.

The City submitted an accounting plan (City of Conroe Accounting Plan) on November 17, 2020, which was subsequently revised on July 29, 2021, December 08, 2021, December 19, 2022, and February 21, 2023.

The application was declared administratively complete on September 16, 2020.

Hydrology Review

Resource Protection staff did not recommend that the application be subject to additional instream flow requirements beyond the existing requirements in the permit, as amended; however, they did recommend a special condition. See Resource Protection staff's October 1, 2024 memorandum.

Regarding the City's request to use the bed and banks of Stewarts Creek and West Fork San Jacinto River to convey its groundwater-based return flows, the application included the information required in 30 Texas Administrative Code (TAC) §295.112.

Staff reviewed the City's request to reuse its groundwater-based return flows by evaluating whether diversion and use of these return flows would affect water rights that were granted based on the use or availability of those return flows. Staff determined that at the time of this technical review, the City had not discharged the groundwater-based return flows requested in the application.

Under Texas Water Code (TWC) §11.042(b) an authorization to convey groundwater-based return flows may be subject to special conditions to protect the environment and other water rights. Staff notes that no water rights can be affected because no water rights have been granted based on the City's groundwater-based return flows; therefore no special conditions to protect water rights are required.

The City submitted an accounting plan (*City of Conroe Accounting Plan*), that accounts for the discharge and diversion of return flows, calculates the percentage of groundwater-based return flows, losses and travel time. Staff reviewed the accounting plan and found it adequately documents compliance with the terms and conditions of the permit, as amended. Therefore, Staff's opinion is that any possible impacts on existing basin water rights, should those impacts be determined to exist, would be mitigated by the accounting plan.

Staff also notes that the existing permit also includes multiple special conditions and these special conditions will continue to apply to this amendment.

Conclusion

TWC 11.042(b) specifically allows for the use of a state watercourse for the conveyance of groundwater-based return flows. The City's groundwater-based return flows would not be considered to be part of the natural flow of the San

Jacinto River. Pursuant to TWC 11.042(b), the only limitations on the amount of groundwater-based return flows the City could reuse are for losses, environmental interests and protection of any water rights that were granted based on the use or availability of those return flows. Therefore, staff can support granting the City's request to reuse its additional groundwater-based return flows.

Regarding reuse of groundwater-based return flows that may be discharged in the future as a result of authorized increases in discharges from the WWTP, the City can apply to reuse those return flows when the increased discharges are authorized under a TPDES permit.

Staff recommends that the following special conditions be included in the amendment:

1. Diversion of the additional groundwater-based return flows authorized by this amendment are dependent upon potentially interruptible return flows or discharges and are conditioned on the availability of those discharges. The right to divert the discharged return flows is subject to revocation if the discharges become permanently unavailable for diversion and may be subject to reduction if the return flows are not available in quantities and qualities sufficient to fully satisfy the amendment. Should the discharges become permanently unavailable for diversion, Permittee shall immediately cease diversion under this amendment and either apply to amend the permit, or voluntarily forfeit the amendment. If Permittee does not amend the permit or forfeit the amendment, the Commission may begin proceedings to cancel the amendment.
2. Permittee shall only divert daily groundwater-based return flows that are actually discharged.
3. Permittee shall only divert and use groundwater-based return flows pursuant to Paragraph 1. USE, and Paragraph 3. DIVERSION in accordance with the most recently approved accounting plan (*City of Conroe Accounting Plan*). Permittee shall maintain the plan in electronic format and make the data available upon request. Any modifications to the accounting plan shall be approved by the Executive Director. Any modification to the accounting plan that changes the permit terms must be in the form of an amendment to the permit. Should Permittee fail to maintain the accounting plan or notify the Executive Director of any modifications to the plan, Permittee shall immediately cease diversion of discharged return flows, authorized in this amendment and either apply to amend the permit, or voluntarily forfeit this amendment. If Permittee fails to amend the accounting plan or forfeit the amendment, the Commission may begin proceedings to cancel the amendment. Permittee shall immediately notify the Executive Director upon modification of the accounting plan and provide copies of the appropriate documents effectuating such changes.


4. Prior to the diversion of groundwater-based return flows from the West Fork San Jacinto River, Permittee shall submit a revised accounting plan incorporating any additional diversion points to the Executive Director for approval. The revised accounting plan must account for any streamflow restrictions, travel time, and losses.
5. Prior to reuse of groundwater-based return flows in excess of the amount currently authorized by TPDES Permit No. WQ0010008003, described in Paragraph 3. DISCHARGE, Permittee shall apply for and be granted the right to reuse those return flows.

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Joshua Schauer, Project Manager
Water Rights Permitting Team

Date: October 1, 2024

Through: Leslie Patterson, Team Leader 
Resource Protection Team

From: George Gable, Aquatic Scientist
Resource Protection Team

Subject: City of Conroe
WRPERM 12788
CN600650311
West Fork San Jacinto River and Stewarts Creek, San Jacinto River
Basin
Montgomery 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

Water Use Permit No. 12788 (Permit) authorizes the City of Conroe (City) to use the bed and banks of the West Fork San Jacinto River, San Jacinto River Basin, to convey 13,450.64 acre-feet per year of groundwater-based return flows authorized by Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010008002 for subsequent diversion from a point and a reach on the West Fork San Jacinto River, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), for municipal, industrial and agricultural purposes in Montgomery County.

The City requests to amend the Permit to authorize use of the bed and banks of Stewarts Creek, San Jacinto River Basin and the West Fork San Jacinto River to convey 13,450.64 acre-feet of groundwater-based return flows authorized under TPDES Permit No. WQ0010008003 for subsequent diversion and reuse for municipal, industrial and agricultural purposes in Montgomery County.

The City also requests to add a diversion reach on Stewarts Creek and the West Fork San Jacinto River at a diversion rate of 74.073 cfs (33,333 gpm) and to divert

the return flows at a maximum combined diversion rate of 129.630 cfs (58,333 gpm), for municipal, industrial, and agricultural purposes in Montgomery County and to revise Section 3 (DIVERSION) by deleting Subsection B.

ENVIRONMENTAL ANALYSIS

Aquatic and Riparian Habitats: The City's diversion reach is located on the West Fork San Jacinto River and Stewarts Creek, perennial water bodies, located in the Southern Tertiary Uplands and the Flatwoods ecoregions (Griffith et al. 2004).

The checklist for the Colorado River Basin identified 77 species of ichthyofauna occurring within West Fork San Jacinto hydrologic unit (United States Geologic Survey Code 12040101) (Hendrickson and Cohen 2015). The Houston burrowing crayfish (*Fallicambarus houstonensis*), chub shiner (*Notropis potteri*), Louisiana pigtoe (*Pleurobema riddellii*), sandbank pocketbook (*Lampsilis satura*), and alligator snapping turtle (*Macrochelys temminckii*), high interest aquatic or aquatic-dependent species have been determined to occur in Montgomery 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 structures 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-based treated effluent 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 April 20, 2011, the TCEQ adopted environmental flow standards for the Trinity and San Jacinto Rivers, and Galveston Bay (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter B). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC §298.210). This review is conducted in accordance with §11.042 of the TWC. The City is requesting authorization to divert groundwater-based return flows that have not been historically discharged and 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.

Recreational Uses: Stewarts Creek has a presumed primary contact recreation 1 use. West Fork San Jacinto River (Segment 1004) has a designated primary contact recreation 1 use (TCEQ 2022a). The City's request should not adversely impact recreational uses.

Water Quality: Stewarts Creek has a presumed high aquatic life use. West Fork San Jacinto River (Segment 1004) has designated high aquatic life use (TCEQ 2022a). West Fork San Jacinto River from Spring Creek confluence upstream to the

Stewarts Creek confluence and Stewarts Creek from Airport Road to confluence with West Fork San Jacinto River is identified in the *Texas Integrated Report* as non-supporting for bacteria (TCEQ 2022b). The City's request should not adversely impact water quality.

Freshwater Inflows: Freshwater inflows are critical for maintaining the historical productivity of bays and estuaries along the Gulf Coast. The application is for a very small amount of water compared to the total inflows of Galveston Bay (less than 0.1 %). Therefore, the City's request should not have any impact to Galveston Bay.

RECOMMENDATIONS

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

Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).

LITERATURE CITED


Griffith, G.E., S.A. Bryce, J.M. Omernik, J.A. Comstock, A.C. Rogers, B. Harrison, S.L. Hatch, and D. Bezanson. 2004. Ecoregions of Texas. (2-sided color poster with map, descriptive text, and photographs). U.S. Geological Survey, Reston, VA. Scale 1:2,500,000.

Hendrickson DA, Cohen AE. 2015. Fishes of Texas Project Database [Internet]. [Cited 2023 July 24]; Version 2.0. Available from <http://www.fishesoftexas.org/home/> doi:10.17603/C3WC70

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

TCEQ. 2022b. Texas Integrated Report of Surface Water Quality §§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): Montgomery County, revised January 4, 2023. [Cited 2023 July 24]. Available from <http://tpwd.texas.gov/gis/rtest/>.



George Gable, Aquatic Scientist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Joshua Schauer, Project Manager
Water Rights Permitting Team

Date: October 1, 2024

Through: Leslie Patterson, Team Leader 
Resource Protection Team

From: Trent Jennings, Water Conservation Specialist
Resource Protection Team

Subject: City of Conroe
WRPERM 12788
CN600650311
West Fork San Jacinto River and Stewarts Creek, San Jacinto River Basin
Montgomery County

APPLICATION SUMMARY

Water Use Permit No. 12788 (Permit) authorizes the City of Conroe (City) to use the bed and banks of the West Fork San Jacinto River, San Jacinto River Basin, to convey 13,450.64 acre-feet per year of groundwater-based return flows authorized by Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010008002 for subsequent diversion from a point and a reach on the West Fork San Jacinto River, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), for municipal, industrial and agricultural purposes in Montgomery County.

The City requests to amend the Permit to authorize use of the bed and banks of Stewarts Creek, San Jacinto River Basin and the West Fork San Jacinto River to convey 13,450.64 acre-feet of groundwater-based return flows authorized under TPDES Permit No. WQ0010008003 for subsequent diversion and reuse for municipal, industrial and agricultural purposes in Montgomery County.

The City also requests to add a diversion reach on Stewarts Creek and the West Fork San Jacinto River at a diversion rate of 74.073 cfs (33,333 gpm) and to divert the return flows at a maximum combined diversion rate of 129.630 cfs (58,333 gpm), for municipal, industrial, and agricultural purposes in Montgomery County and to revise Section 3 (DIVERSION) by deleting Subsection B.


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 for only groundwater-based return flows.

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

RECOMMENDATIONS

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



Trent Jennings, Water Conservation Specialist

Michael J. Booth,
Booth & Associates, P.C.

Carolyn Ahrens,
Of Counsel

December 19, 2022

Via Electronic Delivery

Ms. Brooke McGregor
Water Rights Permitting & Availability, MC 160
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

**Re: City of Conroe / Water Rights Application No. 12788 B to Amend Bed and Banks
Conveyance Authority Related to New WWTP**

Dear Ms. McGregor:

City of Conroe requests the changes described below to the currently recommended draft permit associated with Water Rights Application No. 12788B, prior to public notice. Please confirm that you have received this request, and that no additional information is required related to the changes.

Please revise Section 3 (DIVERSION) by deleting Subsection 3.B in its entirety, and “renumbering” Section 3 according to the Executive Director’s preferred format. As we have discussed, the point described in Subsection 3.B. is within the authorized reach for diversion described in Subsection 3.A.

For illustration, and if reference to “A” is deleted as unnecessary to the first paragraph, revised Section 3 would read:

3. DIVERSION

~~A.~~—Permittee is authorized to divert its groundwater-based return flows, at a maximum combined diversion rate of 55.702 cfs (25,000 gpm), from anywhere between the following two points on the West Fork San Jacinto River in Montgomery County:

~~1.A.~~ At Latitude 30.267400° N, Longitude 95.492200° W.

~~2.B.~~ At Latitude 30.032369° N, Longitude 95.263387° W.

~~B.~~—Permittee is also authorized to divert at a point on the West Fork San Jacinto River in Montgomery County at Latitude 30.071246° N, Longitude 95.282821° W.

The TCEQ Executive Director's Staff has advised us that the requested changes are a minor amendment of the City's application such that the application's procedural and substantive standing with the agency will not be affected. Please let me know if there is any change in that position, so that the City will have an opportunity to withdraw this request.

By separate correspondence, modifications to the accounting plan spreadsheet and narrative to accommodate these changes will be submitted together with other modifications requested by the Executive Director during technical review of the application.

Thank you again for your and your team's guidance regarding the City's application. As always, we appreciate your assistance.

Sincerely,



Carolyn Ahrens, Of Counsel
4006 Texas Wildlife Trail
Austin, Texas 78735



Cc via electronic delivery:

Dr. Kathy Alexander, TCEQ
Mr. Chris Kozlowski, TCEQ
Mr. Norman McGuire, Conroe Director of Public Works
Mr. Jason Miller, Conroe Assistant Director of Public Works

TCEQ Interoffice Memorandum

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

Thru: Chris Kozlowski, Team Leader
Water Rights Permitting Team

From: Joshua Schauer, Project Manager
Water Rights Permitting Team

Date: September 16, 2020

Subject: City of Conroe
WRPERM 12788
CN600650311, RN106406408
Application No. 12788B to Amend Water Use Permit No. 12788
Texas Water Code §§ 11.122, 11.042, Requiring Limited Mailed Notice
Stewart's Creek and West Fork San Jacinto River, San Jacinto River
Basin
Montgomery County

The application and fees were received on July 27, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on September 16, 2020. Limited mailed notice to interjacent water right holders of record is required pursuant to Title 30 Texas Administrative Code § 295.161(b); however, there are no interjacent water right holders of record. Therefore, no notice will be issued.

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



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

OCC Mailed Notice Required ☐ **YES** ☒ **NO**

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 16, 2020

Ms. Carolyn Ahrens
Booth & Associates, P.C.
4330 Gaines Ranch Loop, Suite 240
Austin, Texas 78735

VIA-EMAIL

RE: City of Conroe
WRPERM 12788
CN600650311, RN106406408
Application No. 12788B to Amend Water Use Permit No. 12788
Texas Water Code §§ 11.122, 11.042, Requiring Limited Mailed Notice
Stewart's Creek and West Fork San Jacinto River, San Jacinto River Basin
Montgomery County

Dear Ms. Ahrens:

This acknowledges receipt on July 27, 2020 of the application and fees in the amount of \$112.50 (Receipt No. M022945, attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on September 16, 2020. 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 this matter please contact me via email at Joshua.schauer@tceq.texas.gov or by phone at (512) 239-1371.

Sincerely,

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

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

Attachment



03-AUG-20 04:15 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

	<u>Fee Code</u>	<u>Ref#1</u>	<u>Check Number</u>	<u>CC Type</u>				
<u>Fee Description</u>	<u>Account#</u>	<u>Ref#2</u>	<u>Card Auth.</u>	<u>Tran Code</u>	<u>Slip Key</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	M022945	20517		BS00081939	03-AUG-20	- \$112.50	
	WUP	12768	073120	N	D0805847			
	WATER USE PERMITS	BOOTH	RHDAVIS	CK				
		AHRENS &						
		WERKENTHIN						
		P C						
	WUP	M022946	4267		BS00081939	03-AUG-20	- \$100.00	
	WUP	ADJ213160	073120	N	D0805847			
	WATER USE PERMITS	REAL WSC	RHDAVIS	CK				
					Total (Fee Code):		- \$212.50	

RECEIVED
2020 AUG -6 A 9:21
WATER AVAILABILITY DIV.



Michael J. Booth
Trey Nesloney
Michael Bostic
Ilissa Nolan, *Governmental Consultant*
(Not licensed to practice law)

Carolyn Ahrens,
Of Counsel

July 27, 2020

VIA Electronic Delivery to (chris.kozlowski@tceq.texas.gov)

Mr. Chris Kozlowski
Water Rights Permitting & Availability, MC 160
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: City of Conroe, Texas / Application to Amend Bed & Banks Water Rights Permit No. 12788 to Reflect Discharge Authorization at the Conroe Central WWTP, San Jacinto River Basin

Dear Chris:

Under cover of this letter, City of Conroe, Texas applies to the Texas Commission on Environmental Quality ("TCEQ") to amend the City's Water Rights Permit No. 12788 to add conveyance, diversion, and use authority reflecting new discharge authorization at the Conroe Central WWTP (referred to in the application as "Plant 2"). The City's application is submitted electronically, and we are advised that paper copies are not required.

The application includes the following documents, as reviewed in a pre-application meeting with the TCEQ Executive Director's Staff. We would appreciate confirmation from the agency that the application is received, in full.

1. Administrative Information Checklist.
2. Administrative Information Report, signed by Mr. Norman McGuire, Director of the Conroe Public Works Department, and including (1) a Conroe City Council Resolution authorizing application for bed and banks water rights authority, and (2) a Summary of Request.
3. Technical Information Report, with worksheets, maps, and an excerpt from TPDES Permit No. WQ0010008003 to evidence the City's authority to discharge.

The City's TCEQ wastewater permitting section staff contact for Permit No. WQ0010008003 is Ms. Sonia Bhuiya (512) 239-4671.

Mr. Chris Kozlowski
July 27, 2020
Page 2 of 2

As discussed during the pre-application meeting, a revised Accounting Plan workbook in .xls format will be provided during technical review of the application.

The firm's check in the amount of \$112.50 is mailed separately on the date of this letter, to your attention, in payment of the City's filing and recording fees, calculated according to Technical Worksheet No. 8.0. We understand that Conroe will be notified regarding any additional fees owed, including for providing notice of the application.

Thank you again for the guidance provided by the Executive Director's staff during final preparation of this amendment application. Please let us know if there is any additional information that would facilitate the agency's acceptance for filing and technical review of the application. As always, we appreciate your assistance.

Sincerely,



Carolyn Ahrens, Of Counsel
Booth & Associate, P.C.
4330 Gaines Ranch Loop, Suite 240
Austin, Texas 78735



Cc via email:

TCEQ:

Dr. Kathy Alexander

Conroe:

Mr. Norman McGuire

Mr. Jason Miller

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 CONROE, TEXAS

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**
N 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
N **Worksheet 2.0**
N Additional W.S 2.0 for Each Reservoir
N Dam Safety Documents
N Notice(s) to Governing Bodies
N Recorded Deeds for Inundated Land
N Consent For Inundation Land

Y/N

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

For Commission Use Only:

Proposed/Current Water Right Number: _____

Basin: _____ Watermaster area Y/N: _____

ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

☐ New Appropriation of State Water

☒ Amendment to a Water Right *

☐ Bed and Banks

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

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

Please see attached "Summary of Request."

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 Conroe, 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 : CN600650311 (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: Norman McGuire

Title: Director of Public Works

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: Norman McGuire, Dir., PW

Mailing Address: 401 Sgt. Ed Holcomb Blvd,

City: Conroe

State: Texas

ZIP Code: 77305

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: _____ SOS Charter (filing) Number: _____

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

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

First and Last Name: Carolyn Ahrens

Title: Of Counsel

Organization Name: Booth / Ahrens

Mailing Address: 4330 Gaines Ranch Lp 240

City: Austin

State: Texas

ZIP Code: 78735

Phone No.:

[REDACTED]

Extension:

Fax No.: (512)473-2609 (office)

[REDACTED]

[REDACTED]

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

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

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

First and Last Name:

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**

- 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, Norman McGuire, Director of Public Works, City of Conroe, Texas

(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:  Date: 7.23.2020

(Use blue ink)

Subscribed and Sworn to before me by the said

on this 23rd day of July, 2020.

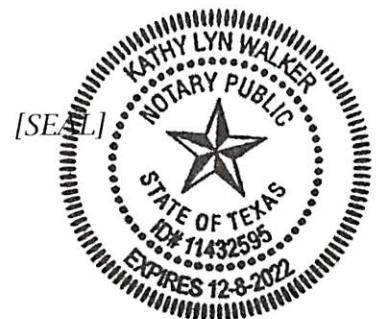
My commission expires on the 8 day of December, 2022.



Notary Public

Montgomery

County, Texas



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

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

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

Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4691 to schedule a meeting. Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N (If yes, date : _____).

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

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

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

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

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: _____

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

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

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

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**

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**

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**

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

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

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

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

Additionally, all amendments require:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Worksheets and information:

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)
- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

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

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

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

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

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

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

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

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

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

1. Location Information Regarding the Lands to be Irrigated

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

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

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

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

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

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

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

Quantity (acre- feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- i) Applicant proposes to irrigate a total of _____ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, TX.

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

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

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

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

WORKSHEET 1.1

INTERBASIN TRANSFERS, TWC § 11.085

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

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

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

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

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

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

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

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

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

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

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

WORKSHEET 1.2

NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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

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

WORKSHEET 2.0

Impoundment/Dam Information

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

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

1. Storage Information (Instructions, Page. 21)

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

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

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

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

2. Structure Location (Instructions, Page. 23)

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

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

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

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

Latitude _____°N, Longitude _____°W.

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

- di. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):_____

- dii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. **Y / N**

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

- a. This Worksheet is to add new (select 1 of 3 below):
 1. _____ Diversion Point No.
 2. _____ 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 _____ gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / N**
*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**

*** 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	
	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**

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): _____
- b. Zip Code: _____
- c. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing 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 _____°N, Longitude _____°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): _____
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

- a. This Worksheet is to add new (select 1 of 3 below):
 1. _____ Diversion Point No.
 2. _____ Upstream Limit of Diversion Reach No.
 3. _____ Downstream Limit of Diversion Reach No.
- b. Maximum Rate of Diversion for **this new point** _____ cfs (cubic feet per second) or _____ gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / N**
*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**

*** 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	
	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**

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): _____
- b. Zip Code: _____
- c. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing 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 _____°N, Longitude _____°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): _____
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

- a. This Worksheet is to add new (select 1 of 3 below):
 1. _____ Diversion Point No.
 2. _____ Upstream Limit of Diversion Reach No.
 3. _____ Downstream Limit of Diversion Reach No.
- b. Maximum Rate of Diversion for **this new point** _____ cfs (cubic feet per second) or _____ gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / N**
*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**

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

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

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

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

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

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): _____
- b. Zip Code: _____
- c. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing 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 _____°N, Longitude _____°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): _____
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 4.0

DISCHARGE INFORMATION

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

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

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

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

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

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
 4. The percentage of return flows from groundwater_____, surface water_____?
 5. If any percentage is surface water, provide the base water right number(s) _____.
- c. Is the source of the water being discharged groundwater? **Y / N** If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped:_____
 2. Any 24 hour pump test for the well if one has been conducted. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers_____.
 3. Indicate how the groundwater will be conveyed to the stream or reservoir.
 4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.
- ci. Is the source of the water being discharged a surface water supply contract? **Y / N**
If yes, provide the signed contract(s).
- cii. Identify any other source of the water_____

WORKSHEET 4.1

DISCHARGE POINT INFORMATION

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

Instructions, Page 27.

For water discharged at this location provide:

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

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

WORKSHEET 5.0

ENVIRONMENTAL INFORMATION

This worksheet is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for: requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. **Instructions, Page 28.**

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

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

a. Identify the appropriate description of the water body.

☐ Stream

☐ Reservoir

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

☐ Other, specify: _____

b. Flow characteristics

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

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

☐ Intermittent with Perennial Pools – enduring pools

☐ Perennial – normally flowing

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

☐ USGS flow records

☐ Historical observation by adjacent landowners

☐ Personal observation

☐ Other, specify: _____

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the map submitted with the application indicating the location of the photograph and the direction of the shot.
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).
3. 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.

2. Alternate Sources of Water and/or Bed and Banks Applications

For all bed and banks applications:

- a. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).

- b. 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.

If the alternate source is treated return flows, provide the TPDES permit number _____

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

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

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

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

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

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans

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

Instructions, Page 31.

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

1. Water Conservation Plans

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

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

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

1. ____Municipal Use. See 30 TAC § 288.2. **
2. ____Industrial or Mining Use. See 30 TAC § 288.3.
3. ____Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. ____Wholesale Water Suppliers. See 30 TAC § 288.5. **

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

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

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

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

2. Drought Contingency Plans

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

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

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

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

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

WORKSHEET 8.0

CALCULATION OF FEES

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

1. NEW APPROPRIATION

	Description	Amount (\$)
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) 239-4691.	
TOTAL		\$

2. AMENDMENT OR SEVER AND COMBINE

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

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		\$