

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 12-2830B

Donald Paul Gromatzky seeks to sever his 47.723-acre-foot portion of Certificate of Adjudication No. 12-2857 and combine it with and amend his 30-acre-foot portion of Certificate of Adjudication No. 12-2830, to add a diversion point on the Leon River, Brazos River Basin, and to add a place of use for agricultural purposes in Hamilton County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Donald Paul Gromatzky, 1835 County Road 101, Hamilton, Texas 76531, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Notice is being mailed to interjacent water right holders in the Brazos River Basin pursuant to Title 30 TAC § 295.158(c)(3)(D).

A portion of Certificate of Adjudication No. 12-2830 authorizes Donald Paul Gromatzky Applicant, to divert and use not to exceed 30 acre-feet of water per year from the Leon River, Brazos River Basin, at a maximum diversion rate of 0.668 cfs (300 gpm), for agricultural purposes to irrigate 30 acres of land in Hamilton and Comanche counties. The water right is not appurtenant to the land to be irrigated. The time priority of this water right is August 31, 1954.

Applicant acquired a portion of Certificate of Adjudication No. 12-2857 authorizing the diversion and use of not to exceed 47.723 acre-feet of water per year from the Leon River, Brazos River Basin, at a maximum combined diversion rate of 3.56 cfs (1,600 gpm) for agricultural purposes in Hamilton County, with no land appurtenant. The time priority of this water right is December 31, 1955.

Applicant seeks to sever the entire 47.723-acre-foot portion of water authorized by Certificate of Adjudication No. 12-2857 and combine it with his water rights authorized by Certificate of Adjudication No. 12-2830.

By Commission Order approved on **DATE**, the entire 47.723-acre-foot portion of water authorized by Certificate of Adjudication No. 12-2857, which is owned by Donald Gromatzky, was severed from said Certificate and combined with Certificate of Adjudication No. 12-2830.

Applicant also seeks to amend Certificate of Adjudication No. 12-2830 to add a place of use for the 77.723 acre-feet of water per year, previously authorized under Certificate of Adjudication Nos. 12-2857 and 12-2830, for agricultural purposes to irrigate land within a 37.37-acre tract in Hamilton County.

Ownership of the land to be irrigated, owned by Donald Paul Gromatzky and Jill Gromatzky, is evidenced by *General Warranty Deed* recorded in Volume 446, Page 441 the Official Public Records of Hamilton County on July 23, 2010. Jill Gromatzky has provided consent to the application.

Applicant further seeks to add a diversion point on the Leon River located at Latitude 31.807964° N, Longitude 98.219656° W in Hamilton County.

The application and partial fees were received on July 15, 2020. Additional information and fees were received on August 24, 25, 26, and 27, 2020, September 11, 21, and 29, 2020, and August 6, and 10, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on October 13, 2020.

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

https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps.

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 November 01, 2022. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by November 01, 2022. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by November 01, 2022.

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

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

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 2830 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 <http://www.tceq.texas.gov/> Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: October 14, 2022

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-2830B

TYPE § 11.122

Owner:	Donald Paul Gromatzky	Address:	1835 County Road 101 Hamilton, Texas 76531
Filed:	October 13, 2020	Granted:	
Purpose:	Agriculture	Counties:	Hamilton and Comanche
Watercourse:	Leon River, tributary of the Little River, tributary of the Brazos River	Watershed:	Brazos River Basin

WHEREAS, a portion of Certificate of Adjudication No. 12-2830 authorizes Donald Paul Gromatzky (Applicant/Owner) to divert and use not to exceed 30 acre-feet of water per year from the Leon River, Brazos River Basin, at a maximum diversion rate of 0.668 cfs (300 gpm), for agricultural purposes to irrigate 31 acres of land in Hamilton and Comanche counties. The water right is not appurtenant to the land to be irrigated; and

WHEREAS, the time priority of this water right is August 31, 1954; and

WHEREAS, Applicant acquired a portion of Certificate of Adjudication No. 12-2857 authorizing the diversion and use of not to exceed 47.723 acre-feet of water per year from the Leon River, Brazos River Basin, at a maximum combined diversion rate of 3.56 cfs (1,600 gpm) for agricultural purposes in Hamilton County, with no land appurtenant; and

WHEREAS, the time priority of this water right is December 31, 1955; and

WHEREAS, Applicant seeks to sever the entire 47.723-acre-foot portion of water authorized by Certificate of Adjudication No. 12-2857 and combine it with the water rights authorized by Certificate of Adjudication No. 12-2830; and

WHEREAS, by Commission Order approved on _____ the entire 47.723-acre-foot portion of water owned by Donald Paul Gromatzky, authorized by Certificate of Adjudication No. 12-2857, was severed from said Certificate and combined with Certificate of Adjudication No. 12-2830; and

WHEREAS, Applicant also seeks to amend Certificate of Adjudication No. 12-2830 to add a place of use for the 77.723 acre-feet of water per year, previously authorized under Certificate of Adjudication Nos. 12-2857 and 12-2830, for agricultural purposes to irrigate land within a 37.37-acre tract in Hamilton County; and

WHEREAS, ownership of the land to be irrigated, owned by Donald Paul Gromatzky and Jill Gromatzky, is evidenced by *General Warranty Deed* recorded in Volume 446, Page 441 the Official Public Records of Hamilton County on July 23, 2010; and

WHEREAS, Jill Gromatzky has provided consent to the application; and

WHEREAS, Applicant further seeks to add a diversion point on the Leon River located at Latitude 31.807964° N, Longitude 98.219656° W in Hamilton County; and

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

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

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

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-2830, designated Certificate of Adjudication No. 12-2830B, is issued to Donald Paul Gromatzky subject to the following terms and conditions:

1. USE

In lieu of the previous authorizations, Owner is now authorized:

- A. To divert and use not to exceed 77.723 acre-feet of water per year from the Leon River, Brazos River Basin for agricultural purposes to irrigate a 37.37-acre tract of land in Hamilton County.
- B. Ownership of land to be irrigated is evidenced by *General Warranty Deed* recorded in Volume 446, Page 441 the Official Public Records of Hamilton County, Texas on July 23, 2010 and consent to irrigate the land has been provided by Jill Gromatzky.

2. DIVERSION

In addition to previous authorizations:

- A. Owner is authorized to divert from a point on the Leon River, Brazos River Basin, located at Latitude 31.807964° N, Longitude 98.219656° W, Hamilton County, Texas.
- B. Maximum Diversion Rate:
 - (1) For the first 30 acre-feet of water, a maximum diversion rate of 0.668 cfs (300 gpm).

- (2) For the remaining 47.723 acre-feet of water, a maximum combined diversion rate of 3.56 cfs (1,600 gpm) in combination with Certificate of Adjudication No. 12-2857.

3. PRIORITY

- A. The time priority for the first 30 acre-feet of water at a diversion rate of 0.668 cfs (300 gpm) is August 31, 1954, except that it is junior in priority to the water rights authorized by Certificate of Adjudication Nos. 12-2829, 12-2831, 12-2832, 12-2833, 12-2834, 12-2836, 12-2837, 12-2838, 12-2839, and 12-2840.
- B. The time priority of the remaining 47.723 acre-feet of water and the maximum combined diversion rate of 3.56 cfs (1,600 gpm), in combination with Certificate of Adjudication No. 12-2857, is December 31, 1955.

4. CONSERVATION

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

5. SPECIAL CONDITIONS

- A. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).
- B. Owner shall not divert water at the new diversion point if the average adjusted streamflow at USGS Gage No. 08100500 - Leon River at Gatesville, TX is less than or equal to 1 cfs. The "average adjusted streamflow" at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The "adjusted streamflow" at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by Owner. Unless informed otherwise by the Brazos Watermaster, Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.
- C. Owners shall allow representatives of the Brazos Watermaster reasonable access to the property to inspect the measuring device and records.
- D. Owners shall contact the Brazos Watermaster prior to diversion of water authorized by this amendment.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate No. 12-2830 except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

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

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

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

For the Commission

DATE ISSUED:

PHONE MEMO
Gromatzky COA No. 12-2830B

From: Lillian E. Beerman	To: Donald Gromatzky
Date: October 7, 2022	Permit: COA No. 12-2830B
Phone: 254-784-0718	Re: Donald Gromatzky

Called Mr. Gromatzky to ensure that he received the email with Staff's explanation of their denial of his request to change the location of the stream gage. I also gave him an estimated timeframe for notice, approval, and issuance of his amendment.

Lillian E. Beerman, Ph.D., October 7, 2022

PHONE MEMO

To: Lillian E. Beerman, Ph.D.	From: Donald Gromatzky
Date of Call: September 16, 2022	File No.: 12-2830B
Phone Number: (254) 784-0718	Subject: Section Review of Applicant Comment on Permit

Mr. Gromatzky inquired about the status of his comment on the Draft Amendment. I informed him that it was being reviewed by our technical staff. He wanted to know if it would have to go through technical review again. I said No. But if changed he would have a chance to review the changes and then it would go to interjacent notice.

Lillian E. Beerman, Ph.D. September 16, 2022

Re: Donald_Gromatzky_12-2830B_Draft_Amendment

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

Thu 8/25/2022 4:20 PM

To: Don Gromatzky [REDACTED]

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

Mr. Gromatzky,

I have shared your email with management.

I will keep you apprised of their response.

Sincerely,

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

From: Don Gromatzky <[REDACTED]>

Sent: Thursday, August 25, 2022 3:53 PM

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

Subject: Re: Donald_Gromatzky_12-2830B_Draft_Amendment

Just checking to see if you know how my request is progressing. It seems like forever since I started the purchase of these water rights. In fact it has been almost 3 years since the start of the purchasing process. I sure would like to finish this asap.

Thanks, Don

On Wednesday, August 10, 2022 at 12:16:07 AM CDT, Don Gromatzky [REDACTED] wrote:

How long do you think it will be before we will hear from the technical staff on my comments?

----- Forwarded Message -----

From: Lillian Beerman <lillian.beerman@tceq.texas.gov>

To: Don Gromatzky [REDACTED]

Sent: Monday, July 25, 2022 at 02:57:43 PM CDT

Subject: Re: Donald_Gromatzky_12-2830B_Draft_Amendment

Mr. Gromatzky,

I received your comment. I have shared your comment with our technical staff.

Please be assured that I will inform you of their response to your question.

Thank You,

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

From: Don Gromatzky [REDACTED]

Sent: Monday, July 25, 2022 2:36 PM

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

Subject: Re: Donald_Gromatzky_12-2830B_Draft_Amendment

Thanks for all your work and patience.

The only thing that I am wondering about is the gauging station mentioned and it might be the nearest one now (Gatesville) but in previous times there was one located on the Highway 281 bridge north of Hamilton which is much closer to our property (approx. 10 miles) and Gatesville would be an additional 35 highway miles and river miles would probably be 45 to 50 miles. The water could be flowing at our place due to the irrigation district, up stream from us, and their non pumped water flowing past but never making it to Gatesville. This could prevent us from being allowed to pump even though the flow would be sufficient to allow it.

I would appreciate your help with this part.

Don

On Monday, July 25, 2022 at 12:07:24 PM CDT, Lillian Beerman <lillian.beerman@tceq.texas.gov> wrote:

Mr. Gromatzky,

TCEQ Water Rights Permitting has completed the draft amendment, notice, and order for the amendment to Certificate of Adjudication No. 12-2830. The draft documents are attached.

Please review and provide comment on the draft amendment, notice, and order and provide comments by August 8, 2022.

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

Thank You,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

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Don

PHONE MEMO

To: Donald Gromatzky	From: Lillian E. Beerman
Date of Call: August 10, 2022	File No.: 12-2830B
Phone Number: (254) 784-0718	Subject: Applicant Response to Draft Amendment/Notice

I spoke with Mr. Gromatzky regarding his comments on the draft amendment/notice/order. Mr. Gromatzky has no further comments on the amendment. However, he wished to add information to his comment on the amendment, email dated July 25, 2022.

Based on discussions several years ago with the Brazos Watermaster, Molly Mohler, it is his understanding that the downstream gauge at the intersection of Highway 281 and the Leon River has been used to make the determination of whether or not he is authorized to irrigate his land.

The gauge is located downstream of his diversion point. He believes the gauge to be more accurate and closer to the point of diversion.

Mr. Gromatzky drove to the gauge in August of 2022 and the gauge is still there.

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

Fw: Donald_Gromatzky_12-2830B_Draft_Amendment

Don Gromatzky <[REDACTED]>

Wed 8/10/2022 12:16 AM

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

How long do you think it will be before we will hear from the technical staff on my comments?

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To: Don Gromatzky <[REDACTED]>

Sent: Monday, July 25, 2022 at 02:57:43 PM CDT

Subject: Re: Donald_Gromatzky_12-2830B_Draft_Amendment

Mr. Gromatzky,

I received your comment. I have shared your comment with our technical staff.

Please be assured that I will inform you of their response to your question.

Thank You,

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

[Water Rights Permitting Team](#)

[Water Availability Division](#)

[512-239-4019](#)

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Mr. Gromatzky,

TCEQ Water Rights Permitting has completed the draft amendment, notice, and order for the amendment to Certificate of Adjudication No. 12-2830. The draft documents are attached.

Please review and provide comment on the draft amendment, notice, and order and provide comments by August 8, 2022.

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

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

Re: Donald_Gromatzky_12-2830B_Draft_Amendment

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

Mon 7/25/2022 2:57 PM

To: Don Gromatzky <[REDACTED]>

Mr. Gromatzky,

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Water Availability Division
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lillian.beerman@tceq.texas.gov

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Mon 7/25/2022 2:37 PM

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

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

Thank You,

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

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 26, 2022

Donald Paul Gromatzky
1835 CR 101
Hamilton, TX, 76531

VIA E-MAIL

RE: Donald Gromatzky
ADJ 2830
CN602429813, RN103924296
Application No. 12-2830B to Sever a Portion of Certificate of Adjudication No. 12-2857
and Combine It with and Amend Certificate of Adjudication No. 12-2830
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Leon River, Brazos River Basin
Hamilton County

Dear Mr. Gromatzky:

Drafts, subject to revision, of the order, public notice, proposed amendment to Certificate of Adjudication No. 12-2830, and the related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the attached drafts. Please review the drafts and contact me no later than August 8, 2022 with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

Please note this application requires a two-week comment period, and once the comment period has closed, Certificate of Adjudication No. 12-2830B may be issued as drafted given no hearing requests are received.

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

Sincerely,

Lillian E. Beerman, Ph.D.

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

Attachments

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-2830B

TYPE § 11.122

Owner:	Donald Paul Gromatzky	Address:	1835 County Road 101 Hamilton, Texas 76531
Filed:	October 13, 2020	Granted:	
Purpose:	Agriculture	Counties:	Hamilton and Comanche
Watercourse:	Leon River, tributary of the Little River, tributary of the Brazos River	Watershed:	Brazos River Basin

WHEREAS, a portion of Certificate of Adjudication No. 12-2830 authorizes Donald Paul Gromatzky (Applicant/Owner) to divert and use not to exceed 30 acre-feet of water per year from the Leon River, Brazos River Basin, at a maximum diversion rate of 0.668 cfs (300 gpm), for agricultural purposes to irrigate 31 acres of land in Hamilton and Comanche counties. The water right is not appurtenant to the land to be irrigated; and

WHEREAS, the time priority of this water right is August 31, 1954; and

WHEREAS, Applicant acquired a portion of Certificate of Adjudication No. 12-2857 authorizing the diversion and use of not to exceed 47.723 acre-feet of water per year from the Leon River, Brazos River Basin, at a maximum combined diversion rate of 3.56 cfs (1,600 gpm) for agricultural purposes in Hamilton County, with no land appurtenant; and

WHEREAS, the time priority of this water right is December 31, 1955; and

WHEREAS, Applicant seeks to sever the entire 47.723-acre-foot portion of water authorized by Certificate of Adjudication No. 12-2857 and combine it with the water rights authorized by Certificate of Adjudication No. 12-2830; and

WHEREAS, by Commission Order approved on _____ the entire 47.723-acre-foot portion of water owned by Donald Paul Gromatzky, authorized by Certificate of Adjudication No. 12-2857, was severed from said Certificate and combined with Certificate of Adjudication No. 12-2830; and

WHEREAS, Applicant also seeks to amend Certificate of Adjudication No. 12-2830 to add a place of use for the 77.723 acre-feet of water per year, previously authorized under Certificate of Adjudication Nos. 12-2857 and 12-2830, for agricultural purposes to irrigate land within a 37.37-acre tract in Hamilton County; and

WHEREAS, ownership of the land to be irrigated, owned by Donald Paul Gromatzky and Jill Gromatzky, is evidenced by *General Warranty Deed* recorded in Volume 446, Page 441 the Official Public Records of Hamilton County on July 23, 2010; and

WHEREAS, Jill Gromatzky has provided consent to the application; and

WHEREAS, Applicant further seeks to add a diversion point on the Leon River located at Latitude 31.807964° N, Longitude 98.219656° W in Hamilton County; and

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

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

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

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-2830, designated Certificate of Adjudication No. 12-2830B, is issued to Donald Paul Gromatzky subject to the following terms and conditions:

1. USE

In lieu of the previous authorizations, Owner is now authorized:

- A. To divert and use not to exceed 77.723 acre-feet of water per year from the Leon River, Brazos River Basin for agricultural purposes to irrigate a 37.37-acre tract of land in Hamilton County.
- B. Ownership of land to be irrigated is evidenced by *General Warranty Deed* recorded in Volume 446, Page 441 the Official Public Records of Hamilton County, Texas on July 23, 2010 and consent to irrigate the land has been provided by Jill Gromatzky.

2. DIVERSION

In addition to previous authorizations:

- A. Owner is authorized to divert from a point on the Leon River, Brazos River Basin, located at Latitude 31.807964° N, Longitude 98.219656° W, Hamilton County, Texas.
- B. Maximum Diversion Rate:
 - (1) For the first 30 acre-feet of water, a maximum diversion rate of 0.668 cfs (300 gpm).

- (2) For the remaining 47.723 acre-feet of water, a maximum combined diversion rate of 3.56 cfs (1,600 gpm) in combination with Certificate of Adjudication No. 12-2857.

3. PRIORITY

- A. The time priority for the first 30 acre-feet of water at a diversion rate of 0.668 cfs (300 gpm) is August 31, 1954, except that it is junior in priority to the water rights authorized by Certificate of Adjudication Nos. 12-2829, 12-2831, 12-2832, 12-2833, 12-2834, 12-2836, 12-2837, 12-2838, 12-2839, and 12-2840.
- B. The time priority of the remaining 47.723 acre-feet of water and the maximum combined diversion rate of 3.56 cfs (1,600 gpm), in combination with Certificate of Adjudication No. 12-2857, is December 31, 1955.

4. CONSERVATION

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

5. SPECIAL CONDITIONS

- A. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).
- B. Owner shall not divert water at the new diversion point if the average adjusted streamflow at USGS Gage No. 08100500 - Leon River at Gatesville, TX is less than or equal to 1 cfs. The "average adjusted streamflow" at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The "adjusted streamflow" at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by Owner. Unless informed otherwise by the Brazos Watermaster, Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.
- C. Owners shall allow representatives of the Brazos Watermaster reasonable access to the property to inspect the measuring device and records.
- D. Owners shall contact the Brazos Watermaster prior to diversion of water authorized by this amendment.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate No. 12-2830 except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

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

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

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

For the Commission

DATE ISSUED:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 12-2830B

Donald Paul Gromatzky seeks to sever his 47.723-acre-foot portion of Certificate of Adjudication No. 12-2857 and combine it with and amend his 30-acre-foot portion of Certificate of Adjudication No. 12-2830, to add a diversion point on the Leon River, Brazos River Basin, and to add a place of use for agricultural purposes in Hamilton County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Donald Paul Gromatzky, 1835 County Road 101, Hamilton, Texas 76531, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Notice is being mailed to interjacent water right holders in the Brazos River Basin pursuant to Title 30 TAC § 295.158(c)(3)(D).

A portion of Certificate of Adjudication No. 12-2830 authorizes Donald Paul Gromatzky Applicant, to divert and use not to exceed 30 acre-feet of water per year from the Leon River, Brazos River Basin, at a maximum diversion rate of 0.668 cfs (300 gpm), for agricultural purposes to irrigate 30 acres of land in Hamilton and Comanche counties. The water right is not appurtenant to the land to be irrigated. The time priority of this water right is August 31, 1954.

Applicant acquired a portion of Certificate of Adjudication No. 12-2857 authorizing the diversion and use of not to exceed 47.723 acre-feet of water per year from the Leon River, Brazos River Basin, at a maximum combined diversion rate of 3.56 cfs (1,600 gpm) for agricultural purposes in Hamilton County, with no land appurtenant. The time priority of this water right is December 31, 1955.

Applicant seeks to sever the entire 47.723-acre-foot portion of water authorized by Certificate of Adjudication No. 12-2857 and combine it with his water rights authorized by Certificate of Adjudication No. 12-2830.

By Commission Order approved on DATE, the entire 47.723-acre-foot portion of water authorized by Certificate of Adjudication No. 12-2857, which is owned by Donald Gromatzky, was severed from said Certificate and combined with Certificate of Adjudication No. 12-2830.

Applicant also seeks to amend Certificate of Adjudication No. 12-2830 to add a place of use for the 77.723 acre-feet of water per year, previously authorized under Certificate of Adjudication

Nos. 12-2857 and 12-2830, for agricultural purposes to irrigate land within a 37.37-acre tract in Hamilton County.

Ownership of the land to be irrigated, owned by Donald Paul Gromatzky and Jill Gromatzky, is evidenced by *General Warranty Deed* recorded in Volume 446, Page 441 the Official Public Records of Hamilton County on July 23, 2010. Jill Gromatzky has provided consent to the application.

Applicant further seeks to add a diversion point on the Leon River located at Latitude 31.807964° N, Longitude 98.219656° W in Hamilton County.

The application and partial fees were received on July 15, 2020. Additional information and fees were received on August 24, 25, 26, and 27, 2020, September 11, 21, and 29, 2020, and August 6, and 10, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on October 13, 2020.

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

https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps.

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

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by 2022. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by 2022. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by 2022.

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

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

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX

78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 2830 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 <http://www.tceq.texas.gov/>. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN ORDER severing a portion of the water rights authorized by Certificate of Adjudication No. 12-2857, owned by Donald Paul Gromatzky, from that Certificate and combining those rights with the water rights owned by Donald Paul Gromatzky authorized by Certificate of Adjudication No. 12-2830, designating such combination as Certificate of Adjudication No. 12-2830B.

An amendment application was received from Donald Paul Gromatzky to sever the 47.723-acre-foot portion of water for agricultural purposes authorized by Certificate of Adjudication No. 12-2857 in Hamilton County, and to combine those water rights with the water rights owned by Donald Paul Gromatzky, authorized by Certificate of Adjudication No. 12-2830.

The Commission has jurisdiction to consider this matter and after hearing all of the evidence pertaining to the matter, the Commission finds that the 47.723-acre-foot portion of the water rights authorized by Certificate of Adjudication No. 12-2857, owned by Donald Paul Gromatzky, should be severed from that Certificate and combined with the water rights owned by Donald Paul Gromatzky authorized by Certificate of Adjudication No. 12-2830, designating said combination as Certificate of Adjudication No. 12-2830B.

NOW THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that 47.723-acre-foot portion of water for agricultural purposes authorized by Certificate of Adjudication No. 12-2857, owned by Donald Paul Gromatzky, hereby be severed from that Certificate and combined with the water rights owned by Donald Paul Gromatzky, authorized by Certificate of Adjudication No. 12-2830, designating said combination as Certificate of Adjudication No. 12-2830B.

All other terms and conditions contained in Certificate of Adjudication No. 12-2857 which are not specifically contrary to the terms of Certificate of Adjudication No. 12-2830, as amended, shall remain in full force and effect.

If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

For the Commission

DATE ISSUED:

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Lillian Beerman, Project Manager
Water Rights Permitting Team

Date: September 20, 2021

Through:  Jason Godeaux, Team Leader
Resource Protection Team

From:  Kenneth Coonrod, Aquatic Scientist
Resource Protection Team

Subject: Donald Gromatzky
ADJ 2830
CN602429813
Leon River, Brazos River Basin
Hamilton and Comanche counties

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

APPLICATION SUMMARY

Certificate of Adjudication No. 12-2830 authorizes Donald Gromatzky (Applicant) to divert 30 acre-feet of water per year from a point on the Leon River, Brazos River Basin, at a maximum diversion rate of 0.668 cfs (300 gpm), for agricultural purposes in Hamilton and Comanche counties.

Applicant acquired a portion of Certificate of Adjudication No. 12-2857, which authorizes Applicant to divert 47.723 acre-feet of water per year from three points on the Leon River, at a maximum combined diversion rate of 3.56 cfs (1,600 gpm), for agricultural purposes in Hamilton County.

Applicant requests to sever the 47.723 acre-feet of water from Certificate of Adjudication No. 12-2857 and combine it with Certificate of Adjudication No. 12-2830, add a diversion point on the Leon River, and add a place of use in Hamilton County.

ENVIRONMENTAL ANALYSIS

Aquatic and Riparian Habitats: The proposed diversion point is located on the Leon River, a perennial stream, which traverses the Western Cross Timbers and Limestone Cut Plain Ecoregions (Griffith et al. 2007).

The checklist for the Brazos River Basin identified 42 species of ichthyofauna occurring within the Leon hydrologic unit (United States Geological Survey [USGS] code 12070201) (Hendrickson and Cohen 2015). The Guadalupe bass (*Micropterus treculii*), the Brazos heelsplitter (*Potamilus streckersoni*), the Texas fawnsfoot (*Truncilla macrodon*), and the Texas willowfly (*Taeniopteryx starki*) are high interest aquatic or aquatic dependent species known to occur in Hamilton County (TPWD 2015). This amendment is not expected to have an effect on any high-interest aquatic species, because Resource Protection staff is recommending that diversions be subject to a streamflow restriction and no additional state water is being requested by the Applicant.

On February 12, 2014, the TCEQ adopted environmental flow standards for the Brazos River and its associated bay and estuary system (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter G). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC § 298.460). The Applicant does not request a new appropriation of water or an amendment that increases the amount of water stored, taken, or diverted. Resource Protection staff recommends a streamflow restriction for the addition of a diversion point. Resource Protection staff utilized the subsistence environmental flow standards (Title 30 TAC § 298.480) established at USGS Gage No. 08100500 – Leon River at Gatesville, TX for the streamflow restriction as shown in Table 1.

Table 1. Environmental Flow Values at USGS Gage No. 08100500 – Leon River at Gatesville, TX.

Season	Subsistence
Winter	1 cfs
Spring	1 cfs
Summer	1 cfs

cfs = cubic feet per second

The applicable subsistence flow values depend on the seasons. Seasons are defined in Title 30 TAC § 298.455 as follows: Winter (November through February), Spring (March through June), and Summer (July through October). Resource Protection staff recommends that diversion of water under this proposed amendment should be limited to comply with the applicable subsistence flow values.

Recreational Uses: The Leon River Below Proctor Lake (Segment 1221) has a designated primary contact recreation 1 use (TCEQ 2018). The Applicant's request should not adversely impact recreational uses.

Water Quality: The Leon River Below Proctor Lake (Segment 1221) has a designated high aquatic life use and public water supply use (TCEQ 2018). Assessment Unit 1221_05, from the confluence with Pecan Creek, upstream to the confluence with South Leon Creek, is identified in the *Texas Integrated Report* with a concern for depressed dissolved oxygen in water and chlorophyll-*a* in water (TCEQ 2020). The Applicant's request should not adversely impact water quality.

Freshwater Inflows: Freshwater inflows are critical for maintaining the historical productivity of bays and estuaries along the Gulf Coast. The proposed project is located more than 200 river miles from the Gulf of Mexico. The application does not request a new appropriation of water; therefore, the Applicant's request should not have any impact to the Brazos River's estuary system.

RECOMMENDATIONS

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

1. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).
2. Owner shall not divert water at the new diversion point if the average adjusted streamflow at USGS Gage No. 08100500 – Leon River at Gatesville, TX is less than or equal to 1 cfs. The "average adjusted streamflow" at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The "adjusted streamflow" at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by Owner. Unless informed otherwise by the Brazos Watermaster, Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.

LITERATURE CITED

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

Hendrickson DA, Cohen AE. 2015. Fishes of Texas Project Database [Internet]. [cited 2021 Aug 19]; Version 2.0. Available from <http://www.fishesoftexas.org/home/doi:10.17603/C3WC70>

TCEQ. 2020. Texas Integrated Report of Surface Water Quality §§307.1-307.10. Austin (TX): Texas Commission on Environmental Quality.


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

TPWD. 2015. Rare, Threatened, and Endangered Species of Texas by County [Internet]. Austin (TX): Hamilton County, revised June 22, 2021. [cited 2021 Aug 19]. Available from <http://tpwd.texas.gov/gis/rtest/>.

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Lillian Beerman, Project Manager Date: May 18, 2022
Water Rights Permitting Team

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

From: Alisa Patterson, P.E., Senior Hydrologist
Water Rights Permitting & Availability Section

Subject: Donald Gromatzky
ADJ 2830
CN602429813
Leon River, Brazos River Basin
Hamilton and Comanche counties

Water Availability Review

Application Summary

Certificate of Adjudication No. 12-2830 authorizes Donald Gromatzky (Applicant) to divert 30 acre-feet of water per year from a point on the Leon River, Brazos River Basin, at a maximum diversion rate of 0.668 cfs (300 gpm), for agricultural purposes in Hamilton and Comanche counties.

Applicant acquired a portion of Certificate of Adjudication No. 12-2857, which authorizes Applicant to divert 47.723 acre-feet of water per year from three points on the Leon River, at a maximum combined diversion rate of 3.56 cfs (1,600 gpm), for agricultural purposes in Hamilton County.

Applicant requests to sever the 47.723 acre-feet of water from Certificate of Adjudication No. 12-2857 and combine it with Certificate of Adjudication No. 12-2830, add a diversion point on the Leon River, and add a place of use in Hamilton County. The application was declared administratively complete on October 13, 2020.

Water Availability Review

Resource Protection Staff recommended that the application be subject to instream flow requirements. Specific instream flow requirements are included in the Resource Protection Staff's memorandum dated September 20, 2021.

The application does not request a new appropriation of water; therefore a water availability analysis is not necessary. The request to add a place of use cannot affect other rights because the amount of water to be diverted will not change. Adding an additional diversion point does not require an analysis however, the application must be reviewed to ensure that the request to add the diversion point does not affect other water rights.

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

Staff used the Full Authorization simulation of the Brazos River WAM to evaluate impacts on other water rights as a result of diverting the authorized water from the proposed diversion points. The period of record for the Brazos River WAM is 1940 to 2018. Staff modeled the application with diversion of the 47.723 acre-feet of water at the new diversion point. Staff compared the pre- and post-application volume reliabilities of all water rights in the Brazos River Basin and found no negative impacts to other water rights.

In addition, the application is subject to the requirements and orders of the Brazos Watermaster. The Watermaster actively manages water rights on a daily basis and protects senior water rights in times of shortage. Therefore, existing water rights should not be affected by the application.

Conclusion

Staff can support granting the application.

Alisa Patterson

Alisa Patterson, P.E., Senior Hydrologist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Lillian Beerman, Project Manager **Date:** September 20, 2021
Water Rights Permitting Team

Through: Jason Godeaux, Team Leader
 Resource Protection Team

 Jennifer Allis, Senior Water Conservation Specialist
Resource Protection Team

From:  Trent Jennings, Water Conservation Specialist
Resource Protection Team

Subject: Donald Gromatzky
ADJ 2830
CN602429813
Leon River, Brazos River Basin
Hamilton and Comanche counties

APPLICATION SUMMARY

Certificate of Adjudication No. 12-2830 authorizes Donald Gromatzky (Applicant) to divert 30 acre-feet of water per year from a point on the Leon River, Brazos River Basin, at a maximum diversion rate of 0.668 cfs (300 gpm), for agricultural purposes to irrigate 31 acres of land in Hamilton and Comanche counties.

Applicant acquired a portion of Certificate of Adjudication No. 12-2857, which authorizes Applicant to divert 47.723 acre-feet of water per year from three points on the Leon River, at a maximum combined diversion rate of 3.56 cfs (1,600 gpm), for agricultural purposes in Hamilton County.

Applicant requests to sever the 47.723 acre-feet of water from Certificate of Adjudication No. 12-2857 and combine it with Certificate of Adjudication No. 12-2830, add a diversion point on the Leon River, and add a place of use to irrigate 37.47 acres of land in Hamilton County.

WATER CONSERVATION REVIEW

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

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

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

RECOMMENDATIONS

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

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

PHONE MEMO
Gromatzky COA No. 12-2830B

From: Lillian E. Beerman	To: Donald Gromatzky
Date: June 29, 2022	Permit: COA No. 12-2830B
Phone: 254-784-0718	Re: Donald Gromatzky

Called Mr. Gromatzky to update him on the progress of his application. Technical Review should be completed shortly.

Lillian E. Beerman, Ph.D., June 29, 2022

water rights

Don Gromatzky [REDACTED]

Mon 6/27/2022 2:34 PM

To:

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

Well we have come to the end of June 2022 and still no word on the completion of the water right that I purchased from Ralph Lee about 2 years ago. The ownership was transfer was completed but the diversion point has never been completed. Without that the water right has no value to me. When we spoke by conference call last December, I was assured that by the end of June it would be completed but as of today I have not heard a word from anyone at TCEQ. With conditions as they are I need this to be completed ASAP. Please let me know a time line for expected completion.

Sincerely, Don Gromatzky

Gromatzky_ADJ_2830_Update

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

Tue 4/12/2022 12:30 PM

To: DonGromatzky [REDACTED]

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

Mr. Gromatzky,

I received your email and forwarded your concerns to management. Your amendment is still in technical review. Your application is a priority. I will get back when I receive an update.

Please do not hesitate to contact me if you have any questions or concerns.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Don Gromatzky <[REDACTED]>
Sent: Friday, April 8, 2022 2:35 PM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: water rights

Mrs. Beerman,
Just checking in to see what progress has been made on my water right issue and how much longer do you anticipate before it is complete?

Thanks Don

PHONE MEMO

To: Donald Gromatzky	From: Lillian E. Beerman
Date of Call: December 21, 2021	File No.: 12-2830B
Phone Number: (254) 784-0718	Subject: Followup to TEAMS Mtg

Called Mr. Gromatzky to let him know that he could lease his portion of COA No. 12-2830 to Mr. Andrews as a private transaction, as long as it was consistent with the terms of COA No. 12-2830 – same diversion point location, rate, use.

Sent him an email with the certificate. Called to make sure he received it. Informed me that he was in discussions with Mr. Andrews.

Lillian E. Beerman, Ph.D. December 22, 2021

PHONE MEMO

To: Lillian E. Beerman	From: Donald Gromatzky
Date of Call: December 21, 2021	File No.: 12-2830B
Phone Number: (254) 784-0718	Subject: Followup to TEAMS Mtg

Shortly after meeting with Mr. Gromatzky and Mr. Andrews, Mr. Gromatzky called to see if there was a way, such as a lease, for him let Mr. Andrews use the water at the beginning of the year.

Lillian E. Beerman, Ph.D. December 22, 2021

PHONE MEMO

To: Donald Gromatzky	From: Lillian E. Beerman
Date of Call: December 20, 2021	File No.: 12-2830B
Phone Number: (254) 784-0718	Subject: Meeting with Applicant

Called Mr. Gromatzky to inform him that I will be getting a phone call to with a "call in number" for the meeting tomorrow December 21, 2021.

Explained to Mr. Gromatzky how the diversion rate and the priority rate for water rights in ADJ 2857 and ADJ 2830 will be described in the permit. The existing diversion rates and the priority dates will not be changed by the amendment for co-owners of the certificates.

Lillian E. Beerman, Ph.D. December 20, 2021

Gromatzky_12-2830A_Sever and Combine_Meeting with Applicant

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

Mon 12/20/2021 3:00 PM

To: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Brooke McGregor <brooke.mcgregor@tceq.texas.gov>; Kathy Alexander <kathy.alexander@tceq.texas.gov>; Don Gromatzky <[REDACTED]> Trent Gay <Trent.Gay@tceq.texas.gov>; randrews@texonlp.com <[REDACTED]> Humberto Galvan <Humberto.Galvan@tceq.texas.gov>

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

Greetings,

The Teams Meeting with Mr. Donald Gromatzky to discuss Application No. 12-2830A will be tomorrow, December 21, 2021 at 10 am as planned.

However, Mr. Gromatzky may not be able to access Teams. The Help Desk is setting up a phone number enabling him to access the meeting by phone. Thus, once I receive the access phone number, I will be cancelling the existing invitation and sending a new invitation for the same time: December 21, 2021 at 10am.

Please accept the new invitation when you receive the email.

Thank you,

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

Gromatzky_12-2830A_Seaver and Combine_Meeting with Applicant

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

Thu 12/16/2021 4:56 PM

To: : Valerie Polichino <[REDACTED]>

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>; Don Gromatzky <dongromatzky@yahoo.com>

 1 attachments (1,004 KB)

Gromatzky_12-2830A_Contract_08.06.2021.pdf;

Ms. Valerie Polichino,

Mr. Andrews can access information on Mr. Gromatzky's application through the link below. The second link below will access information, available through TCEQ's Office of the Chief Clerk, specifically for Mr. Gromatzky's Application no. 12-2830A.

https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps

View Pending Water Right Applications

Material associated with pending water right applications.

https://www.tceq.texas.gov/assets/public/permitting/watersupply/water_rights/files-admin-complete/gromatzky-12-2830b-adcpackage.pdf

The second link in the invitation was a copy of the contract between Mr. Gromatzky and Mr. Andrews which I have attached.

As of October 13, 2020, the application has been in technical review. Applications in technical review are addressed by river basin and in the order they are received. Once technical review is complete, I draft the amendment, the amendment is reviewed internally, the amendment is reviewed by the applicant, the draft amendment is sent for public notice to interjacent water right holders in the Brazos River Basin, and barring protest, sent to the Executive Director of the TCEQ for signature.

It is a thorough process, intended to protect water right holders and the waters of the State. Let me assure you that this application is a priority.

If you have any questions, please do not hesitate to contact me. Please send me an email indicating that you can access the file for Mr. Gromatzky's application. I look forward to meeting Mr. Andrews in Teams Meeting next week.

Thank you,

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

From: Valerie Polichino <[REDACTED]>
Sent: Thursday, December 16, 2021 10:20 AM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: Ronnie Andrews [REDACTED]

Subject: RE: Gromatzky_12-2830A_Sever and Combine_Meeting with Applicant

Good morning Lillian,

Per our phone conversation yesterday, Ronnie would not be able to access these documents.

Would you be able to email the documents to us for Ronnie to review prior to the meeting on Tuesday?

Thank you,
Valerie

Valerie Polichino

Executive Assistant to Ronnie Andrews

11757 Katy Freeway, Suite 1400

Houston, TX 77079

Work: 281-368-2732

Mobile: 832-418-1154

Email: [v\[REDACTED\]@texonlp.com](mailto:v[REDACTED]@texonlp.com)



On Dec 16, 2021, at 6:12 AM, Ronnie Andrews <randrews@texonlp.com> wrote:

Would you pls print all of these attachments and this email in prep for the upcoming call next week?

Thanks,
R

Begin forwarded message:

From: Don Gromatzky <[REDACTED]>

Date: December 15, 2021 at 9:10:07 PM CST

To: Kathy Alexander <kathy.alexander@tceq.texas.gov>, Chris Kozlowski <chris.kozlowski@tceq.texas.gov>, Trent Gay <trent.gay@tceq.texas.gov>, Humberto Galvan <humberto.galvan@tceq.texas.gov>, Brooke McGregor <brooke.mcgregor@tceq.texas.gov>, Lillian Beerman <Lillian.Beerman@tceq.texas.gov>

Cc: Ronnie Andrews <randrews@texonlp.com>

Subject: Re: Gromatzky_12-2830A_Sever and Combine_Meeting with Applicant

Ms. Beerman, I noticed an error in the application that I thought had been corrected after the conference call we had about 4 months ago. The part that needs correcting is the diversion rate. It should read 700

gpm with the 47.7 acre feet that I have purchased and not 1,600 gpm. The difference of 900 gpm is to remain with the water right that Mr. Ralph Lee is retaining ownership in. Hopefully this is just an input error and can be easily corrected.

Thanks, Don

On Wednesday, December 15, 2021, 02:33:58 PM CST, Lillian Beerman

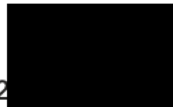
<lillian.beerman@tceq.texas.gov> wrote:

Greetings,

A meeting has been scheduled for Tuesday, December 21, 2021 with Mr. Donald Gromatzky to discuss his Application No. 12-2830A. Mr. Gromatzky is selling his property and his water rights. Mr. Gromatzky's contract with Ronnie Andrews stipulates that the amendment to COA No. 12-2830 be completed by the close of the calendar year. The application is currently in Technical Review. Mr. Ronnie Andrews has also been invited to the meeting.

If you have any questions or concerns, please contact me. Thank you, Lillian

Donald Gromatzky



Ronnie Andrews: 2

Link to Folder

https://tceq.sharepoint.com/:f:/r/sites/ow/availability/wrpa/wrp/projman/Beerman/Active%20Applications/GROMATZKY_12-2830B?csf=1&web=1

Link to Contract

https://tceq.sharepoint.com/:b:/r/sites/ow/availability/wrpa/wrp/projman/Beerman/Active%20Applications/GROMATZKY_12-2830B/Correspondence/Post%20ADC%20Correspondence/Gromatzky_12-2830A_Contract_08.06.2021.pdf?csf=1&web=1

Application Summary

A PORTION OF CERTIFICATE OF ADJUDICATION (COA) NO. 12-2830 AUTHORIZES DONALD PAUL GROMATZKY (OWNER/APPLICANT) TO DIVERT AND USE NOT TO EXCEED 30 ACRE-FEET OF WATER PER YEAR FROM THE LEON RIVER, TRIBUTARY OF LITTLE RIVER, BRAZOS RIVER BASIN, AT A MAXIMUM DIVERSION RATE OF 0.668 CFS (300 GPM), FOR AGRICULTURAL PURPOSES TO IRRIGATE 31 ACRES OF LAND IN HAMILTON AND COMANCHE COUNTIES. THE TIME PRIORITY OF THIS RIGHT IS AUGUST 31, 1954. THE WATER RIGHT IS NOT APPURTENANT TO THE LAND TO BE IRRIGATED.

APPLICANT ACQUIRED A PORTION OF COA NO. 12-2857 WHICH AUTHORIZES THE APPLICANT TO DIVERT 47.723 ACRE-FEET OF WATER PER YEAR FROM THE LEON RIVER, TRIBUTARY OF THE LITTLE RIVER, BRAZOS RIVER BASIN, AT A MAXIMUM COMBINED DIVERSION RATE OF 3.56 CFS (1,600 GPM), FOR AGRICULTURAL PURPOSES IN HAMILTON COUNTY. APPLICANT ACQUIRED THE WATER RIGHT AND NO LAND. THE TIME PRIORITY OF THIS WATER RIGHT IS DECEMBER 31, 1955.

APPLICANT SEEKS TO SEVER ITS 47.723 ACRE-FEET OF WATER FROM COA NO.

12-2857 AND COMBINE IT WITH ITS WATER RIGHTS UNDER COA NO. 12-2830.

APPLICANT FURTHER SEEKS TO AMEND COA NO. 12-2830 TO ADD A PLACE OF USE WITHIN AN ADDITIONAL 6-ACRE TRACT IN THE MALINDA HOWARD SURVEY, AND TO ADD A DIVERSION POINT ON THE LEON RIVER FOR AGRICULTURAL PURPOSES IN HAMILTON COUNTY.

LEGAL: FOR ADDING DIVERSION POINT NOTICE TO INTERJACENT WATER RIGHTS HOLDERS PURSUANT TO 30 TAC § 295.158(C)(3)(D). NO NOTICE FOR ADDING AN ADJACENT PLACE OF USE PER HB 1964.

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

[Learn More](#) | [Meeting options](#)

<image002.png>

<image001.png>

<image001.png>

<image002.png>

<Untitled.ics>

Re: Donald_Gromatzky_12-2830A

Don Gromatzky <[REDACTED]>

Wed 12/15/2021 2:02 PM

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

I have just sent a text to Ronnie Andrews with your info. He should be in touch with you to get the necessary info to call or log into the conference call.

His number is 281-620-7876.

He just responded to my text saying he would join in the call.

Thanks again for all your help.

Don

On Wednesday, December 15, 2021, 09:52:49 AM CST, Lillian Beerman <lillian.beerman@tceq.texas.gov> wrote:

Mr. Gromatzky,

I will wait for your call at 1:30 today and we can set up conference call. I have lunch from 12:30 to 1:30.

Conference calls usually have to be set up a week in advance.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Don Gromatzky <[REDACTED]>

Sent: Tuesday, December 14, 2021 6:45 PM

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

Subject: Re: Donald_Gromatzky_12-2830A

Thank you. I will call you tomorrow afternoon around 1:00 to 1:30 if that is ok.

On Monday, December 13, 2021, 12:31:25 PM CST, Lillian Beerman <lillian.beerman@tceq.texas.gov> wrote:

Mr. Gromatzky,

My supervisor would like to set up a conference call or video conference with you and possibly Ronnie Andrews, if you deem appropriate.

I am available for a call Wednesday - Friday in the afternoon.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Lillian Beerman

Sent: Thursday, December 9, 2021 2:58 PM

To: Don Gromatzky <[REDACTED]>

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

Subject: Donald_Gromatzky_12-2830A

Mr. Gromatzky,

I know that you are anxious about the status of your application to amend COA No. 12-2830A. If you, or the individual who is purchasing your property, would like to have a conference call with the water rights permitting team, please let me know.

I will be out of the office tomorrow, Friday December 10, 2021.

Thank you and please keep me apprised.

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

Re: Donald_Gromatzky_12-2830A

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

Mon 12/13/2021 12:31 PM

To: Don Gromatzky <[REDACTED]>

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

Mr. Gromatzky,

My supervisor would like to set up a conference call or video conference with you and possibly Ronnie Andrews, if you deem appropriate.

I am available for a call Wednesday - Friday in the afternoon.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Lillian Beerman

Sent: Thursday, December 9, 2021 2:58 PM

To: Don Gromatzky <[REDACTED]>

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

Subject: Donald_Gromatzky_12-2830A

Mr. Gromatzky,

I know that you are anxious about the status of your application to amend COA No. 12-2830A. If you, or the individual who is purchasing your property, would like to have a conference call with the water rights permitting team, please let me know.

I will be out of the office tomorrow, Friday December 10, 2021.

Thank you and please keep me apprised.

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

Donald_Gromatzky_12-2830A

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

Thu 12/9/2021 2:58 PM

To: Don Gromatzky - [REDACTED]

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

Mr. Gromatzky,

I know that you are anxious about the status of your application to amend COA No. 12-2830A. If you, or the individual who is purchasing your property, would like to have a conference call with the water rights permitting team, please let me know.

I will be out of the office tomorrow, Friday December 10, 2021.

Thank you and please keep me apprised.

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

PHONE MEMO
Gromatzky COA No. 12-2830B

From: Lillian E. Beerman	To: Donald Gromatzky
Date: December 7, 2021	Permit: COA No. 12-2830B
Phone: 254-784-0718	Re: Donald Gromatzky

Mr. Gromatzky is going to contact the individual that he has the contract with to get an extension on his agreement.

He will call me or the individual will call me.

Re: Donald Gromatzky Application No. 12-2830B

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

Tue 12/7/2021 10:31 AM

To: Don Gromatzky <[REDACTED]>

Mr. Gromatzky,

I spoke with Chris Kozlowski and he recommended a six-month extension would be reasonable.

Glad that we had a chance to talk.

Thank You,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Don Gromatzky <[REDACTED]>

Sent: Monday, November 22, 2021 10:03 AM

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

Subject: Re: Donald Gromatzky Application No. 12-2830B

We are down to about 40 days. Will it be completed by the end of December so I don't suffer a loss of several thousand dollars. Almost 2 years have passed since this was first started. I also realize that covid 19 played a major role in this for the first several months.

Please check on the status and let me know.

Thanks, Don

On Friday, October 22, 2021, 10:13:29 AM CDT, Lillian Beerman <lillian.beerman@tceq.texas.gov> wrote:

Mr. Gromatzky,

I have shared your email with management. I will keep you posted.

I appreciate your reminder.

Thank You,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Don Gromatzky <[REDACTED]>

Sent: Thursday, October 21, 2021 10:35 PM

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

Subject: Re: Canceled: Donald Gromatzky Application No. 12-2830B

Time is marching on as we are down to about 60 days. Would you please check with what ever department my application is in to see the status of it and if it will be completed before year end. I appreciate all the help you have given me in this matter.

Thanks Don

Donald Gromatzky Application No. 12-2830B

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

Fri 10/22/2021 10:13 AM

To: DonGromatzky@ [REDACTED]

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

Mr. Gromatzky,

I have shared your email with management. I will keep you posted.

I appreciate your reminder.

Thank You,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Don Gromatzky [REDACTED]**Sent:** Thursday, October 21, 2021 10:35 PM**To:** Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>**Subject:** Re: Canceled: Donald Gromatzky Application No. 12-2830B

Time is marching on as we are down to about 60 days. Would you please check with what ever department my application is in to see the status of it and if it will be completed before year end.

I appreciate all the help you have given me in this matter.

Thanks Don

On Monday, September 27, 2021, 11:50:51 AM CDT, Don Gromatzky <[REDACTED]> wrote:

Thought it was time to check in as I have 90 days left to get this water right issue completed. Can you tell me if we are going to get it completed by the dead line of Dec. 30 so I don't suffer the financial loss.

Thanks Don

On Friday, August 6, 2021, 10:36:49 AM CDT, Lillian Beerman <lillian.beerman@tceq.texas.gov> wrote:

Contract

https://tceq.sharepoint.com/:b:/r/sites/ow/availability/wrpa/wrp/projman/Beerman/Active%20Applications/Gromatzky_12-2830B/Correspondence/Post%20ADC%20Correspondence/Gromatzky_12-2830A_Contract_08.06.2021.pdf?csf=1&web=1

Application

https://tceq.sharepoint.com/:b:/r/sites/ow/availability/wrpa/wrp/projman/Beerman/Active%20Applications/Gromatzky_12-2830B/Application/22_Donald%20Paul%20Gromatzky_12-2830B_Application_07.15.2020.pdf?csf=1&web=1

FOLDER

https://tceq.sharepoint.com/:f:/r/sites/ow/availability/wrpa/wrp/projman/Beerman/Active%20Applications/Gromatzky_12-2830B?csf=1&web=1

Greetings,

A meeting has been scheduled for Tuesday, August 10, 2021 with Mr. Donald Gromatzky to discuss Application No. 12-2830B to Sever a portion of Certificate of Adjudication No. 12-2857 and Combine it with and Amend Certificate of Adjudication No. 12-2830. Mr. Gromatzky is selling his water rights. He will forward his contract prior to meeting for our review.

The meeting will be either a conference call or a TEAMS meeting.

Thank You, Lillian

Application No. 12-2830B

A PORTION OF CERTIFICATE OF ADJUDICATION (COA) NO. 12-2830 AUTHORIZES DONALD PAUL GROMATZKY (OWNER/APPLICANT) TO DIVERT AND USE NOT TO EXCEED 30 ACRE- FEET OF WATER PER YEAR FROM THE LEON RIVER, TRIBUTARY OF LITTLE RIVER, BRAZOS RIVER BASIN, AT A MAXIMUM DIVERSION RATE OF 0.668 CFS (300 GPM), FOR AGRICULTURAL PURPOSES TO IRRIGATE 31 ACRES OF LAND IN HAMILTON AND COMANCHE COUNTIES. THE TIME PRIORITY OF THIS RIGHT IS AUGUST 31, 1954. THE WATER RIGHT IS NOT APPURTENANT TO THE LAND TO BE IRRIGATED.

APPLICANT ACQUIRED A PORTION OF COA NO. 12-2857 WHICH AUTHORIZES THE APPLICANT TO DIVERT 47.723 ACRE- FEET OF WATER PER YEAR FROM THE LEON RIVER, TRIBUTARY OF THE LITTLE RIVER, BRAZOS RIVER BASIN, AT A MAXIMUM COMBINED DIVERSION RATE OF 3.56 CFS (1,600 GPM), FOR AGRICULTURAL PURPOSES IN HAMILTON COUNTY. APPLICANT ACQUIRED THE WATER RIGHT AND NO LAND. THE TIME PRIORITY OF THIS WATER RIGHT IS DECEMBER 31, 1955.

APPLICANT SEEKS TO SEVER ITS 47.723 ACRE- FEET OF WATER FROM COA NO. 12-2857 AND COMBINE IT WITH ITS WATER RIGHTS UNDER COA NO. 12-2830.

APPLICANT FURTHER SEEKS TO AMEND COA NO. 12-2830 TO ADD A PLACE OF USE WITHIN AN ADDITIONAL 6-ACRE TRACT IN THE MALINDA HOWARD SURVEY, AND TO ADD A DIVERSION POINT ON THE LEON RIVER FOR AGRICULTURAL PURPOSES IN HAMILTON COUNTY.

LEGAL: FOR ADDING DIVERSION POINT NOTICE TO INTERJACENT WATER RIGHTS HOLDERS PURSUANT TO 30 TAC § 295.158(C)(3)(D). NO NOTICE FOR ADDING AN ADJACENT PLACE OF USE PER HB 1964.

Re: Gromatzky_12-2830B_Appurenant Acreage

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

Tue 8/17/2021 10:35 AM

To: Don Gromatzky [REDACTED]

Mr. Gromatzky,
You are welcome.

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

From: Don Gromatzky <[REDACTED]>
Sent: Monday, August 16, 2021 11:59 AM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: Re: Gromatzky_12-2830B_Appurenant Acreage

I really appreciate all of you helping me get this completed.

Thanks again, Don

On Thursday, August 12, 2021, 09:29:14 AM CDT, Lillian Beerman <lillian.beerman@tceq.texas.gov> wrote:

Mr. Gromatzky,
I am pleased that we were able make the connection for the conference call on Tuesday. I received your note. I circulated to our technical staff and added it to your application file. I will keep you apprised of the progress of your application.
Thank Yo

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

From: Don Gromatzky [REDACTED]
Sent: Tuesday, August 10, 2021 2:41 PM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: Re: water rights

As per our conversation a few minutes ago, please make necessary changes to my application to reflect that my 37.37 acres of land as shown in the contract for sale, to show all my water rights consisting of a total 77.723 acre feet to be appurtenant to it.

Sincerely
Don Gromatzky

On Friday, August 6, 2021, 01:55:14 PM CDT, Lillian Beerman <lillian.beerman@tceq.texas.gov> wrote:

Mr. Gromatzky,
If you can pull up (I assume through your email) on your cell phone, you can try to click on the meeting. We can try anytime.
If that doesn't work, then you can call the number below underlined and in blue.

this message should be at the bottom of the meeting invitation.
Sorry it took so long. My machine is slow today.

Attached is a copy your application.

Let me know if you have any questions.

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

+1 512-826-8070,,803221129# United States, Austin

Phone Conference ID: 803 221 129#

[Find a local number](#) | [Reset PIN](#)

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

From: Don Gromatzky [REDACTED]
Sent: Friday, August 6, 2021 10:26 AM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: water rights

LeAnn Jackson has emailed you a copy of the contract, also I noticed an error in the statement of application of water right being purchased. It states a diversion of 1600 gpm which is incorrect. it should read 700 gpm.

Thanks Don

Gromatzky_12-2830B_Appurenant Acreage

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

Thu 8/12/2021 9:29 AM

To: Don Gromatzky <dongromatzky@yahoo.com>

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

Mr. Gromatzky,

I am pleased that we were able make the connection for the conference call on Tuesday. I received your note. I circulated to our technical staff and added it to your application file. I will keep you apprised of the progress of your application.

Thank Yo

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Don Gromatzky [REDACTED]

Sent: Tuesday, August 10, 2021 2:41 PM

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

Subject: Re: water rights

As per our conversation a few minutes ago, please make necessary changes to my application to reflect that my 37.37 acres of land as shown in the contract for sale, to show all my water rights consisting of a total 77.723 acre feet to be appurtenant to it.

Sincerely

Don Gromatzky

On Friday, August 6, 2021, 01:55:14 PM CDT, Lillian Beerman <lillian.beerman@tceq.texas.gov> wrote:

Mr. Gromatzky,

If you can pull up (I assume through your email) on your cell phone, you can try to click on the meeting. We can try anytime.

If that doesn't work, then you can call the number below underlined and in blue.

this message should be at the bottom of the meeting invitation.

Sorry it took so long. My machine is slow today.

Attached is a copy your application.

Let me know if you have any questions.

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

+1 512-826-8070,,803221129# United States, Austin

Phone Conference ID: 803 221 129#

[Find a local number](#) | [Reset PIN](#)

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

From: Don Gromatzky <[REDACTED]>
Sent: Friday, August 6, 2021 10:26 AM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: water rights

LeAnn Jackson has emailed you a copy of the contract, also I noticed an error in the statement of application of water right being purchased. It states a diversion of 1600 gpm which is incorrect. it should read 700 gpm.

Thanks Don

PHONE MEMO
CONFERENCE ALL ON TEAMS

To: Donald Gromatzky	From: Donald Gromatzky
Date of Call: August 10, 2021	File No.: 12-2830B
Phone Number: (254) 784-0718	Subject: Conference Call, Appurtenant Land, Application Review schedule

Conference all with Chris Kozlowski, Humberto Galvan, Donald Gromatzky, and myself to discuss Mr. Gromatzky's concerns that his amendment be completed by the end of the calendar year due to the requires of a contract for sale of his water right.

Mr. Gromatzky provided a history of his permits during the call.

Mr. Gromatzky said he would proceed with the sever and combine of ADJ 2857 and ADJ 2830. He will send a follow-up email stating that he wanted the entire 77.723 acre-feet of water to be appurtenant to the 37.37 acres of land. In addition, he wants the diversion rate to be the combination of the 700 gpm (his portion of ADJ 2857) and the 300 gpm (his authorization in ADJ 2830) to be combined for 1000 gpm which is the rate of his pump.

Gromatzky Contract - GF2021049

Leanne Jackson [REDACTED] >

Fri 8/6/2021 9:17 AM

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

1 attachments (1 MB)

Contract GF2021049.pdf;

Please find attached a copy of the contract between Don Gromatzky and Ronnie Andrews.

As per your request.

Thank you,

Leanne Jackson

WARNING! WIRE FRAUD ADVISORY!

Wire fraud and e-mail hacking/phishing attacks are on the increase! If you have an escrow or closing transaction with us and you receive an e-mail containing Wire Transfer Instructions, **DO NOT RESPOND TO THE EMAIL!** Instead, call your escrow officer/closer immediately, using previously known contact information and **NOT** information provided in the email, to verify the information prior to sending funds.

Real Estate Sales Contract

This contract to buy and sell real property is between Seller and Buyer as identified below. Seller agrees to sell and convey the Property to Buyer, and Buyer agrees to buy and pay Seller for the Property.

Seller: Donald Paul Gromatzky and wife, Jill Gromatzky

Buyer: Ronnie Andrews and Teri Andrews

Property (including any improvements): Approximately 37.37 acres out of the M. Howard Survey in Hamilton County, Texas. Said property being the same property conveyed by Donald Paul Gromatzky to Donald Paul Gromatzky and wife, Jill Gromatzky in a General Warranty Deed dated July 15, 2010 and recorded in Volume 446, Page 441 of the Real Property Records of Hamilton County, Texas.

Consideration: \$285,000.00 to be paid in good funds acceptable to the title company at closing.

Earnest Money: \$10,000.00 to be paid to the title company in good funds acceptable to the title company within 7 days of executing this contract.

Closing Date - Closing shall be on or before May 15, 2021. All parties acknowledge that time is of the essence in this transaction; however one reasonable request for an extension shall be agreed, if necessary, for Seller to participate in a 1031 exchange at no cost to Buyer, if Seller decides to pursue a 1031 exchange.

Property Conditions - Buyer accepts the Property in its current AS IS condition. Buyer has inspected the Property and is satisfied that it is the Property Buyer wishes to purchase.

Title - Seller shall furnish to Buyer at Buyer's expense an owner's policy of title insurance issued by Yates Title.

Closing - This transaction will close at Yates Title on the Closing Date. At closing, the following will occur:

- a. *Closing Documents.* The parties will execute and deliver the Closing Documents.
- b. *Possession.* Seller will deliver possession of the Property in its present condition, ordinary wear and tear excepted, to Buyer upon closing and funding if the transaction closes and funds on or before May 15, 2021. If the closing is delayed for any reason, Buyer may take possession of the property anytime after the effective date of this contract upon payment of a \$1.00 lease fee to Seller.

Personal Property - All wheel moves and lay-down aluminum pipe shall convey to Buyer at closing and remain on the property. All other personal property will be removed by Seller prior to closing.

Water Wells - The three existing Water Wells shall be maintained in their current conditions by Seller until closing and will convey to Buyer in working order at closing.

Water Rights - Seller's water rights associated with this property shall also convey to Buyer at closing or as soon thereafter as is reasonably possible.

1. Within 7 days of signing this contract, Seller shall provide Yates Title with proof of ownership of the water rights from the Texas Department of Environmental Quality so that transfer paperwork can be properly prepared for closing.
2. All rights which can be conveyed at closing shall be conveyed upon closing and funding. Said rights are estimated to be 30 ac ft.
3. All rights which cannot yet be conveyed at closing shall convey by December 31, 2021. Buyer shall be entitled to a lien on said water rights to ensure they are conveyed. Said rights are estimated to be 47 ac ft.
4. **Water Rights Inspection:** Buyer reserves the right to terminate this contract within 7 business days of receipt of details of the vintage and quality of Water Rights if, in Buyers' sole opinion, the water rights do not represent adequate value. Said termination will not result in loss of Earnest Money.

Mineral Rights - Grantor believes he owns 62% of the minerals on this property. By signing this contract, Grantee confirms that he is aware that he will not receive 100% of the minerals associated with this property. Grantor shall convey all minerals he owns to Grantee upon closing and funding.

Costs -

- a. **Seller's Title and Closing Fees.** The seller will pay for the cost of curing any defects on title, ½ of the Escrow/Closing Fee to Yates Title, the cost of preparing the Warranty Deed; and costs to acquire the water rights as described in paragraph 3 above (believed to have been pre-paid). The Seller will be responsible for the cost of a 1031 exchange if Seller decides to use one.
- b. **Buyer's Title and Closing Fees.** The buyer will pay ½ of the Escrow/Closing Fee to Yates Title, the cost of recording the deed, and all other closing costs other than the items specifically itemized as to be paid by Seller in clause (a) above including the cost to convey the water rights.
- c. **Survey.** No new survey shall be performed in connection with this transaction.

- d. **Taxes.** The Seller will pay all taxes for 2020 and prior years. 2021 property taxes will not be prorated at closing and will be Buyer's responsibility.
- e. **Attorney's Fees.** Each party will be responsible for paying their own attorney's fees, if any are incurred.
- f. **Realtor Fees.** No commissions shall be paid in connection with this transaction.


Miscellaneous Provisions

- 1. **Entire Contract.** This contract constitutes the entire agreement of the parties concerning the sale of the Property by Seller to Buyer. There are no oral representations, warranties, agreements, or promises pertaining to the sale of the Property by Seller to Buyer not incorporated in writing in this contract.
 - 2. **Amendment.** This contract may be amended only by an instrument in writing signed by the parties.
 - 3. **Prohibition of Assignment.** Buyer may not assign this contract or any of Buyer's rights under it without Seller's prior written consent, and any attempted assignment is void. This contract binds, benefits, and may be enforced by the parties and their respective heirs, successors, and permitted assigns.
 - 4. **Survival.** The obligations of this contract that cannot be performed before termination of this contract or before closing will survive termination of this contract or closing, and the legal doctrine of merger will not apply to these matters. If there is any conflict between the Closing Documents and this contract, the Closing Documents will control.
 - 5. **Choice of Law; Venue; Alternative Dispute Resolution.** This contract will be construed under the laws of the state of Texas, without regard to choice-of-law rules of any jurisdiction. Venue is in the County for Performance, except as otherwise provided by applicable law. Time permitting, the parties will submit in good faith to an alternative dispute resolution process before filing a suit concerning this contract.
 - 6. **Waiver of Default.** It is not a waiver of default if the nondefaulting party fails to declare immediately a default or delays taking any action with respect to the default.
 - 7. **No Third-Party Beneficiaries.** There are no third-party beneficiaries of this contract.
 - 8. **Severability.** The provisions of this contract are severable. If a court of competent jurisdiction finds that any provision of this contract is unenforceable, the remaining provisions will remain in effect without the unenforceable parts.
 - 9. **Waiver of Consumer Rights.** BUYER WAIVES ITS RIGHTS UNDER THE TEXAS DECEPTIVE TRADE PRACTICES-CONSUMER PROTECTION ACT, SECTION 17.41 ET
- CONTRACT FOR SALE OF REAL ESTATE – PG. 3**
GROMATZKY TO ANDREWS

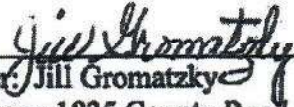
SEQ. OF THE TEXAS BUSINESS AND COMMERCE CODE, A LAW THAT GIVES
CONSUMERS SPECIAL RIGHTS AND PROTECTIONS.

10. **Contract Signature Required.** This contract will be valid only if signed by all parties no
later than March 10, 2021.

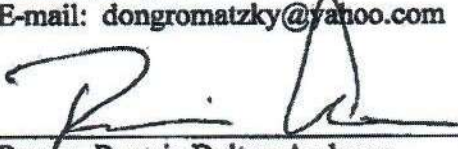
EFFECTIVE this 9th day of March, 2021.


Seller: Donald Paul Gromatzky
Address: 1835 County Road 101 Hamilton, Texas 76531
Phone: (254)784-0718
E-mail: dongromatzky@yahoo.com

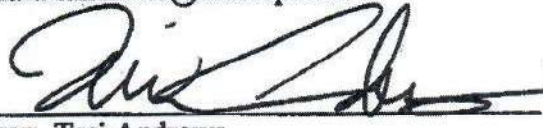
3-3-21
DATE


Seller: Jill Gromatzky
Address: 1835 County Road 101 Hamilton, Texas 76531
Phone: (254)784-0718
E-mail: dongromatzky@yahoo.com

3-3-21
DATE


Buyer: Ronnie Dalton Andrews
Address: 10 Beebe Lane Houston, Texas 77024
Phone: (281)620-7876
E-mail: randrews@texonlp.com

3-4-21
DATE


Buyer: Teri Andrews
Address: 10 Beebe Lane Houston, Texas 77024
Phone: (713)899-7963
E-mail: rontermad@gmail.com

3. 4. 2021
DATE

CONTRACT AND EARNEST MONEY RECEIPT

Receipt of ☒ Contract and ☒ \$ 10,000.00 Earnest Money in the form of Cashier's Check # 0926002063
is acknowledged.

Escrow Agent: 

Date: 03/09/2021



Nancy Anglin Yates
Owner/Escrow Officer
112 N. Bell P. O. Box 511
Hamilton, TX 76531
254-386-9558 fax 254-386-8548
yateshamilton@gmail.com



Amanda S. Thompson,
Escrow Officer
112 N. Bell P. O. Box 248
Hamilton, TX 76531
254-386-5450 fax 254-386-8548
yateshamiltonamanda@gmail.com

GROMATZKY TO ANDREWS

PHONE MEMO

To: Donald Gromatzky	From: Donald Gromatzky
Date of Call: August 6, 2021	File No.: 12-2830B
Phone Number: (254) 784-0718	Subject: Technical Review of Application

Mr. Gromatzky wanted to clarify that the diversion rate for his application should be 700 gpm, not 1600 gpm.

Set up conference call with Chris Kozlowski, Mr. Gromatzky, and myself for Tuesday, August 10, 2021 from 2 to 3. Will log in at 1:30 to make sure that we are properly connected.

PHONE MEMO

To: Donald Gromatzky	From: Donald Gromatzky
Date of Call: August 5, 2021	File No.: 12-2830B
Phone Number: (254) 784-0718	Subject: Technical Review of Application

Mr. Gromatzky is concerned about the pace of technical review. He has sold his property and his water right. In his contract, the water right must be amended by December 31, 2021 or he accrues financial burden.

Set up conference call with Chris Kozlowski, Mr. Gromatzky, and myself for Tuesday, August 10, 2021 from 2 to 3

Gromatzky_12-2830B_Application_Status

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

Tue 7/13/2021 11:19 AM

To: Don Gromatzky [REDACTED]

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

Mr. Gromatzky,

I received your call inquiring about the status of your application to amend ADJ 2830.

Your application is still awaiting technical review. I checked its status. Your application is number nine out of the 18 amendment applications awaiting technical review in the Brazos River Basin. As you know, applications are reviewed by Basin and in the order received.

Please be assured that I will let you know when review is complete and when you will have an opportunity to review the draft amendment.

Thank You,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

Donald_Gromatzky_12-2830B_Timeline

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

Tue 4/6/2021 11:38 AM

To: Don Gromatzky [REDACTED]

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

Mr. Gromatzky,

The TCEQ is currently processing your application to sever your 47.723 acre-feet of water from Certificate of Adjudication (COA) No. 12-2857 and combine it with your water rights under COA NO. 12-2830. You have also applied to amend COA No. 12-2830 to add a diversion point on the Leon River, Brazos River Basin and to add a place of use for agricultural purposes in Hamilton County.

The Water Rights Permitting Team typically processes simple and uncontested applications within 300 days, however, this process may take longer based on the complexity of the application and the number of applications currently under review. Your application was received June 17, 2020.

Your application to amend COA No. 12-2830 is currently in Technical Review. The Technical team reviews applications by River Basin in the order they are received. Once the technical team has completed its review, the amendment will be drafted and you will have an opportunity to comment. In the case of your amendment, public notice to interjacent water right holders are required. If a request for a contested case hearing is received, the processing time could increase.

I will keep you apprised of the progress of your application.

Thank you,

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

Re: Gromatzky 12-2830B - Phone call

Don Gromatzky [REDACTED]

Mon 4/5/2021 3:36 PM

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

Checking in again. Do you know or have any idea when this water right purchase-transfer and what ever else needs to be done will be finalized?

Thanks Don

On Monday, January 11, 2021, 06:04:22 PM CST, Lillian Beerman <lillian.beerman@tceq.texas.gov> wrote:

Mr. Gromatzky,

I checked with the staff working on your application. No one recalled calling you the Thursday before Christmas, which was a State Holiday. Perhaps, you heard an old voicemail from me. Or perhaps, someone from the Watermaster or Region called.

However, everything with your application appears in order for technical review. If there is a need for further information, I will let you know.

Thank you for your prompt response. If you have any questions or concerns, please do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

PHONE MEMO

DONALD GROMATZKY

FEBRUARY 9, 2021

COA No. 12-2830B

254-784-0718

Mr. Gromatzky called and left a voicemail. I returned his call. He wants to sell his property. Wanted to know the status of his application and whether there was anything that could be done to expedite the permit.

I informed him that he was in a queue and that the applications were processed in technical review by when they became administratively complete and by basin. There was really nothing that could be done to speed up the process.

He could withdraw the application and sell the water right as a separate conveyance document. Then the new owner could do a change of ownership which would be needed whether or not it was appurtenant to the land.

He also spoke with Bert Galvan.

 Delete ...

Gromatzky 12-2830B - Phone call

LB

Lillian Beerman

Mon 1/11/2021 6:04 PM



To: Don Gromatzky <[REDACTED]>

Cc: Lillian Beerman

Mr. Gromatzky,

I checked with the staff working on your application. No one recalled calling you the Thursday before Christmas, which was a State Holiday. Perhaps, you heard an old voicemail from me. Or perhaps, someone from the Watermaster or Region called. However, everything with your application appears in order for technical review. If there is a need for further information, I will let you know.

Thank you for your prompt response. If you have any questions or concerns, please do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

[Reply](#)[Reply all](#)[Forward](#)

 Delete ...**Re: Request of Information: Donald Gromatzky COA No. 12-2830B**

LB

Lillian Beerman

Wed 1/6/2021 9:12 AM

    ...

To: Don Gromatzky <[REDACTED]>

Mr. Gromatzky,

Thursday was a holiday, but that does not mean that no one was working. I will check into it. I recall there was an outstanding issues regarding your application. However, I understood it was resolved, but perhaps the individual wanted clarification.

I appreciate your email. Let me check with my colleagues and I will get back to you.

Thank you,

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

From: Don Gromatzky <[REDACTED]>**Sent:** Tuesday, January 5, 2021 10:18 PM**To:** Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>**Subject:** Re: Request of Information: Donald Gromatzky COA No. 12-2830B

I received a call from a lady @TCEQ on Thursday before Christmas. She had a couple of questions and said she would call on Monday and that was 3 weeks ago. I know the Covid 19 is playing heck with everyone's work and I tend to not answer my phone if there is no caller ID or I do not recognize the number and no message is left. I do this because of so many spam calls. I hope that I didn't cut someone from your office off or ignore their call. If so I am sorry. Please let me know if I need to return someone's call. Thanks, Don

On Friday, December 4, 2020, 05:08:20 PM CST, Lillian Beerman
<lillian.beerman@tceq.texas.gov> wrote:

Mr. Gromatzky,

Your application to amend Certificate of Adjudication No. 12-2830 is in Technical Review.

Please be assured that I will inform you when the amendment is ready for your

PHONE MEMO

DONALD GROMATZKY

DECEMBER 17, 2020

COA No. 12-2840B

254-784-0718

Called Mr. Gromatzky to clarify whether he was adding or changing a diversion point. Mr. Gromatzky only plans to use one diversion point – the point which he provided information on in the application.

Mr. Gromatzky says that he has been using this point all along. He is a bit confused and wants to amend the certificate for clarity. He updated the system and does have a mesh. I did not ask him specifics. The point identified in the application is the point adjacent to his property he plans to irrigate.

I told him that we would examine the existing authorizations to see if the point in the application is currently authorized and adjacent to the acres to be irrigated.

If the diversion point location is not an existing authorization, he would be changing the diversion point. If the diversion point is currently authorized, then we will not have to add to amendment.

⏪ Reply all ▾ 🗑 Delete 🗑 Junk Block ...

Re: Request of Information: Donald Gromatzky COA No. 12-2830B

📧 Label: TCEQ Inbox (30 days) Expires: Sun 1/3/2021 5:08 PM

LB

Lillian Beerman

Fri 12/4/2020 5:08 PM

To: Don Gromatzky [REDACTED]

Cc: Lillian Beerman



Mr. Gromatzky,

Your application to amend Certificate of Adjudication No. 12-2830 is in Technical Review.

Please be assured that I will inform you when the amendment is ready for your review and comment.

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

Thank You,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Don Gromatzky <[REDACTED]>

Sent: Friday, December 4, 2020 11:46 AM

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

Subject: Re: Request of Information: Donald Gromatzky COA No. 12-2830B

Just checking in to find out what progress has been made toward the final stage of the water transfer/purchase.

Thanks Don

On Tuesday, October 13, 2020, 02:51:39 PM CDT, Lillian Beerman <lillian.beerman@tceq.texas.gov> wrote:

Mr. Gromatzky,

Donald Gromatzky, Application No. 12-2830B to amend ADJ 2830 has been declared Administratively Complete. Please see attached letter and receipt.

The next step is Technical Review. The Water Rights Technical Teams will analyze the hydrologic, environmental, and conservation aspects of your request.

Applications are processed in the order they are received and by river basin.

Once the technical analyses are complete, the water rights project manager will

 Reply all   Delete  Junk  Block ...

Re: Request of Information: Donald Gromatzky COA No. 12-2830B

LB

Lillian Beerman

Tue 10/13/2020 2:51 PM

To: Don Gromatzky <[REDACTED]>

Cc: Lillian Beerman



02_Gromatzky_12-2830B_AD...

279 KB

2 attachments (361 KB) [Download all](#)

[Save all to OneDrive - Texas Commission on Environmental Quality](#)

Mr. Gromatzky,

Donald Gromatzky, Application No. 12-2830B to amend ADJ 2830 has been declared Administratively Complete. Please see attached letter and receipt.

The next step is Technical Review. The Water Rights Technical Teams will analyze the hydrologic, environmental, and conservation aspects of your request. Applications are processed in the order they are received and by river basin. Once the technical analyses are complete, the water rights project manager will draft the permit. You are given an opportunity to review the draft amendment. After receiving your comments, the amendment will go to Notice. In the case of your amendment, interjacent water right holders in the Brazos River Basin will have the opportunity to comment or protest the amendment.

I appreciate your prompt response to our requests for information. I will keep you abreast of the progress of your application and will contact you at important milestones. Please if you have any questions or concerns, do not hesitate to contact me.


Many Thanks,


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

From: Don Gromatzky <[REDACTED]>

 Reply all   Delete  Junk  Block ...

Re: Request of Information: Donald Gromatzky COA No. 12-2830B

 You replied on Tue 10/13/2020 2:51 PM

 Label: TCEQ Inbox (30 days) Expires: Wed 11/11/2020 10:04 PM

DG

Don Gromatzky <
m>

Mon 10/12/2020 11:04 PM

To: Lillian Beerman

Cc: Lillian Beerman; Nita Leifester



What is the next step and what is the expected time frame?

Thanks Don

On Friday, September 25, 2020, 09:05:52 AM CDT, Lillian Beerman
<lillian.beerman@tceq.texas.gov> wrote:

Mr. Gromatzky,

I genuinely appreciate your prompt response. I will alert the staff in the office to be on the lookout for your letter.

Thank you,

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

From: Don Gromatzky <

Sent: Thursday, September 24, 2020 6:47 PM

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

Subject: Re: Request of Information: Donald Gromatzky COA No. 12-2830B

Ok, the attorney has prepared the approval letter that Jill has signed and I have included the legal description and plat. It go out in tomorrows mail.

Thanks, Don

On Thursday, September 17, 2020, 09:51:50 AM CDT, Lillian Beerman
<lillian.beerman@tceq.texas.gov> wrote:

Mr. Gromatzky,

That's fine. I will let the folks in the office know to be on the lookout for it.

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

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

DATE: October 13, 2020

SUBJECT: Donald Gromatzky
ADJ 2830
CN602429813, RN103924296
Application No. 12-2830B to Sever a Portion of Certificate of Adjudication
No. 12-2857 and Combine it with and Amend Certificate of
Adjudication No. 12-2830
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Leon River, Brazos River Basin
Hamilton and Comanche Counties

The application and partial fees were received on July 15, 2020. Additional information and fees were received on August 24, 25, 26, and 27, September 11, 21, and 29, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on October 13, 2020. Limited mailed notice is required pursuant to Title 30 Texas Administrative Code § 295.158(c)(3)(D).

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

Lillian E. Beerman, Ph.D.

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

OCC Mailed Notice Required ☒ **YES**

☐ **NO**

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 13, 2020

Donald Paul Gromatzky
1835 CR 101
Hamilton, TX 76531

VIA E-MAIL

RE: Donald Gromatzky
ADJ 2830
CN602429813, RN103924296
Application No. 12-2830B to Sever a portion of Certificate of Adjudication No. 12-2857
and Combine it with and Amend Certificate of Adjudication No. 12-2830
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Leon River, Brazos River Basin
Hamilton and Comanche Counties

Dear Mr. Gromatzky:

This acknowledges receipt, on August 24, 25, 26, and 27, September 11, 21 and 29, 2020 of additional information and fees in the amount of \$130.74 (Receipt No. M024036, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on October 13, 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 lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.

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

Attachment



Basis2 Receipt Report by Endorsement Number

OCT-02-20 02:19 PM

<u>Acct. #:</u> Paid For AMEND	<u>Account Name:</u> WATER USE PERMITS		<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
	<u>Endors. #</u>	<u>Ref. #2</u>				
	M024036	ADJ122830 GROMATZKY, DON				
			<u>PayTyp</u>	<u>Chk #</u>		
			CK	4784		
					27-AUG-20	\$130.74

Ms. Jill Gromatzky
1835 CR 101
Hamilton, Texas 76531

September 24, 2020

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division

Dear Ms. Beerman

I, Jill Gromatzky to hereby consent to Donald Paul Gromatzky to irrigate a 30-acre tract of land out of the Malinda Howard Survey, Abstract No. 1639, described in the General Warranty Deed between Donald Paul Gromatzky and wife, Jill Gromatzky as recorded in Volume 446, Page 441, dated July 23, 2010.

I also recognize that the permit will be owned by applicant and will not become appurtenant to the land.

Signed this 24 day of September, 2020.

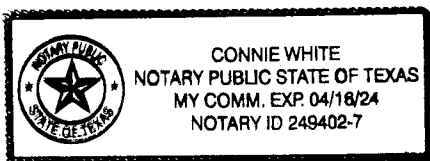


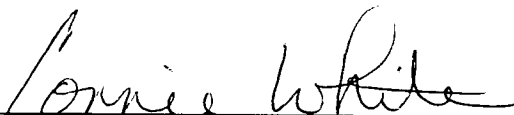
JILL GROMATZKY

STATE OF TEXAS)

COUNTY OF HAMILTON)

This instrument was acknowledged before me on September 24, 2020 by Jill Gromatzky.





Notary Public, State of Texas

THE STATE OF TEXAS:

COUNTY OF HAMILTON:

FIELD NOTES of a survey of 37.47 acres out of the Malinda Howard Survey, situated in Hamilton County, Texas, made for Aubrey Muse and described as follows:

BEGINNING at a 12" L. O. Post for the S. E. Corner of the Malinda Howard Survey, and S. E. Corner of a certain 30 acre tract out of said Howard Survey described as 2nd tract to Aubrey Muse in Partition Deed between Thomas B. Fuqua Jr., et al, (heirs of T. B. Fuqua Sr.) dated October 22, 1963, recorded in Vol. 191 page 116 Deed Records of Hamilton County, Texas, for the S. E. corner of this tract;

THENCE N. 19-00 E. with wire fence and East line of said Howard Survey, at 445.5 varas pass a 4" cedar post on the S. W. bank of the Leon River, in all, 465.5 varas to a point in the center of said River, for a corner of this tract;

THENCE up and along the center of said Leon River, the following courses and distances; N. 06-30 E. 46.0 varas; N. 21-30 E. 108.0 varas; N. 39-00 W. 108.0 varas; N. 65-30 W. 26.0 varas; S. 37-30 W. 113.0 varas; S. 27-00 W. 89.0 varas; N. 73-00 W. 44.00 varas; N. 48-00 W. 64.0 varas; N. 14-00 W. 26.0 varas; N. 32-00 W. 51.0 varas; S. 41-00 W. 50.0 varas; S. 02-00 E. 177.0 varas; S. 28-30 W. 200.0 varas; S. 74-00 W. 60.0 varas; N. 70-00 W. 59.0 varas; N. 38-00 W. 79.0 varas; S. 81-00 W. 60.0 varas; and S. 38-00 W. 140.0 varas to a point in the center of said River on the South line of the Malinda Howard Survey, for the S. W. corner of said 30 acre tract, and the S. W. corner of this tract; THENCE S. 71-00 E. along the South line of said Howard Survey, at 40.0 varas pass a 6"x8" R.R. Tie fence post continuing along wire fence, a total distance of 589.5 varas to the place of beginning containing 37.47 acres out of the Malinda Howard Survey Hamilton County, Texas, and being the same tract formerly described as 30 acres in above mentioned Partition Deed.

Surveyed: July 17, 1966

Party Chief: Eugene Angermann
Chain Carrier: Robert Coston

I, Thomas B. King, Registered Public Surveyor of the State of Texas hereby certify that the foregoing survey was made on the ground, on the date, and with the chain carrier aforesaid, and that the limits corners, and boundaries are truly and correctly described and set forth in the foregoing field notes and plat attached, as fenced and as evidenced on the ground.

/s/ Thomas B. King

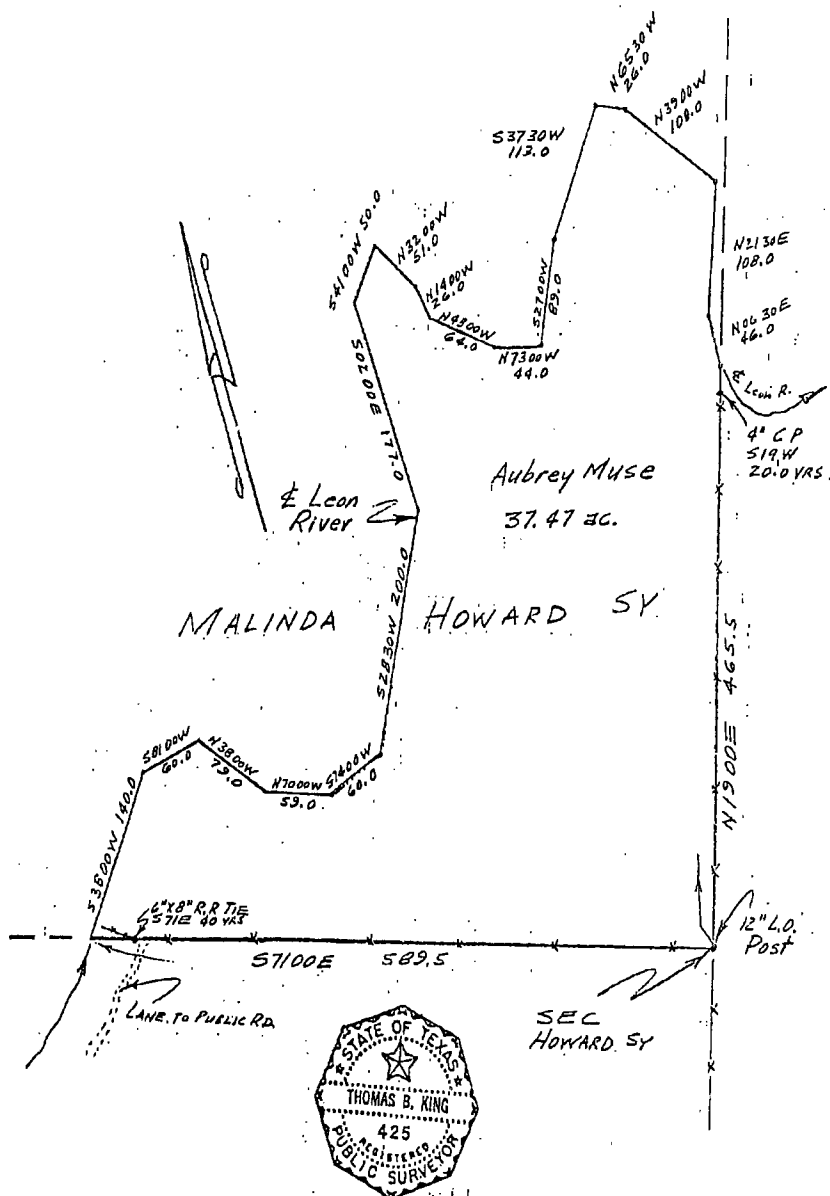
Seal

Thomas B. King, Public Surveyor No. 425.

Filed for record April 10, 1967 at 8:20 A. M.

Recorded April 10, 1967 at 9:21 A. M.

GENEVIEVE M. CLARK, COUNTY CLERK
HAMILTON COUNTY, TEXAS



⏪ Reply all ▼ 🗑 Delete 🚫 Junk 🛑 Block ...

Donald Gromatzky_COA No. 12-2830_Consent

📎 Label: TCEQ Sent Items (30 days) Expires: Fri 10/23/2020 10:56 AM

LB

Lillian Beerman

Wed 9/23/2020 10:56 AM



To: Don Gromatzky <[REDACTED]>

Cc: Lillian Beerman

Mr. Donald Gromatzky:

I received a letter of consent from Jill Gromatzky. In order to process your application, please revise your letter of consent. Since the letter was submitted separately from the original application, it must be notarized.

The letter should be notarized and signed by Jill Gromatzky.

In accordance with Title 30 Texas Administrative Code §295.32 (a)(5), the letter of consent should include a statement of consent, a legal description of the land, and information on the particular tract to be irrigated.

1. A consent agreement from the landowner, stating that *the landowner recognizes that the permit will be owned by applicant and will not become appurtenant to the land.*
2. You have already provided the deed with the legal description of the land.
3. The consent agreement should include the information for the particular tract to be irrigated: the original land survey or grant, the abstract number, and the name of the county in which the land is located; and the citation of the deed. For example:

Consent provided to Donald Paul Gromatzky to irrigate a 30-acre tract of land out of the Malinda Howard Survey, Abstract No.1639, described in *the General Warranty Deed* between Donald Paul Gromatzky and wife, Jill Gromatzky, as recorded in Volume 446, page 441, dated July 23, 2010. (Please confirm information in statement.)

If you have any questions, do not hesitate to contact me at (512) 239-4019.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

9-14-20

I, GLENDA JILL GROMATZKY, A JOINT
OWNER W/ DON GROMATZKY IN APPROXIMATELY
37 ACRES IN HAMILTON COUNTY TEXAS, DO
HEREBY GIVE HIM MY APPROVAL TO
IRRIGATE THIS PROPERTY

Glenda Jill Gromatzky

RECEIVED

SEP 21 2020

Water Availability Division

Texas Commission on Environmental Quality
TELEPHONE MEMO TO THE FILE

Call to: Donald Gromatzky	Call from: Lillian Beerman
Date of Call: September 11, 2020	File No.: 12-2830A
Phone No.: (254) 784-0718	Subject: Donald Paul Gromatzky Request for Information

12-2830 and 12-2857 are water rights which are NOT appurtenant to any land.

Mr. Gromatzky purchased the water right from his parents separate from the land before the dividing of the estate. He has since purchased some of the original land in the permit.

The Deed to the land he proposes to irrigate (cited in the application) is in both his name and his wife's name.

Informed Mr. Gromatzky that his response to the TCEQ's questions had been reviewed by our technical team. The only outstanding issue was whether he wanted to complete a COO or simply have his wife consent to irrigate the land.

He had had his parents provide consent before.

He is still considering both options. I gave him the number of the Texas Water Development Board's Texas Water Bank and Trust, so he could discuss the value of a water right which is independent of the land.

I also told him where to obtain a COO form.

Mr. Gromatzky said that his diversion rate request was 1000 gpm: 300 gpm from 2830 and 700 gpm from 2857 (not the 1600 gpm in the description).

I will call him back at the end of next week if I do not hear from him.

Lillian E. Beerman, Ph.D. 10/07/2020

[↶ Reply all](#) [✕](#) [🗑 Delete](#) [🚫 Junk](#) [Block](#) [...](#)

Donald Gromatzky_12-2830B_Water Use Report_For Your Records

LB

Lillian Beerman

Mon 8/31/2020 10:31 AM



To: Don Gromatzky <[REDACTED]>

Cc: Lillian Beerman

Gromatzky_ADJ_2830_Water_...

141 KB

Mr. Gromatzky,

Attached are the Water Use Reports (WURs) for COA No. 12-2830B for the last two years. The Brazos Watermaster stated that the Change of Ownership (COO) for COA No. 12-2857 was completed on April 30, 2020, and therefore, the WURs for the certificate were sent to the previous owner.

Please let me know if I can be of further assistance.

Thank You,

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

[Reply](#) | [Reply all](#) | [Forward](#)

DON GROMATZKY
1835 COUNTY ROAD 101
HAMILTON TX 76531-3806

AR Number: 24305259

Account ID	Authorized Water Right	Water Used	Water Sold
2830-602-06	30.0000	13.8263	0.0000

Please call the Water Rights Permitting Office at 512-239-4691 to report any ownership changes.
Please have meters installed at all active diversion sites.
Diversions will not be allowed if assessments are unpaid or if pump operation reports are not returned within 7 days.
If you have any questions, please call Brazos Watermaster Program at 254-761-3006 or toll free at 1-844-828-6424.

DON GROMATZKY
1835 COUNTY ROAD 101
HAMILTON TX 76531-3806

AR Number: 24305259

Account ID	Authorized Water Right	Water Used	Water Sold
2830-602-06	30.0000	0.0000	0.0000

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⏪ Reply all ▾ 🗑 Delete 🗑 Junk Block ...

Re: Request of Information: Donald Gromatzky COA No. 12-2830B

LB

Lillian Beerman

Fri 8/28/2020 12:38 PM

To: Don Gromatzky <[REDACTED]>

Mr. Gromatzky,

Yes, I received your submission. I will distribute it amongst our managers and technical specialists for review. I should get back with you in the middle of the week to discuss any issues we may have with your responses and your questions regarding deeds and ownership.

I appreciate your timely response!

Have a nice weekend.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Don Gromatzky <[REDACTED]>

Sent: Friday, August 28, 2020 12:24 PM

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

Subject: Re: Request of Information: Donald Gromatzky COA No. 12-2830B

Just checking to see if you have received the info that I mailed earlier this week?

On Tuesday, August 25, 2020, 04:34:56 PM CDT, Lillian Beerman <lillian.beerman@tceq.texas.gov> wrote:

Great. Thank you

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019



lillian.beerman@tceq.texas.gov

From: Don Gromatzky <[REDACTED]>

Sent: Tuesday, August 25, 2020 4:33 PM

 Reply all   Delete  Junk  Block ...

Re: Request of Information: Donald Gromatzky COA No. 12-2830B

-  You replied on Fri 8/28/2020 12:38 PM
-  Label: TCEQ Inbox (30 days) Expires: Sun 9/27/2020 12:24 PM

DG

Don Gromatzky < >
m>



Fri 8/28/2020 12:24 PM


To: Lillian Beerman

Just checking to see if you have received the info that I mailed earlier this week?

On Tuesday, August 25, 2020, 04:34:56 PM CDT, Lillian Beerman
<lillian.beerman@tceq.texas.gov> wrote:

Great. Thank you

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

From: Don Gromatzky < >
Sent: Tuesday, August 25, 2020 4:33 PM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: Re: Request of Information: Donald Gromatzky COA No. 12-2830B

The info is already in the mail with exception of the correct answers/options for the ownership names. I'll be waiting for your call tomorrow to discuss.

Thanks, Don

On Tuesday, August 25, 2020, 03:17:51 PM CDT, Lillian Beerman
<lillian.beerman@tceq.texas.gov> wrote:

Mr. Gromatzky,
To add your wife's name to the water right, you will have to apply for a change of ownership for the existing certificate. Once the change of ownership is complete, you will be able to proceed with the amendment in your name and your wife's name.

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 18, 2020

Donald Paul Gromatzky
1835 CR 101
Hamilton, TX 76531

VIA E-MAIL

RE: Donald Gromatzky
ADJ 2830
CN602429813, RN103924296
Application No. 12-2830B to Sever a portion of Certificate of Adjudication No. 12-2857
and Combine it with and Amend Certificate of Adjudication No. 12-2830
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Leon River, Brazos River Basin
Hamilton and Comanche Counties

Dear Mr. Gromatzky:

This acknowledges receipt on July 15, 2020, of the referenced application and partial fees in the amount of \$143.50 (Receipt No. M022358, copy attached).

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

1. Indicate measures the applicant will take to avoid impingement and entrainment of aquatic organisms for any new pump or diversion structure.
NO NEW SYSTEMS WILL BE ADDED OR CHANGED.
2. Please submit a revised page 3 of the application omitting Glenda Jill Gromatzky as an applicant. The application submitted lists both Donald Paul Gromatzky and Glenda Jill Gromatzky as applicants. However, Glenda Jill Gromatzky is not an owner of either Certificate.
3. Confirm that the application does not request a discharge point. Staff notes that Worksheets 4.0 and 4.1 are not needed for your application.
NO WATER WILL BE RETURNED INTO THE RIVER
4. Provide information regarding how the application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan (Section 4.a. of the Technical Information Report). Refer to the second example on page 15 from the Instructions for Completing the Water Right Permitting Application (Form TCEQ-10214A-inst) for assistance.
5. Provide additional information concerning the submitted water conservation plan for agricultural use (Form TCEQ-10238) to comply with Title 30 Texas Administrative Code (TAC) §288.4.
 - a. Verify that the device used to measure and account for the amount of water diverted from the source of supply, described in Section I. B. 2. of the water conservation plan is within an accuracy of plus or minus 5.0%. Staff recognizes that this section of the water conservation plan indicates an inline meter will be used; however, information about the meter's accuracy is not included in this section. *meter tested 99.94% accurate*

- 5 yr. goal is to save 5%, 10 yr. goal is to save additional 2%*
- b. Provide specific, quantified five-year and ten-year targets for water savings including maximum allowable losses for the storage and distribution system (Section I. B. 3.).
- c. Describe any water-saving scheduling or practices to be used in the application of water (e.g., irrigation only in early morning, late evening or night hours and/or during lower temperatures and winds) and methods to measure the amount of water applied (Section I. C. 3.). *operate during lower evaporation times of day.*
- d. Describe any water-saving land improvements or plans to be incorporated into the irrigation practices for retaining or reducing runoff and increasing infiltration of rain and irrigation water (Section I. C. 4.).
N/A
6. Provide a recorded copy of the deed(s) for the property where the proposed land to be irrigated is located. The deed should include the legal description of the land (metes and bounds). Please note that the application must be in the name(s) of all landowners as shown on the deeds; otherwise, proper consent of the application must be provided pursuant to Title 30 TAC § 295.32(a)(5).
7. Before the application can be declared administratively complete, remit fees in the amount of \$ 130.74, as described below. Please make the check payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fees	(Sever & Combine/Amendment)	\$ 200.00
Recording Fees	(\$1.25 x 10 pages)	\$ 12.50
Notice Fees	(\$2.94 x 21 WR Holder)	\$ 61.74
TOTAL FEES		\$ 274.24
FEES RECEIVED		\$ 143.50
TOTAL FEES DUE		\$ 130.74

Staff notes that additional information may be required prior to completion of technical review.

Please submit the requested information and fees by September 17, 2020 or the application may be returned pursuant to 30 TAC § 281.18.

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

Sincerely,

Lillian E. Beerman, Ph.D.

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

Attachment

Response to Questions

- #1 NO NEW SYSTEMS OR STRUCTURES WILL BE ADDED. NO CHANGES WILL BE MADE TO EXISTING PUMPING EQUIPMENT.
- #2 NO PAGE 3 WILL BE SUBMITTED AS JILL IS ON THE DEED W/ ME. IF REQUIRED, WE WILL NEED TO ADD HER ~~TO~~ NAME AS CO-OWNER ON THE WATER RIGHT.
- #3 NO WATER WILL BE RETURNED INTO THE RIVER
- #4 I, THE APPLICANT, ADHERES TO ALL REGULATIONS IN THE STATE WATER PLAN THAT APPLY TO MY OPERATION, AND WILL CONTINUE TO CONSERVE WATER AS IT IS A PRECIOUS NATURAL RESOURCE BEING LOCATED IN THE BARROS RIVER BASIN, PUMPING IS REGULATED BY A WATER MASTER. THIS ASSURES COMPLIANCE AND STREAM FLOWS AS DESIGNED BY THE WATER PLAN.
- #5 A. METER TESTED 99.94% accurate
B. 5yr. goal is to save 5% - 10yr. goal is to save an additional 2%.
C. OPERATE DURING LOWER EVAPORATION TIMES OF DAY

5.D N/A.

6. COPY OF WARRANTY DEED
IS ENCLOSED

7. ENCLOSED — CHECK # 4784
TO: T.C.E.Q.
AMOUNT: \$130.74

MCCROMETER GREAT PLAINS REPAIR FORM

Cust Acct. #: 35450 Cust Ship #: 35450
 T & C's Met ☐ Yes ☐ No Market Code
 Order Taken By
 Credit Message?

PO#: Verbal - RA35007 Country of Destination: ☐ United States ☐ Other
 RA NUMBER 35007 RA/Received Date: 2-19-15
 Requested Date:

Company Inv. Name Only: De Leon Irrigation Supply
 Attn: Michael McCarney
 Marks: 800-658-6960

Company Ship
 Attn:
 Marks: FD

Ship Via: GROUND OR WILL CALL FOB: ☐ Origin ☐ Destination ☐ Collect Acct#
 Shipping Comment: MSR NON MSP WARRANTY ALL ESTIMATE 2-23-15 ☐ FFA ☐ Third Part Acct#

Item	Model Number / Part Number	Qty	Unit Price Discount	Pipe OD	Pipe ID	TOT/IND Units	Item Comments / Meter Serial Number
1	GPMPN(MSP)	1		6.00	5.82	GAL X 100 GPM 1300	FILL IN PIPE OD/ID AND TOT/INDICATOR UNITS GAL X 100 GPM 0-2500 EXAMPLE
2	GASKET KIT <u>RK384-00</u>	1					RK384-00 RK384-10 RK240-00 RK390-00 10 RK399-10 C0194-00 RK100-00 <u>GP00-06-1309N</u>
3	CB100-10 (BOOT)	1	\$ 31.00				SERIAL # <u>00-6-1309N</u> MODEL # <u>MD306-800</u>
4	R0147-00 (BUSHING W/O-RINGS)	1	\$ 4.18				VERTICAL TRANS# EXT#
5	R0143-00 (CANOPY KIT) <u>L.D. Broth</u> <u>off</u>	1	\$ 52.00				TOTALIZER READING <u>19906200</u> TOT UNITS <u>GAJ</u>
6	B <u>0110-82</u>	1				CONDITION <u>OK</u>	B0110-80 B0110-82 B0610-80 B0610-82 B0610-88 B0610-89 B0710-80 BR110-80 BR710-80
7	DO <u>104-00</u>						D0103-00 D0066-00 D0104-00 D0122-00 D0105-00 D0123-00 D0106-00

GREAT PLAINS METERS ORDER FORM - PAGE 2

8	DO	<u>304-00</u>	<u>1</u>					D0332-00 D0304-00 D0303-00 D0305-00 D0313-00
9	R	<u>1406-800</u>	<u>1</u>				CONDITION <u>WET!</u>	R1=NEW REGISTER R2=REBUILT REGISTER
10	9999R-01					\$ 82.00		
11	PO	<u>106-00</u>	<u>1</u>				CONDITION <u>Blades Chewed Up</u>	P0103-00 P0104-00 P0105-00 P0106-00 P0108-00 P0110-00 P0112-00 P0136-00
12	9999M		<u>3</u>			\$		
13	EXTRA PARTS BELOW							REGISTER IND @ _____ TESTED OK _____ LOW HIGH TOTALIZER OK
14	R0710-20 (CANOPY)					\$ 33.58		INITIAL PROP TEST @ <u>655</u> ACCURACY <u>99.9%</u> PROP RETEST @ _____ ACCURACY _____
15	R0710-22 (CANOPY LID)					\$ 8.19		
16								
17								
18								
19								
20								

PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

General Warranty Deed

Date: JULY 15, 2010

Grantor: DONALD PAUL GROMATZKY

Grantor's Mailing Address:
402 South Williams
Hamilton, Texas 76531
Hamilton County, Texas

Grantee: DONALD PAUL GROMATZKY and wife, JILL GROMATZKY

Grantee's Mailing Address:
402 South Williams
Hamilton, Texas 76531
Hamilton County, Texas

Consideration: TEN AND NO/100 DOLLARS and other good and valuable consideration, in hand paid from Grantee to Grantor, the receipt and sufficiency of which is hereby acknowledged, and for the payment of which no lien, express or implied, is herein retained.

Property (including any improvements): All that certain tract or parcel of land situated in Hamilton County, Texas, and being a part of the Malinda Howard Survey, described as follows:

BEGINNING at a 12" L.O. post for the S. E. corner of the Malinda Howard survey and S. E. Corner of a certain 30 acre tract out of said Howard Survey described as 2nd tract to Aubrey Muse in Partition Deed between Thomas B. Fuqua, Jr. et al (heirs of T.B. Fuqua, Sr.) dated October 22, 1963, recorded in Volume 191 on Page 116 of the Deed Records of Hamilton County, Texas for the S. E. corner of this tract;

THENCE N. 19-00 E. with wire fence and East line of said Howard Survey at 445.5 varas pass a 4" cedar post on the S. W. bank of the Leon River, in all 465.5 varas to point in the center of said River, for a corner of this tract.

THENCE up and along the center of said Leon River, the following courses and distances; N. 06-30 E. 46.0 varas; N. 21-30 E. 108.0 varas; N. 39-00 W. 108.0 varas; N. 65-30 W. 26.0 varas; S. 37-30 W. 113.0 varas, S. 27-00 W. 89.0 varas; N. 73-00 W. 44.0 varas; N. 48-00 W. 64.0 varas; N. 14-00 W. 26.0 varas, N. 32-00 W. 51.0 varas; S. 41-00 W. 50.0 varas; S. 02-00 E. 177.0 varas; S. 28-30 W. 200.0 varas; S. 74-00 W. 60.0 varas; N. 70-00 W. 59.0 varas; N. 38-00 W. 79.00 varas; S. 81-00 W. 60.0 varas; and S 38-00 W. 140.0 varas to a point in the center of said River on the South line of the Malinda Howard Survey, for the S. W. corner of said 30 acre tract, and the S.W. corner of this tract;

beginning, containing 37.47 acres out of the Malinda Howard Survey, Hamilton County, Texas and being the same tract formerly described as 30 acres in above mentioned Partition Deed as further described as being the land as described further in Volume 199 Page 626 of the Deed Records of Hamilton County, Texas.

Being the same land described in Warranty Deed from Russell Gromatzky and Mary Gromatzky to Donald Paul Gromatzky dated December 15, 2000 and recorded at Volume 332, Page 718, Real Property Records of Hamilton County, Texas.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, shortages in area or boundary lines; any encroachments or overlapping of improvements.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.


DONALD PAUL GROMATZKY

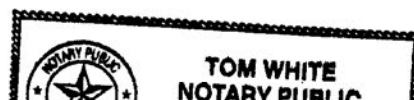
STATE OF TEXAS)

COUNTY OF HAMILTON)

This instrument was acknowledged before me on July 20, 2010, by DONALD PAUL GROMATZKY.


Notary Public, State of Texas

AFTER RECORDING RETURN TO:
DONALD PAUL GROMATZKY
402 South Williams



CLERKS NOTICE: ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR LEASE OF REAL PROPERTY BECAUSE OF COLOR OR RACE, IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

FILED
AT 9:05 O'CLOCK A M
ON THE 20 DAY OF July
A.D., 2010.

Debbie Rudolph
COUNTY CLERK, HAMILTON CO., TEXAS
BY Julie Wilson DEPUTY

STATE OF TEXAS
COUNTY OF HAMILTON

I hereby certify that this instrument was FILED on the date
and at the time stamped hereon by me and was duly
RECORDED in the REAL PROPERTY
Records of Hamilton County, Texas.



Julie Wilson
County Clerk, Hamilton County, Texas

VOL. 446 PAGE 441

RECORDED 07-23-2010

Texas Commission on Environmental Quality
TELEPHONE MEMO TO THE FILE

Call to: Donald Gromatzky	Call from: Lillian Beerman
Date of Call: August 26, 2020	File No.: 12-2830A
Phone No.: (254) 784-0718	Subject: Donald Paul Gromatzky Request for Information

Voicemail, August 19, 2020

He had questions about the water right ownership. Wants to know whether the names need to match the deed. Concerned about the water meter having the sheet with the accuracy of the water meter.

On August 25, 2020

Trent Jennings called Mr. Gromatzky.

Voicemail, August 25, 2020

Mr. Gromatzky informing me that he has sent additional information to TCEQ, including the deed. The deed has his name and his wife's name

I emailed Mr. Gromatzky three times regarding his questions. I called him on August 26, 2020

12-2830 and 12-2857 are water rights which are NOT appurtenant to any land.

Mr. Gromatzky purchased the water right from his parents separate from the land before the dividing of the estate. He has since purchased some of the original land in the permit.

The Deed to the land he proposes to irrigate (cited in the application) is in both his name and his wife's name.

He wants to use the water right now and prepare for the sale of his land and his water right at a later date.

Mr. Gromatzky is a retired banker.

We should receive his response to the RFI shortly, but several questions remain:

First, it is not important that his wife's name be on the amended Water Right.

1. Is it necessary that the land be made appurtenant to the land? Can the water right remain unattached to the land proposed to be irrigated? Can he sell the water right separate from the land?

2. Is it sufficient for his wife, who is on the deeds, to provide consent for him to irrigate the land? What are the requirements of consent?
3. He has NOT received a Water Use Report (WUR) in at least two years. He would like to complete them.
4. Is it too late for him to increase the diversion rate of the permit? Not a high priority for him.

Mr. Gromatzky wants to thank the Brazos Watermaster. Since they have had a Brazos Watermaster there is flow in the stream. Prior to the watermaster there was no water by end of June. Now, not much, but there is water.

He wants to start using water as soon as possible.

I told him that I will review the material he sends, confer with my supervisor, and get back to him regarding the issue of consent and appurtenance.

Lillian E. Beerman, Ph.D. 10/07/2020

 Reply all   Delete  Junk  Block ...

Re: Request of Information: Donald Gromatzky COA No. 12-2830B

LB

Lillian Beerman

Tue 8/25/2020 4:34 PM

To: Don Gromatzky [REDACTED]

Great. Thank you

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Don Gromatzky <[REDACTED]>

Sent: Tuesday, August 25, 2020 4:33 PM

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

Subject: Re: Request of Information: Donald Gromatzky COA No. 12-2830B

The info is already in the mail with exception of the correct answers/options for the ownership names. I'll be waiting for your call tomorrow to discuss.

Thanks, Don

On Tuesday, August 25, 2020, 03:17:51 PM CDT, Lillian Beerman
<lillian.beerman@tceq.texas.gov> wrote:

Mr. Gromatzky,

To add your wife's name to the water right, you will have to apply for a change of ownership for the existing certificate. Once the change of ownership is complete, you will be able to proceed with the amendment in your name and your wife's name.

I will call you tomorrow to discuss your options.

When you respond to our request for information, please state your intentions with respect to ownership and provide the Deed. We can help you with your next steps.

I certainly appreciate your quick response to our questions.

Sincerely,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

⏪ Reply all ▾ 🗑 Delete 🚫 Junk Block ⋮

Re: Request of Information: Donald Gromatzky COA No. 12-2830B

📎 Label: TCEQ Inbox (30 days) Expires: Thu 9/24/2020 1:07 PM

DG

Don Gromatzky [REDACTED]
m>

Tue 8/25/2020 1:07 PM

To: Lillian Beerman



Trent Jennings called this morning and we worked thru item #5. I have a copy of the General Warranty Deed of 7-15-2015 in which I added Jill as a joint owner. Does this eliminate the need for your request on item # 3. What is needed to add her name to the water rights?

On Monday, August 24, 2020, 11:27:21 PM CDT, Don Gromatzky
<[REDACTED]> wrote:

I can't believe my luck, I have found the test results form that I got back when the meter was rebuilt in Feb.2015.It shows to have a 99.94% accuracy. I will include a copy of it with the other paperwork. Please let me know what forms will be needed to add my wife to the ownership of the water right to be purchased. As I stated, the original 30 acre feet water right is in my name only as far as I know. I will get another copy of the deed showing joint ownership of the 37 acres and a copy of meter test results and include them with which ever other forms that need to be completed. Thanks for your help and patients,

Don Gromatzky

On Monday, August 24, 2020, 06:11:08 PM CDT, Lillian Beerman
<lillian.beerman@tceq.texas.gov> wrote:

Mr. Gromatzky,



I received your voicemail. I wanted to confer with staff before I responded to your concerns.

TCEQ analyst, Trent Jennings, will call you to discuss issues regarding conservation measures. He may be able to help you with your questions regarding the documentation of the efficiency of your water meter. Please let me know if the information he provides responds to your concerns. He is very helpful.

With respect to the questions regarding the names -- the application, the deed, and the permit should all be in the same name or consent from co-owners will be

 Reply all   Delete  Junk  Block ...

Re: Request of Information: Donald Gromatzky COA No. 12-2830B

-  You forwarded this message on Tue 8/25/2020 9:26 AM
-  Label: TCEQ Inbox (30 days) Expires: Wed 9/23/2020 11:27 PM

DG

Don Gromatzky < m>

Mon 8/24/2020 11:27 PM

To: Lillian Beerman



I can't believe my luck, I have found the test results form that I got back when the meter was rebuilt in Feb.2015.It shows to have a 99.94% accuracy. I will include a copy of it with the other paperwork. Please let me know what forms will be needed to add my wife to the ownership of the water right to be purchased. As I stated, the original 30 acre feet water right is in my name only as far as I know. I will get another copy of the deed showing joint ownership of the 37 acres and a copy of meter test results and include them with which ever other forms that need to be completed. Thanks for your help and patients,

Don Gromatzky

On Monday, August 24, 2020, 06:11:08 PM CDT, Lillian Beerman <lillian.beerman@tceq.texas.gov> wrote:

Mr. Gromatzky,

I received your voicemail. I wanted to confer with staff before I responded to your concerns.

TCEQ analyst, Trent Jennings, will call you to discuss issues regarding conservation measures. He may be able to help you with your questions regarding the documentation of the efficiency of your water meter. Please let me know if the information he provides responds to your concerns. He is very helpful.

With respect to the questions regarding the names -- the application, the deed, and the permit should all be in the same name or consent from co-owners will be required or a change of ownership. Please provide the deed and your expectations for ownership of the permit when you respond to the RFI. When I have an opportunity to review the information, I will get back to you with your next steps.

Please do not hesitate to contact me if you have ANY questions.

 Reply all   Delete  Junk  Block ...

Request of Information: Donald Gromatzky COA No. 12-2830B

 Label: TCEQ Inbox (30 days) Expires: Wed 9/23/2020 6:11 PM

LB

Lillian Beerman

Mon 8/24/2020 6:11 PM



To: [REDACTED]
Cc: Lillian Beerman

Mr. Gromatzky,

I received your voicemail. I wanted to confer with staff before I responded to your concerns.

TCEQ analyst, Trent Jennings, will call you to discuss issues regarding conservation measures. He may be able to help you with your questions regarding the documentation of the efficiency of your water meter. Please let me know if the information he provides responds to your concerns. He is very helpful.


With respect to the questions regarding the names -- the application, the deed, and the permit should all be in the same name or consent from co-owners will be required or a change of ownership. Please provide the deed and your expectations for ownership of the permit when you respond to the RFI. When I have an opportunity to review the information, I will get back to you with your next steps.

Please do not hesitate to contact me if you have ANY questions.

Thank you,

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

[Reply](#) | [Reply all](#) | [Forward](#)

 Delete ...

Application to Amend COA 12-2830

LB

Lillian Beerman

Wed 8/19/2020 6:10 PM



To: [REDACTED]

Mr. Gromatzky,

I got your phone message. I will discuss your issues with technical staff and get back to you as soon as possible.

Thank you for calling.

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

[Reply](#)[Forward](#)

 Reply all   Delete  Junk  Block ...

Donald Paul Gromatzky_12-2830B_Request for Information

LB

Lillian Beerman

Tue 8/18/2020 11:47 AM



To:

[REDACTED]

Cc: Lillian Beerman

Gromatzky_12-2830B_RFI_Se...

307 KB

Gromatzky_12-2830_Receipt...

136 KB

2 attachments (443 KB) [Download all](#) [Save all to OneDrive - Texas Commission on Environmental Quality](#)

Mr. Gromatzky,

Attach is a Request for Information from the TCEQ Water Rights and Availability Section. Please answer the questions and provide a response no later than COB Thursday, September 17, 2020.

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

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

[Reply](#) | [Reply all](#) | [Forward](#)

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 18, 2020

Donald Paul Gromatzky
1835 CR 101
Hamilton, TX 76531

VIA E-MAIL

RE: Donald Gromatzky
ADJ 2830
CN602429813, RN103924296
Application No. 12-2830B to Sever a portion of Certificate of Adjudication No. 12-2857
and Combine it with and Amend Certificate of Adjudication No. 12-2830
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Leon River, Brazos River Basin
Hamilton and Comanche Counties

Dear Mr. Gromatzky:

This acknowledges receipt on July 15, 2020, of the referenced application and partial fees in the amount of \$143.50 (Receipt No. M022358, copy attached).

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

1. Indicate measures the applicant will take to avoid impingement and entrainment of aquatic organisms for any new pump or diversion structure.
2. Please submit a revised page 3 of the application omitting Glenda Jill Gromatzky as an applicant. The application submitted lists both Donald Paul Gromatzky and Glenda Jill Gromatzky as applicants. However, Glenda Jill Gromatzky is not an owner of either Certificate.
3. Confirm that the application does not request a discharge point. Staff notes that Worksheets 4.0 and 4.1 are not needed for your application.
4. Provide information regarding how the application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan (Section 4.a. of the Technical Information Report). Refer to the second example on page 15 from the Instructions for Completing the Water Right Permitting Application (Form TCEQ-10214A-inst) for assistance.
5. Provide additional information concerning the submitted water conservation plan for agricultural use (Form TCEQ-10238) to comply with Title 30 Texas Administrative Code (TAC) §288.4.
 - a. Verify that the device used to measure and account for the amount of water diverted from the source of supply, described in Section I. B. 2. of the water conservation plan is within an accuracy of plus or minus 5.0%. Staff recognizes that this section of the water conservation plan indicates an inline meter will be used; however, information about the meter's accuracy is not included in this section.

- b. Provide specific, quantified five-year and ten-year targets for water savings including maximum allowable losses for the storage and distribution system (Section I. B. 3.).
 - c. Describe any water-saving scheduling or practices to be used in the application of water (e.g., irrigation only in early morning, late evening or night hours and/or during lower temperatures and winds) and methods to measure the amount of water applied (Section I. C. 3.).
 - d. Describe any water-saving land improvements or plans to be incorporated into the irrigation practices for retaining or reducing runoff and increasing infiltration of rain and irrigation water (Section I. C. 4).
6. Provide a recorded copy of the deed(s) for the property where the proposed land to be irrigated is located. The deed should include the legal description of the land (metes and bounds). Please note that the application must be in the name(s) of all landowners as shown on the deeds; otherwise, proper consent of the application must be provided pursuant to Title 30 TAC § 295.32(a)(5).
7. Before the application can be declared administratively complete, remit fees in the amount of **\$ 130.74**, as described below. Please make the check payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fees	(Sever & Combine/Amendment)	\$ 200.00
Recording Fees	(\$1.25 x 10 pages)	\$ 12.50
Notice Fees	(\$2.94 x 21 WR Holder)	\$ 61.74
TOTAL FEES		\$ 274.24
FEES RECEIVED		\$ 143.50
TOTAL FEES DUE		\$ 130.74

Staff notes that additional information may be required prior to completion of technical review.

Please submit the requested information and fees by September 17, 2020 or the application may be returned pursuant to 30 TAC § 281.18.

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

Sincerely,

Lillian E. Beerman, Ph.D.

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

Attachment

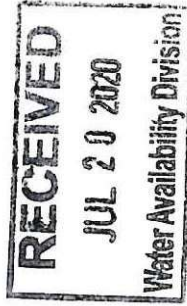


15-JUL-20 04:28 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

Fee Description	Fee Code Account#	Account Name	Ref#1 Ref#2 Paid In By	Check Number		CC Type	Slip Key Document#	Tran Date	Tran Amount
				Card Auth.	User Data				
WTR USE PERMITS	WUP		M022358	4669			BS00081612	15-JUL-20	- \$143.50
	WUP		ADJ2857	071520		N	D0805694		
WATER USE PERMITS			GROMATZKY, DON	VHERNAND		CK			

Total (Fee Code): - \$143.50



WATER AVAILABILITY DIV.

2020 JUL 20 A 4:15

RECEIVED

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): DON GROMATZKY

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
N Written Evidence of Signature Authority
Y Technical Information Report
Y USGS Map (or equivalent)
N Map Showing Project Details
Y Original Photographs
N Water Availability Analysis
Worksheet 1.0
Y Recorded Deeds for Irrigated Land
N Consent For Irrigation Land
Y 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
N Additional W.S 3.0 for each Point
Y Recorded Deeds for Diversion Points
N Consent For Diversion Access
Y Worksheet 4.0
N TPDES Permit(s)
N WWTP Discharge Data
N 24-hour Pump Test
N Groundwater Well Permit
N Signed Water Supply Contract
Y Worksheet 4.1
Y Worksheet 5.0
Y Addendum to Worksheet 5.0
Y Worksheet 6.0
N Water Conservation Plan(s)
N Drought Contingency Plan(s)
N Documentation of Adoption
N Worksheet 7.0
N Accounting Plan
N Worksheet 8.0
Fees

RECEIVED

MAR 09 2020

Water Availability Division

For Commission Use Only:

Proposed/Current Water Right Number: _____

Basin: _____ Watermaster area Y/N: _____

RECEIVED

JUL 15 2020

Water Availability Division

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."

Purchase 47.7 Acre feet of water rights (#2857) from owner Ralph + Linda Lee. Move this water right upstream approximately 1 mile to my property + combine with my existing water right # 17-2830-A in order to increase the diversion rate up to 1000 GPM if needed, there by increasing pumping efficiency.

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

Indicate the number of Applicants/Co-Applicants 2
(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?

DONALD PAUL GROMATZKY

GLENDA JILL GROMATZKY

(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: 602 429 813 (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: DONALD GROMATZKY

Title: OWNER

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

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: DONALD GROMATZKY

Mailing Address: 1835 CR 101

City: HAMILTON State: TX ZIP Code: 76531

Indicate an X next to the type of Applicant:

<input checked="" type="checkbox"/> Individual	<input type="checkbox"/> Sole Proprietorship-D.B.A.
<input type="checkbox"/> Partnership	<input type="checkbox"/> Corporation
<input type="checkbox"/> Trust	<input type="checkbox"/> Estate
<input type="checkbox"/> Federal Government	<input type="checkbox"/> State Government
<input type="checkbox"/> County Government	<input type="checkbox"/> City Government
<input type="checkbox"/> Other Government	<input 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: DONALD GROMATZKY
Title: OWNER
Organization Name:
Mailing Address: 1835 CR 101
City: HAMILTON State: TX ZIP Code: 76531
Phone No.: 254-784-0718 Extension: —
Fax No.: — E-mail Address: [REDACTED]

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

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

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

First and Last Name:

Title:

Organization Name:

Mailing Address:

City:

State:

ZIP Code:

Phone No.:

Extension:

Fax No.:

E-mail Address:

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

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

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

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

Account number:

Amount past due:

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

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

Enforcement order number:

Amount past due:

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

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

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

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, DON GROMATZKY OWNER
(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: [Signature] Date: 3-5-2020
(Use blue ink)

Subscribed and Sworn to before me by the said

on this 5th day of March, 2020.

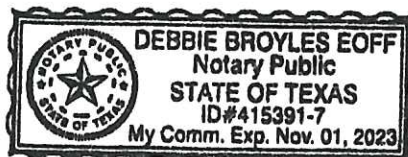
My commission expires on the 1st day of Nov., 2023.

[Signature]

Notary Public

Hamilton

County, Texas



[SEAL]

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 (N) (If yes, indicate the Certificate or Permit number: 12-2830-A own 2857 to pur.)
- 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? (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: 12-2830-A own
2857 to Per.

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
12-2830-A own 2857 to be per	YES - I COMBINE DIVERSION RATE 300 GPM + 700 GPM = 1,000 GPM.

- 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).**

- 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

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

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) (Include losses for Bed and Banks)	State Water Source (River Basin) or Alternate Source *each alternate source (and new appropriation based on return flows of others) also requires completion of Worksheet 4.0	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>
47.7	LEON RIVER BRAZOS RIVER BASIN	IRRIGATE GRASS & CROP LAND	37 ACRES

max.
77.7 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 37.47 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 37.47 acres in HAMILTON County, TX.
- ii) Location of land to be irrigated: In the MATILDA HOWARD Original Survey No. 1639, 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**
47.7	AG.	AG. HAY PRODUCTION	BALDWIN LEE	DON GROMITZKY

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- Applicant proposes to irrigate a total of _____ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, TX.
 - Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____.
A copy of the deed(s) describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds. If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other legal right for Applicant to use the land described.
Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.
- 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)

- Provide the Basin of Origin. _____
- Provide the quantity of water to be transferred (acre-feet). _____
- 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:

- 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
- The proposed transfer is from a basin to an adjoining coastal basin? Y/N
- 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
- 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":

- the contract price of the water to be transferred (if applicable) (also include a copy of the contract or adopted rate for contract water);
- 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;
- 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 4,000. 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 checked="" type="checkbox"/>	Directly from stream	<u>EXISTING</u>
<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): LEON RIVER
- b. Zip Code: 76531
MALINDA
- c. Location of point: In the HOWARD Original Survey No. _____, Abstract No. 1639, HAMILTON County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude 31° 48' 28.67" N, Longitude 98° 13' 10.76" W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google EARTH
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 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 AGRICULTURE.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses 0 % and explain the method of calculation: WELL BE PUMPED DIRECTLY ONTO THE LAND

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 N/A

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

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").

4. The percentage of return flows from groundwater _____, 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/gwdbrrpt.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 _____

For water discharged at this location provide:

- a. The amount of water that will be discharged at this point is 77.7 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 1,000 gpm.
- c. Name of Watercourse as shown on Official USGS maps: LEON RIVER
- d. Zip Code: 76531 Matinda
- f. Location of point: In the Haward Original Survey No. _____, Abstract No. _____, Hamilton, TX County, Texas.
- g. Point is at:
Latitude 31°48'28.67" N, Longitude 98°13'10.76" 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): Google EARTH

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

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

1. Latitude $31^{\circ}48'28.67''$ N.
Longitude $98^{\circ}13'10.76''$ W.

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 *Leon River*

☐ 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) *Very Limited*
- ☐ 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

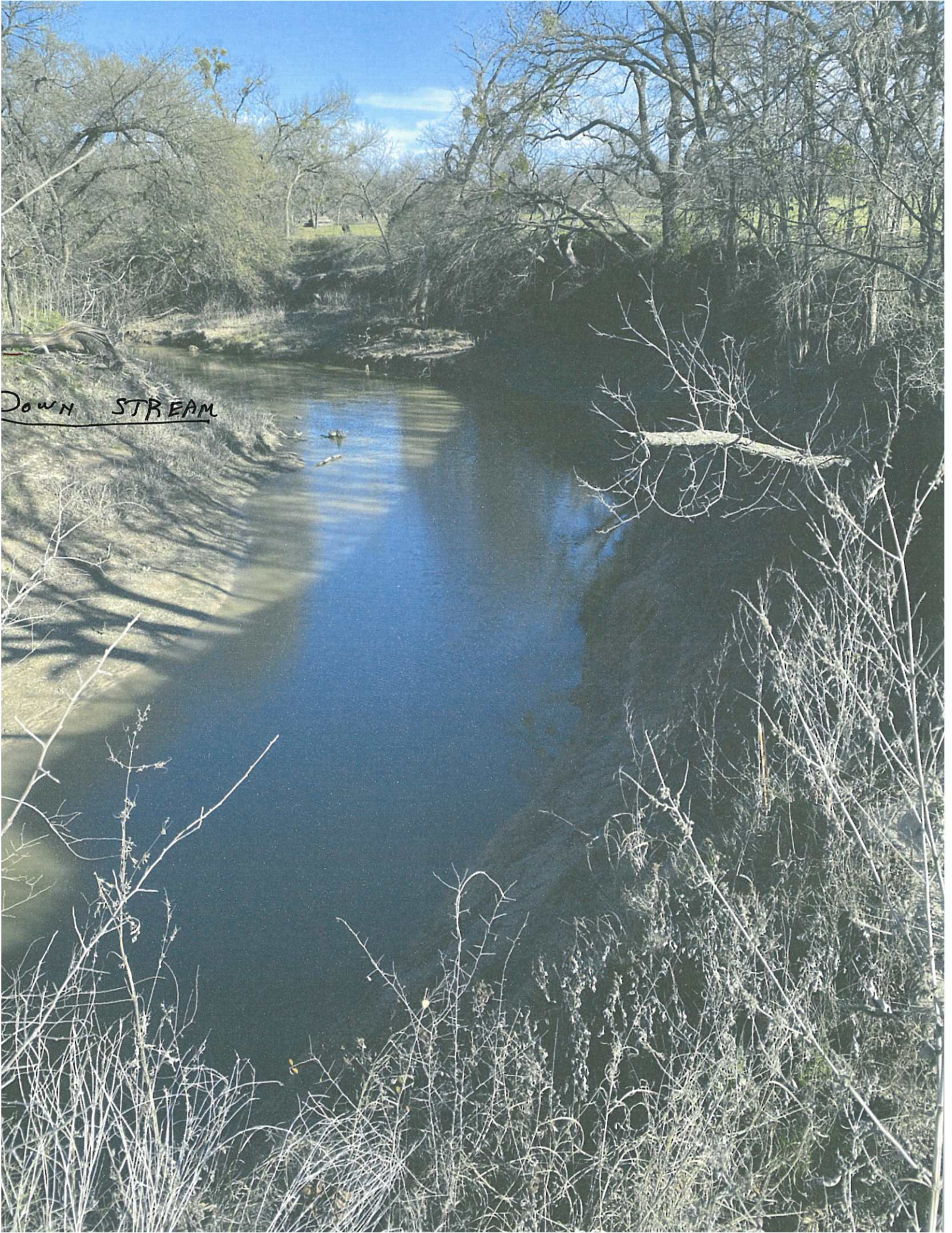
	Description	Amount (\$)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$) . <u>In Acre-Feet</u>	
	a. Less than 100 \$100.00	100.00
	b. 100 - 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	Only for those with an Irrigation Use. Multiply 50¢ x <u>27</u> Number of acres that will be irrigated with State Water. **	18.50
Use Fee	Required for all Use Types, excluding Irrigation Use . Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
Recreational Storage Fee	Only for those with Recreational Storage. Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
Storage Fee	Only for those with Storage, excluding Recreational Storage . 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		\$

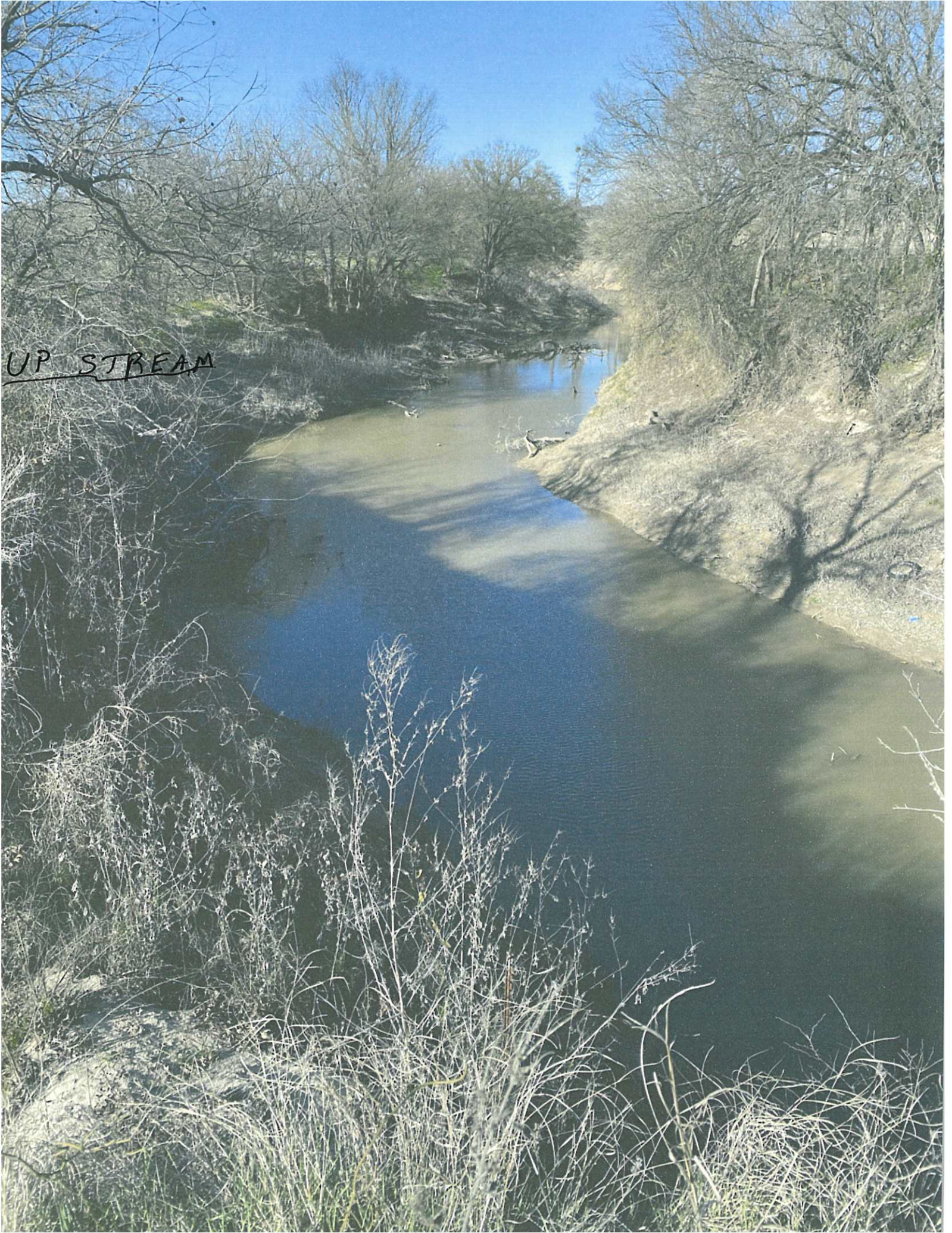
3. BED AND BANKS

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

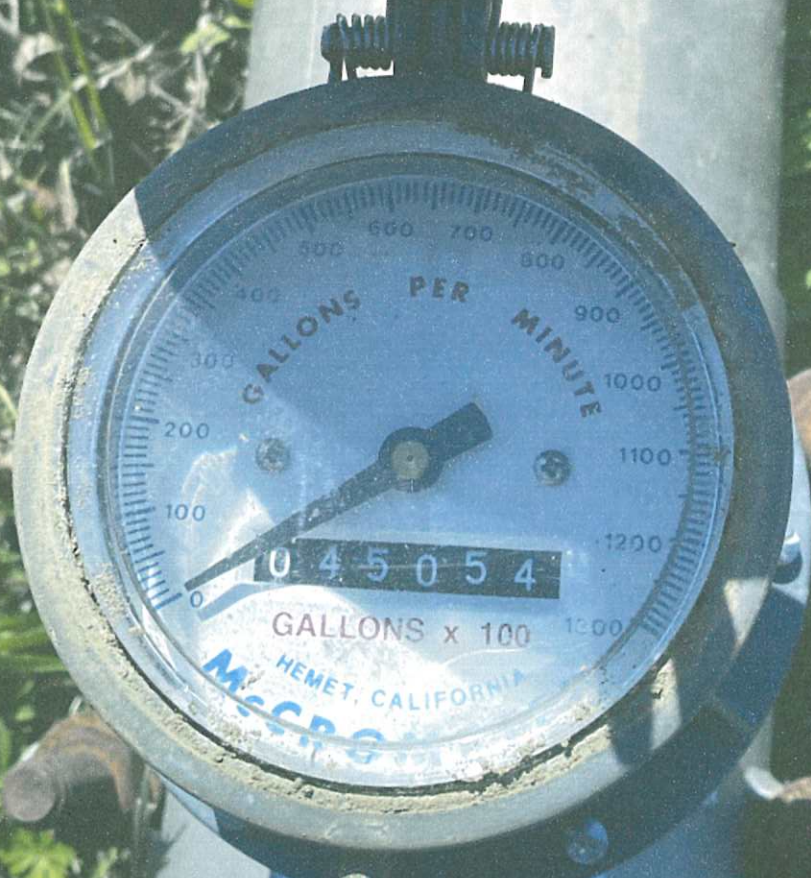


Down STREAM

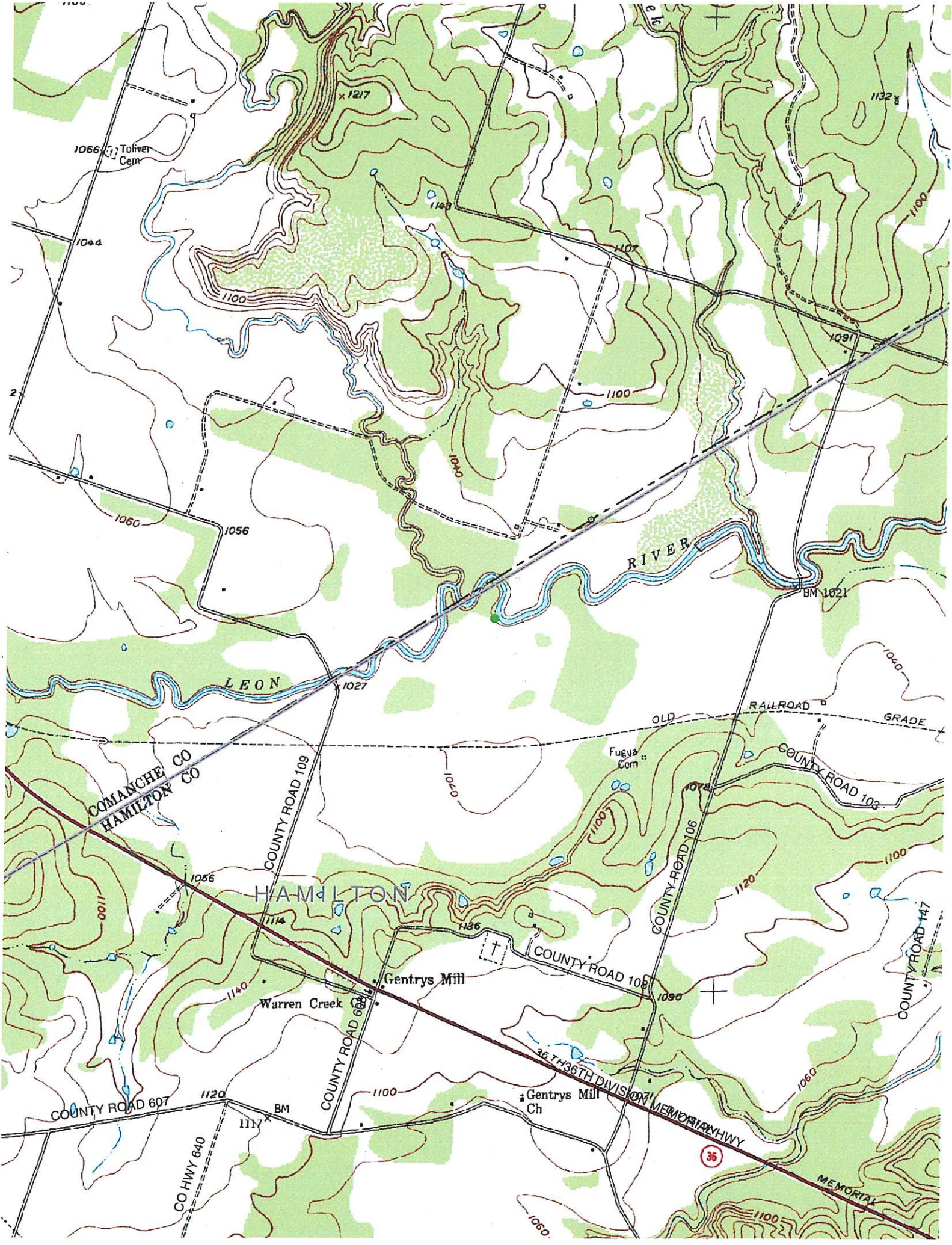
UP STREAM

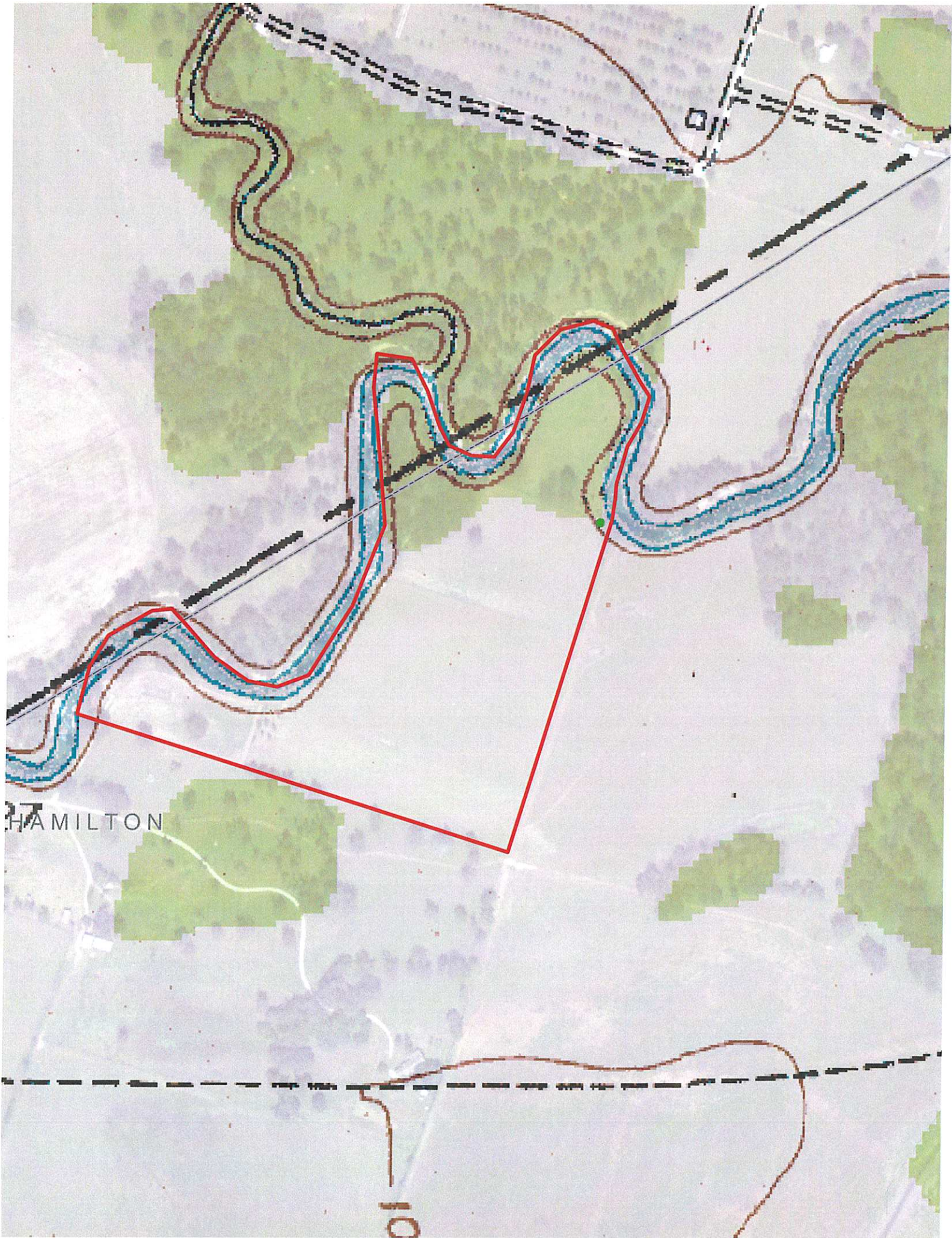




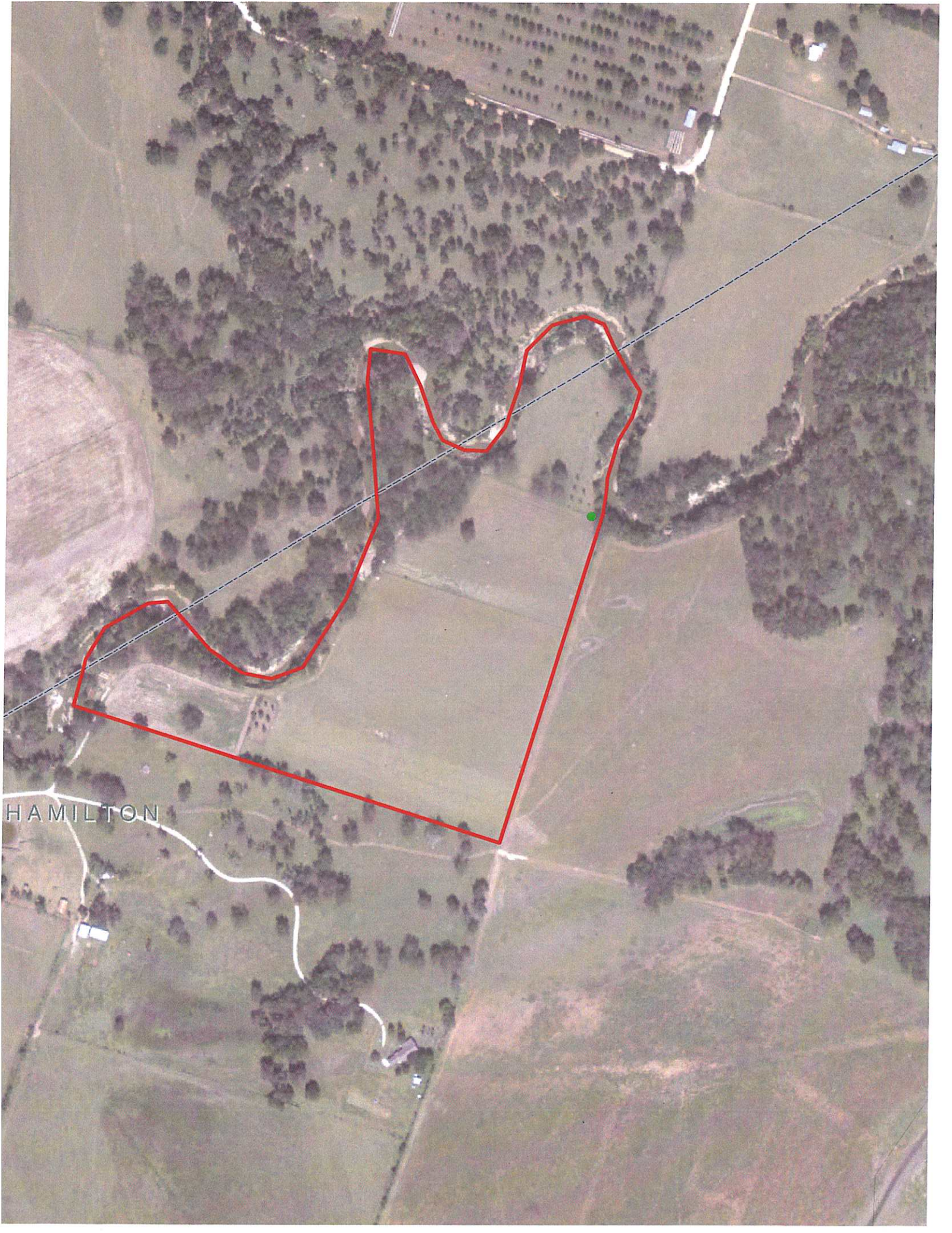


DO NOT REMOVE
PRESSURE





HAMILTON



HAMILTON



Texas Commission on Environmental Quality

Water Availability Division

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

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

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

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

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

Contact Information

Name: ~~Click to add text~~ DON GROMATZKY
Address: 1835 CR 101 HAMILTON, TX 76531
Telephone Number: (254) 784-0718 Fax: ()
Form Completed By: DON GROMATZKY
Title: OWNER
Signature: Don Gromatzky Date: 3/3/2020

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

I. BACKGROUND DATA

A. Water Use

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

January	February	March	April
<u>0</u>	<u>0</u>	<u>0</u>	<u>4</u>
May	June	July	August
<u>4</u>	<u>6</u>	<u>8</u>	<u>8</u>
September	October	November	December
<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total All Months			<u>30</u>

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

Type of crop	Growing Season (Months)	Acres irrigated/year
<u>IMPROVED GRASS</u>	<u>7</u>	<u>30</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
Total acres irrigated		<u>30</u>

4. Are crops rotated seasonally or annually? ☐ Yes ☒ No

If yes, please describe:

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

SANDY LOAM

B. Irrigation system information

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

3 wheel lines w/ VARIOUS SIZE NOZZLES TO COMPLY
w/ CURRENT PERMIT DIVERSION RATE

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

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

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

- a. 5-year goal:
Savings in acre-feet or system efficiency as a percentage %
- b. 10-year goal:
Savings in acre-feet or system efficiency as a percentage %

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

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

☐ Yes ☒ No

If yes, please provide the date of the evaluation, evaluator's name and the results of the evaluation:

C. Conservation practices

1. Describe any water conserving irrigation equipment, application system or method in the irrigation system (e.g., surge irrigation, low pressure sprinkler, drip irrigation, nonleaking pipe). *PUMP @ LOWER PRESSURE USING LARGER NOZZLES DURING COOLER PART TIMES OF DAY + NIGHT TO PREVENT EXCESS EVAPORATION.*
2. Describe any methods that will be used for water loss control and leak detection and repair. *REMAIN ON SITE DURING 90% OF PUMP RUN TIME*
3. Describe any water-saving scheduling or practices to be used in the application of water (e.g., irrigation only in early morning, late evening or night hours and/or during lower temperatures and winds) and methods to measure the amount of water applied (e.g. soil-moisture monitoring).

4. Describe any water-saving land improvements or plans to be incorporated into the irrigation practices for retaining or reducing runoff and increasing infiltration of rain and irrigation water (e.g., land leveling, conservation tillage, furrow diking, weed control, terracing, etc.).
5. Describe any methods for recovery and reuse of tail water runoff.
DO NOT HAVE ANY RUN OFF
6. Describe any other water conservation practices, methods, or techniques for preventing waste and achieving conservation.

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

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

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

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