

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

### APPLICATION NO. 14-2553B

The City of Goldthwaite seeks to sever its water rights (1,000 acre-feet of water per year), authorized by Certificate of Adjudication No. 14-2546 and combine those rights with the 1,500 acre-feet of water per year, authorized by Certificate of Adjudication No. 14-2553. The City of Goldthwaite further seeks to amend the combined Certificate of Adjudication No. 14-2553 to change the purpose of use of all 2,500 acre-feet of water to municipal and industrial purposes, to store all of the authorized water in three existing off-channel reservoirs, and to add an additional off-channel reservoir, to authorize diversion of the 1,000 acre-feet of water from the City's authorized diversion point, and to add a place of use for all of the authorized water within the City's service area in Mills County. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** City of Goldthwaite, 1219 Fisher Street, Goldthwaite, Texas 76844, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Notice is being mailed to interjacent water right holders in the Colorado River Basin pursuant to Title 30 TAC § 295.158(c)(3)(C).

Certificate of Adjudication No. 14-2553 (Certificate) authorizes City of Goldthwaite (City) to, among other things, divert and use not to exceed 800 acre-feet of water per year for municipal purposes and 700 acre-feet of water per year for industrial purposes from a point on the Colorado River, Colorado River Basin, at a maximum diversion rate of 3.12 cfs (1,400 gpm), and to store the diverted water in three off-channel reservoirs, impounding a total of 315 acre-feet of water, for subsequent diversion and use in Mills County.

The City's authorized diversion point is located at Latitude 31.367464° N, Longitude 98.650161° W, in Mills County

The City is also authorized to use 250 acre-feet per year of its treated sewage effluent authorized by Certificate of Adjudication 14-2553 for irrigation of 86.5 acres of land out of a 183.217-acre tract in Mills County.

The time priority for the 800 acre-feet of water authorized for municipal purposes and the 700 acre-feet authorized for industrial purposes is May 6, 1960.

The City acquired a portion of Certificate of Adjudication No. 14-2546, which authorizes the diversion of 1,000 acre-feet of water per year from a point on the Colorado River, at a diversion rate of 15.32 cfs (6876 gpm), for agricultural purposes in San Saba County. The time priority for diversion of the 1,000 acre-feet of water is December 31, 1956.

The City seeks to sever the 1,000-acre-foot portion of water from Certificate of Adjudication No. 14-2546 and combine it with Certificate of Adjudication No. 14-2553.

The City further seeks to amend Certificate of Adjudication No. 14-2553, as amended, to change the purpose of use of the entire 2,500 acre-feet of water to municipal and industrial purposes, to store all of the authorized water in the three existing off-channel reservoirs, and to add an additional off-channel reservoir, to authorize diversion of the 1,000 acre-feet of water from the City's authorized diversion point, and to add a place of use for all of the authorized water within the City's service area in Mills County.

The additional off-channel reservoir impounds 350 acre-feet of water and a point on the reservoir is located at Latitude 31.436080° N, Longitude 98.603137° W, ZIP Code 76844.

The City also seeks to clarify that the use of 250 acre-feet of treated sewage effluent created by the City's use of water authorized by Certificate of Adjudication No. 14-2553 is direct reuse and to remove the limit on the amount of water that can be directly reused.

The application and fees were received on July 2, 2020. Additional information and fees were received on October 6, and November 9, 2020. The application was declared administratively complete and filed with the Office of the Chief Clerk on April 30, 2021.

The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment if granted, would include special conditions including, but not limited to, 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/wr-pending-apps](https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-pending-apps)

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

**PUBLIC COMMENT / PUBLIC MEETING.** Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by September 06, 2022. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

**CONTESTED CASE HEARING.** The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by September 06, 2022. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by September 06, 2022.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the

application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions to the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

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

**INFORMATION.** Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 2553 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: August 17, 2022

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN ORDER severing a portion of the water right authorized by Certificate of Adjudication No. 14-2546 owned by the City of Goldthwaite, from that Certificate and combining those rights with the water rights owned by the City of Goldthwaite authorized by Certificate of Adjudication No. 14-2553, designating such combination as Certificate of Adjudication No. 14-2553B.

An application was received from the City of Goldthwaite to sever a 1,000-acre-foot portion of water for agricultural purposes authorized by Certificate of Adjudication No. 14-2546 and combine those water rights with the water rights owned by the City of Goldthwaite authorized by Certificate of Adjudication No. 14-2553.

The Commission has jurisdiction to consider this matter and after hearing all of the evidence pertaining to the matter, the Commission finds that the 1,000-acre-foot portion of water rights authorized by Certificate of Adjudication No. 14-2546, owned by the City of Goldthwaite, should be severed from that Certificate and combined with the water rights owned by the City of Goldthwaite authorized by Certificate of Adjudication No. 14-2553, designating said combination as Certificate of Adjudication No. 14-2553B.

NOW THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that the 1,000-acre-foot portion of water for agricultural purposes authorized by Certificate of Adjudication No. 14-2546, owned by the City of Goldthwaite, hereby be severed from that Certificate and combined with the water rights owned by the City of Goldthwaite, authorized by Certificate of Adjudication No. 14-2553, designating said combination as Certificate of Adjudication No. 14-2553B.

All other terms and conditions contained in Certificate of Adjudication No. 14-2553 which are not specifically contrary to the terms of Certificate of Adjudication No. 14-2553, 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.

DATE ISSUED:

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For the Commission



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-2553B

TYPE § 11.122

Owner: City of Goldthwaite

Address: 1219 Fisher Street  
Goldthwaite, Texas 76844

Filed: April 30, 2021

Granted:

Purposes: Municipal and Industrial

County: Mills

Watercourse: Colorado River

Watershed: Colorado River Basin

WHEREAS, Certificate of Adjudication No. 14-2553 (Certificate) authorizes the City of Goldthwaite (City/Owner) to, among other things, divert and use not to exceed 800 acre-feet of water per year for municipal purposes and 700 acre-feet of water per year for industrial purposes from a point on the Colorado River, Colorado River Basin, at a maximum diversion rate of 3.12 cfs (1,400 gpm) and to store the diverted water in three off-channel reservoirs, impounding a total of 315 acre-feet of water for subsequent diversion and use in Mills County; and

WHEREAS, the City's authorized diversion point is located at Latitude 31.367464° N, Longitude 98.650161° W, in Mills County; and

WHEREAS, the City is also authorized to use 250 acre-feet per year of treated sewage effluent created by the City's use of water authorized by Certificate of Adjudication No. 14-2553 for irrigation of 86.5 acres of land out of a 183.217-acre tract in Mills County; and

WHEREAS, the time priority for the 800 acre-feet of water authorized for municipal purposes and the 700 acre-feet of water authorized for industrial purposes is May 6, 1960; and

WHEREAS, the City acquired a portion of Certificate of Adjudication No. 14-2546, which authorizes the diversion of 1,000 acre-feet of water per year from a point on the Colorado River, at a diversion rate of 15.32 cfs ( 6,876 gpm), for agricultural purposes in San Saba County; and

WHEREAS, the time priority for diversion of the 1,000 acre-feet of water is December 31, 1956; and

WHEREAS, the City seeks to sever the 1,000-acre-foot portion of water from Certificate of Adjudication No. 14-2546 and combine it with Certificate of Adjudication No. 14-2553,

WHEREAS, by Commission Order approved on \_\_\_\_\_, the 1,000-acre-foot portion of water owned by the City of Goldthwaite, authorized by Certificate of Adjudication No. 14-2546, was severed from said Certificate and combined with Certificate of Adjudication No. 14-2553; and

WHEREAS, the City further seeks to amend Certificate of Adjudication No. 14-2553, as amended, to change the purpose of use of the entire 2,500 acre-feet of water to municipal and industrial purposes, to store all of the authorized water in the three existing off-channel reservoirs and to add an additional off-channel reservoir, to authorize diversion of the 1,000 acre-feet of water from the City's authorized diversion point, and to add a place of use for all of the authorized water within the City's service area in Mills County; and

WHEREAS, the additional off-channel reservoir impounds 350 acre-feet of water and a point on the reservoir is located at Latitude 31.436080° N, Longitude 98.603137° W; and

WHEREAS, the City also seeks to clarify that the use of 250 acre-feet of treated sewage effluent created by the City's use of water authorized by Certificate of Adjudication No. 14-2553 is direct reuse and to remove the limit on the amount of water that can be directly reused; and

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

WHEREAS, direct reuse of treated sewage effluent is not regulated by the water rights permitting program; therefore, the provisions in the certificate, as amended, relating to direct reuse of treated sewage effluent are ineffective and should be removed from the certificate; and

WHEREAS, the City may directly reuse treated sewage effluent created by its use of water authorized by Certificate of Adjudication No. 12-2553, as amended, subject to obtaining any required authorizations to directly reuse the treated sewage effluent.

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

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 14-2553, designated as Certificate of Adjudication No. 14-2553B, is issued to the City of Goldthwaite subject to the following terms and conditions:

1. USE

In lieu of previous authorizations, Owner is authorized to divert and use 2,500 acre-feet of water per year from the Colorado River for municipal and industrial purposes and to store the diverted water in four off-channel reservoirs for subsequent diversion and use for municipal and industrial purposes within the Owner's service area in Mills County.

2. DIVERSION

- A. Owner is authorized to divert all of its authorized water from the point currently authorized by Certificate of Adjudication No. 14-2553, located at Latitude 31.367464° N, Longitude 98.650161° W, in Mills County.
- B. Maximum combined diversion rate of 18.44 cfs (8,276 gpm).

3. PRIORITY

- A. The time priority for the diversion of the first 1,000 acre-feet of water at a maximum diversion rate of 15.12 cfs is December 31, 1956.
- B. The time priority for the remaining diversion of 1,500 acre-feet of water at a maximum diversion rate of 3.12 cfs is May 6, 1960.

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 wholesale water 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 must 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. The streamflow restrictions in Paragraphs 5.B. - 5.F. below only apply to the diversion of 1,000 acre-feet per year of water under the December 31, 1956 priority date.
- B. Owner shall not divert unless streamflow exceeds the following environmental flow values at USGS Gage No. 08147000 - Colorado River at San Saba, TX, subject to the requirements of Paragraphs 5.C. - 5.F.

Season	Subsistence	Base
Winter	50 cfs	95 cfs
Spring	50 cfs	120 cfs
Summer	30 cfs	72 cfs
Fall	30 cfs	95 cfs

cfs = cubic feet per second

- C. Seasons are defined as follows: Winter (November through February), Spring (March through June), Summer (July through August), and Fall (September through October).
- D. Owner shall not divert if streamflow at USGS Gage No. 0814700 is below the applicable subsistence flow value for a season.
- E. If streamflow at USGS Gage No. 08147000 is above the subsistence flow value for a season but below the applicable base flow value for a season, Owner may only divert if streamflow does not fall below the applicable subsistence flow value.
- F. Owner may divert if the flow at USGS Gage No. 08147000 is above the applicable base flow value for that season so long as streamflow at USGS Gage No. 08147000 does not fall below the applicable base flow value.
- G. Ninety days prior to the diversion of water for industrial use, Owner or contract customer shall submit a water conservation plan to the TCEQ that meets the requirements of 30 Texas Administrative Code §288.3.
- H. The authorization for direct reuse of 250 acre-feet of treated sewage effluent is hereby removed from this certificate.
- I. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point authorized in Paragraph 2. DIVERSION and maintain measurement records.
- J. Owner shall allow representatives of the Texas Commission on Environmental Quality reasonable access to the property to inspect the measuring device and records.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 14-2553, as amended, except as specifically amended herein.

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

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

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

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

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For the Commission

Date issued:

DRAFT

**From:** [Jordan Furnans](#)  
**To:** [Joshua Schauer](#)  
**Cc:** [Theresa Budd](#); [net; Micaela Pedrazas](#)  
**Subject:** Re: City of Goldthwaite; 14-2553B Drafts  
**Date:** Friday, August 5, 2022 1:14:21 PM

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Dear Mr. Schauer -

Thanks for your return comments. I've discussed them with the City of Goldthwaite, and we accept your rejection of our original comments #2 and #4. We wish to proceed and finish up this amendment process. We are pleased that TCEQ has agreed to our requested changes #1, #3, and #5.

With respect to our comment #4, I agree that the rule you stated has November defined as a winter month in the Colorado River Basin. I'll do some research to see why that change was made from the original fall designation for November in the 2012 Colorado BBASC report, but that is mainly for my knowledge and curiosity.

With respect to our comment #2, we note that there is some room for interpretation of rule 297.58(b) as has been argued by the Gulf Coast Water Authority (in the Brazos Basin) and by other entities that hold water rights with multiple priority date authorizations. These interpretations hinge on the "unless" and "or" clauses of rule 297.58(b). We do not wish to debate or dispute TCEQ's interpretation of this rule at this time.

Thanks to you and your team for the effort you've put in on our behalf with respect to this permit amendment.

Sincerely,

Jordan

**Jordan Furnans, PhD, PE, PG**  
Vice President - Texas Operations  
Office: 720-259-7996 | Direct: 512-736-6485  
[REDACTED]



**LREwater.com**

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On Fri, Aug 5, 2022 at 10:26 AM Joshua Schauer <[Joshua.Schauer@tceq.texas.gov](mailto:Joshua.Schauer@tceq.texas.gov)> wrote:

Mr. Furnans,

Thank you for your comments. Staff agrees with the suggested revision of items 1, 3, and 5.

We respectfully disagree with the request to change Item #2 in order to be consistent with our rules.

[30 TAC 297.58 \(b\)](#).

With respect to #4, we would not be able to make the requested change. TCEQ's adopted

environmental flow standards for the Colorado River Basin define the seasons. Please see [30 TAC](#)

[298.305 \(21\)](#).

Please review the attached revised draft and contact me by August 19, 2022 with any comments or questions.

Best Regards,

Joshua Schauer

Project Manager

TCEQ, Water Rights Permitting Section

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**From:** Micaela Pedrazas <[micaela.pedrazas@lrewater.com](mailto:micaela.pedrazas@lrewater.com)>  
**Sent:** Tuesday, July 19, 2022 12:44 PM  
**To:** Joshua Schauer <[Joshua.Schauer@Tceq.Texas.Gov](mailto:Joshua.Schauer@Tceq.Texas.Gov)>  
**Cc:** Jordan Furnans <[jordan.furnans@lrewater.com](mailto:jordan.furnans@lrewater.com)>; Theresa Budd <[\[REDACTED\]](#)>  
**Subject:** City of Goldthwaite; 14-2553B Drafts

Dear Mr. Schauer,

Thank you for the draft permit amendment material to Certificate of Adjudication (COA) 14-2553, and the related technical memoranda regarding the application on behalf of the City of Goldthwaite sent to my colleague, Jordan Furnans. Jordan is currently on vacation until August 1st but he has reviewed the drafts and provided comments. I am also copying the City Manager, Robert Lindsey in this email. The comments are the following:

1. Page 2 - Change the 4th "Whereas" statement to show that the City's newest reservoir holds 350 acre-feet of water, not 315 acre-feet.
2. Under the priority section (page 3), re-word it to remove "first".
3. Under special condition 5A - re-word to "the diversion of 1,000 acre-feet per year of water under the December 31, 1956 priority date".
4. Under Special Condition 5C - November should be included in the fall months, not winter months - per the original Colorado Basin Instream flow study.
5. Under Special Condition 5I, the word "points" should be made to "point" as there is only one diversion location authorized.

Thank you for your help with the application.

Kind regards,

Micaela

**Micaela Pedrazas, EIT, GIT**  
Hydrogeologist - Texas Operations  
Office: 720-259-7155 | Direct: 512-806-3525  
[REDACTED]



**[LREWATER.COM](http://LREWATER.COM)**

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**From:** [Joshua Schauer](#)  
**To:** [Jordan Furnans](#)  
**Cc:** [Theresa Budd](#); [REDACTED] [Micaela Pedrazas](#)  
**Subject:** RE: City of Goldthwaite; 14-2553B Drafts  
**Date:** Friday, August 5, 2022 10:26:00 AM  
**Attachments:** [City of Goldthwaite\\_14\\_2553B\\_Draft Amendment Redline 8.4.22.pdf](#)

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Mr. Furnans,

Thank you for your comments. Staff agrees with the suggested revision of items 1, 3, and 5.

We respectfully disagree with the request to change Item #2 in order to be consistent with our rules [30 TAC 297.58 \(b\)](#).

With respect to #4, we would not be able to make the requested change. TCEQ's adopted environmental flow standards for the Colorado River Basin define the seasons. Please see [30 TAC 298.305 \(21\)](#).

Please review the attached revised draft and contact me by August 19, 2022 with any comments or questions.

Best Regards,

Joshua Schauer  
Project Manager  
TCEQ, Water Rights Permitting Section

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**From:** Micaela Pedrazas <micaela.pedrazas@lrewater.com>

**Sent:** Tuesday, July 19, 2022 12:44 PM

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

**Cc:** Jordan Furnans [REDACTED]; Theresa Budd <[REDACTED]>  
[REDACTED]

**Subject:** City of Goldthwaite; 14-2553B Drafts

Dear Mr. Schauer,

Thank you for the draft permit amendment material to Certificate of Adjudication (COA) 14-2553, and the related technical memoranda regarding the application on behalf of the City of Goldthwaite sent to my colleague, Jordan Furnans. Jordan is currently on vacation until August 1st but he has reviewed the drafts and provided comments. I am also copying the City Manager, Robert Lindsey in this email. The comments are the following:

1. Page 2 - Change the 4th "Whereas" statement to show that the City's newest reservoir holds 350 acre-feet of water, not 315 acre-feet.



2. Under the priority section (page 3), re-word it to remove "first".
3. Under special condition 5A - re-word to "the diversion of 1,000 acre-feet per year of water under the December 31, 1956 priority date".
4. Under Special Condition 5C - November should be included in the fall months, not winter months - per the original Colorado Basin Instream flow study.
5. Under Special Condition 5I, the word "points" should be made to "point" as there is only one diversion location authorized.

Thank you for your help with the application.

Kind regards,  
Micaela

**Micaela Pedrazas, EIT, GIT**

Hydrogeologist - Texas Operations

Office: 720-259-7155 | Direct: 512-806-3525



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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-2553B

TYPE § 11.122

Owner: City of Goldthwaite

Address: 1219 Fisher Street  
Goldthwaite, Texas 76844

Filed: April 30, 2021

Granted:

Purposes: Municipal and Industrial

County: Mills

Watercourse: Colorado River

Watershed: Colorado River Basin

WHEREAS, Certificate of Adjudication No. 14-2553 (Certificate) authorizes the City of Goldthwaite (City/Owner) to, among other things, divert and use not to exceed 800 acre-feet of water per year for municipal purposes and 700 acre-feet of water per year for industrial purposes from a point on the Colorado River, Colorado River Basin, at a maximum diversion rate of 3.12 cfs (1,400 gpm) and to store the diverted water in three off-channel reservoirs, impounding a total of 315 acre-feet of water for subsequent diversion and use in Mills County; and

WHEREAS, the City's authorized diversion point is located at Latitude 31.367464° N, Longitude 98.650161° W, in Mills County; and

WHEREAS, the City is also authorized to use 250 acre-feet per year of treated sewage effluent created by the City's use of water authorized by Certificate of Adjudication No. 14-2553 for irrigation of 86.5 acres of land out of a 183.217-acre tract in Mills County; and

WHEREAS, the time priority for the 800 acre-feet of water authorized for municipal purposes and the 700 acre-feet of water authorized for industrial purposes is May 6, 1960; and

WHEREAS, the City acquired a portion of Certificate of Adjudication No. 14-2546, which authorizes the diversion of 1,000 acre-feet of water per year from a point on the Colorado River, at a diversion rate of 15.32 cfs ( 6,876 gpm), for agricultural purposes in San Saba County; and

WHEREAS, the time priority for diversion of the 1,000 acre-feet of water is December 31, 1956; and

WHEREAS, the City seeks to sever the 1,000-acre-foot portion of water from Certificate of Adjudication No. 14-2546 and combine it with Certificate of Adjudication No. 14-2553,

WHEREAS, by Commission Order approved on \_\_\_\_\_, the 1,000-acre-foot portion of water owned by the City of Goldthwaite, authorized by Certificate of Adjudication No. 14-2546, was severed from said Certificate and combined with Certificate of Adjudication No. 14-2553; and

WHEREAS, the City further seeks to amend Certificate of Adjudication No. 14-2553, as amended, to change the purpose of use of the entire 2,500 acre-feet of water to municipal and industrial purposes, to store all of the authorized water in the three existing off-channel reservoirs and to add an additional off-channel reservoir, to authorize diversion of the 1,000 acre-feet of water from the City's authorized diversion point, and to add a place of use for all of the authorized water within the City's service area in Mills County; and

WHEREAS, the additional off-channel reservoir impounds ~~350~~<sup>15</sup> acre-feet of water and a point on the reservoir is located at Latitude 31.436080° N, Longitude 98.603137° W; and

WHEREAS, the City also seeks to clarify that the use of 250 acre-feet of treated sewage effluent created by the City's use of water authorized by Certificate of Adjudication No. 14-2553 is direct reuse and to remove the limit on the amount of water that can be directly reused; and

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

WHEREAS, direct reuse of treated sewage effluent is not regulated by the water rights permitting program; therefore, the provisions in the certificate, as amended, relating to direct reuse of treated sewage effluent are ineffective and should be removed from the certificate; and

WHEREAS, the City may directly reuse treated sewage effluent created by its use of water authorized by Certificate of Adjudication No. 12-2553, as amended, subject to obtaining any required authorizations to directly reuse the treated sewage effluent.

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

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 14-2553, designated as Certificate of Adjudication No. 14-2553B, is issued to the City of Goldthwaite subject to the following terms and conditions:

1. USE

In lieu of previous authorizations, Owner is authorized to divert and use 2,500 acre-feet of water per year from the Colorado River for municipal and industrial purposes and to store the diverted water in four off-channel reservoirs for subsequent diversion and use for municipal and industrial purposes within the Owner's service area in Mills County.

2. DIVERSION

- A. Owner is authorized to divert all of its authorized water from the point currently authorized by Certificate of Adjudication No. 14-2553, located at Latitude 31.367464° N, Longitude 98.650161° W, in Mills County.
- B. Maximum combined diversion rate of 18.44 cfs (8,276 gpm).

3. PRIORITY

- A. The time priority for the diversion of the first 1,000 acre-feet of water at a maximum diversion rate of 15.12 cfs is December 31, 1956.
- B. The time priority for the remaining diversion of 1,500 acre-feet of water at a maximum diversion rate of 3.12 cfs is May 6, 1960.

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 wholesale water 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 must 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. The streamflow restrictions in Paragraphs 5.B. - 5.F. below only apply to the diversion of ~~the additional~~ 1,000 acre-feet ~~per year~~ of water under the December 31, 1956 priority date authorized in this amendment.
- B. Owner shall not divert unless streamflow exceeds the following environmental flow values at USGS Gage No. 08147000 - Colorado River at San Saba, TX, subject to the requirements of Paragraphs 5.C. - 5.F.

Season	Subsistence	Base
Winter	50 cfs	95 cfs
Spring	50 cfs	120 cfs
Summer	30 cfs	72 cfs
Fall	30 cfs	95 cfs

cfs = cubic feet per second

- C. Seasons are defined as follows: Winter (November through February), Spring (March through June), Summer (July through August), and Fall (September through October).
- D. Owner shall not divert if streamflow at USGS Gage No. 0814700 is below the applicable subsistence flow value for a season.
- E. If streamflow at USGS Gage No. 08147000 is above the subsistence flow value for a season but below the applicable base flow value for a season, Owner may only divert if streamflow does not fall below the applicable subsistence flow value.
- F. Owner may divert if the flow at USGS Gage No. 08147000 is above the applicable base flow value for that season so long as streamflow at USGS Gage No. 08147000 does not fall below the applicable base flow value.
- G. Ninety days prior to the diversion of water for industrial use, Owner or contract customer shall submit a water conservation plan to the TCEQ that meets the requirements of 30 Texas Administrative Code §288.3.
- H. The authorization for direct reuse of 250 acre-feet of treated sewage effluent is hereby removed from this certificate.
- I. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the points authorized in Paragraph 2. DIVERSION and maintain measurement records.
- J. Owner shall allow representatives of the Texas Commission on Environmental Quality reasonable access to the property to inspect the measuring device and records.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 14-2553, as amended, except as specifically amended herein.

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

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

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

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

---

For the Commission

Date issued:

DRAFT

**From:** [Micaela Pedrazas](#)  
**To:** [Joshua Schauer](#)  
**Cc:** [Jordan Furnans](#); [Theresa Budd](#); [citymgr@centex.net](mailto:citymgr@centex.net)  
**Subject:** City of Goldthwaite; 14-2553B Drafts  
**Date:** Tuesday, July 19, 2022 12:44:29 PM

---

Dear Mr. Schauer,

Thank you for the draft permit amendment material to Certificate of Adjudication (COA) 14-2553, and the related technical memoranda regarding the application on behalf of the City of Goldthwaite sent to my colleague, Jordan Furnans. Jordan is currently on vacation until August 1st but he has reviewed the drafts and provided comments. I am also copying the City Manager, Robert Lindsey in this email. The comments are the following:

1. Page 2 - Change the 4th "Whereas" statement to show that the City's newest reservoir holds 350 acre-feet of water, not 315 acre-feet.
2. Under the priority section (page 3), re-word it to remove "first".
3. Under special condition 5A - re-word to "the diversion of 1,000 acre-feet per year of water under the December 31, 1956 priority date".
4. Under Special Condition 5C - November should be included in the fall months, not winter months - per the original Colorado Basin Instream flow study.
5. Under Special Condition 5I, the word "points" should be made to "point" as there is only one diversion location authorized.

Thank you for your help with the application.

Kind regards,  
Micaela

**Micaela Pedrazas, EIT, GIT**  
Hydrogeologist - Texas Operations  
Office: 720-259-7155 | Direct: 512-806-3525



**LREWATER.COM**

1101 Satellite View #301, Round Rock, TX 78665

**\*\*CONFIDENTIALITY NOTICE:**

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**From:** [Joshua Schauer](#)  
**To:** [REDACTED]  
**Subject:** City of Goldthwaite; 14-2553B Drafts  
**Date:** Thursday, July 7, 2022 2:39:00 PM  
**Attachments:** [City of Goldthwaite\\_14\\_2553B\\_Drafts.pdf](#)

---

Dear Mr. Furnans:

Drafts, subject to revision, of the public notice, order, proposed amendment to Certificate of Adjudication (COA) 14-2553, and the related technical memoranda are attached.

Staff are recommending that the referenced application be granted in accordance with the attached drafts. Please review the drafts and contact me no later than July 21, 2022 with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

Regards,

Joshua Schauer  
Project Manager  
TCEQ, Water Rights Permitting Section  
512.239.1371



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 7, 2022

Mr. Jordan Furnans  
LRE Water, LLC  
1101 Satellite View, #301  
Round Rock, TX 78665

**E-MAIL**

RE: City of Goldthwaite  
ADJ 2553  
CN600739221, RN103928818  
Application No. 14-2553B to Sever a Portion of Certificate of Adjudication  
No. 14-2546 and Combine it with and Amend Certificate of Adjudication No. 14-  
2553  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Colorado River, Colorado River Basin  
Mills County

Dear Mr. Furnans:

Drafts, subject to revision, of the public notice, order, proposed amendment to Certificate of Adjudication (COA) 14-2553, and the related technical memoranda are attached.

Staff are recommending that the referenced application be granted in accordance with the attached drafts. Please review the drafts and contact me no later than July 21, 2022 with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

Please note this application requires a 15-day comment period and once the comment period has closed, the proposed order and amendment to COA No. 14-2553 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 [Joshua.Schauer@tceq.texas.gov](mailto:Joshua.Schauer@tceq.texas.gov) or by telephone at (512) 239-1371.

Sincerely,

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

Attachments

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

### APPLICATION NO. 14-2553B

The City of Goldthwaite seeks to sever its water rights (1,000 acre-feet of water per year), authorized by Certificate of Adjudication No. 14-2546 and combine those rights with the 1,500 acre-feet of water per year, authorized by Certificate of Adjudication No. 14-2553. The City of Goldthwaite further seeks to amend the combined Certificate of Adjudication No. 14-2553 to change the purpose of use of all 2,500 acre-feet of water to municipal and industrial purposes, to store all of the authorized water in three existing off-channel reservoirs, and to add an additional off-channel reservoir, to authorize diversion of the 1,000 acre-feet of water from the City's authorized diversion point, and to add a place of use for all of the authorized water within the City's service area in Mills County. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** City of Goldthwaite, 1219 Fisher Street, Goldthwaite, Texas 76844, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Notice is being mailed to interjacent water right holders in the Colorado River Basin pursuant to Title 30 TAC § 295.158(c)(3)(C).

Certificate of Adjudication No. 14-2553 (Certificate) authorizes City of Goldthwaite (City) to, among other things, divert and use not to exceed 800 acre-feet of water per year for municipal purposes and 700 acre-feet of water per year for industrial purposes from a point on the Colorado River, Colorado River Basin, at a maximum diversion rate of 3.12 cfs (1,400 gpm), and to store the diverted water in three off-channel reservoirs, impounding a total of 315 acre-feet of water, for subsequent diversion and use in Mills County.

The City's authorized diversion point is located at Latitude 31.367464° N, Longitude 98.650161° W, in Mills County

The City is also authorized to use 250 acre-feet per year of its treated sewage effluent authorized by Certificate of Adjudication 14-2553 for irrigation of 86.5 acres of land out of a 183.217-acre tract in Mills County.

The time priority for the 800 acre-feet of water authorized for municipal purposes and the 700 acre-feet authorized for industrial purposes is May 6, 1960.

The City acquired a portion of Certificate of Adjudication No. 14-2546, which authorizes the diversion of 1,000 acre-feet of water per year from a point on the Colorado River, at a diversion

rate of 15.32 cfs (6876 gpm), for agricultural purposes in San Saba County. The time priority for diversion of the 1,000 acre-feet of water is December 31, 1956.

The City seeks to sever the 1,000-acre-foot portion of water from Certificate of Adjudication No. 14-2546 and combine it with Certificate of Adjudication No. 14-2553.

The City further seeks to amend Certificate of Adjudication No. 14-2553, as amended, to change the purpose of use of the entire 2,500 acre-feet of water to municipal and industrial purposes, to store all of the authorized water in the three existing off-channel reservoirs, and to add an additional off-channel reservoir, to authorize diversion of the 1,000 acre-feet of water from the City's authorized diversion point, and to add a place of use for all of the authorized water within the City's service area in Mills County.

The additional off-channel reservoir impounds 315 acre-feet of water and a point on the reservoir is located at Latitude 31.436080° N, Longitude 98.603137° W, ZIP Code 76844.

The City also seeks to clarify that the use of 250 acre-feet of treated sewage effluent created by the City's use of water authorized by Certificate of Adjudication No. 14-2553 is direct reuse and to remove the limit on the amount of water that can be directly reused.

The application and fees were received on July 2, 2020. Additional information and fees were received on October 6, and November 9, 2020. The application was declared administratively complete and filed with the Office of the Chief Clerk on April 30, 2021.

The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment if granted, would include special conditions including, but not limited to, 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/wr-pending-apps](https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-pending-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 2021. 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 2021. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by 2021.

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

must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

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

**INFORMATION.** Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 2553 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued:

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN ORDER severing a portion of the water right authorized by Certificate of Adjudication No. 14-2546 owned by the City of Goldthwaite, from that Certificate and combining those rights with the water rights owned by the City of Goldthwaite authorized by Certificate of Adjudication No. 14-2553, designating such combination as Certificate of Adjudication No. 14-2553B.

An application was received from the City of Goldthwaite to sever a 1,000-acre-foot portion of water for agricultural purposes authorized by Certificate of Adjudication No. 14-2546 and combine those water rights with the water rights owned by the City of Goldthwaite authorized by Certificate of Adjudication No. 14-2553.

The Commission has jurisdiction to consider this matter and after hearing all of the evidence pertaining to the matter, the Commission finds that the 1,000-acre-foot portion of water rights authorized by Certificate of Adjudication No. 14-2546, owned by the City of Goldthwaite, should be severed from that Certificate and combined with the water rights owned by the City of Goldthwaite authorized by Certificate of Adjudication No. 14-2553, designating said combination as Certificate of Adjudication No. 14-2553B.

NOW THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that the 1,000-acre-foot portion of water for agricultural purposes authorized by Certificate of Adjudication No. 14-2546, owned by the City of Goldthwaite, hereby be severed from that Certificate and combined with the water rights owned by the City of Goldthwaite, authorized by Certificate of Adjudication No. 14-2553, designating said combination as Certificate of Adjudication No. 14-2553B.

All other terms and conditions contained in Certificate of Adjudication No. 14-2553 which are not specifically contrary to the terms of Certificate of Adjudication No. 14-2553, 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.

DATE ISSUED:

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For the Commission



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-2553B

TYPE § 11.122

Owner: City of Goldthwaite

Address: 1219 Fisher Street  
Goldthwaite, Texas 76844

Filed: April 30, 2021

Granted:

Purposes: Municipal and Industrial

County: Mills

Watercourse: Colorado River

Watershed: Colorado River Basin

WHEREAS, Certificate of Adjudication No. 14-2553 (Certificate) authorizes the City of Goldthwaite (City/Owner) to, among other things, divert and use not to exceed 800 acre-feet of water per year for municipal purposes and 700 acre-feet of water per year for industrial purposes from a point on the Colorado River, Colorado River Basin, at a maximum diversion rate of 3.12 cfs (1,400 gpm) and to store the diverted water in three off-channel reservoirs, impounding a total of 315 acre-feet of water for subsequent diversion and use in Mills County; and

WHEREAS, the City's authorized diversion point is located at Latitude 31.367464° N, Longitude 98.650161° W, in Mills County; and

WHEREAS, the City is also authorized to use 250 acre-feet per year of treated sewage effluent created by the City's use of water authorized by Certificate of Adjudication No. 14-2553 for irrigation of 86.5 acres of land out of a 183.217-acre tract in Mills County; and

WHEREAS, the time priority for the 800 acre-feet of water authorized for municipal purposes and the 700 acre-feet of water authorized for industrial purposes is May 6, 1960; and

WHEREAS, the City acquired a portion of Certificate of Adjudication No. 14-2546, which authorizes the diversion of 1,000 acre-feet of water per year from a point on the Colorado River, at a diversion rate of 15.32 cfs (6,876 gpm), for agricultural purposes in San Saba County; and

WHEREAS, the time priority for diversion of the 1,000 acre-feet of water is December 31, 1956; and

WHEREAS, the City seeks to sever the 1,000-acre-foot portion of water from Certificate of Adjudication No. 14-2546 and combine it with Certificate of Adjudication No. 14-2553,

WHEREAS, by Commission Order approved on \_\_\_\_\_, the 1,000-acre-foot portion of water owned by the City of Goldthwaite, authorized by Certificate of Adjudication No. 14-2546, was severed from said Certificate and combined with Certificate of Adjudication No. 14-2553; and

WHEREAS, the City further seeks to amend Certificate of Adjudication No. 14-2553, as amended, to change the purpose of use of the entire 2,500 acre-feet of water to municipal and industrial purposes, to store all of the authorized water in the three existing off-channel reservoirs and to add an additional off-channel reservoir, to authorize diversion of the 1,000 acre-feet of water from the City's authorized diversion point, and to add a place of use for all of the authorized water within the City's service area in Mills County; and

WHEREAS, the additional off-channel reservoir impounds 315 acre-feet of water and a point on the reservoir is located at Latitude 31.436080° N, Longitude 98.603137° W; and

WHEREAS, the City also seeks to clarify that the use of 250 acre-feet of treated sewage effluent created by the City's use of water authorized by Certificate of Adjudication No. 14-2553 is direct reuse and to remove the limit on the amount of water that can be directly reused; and

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

WHEREAS, direct reuse of treated sewage effluent is not regulated by the water rights permitting program; therefore, the provisions in the certificate, as amended, relating to direct reuse of treated sewage effluent are ineffective and should be removed from the certificate; and

WHEREAS, the City may directly reuse treated sewage effluent created by its use of water authorized by Certificate of Adjudication No. 12-2553, as amended, subject to obtaining any required authorizations to directly reuse the treated sewage effluent.

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

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 14-2553, designated as Certificate of Adjudication No. 14-2553B, is issued to the City of Goldthwaite subject to the following terms and conditions:

1. USE

In lieu of previous authorizations, Owner is authorized to divert and use 2,500 acre-feet of water per year from the Colorado River for municipal and industrial purposes and to store the diverted water in four off-channel reservoirs for subsequent diversion and use for municipal and industrial purposes within the Owner's service area in Mills County.

2. DIVERSION

A. Owner is authorized to divert all of its authorized water from the point currently authorized by Certificate of Adjudication No. 14-2553, located at Latitude 31.367464° N, Longitude 98.650161° W, in Mills County.

B. Maximum combined diversion rate of 18.44 cfs (8,276 gpm).

3. PRIORITY

A. The time priority for the diversion of the first 1,000 acre-feet of water at a maximum diversion rate of 15.12 cfs is December 31, 1956.

B. The time priority for the remaining diversion of 1,500 acre-feet of water at a maximum diversion rate of 3.12 cfs is May 6, 1960.

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 wholesale water 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 must 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. The streamflow restrictions in Paragraphs 5.B. - 5.F. below only apply to the diversion of the additional 1,000 acre-feet of water authorized in this amendment.

B. Owner shall not divert unless streamflow exceeds the following environmental flow values at USGS Gage No. 08147000 - Colorado River at San Saba, TX, subject to the requirements of Paragraphs 5.C. - 5.F.

Season	Subsistence	Base
Winter	50 cfs	95 cfs
Spring	50 cfs	120 cfs
Summer	30 cfs	72 cfs
Fall	30 cfs	95 cfs

cfs = cubic feet per second



- C. Seasons are defined as follows: Winter (November through February), Spring (March through June), Summer (July through August), and Fall (September through October).
- D. Owner shall not divert if streamflow at USGS Gage No. 0814700 is below the applicable subsistence flow value for a season.
- E. If streamflow at USGS Gage No. 08147000 is above the subsistence flow value for a season but below the applicable base flow value for a season, Owner may only divert if streamflow does not fall below the applicable subsistence flow value.
- F. Owner may divert if the flow at USGS Gage No. 08147000 is above the applicable base flow value for that season so long as streamflow at USGS Gage No. 08147000 does not fall below the applicable base flow value.
- G. Ninety days prior to the diversion of water for industrial use, Owner or contract customer shall submit a water conservation plan to the TCEQ that meets the requirements of 30 Texas Administrative Code §288.3.
- H. The authorization for direct reuse of 250 acre-feet of treated sewage effluent is hereby removed from this certificate.
- I. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the points authorized in Paragraph 2. DIVERSION and maintain measurement records.
- J. Owner shall allow representatives of the Texas Commission on Environmental Quality reasonable access to the property to inspect the measuring device and records.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 14-2553, as amended, except as specifically amended herein.

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

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

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

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

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For the Commission

Date issued:


# Texas Commission on Environmental Quality

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## INTEROFFICE MEMORANDUM

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

**Date:** October 21, 2021

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

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

**Subject:** City of Goldthwaite  
ADJ 2553  
CN600739221  
Colorado River, Colorado River Basin  
Mills County

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

### APPLICATION SUMMARY

Certificate of Adjudication No. 14-2553 authorizes the City of Goldthwaite (City) to, among other things, divert 800 acre-feet of water per year for municipal purposes and 700 acre-feet of water per year for industrial purposes from a point on the Colorado River, Colorado River Basin, at a maximum diversion rate of 3.12 cfs (1,400 gpm) for subsequent discharge to three off-channel reservoirs impounding a total of 315 acre-feet of water for subsequent storage, diversion, and use in Mills County.

The City requests to amend Certificate of Adjudication No. 14-2553 to change the use of the currently authorized 1,500 acre-feet of water to municipal and industrial uses, add an additional off-channel reservoir, and add a place of use within the City's service area in Mills County.

The City also acquired a portion of Certificate of Adjudication No. 14-2546, which authorizes the diversion of 1,000 acre-feet of water per year from a point on the Colorado River, at a maximum combined diversion rate of 24.51 cfs (11,000 gpm), for agricultural purposes in San Saba County.

The City requests to sever the 1,000-acre-foot portion of water from Certificate of Adjudication No. 14-2546 and combine it with Certificate of Adjudication No. 14-2553, change the uses to municipal and industrial purposes, and change the

diversion point and place of use to those authorized in Certificate of Adjudication No. 14-2553.

## ENVIRONMENTAL ANALYSIS

**Aquatic and Riparian Habitats:** The City's diversion point is located on the Colorado River, a perennial stream, situated in the Western Cross Timbers ecoregion (Griffith et al. 2007).

The checklist for the Colorado River Basin identified 33 species of ichthyofauna occurring within the Middle Colorado hydrologic unit (United States Geologic Survey [USGS] code 12090106) (Hendrickson and Cohen 2015). The Guadalupe bass (*Micropterus treculii*), the Concho water snake (*Nerodia paucimaculata*), the Texas pimpleback (*Cyclonaias petrina*), the Balcones spike (*Fusconaia iheringi*), and the Texas fawnsfoot (*Truncilla macrodon*), are high-interest aquatic species known to occur in Mills 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 City.

On August 8, 2012, the TCEQ adopted environmental flow standards for the Colorado and Lavaca Rivers, and Matagorda and Lavaca Bays (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter D). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC § 298.310). The Applicant does not request a new appropriation of water or an amendment that increases the amount of water stored, taken, or diverted; therefore, the environmental flow standards do not apply. Resource Protection Staff recommend a streamflow restriction for this move of a diversion point. Resource Protection Staff utilized the subsistence and base environmental flow standards (Title 30 TAC § 298.330(e)(3)), for severe hydrologic conditions, established at USGS Gage No. 08147000 – Colorado River near San Saba, TX, for the streamflow restriction as shown in Table 1. Staff note the base environmental flow standard for severe hydrologic conditions is the same as for dry hydrologic conditions.

**Table 1. Environmental Flow Values at USGS Gage No. 08147000 – Colorado River near San Saba, TX**

Season	Subsistence	Base
Winter	50 cfs	95 cfs
Spring	50 cfs	120 cfs
Summer	30 cfs	72 cfs
Fall	30 cfs	95 cfs

cfs = cubic feet per second

The applicable subsistence and base flow values depend on the seasons. Seasons are defined in Title 30 TAC § 298.305 as follows: Winter (November through February), Spring (March through June), Summer (July through August), and Fall (September through October). Staff recommend that diversion of water under this proposed amendment should be limited to comply with the applicable subsistence and base flow values.

**Recreational Uses:** The Colorado River Below O.H. Ivie Reservoir (Segment 1410) has a designated primary contact recreation 1 use (TCEQ 2018). The City's request should not adversely impact recreational uses.

**Water Quality:** The Colorado River Below O.H. Ivie Reservoir (Segment 1410) has a designated high aquatic life use and public water supply use (TCEQ 2018). The City's request should not adversely impact water quality.

**Freshwater Inflows:** Freshwater inflows are critical for maintaining the historical productivity of bays and estuaries along the Gulf Coast. The 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 City's request should not have any impact to Matagorda Bay.

## RECOMMENDATIONS

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

1. Owner shall not divert water unless streamflow exceeds the following environmental flow values at USGS Gage No. 08147000 – Colorado River at San Saba, TX, subject to the requirements of Special Conditions 2-5 below.

Season	Subsistence	Base
Winter	50 cfs	95 cfs
Spring	50 cfs	120 cfs
Summer	30 cfs	72 cfs
Fall	30 cfs	95 cfs

cfs = cubic feet per second

2. Seasons are defined as follows: Winter (November through February), Spring (March through June), Summer (July through August), and Fall (September through October).

### **Subsistence Flow Special Conditions**

3. Owner shall not divert water if streamflow at USGS Gage No. 08147000 is below the applicable subsistence flow value for a season.
4. If streamflow at USGS Gage No. 08147000 is above the subsistence flow value for a season but below the base flow value for a season, Owner may only divert water if streamflow does not fall below the applicable subsistence flow value.

### **Base Flow Special Conditions**

5. Owner may divert water if the flow at USGS Gage No. 08147000 is above the applicable base flow value for that season so long as streamflow at USGS Gage No. 08147000 does not fall below the applicable base flow value.

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

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

TPWD. 2015. TPWD County Lists of Texas Protected Species and Species of Greatest Conservation Need [Internet]. Austin (TX): Mills County, revised June 22, 2021. [cited 2021 Oct 8]. Available from <http://tpwd.texas.gov/gis/rtest/>.

# Texas Commission on Environmental Quality

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## INTEROFFICE MEMORANDUM

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

**Date:** October 12, 2021

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

Jennifer Allis, Senior Water Conservation Specialist  
 Resource Protection Team

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

**Subject:** City of Goldthwaite  
ADJ 2553  
CN600739221  
Colorado River, Colorado River Basin  
Mills County

### APPLICATION SUMMARY

Certificate of Adjudication No. 14-2553 authorizes the City of Goldthwaite (City) to, among other things, divert 800 acre-feet of water per year for municipal purposes and 700 acre-feet of water per year for industrial purposes from a point on the Colorado River, Colorado River Basin, at a maximum diversion rate of 3.12 cfs (1,400 gpm) for subsequent discharge to three off-channel reservoirs impounding a total of 315 acre-feet of water for subsequent storage, diversion, and use in Mills County.

The City requests to amend Certificate of Adjudication No. 14-2553 to change the use of the currently authorized 1,500 acre-feet of water to municipal and industrial uses, add an additional off-channel reservoir, and add a place of use within the City's service area in Mills County.

The City also acquired a portion of Certificate of Adjudication No. 14-2546, which authorizes the diversion of 1,000 acre-feet of water per year from a point on the Colorado River, at a maximum combined diversion rate of 24.51 cfs (11,000 gpm), for agricultural purposes in San Saba County.

The City requests to sever the 1,000-acre-foot portion of water from Certificate of Adjudication No. 14-2546 and combine it with Certificate of Adjudication No. 14-2553, change the uses to municipal and industrial purposes, and change the diversion point and place of use to those authorized in Certificate of Adjudication No. 14-2553.

## **WATER CONSERVATION REVIEW**

Pursuant to Title 30 Texas Administrative Code (TAC) §295.9(4), applications requesting to change the place or purpose of use require the submittal of water conservation and drought contingency plans.

The water conservation plan for municipal use was reviewed by Resource Protection staff and found to be administratively complete per 30 TAC §288.2.

The drought contingency plan for municipal use was reviewed by Resource Protection staff and found to be administratively complete per 30 TAC §288.20.

The City is adding industrial purposes for the authorized water. However, the City has stated that no water is currently being diverted for industrial use; therefore, a water conservation plan for industrial use, which complies with 30 TAC Chapter 288, shall be submitted for Resource Protection staff review prior to the diversion of water.

The application is consistent with the 2021 Region K 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.

Resource Protection staff recommend the following special condition be included in the proposed amendment, if granted:

Ninety days prior to the diversion of water for industrial use, Owner or contract customer shall submit a water conservation plan to the TCEQ that meets the requirements of 30 TAC §288.3.

## **Texas Commission on Environmental Quality**

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### **INTEROFFICE MEMORANDUM**

To: Joshua Schauer, Project Manager  
Water Rights Permitting Team

Date: March 22, 2022

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

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

Subject: City of Goldthwaite  
ADJ 2553  
CN600739221  
Colorado River, Colorado River Basin  
Mills County

### **Water Availability Review**

#### **Application Summary**

Certificate of Adjudication No. 14-2553 authorizes the City of Goldthwaite (City) to, among other things, divert 800 acre-feet of water per year for municipal purposes and 700 acre-feet of water per year for industrial purposes from a point on the Colorado River, Colorado River Basin, at a maximum diversion rate of 3.12 cfs (1,400 gpm) for subsequent discharge to three off-channel reservoirs impounding a total of 315 acre-feet of water for subsequent storage, diversion, and use in Mills County.

The City requests to amend Certificate of Adjudication No. 14-2553 to change the use of the currently authorized 1,500 acre-feet of water to municipal and industrial uses, add an additional off-channel reservoir, and add a place of use within the City's service area in Mills County.

The City also acquired a portion of Certificate of Adjudication No. 14-2546, which authorizes the diversion of 1,000 acre-feet of water per year from a point on the Colorado River, at a maximum combined diversion rate of 24.51 cfs (11,000 gpm), for agricultural purposes in San Saba County.

The City requests to sever the 1,000-acre-foot portion of water from Certificate of Adjudication No. 14-2546 and combine it with Certificate of Adjudication No. 14-2553, change the uses to municipal and industrial purposes, and change the diversion point and place of use to those authorized in Certificate of Adjudication No. 14-2553.



The application was declared administratively complete on December 3, 2020.

### **Water Availability Review**

Resource protection Staff recommended that the application be subject to instream flow requirements. See the Resource Protection Memo dated October 21, 2021.

The application does not require a water availability analysis because the request is not for a new appropriation of water. However, the request to move the acquired 1000 acre-feet of diversion rights authorized by Certificate of Adjudication No. 14-2546 to the diversion point authorized under Certificate of Adjudication No. 14-2553 and the request to add the off-channel reservoir must be reviewed to ensure that no water rights are affected by the request.

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

Staff used the Full Authorization simulation of the Colorado WAM to evaluate impacts on other water rights as a result of changing the diversion point. The period of record for the Colorado WAM is 1940 to 2016. Staff modeled the application with the recommended streamflow restrictions in place. Staff compared the pre- and post-application volume reliabilities of all water rights in the Colorado River Basin and found no negative impacts to any other water rights.

### **Conclusion**

Staff can support granting the application.

# TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader  
Water Rights Permitting Team

FROM: Bert Galvan, Work Leader  
Water Rights Permitting Team

DATE: May 19, 2021

SUBJECT: City of Goldthwaite  
ADJ 2553  
CN600739221, RN103928818  
Application No. 14-2553B to Sever a Portion of Certificate of  
Adjudication No. 14-2546 and Combine it with and Amend  
Certificate of Adjudication No. 14-2553  
Texas Water Code § 11.121, Requiring Limited Mailed Notice  
Colorado River, Colorado River Basin  
Mills County

This is a correction memo to the previous memo dated December 3, 2020 which incorrectly stated that the application was accepted for filing with the Office of the Chief Clerk on December 3, 2020.

The application was accepted for filing with the Office of the Chief Clerk on April 30, 2021.



---

Bert Galvan, Work Leader  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

OCC Mailed Notice Required

☒ YES

☐ NO

# TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader  
Water Rights Permitting Team

FROM: Bert Galvan, Work Leader  
Water Rights Permitting Team

DATE: December 3, 2020

SUBJECT: City of Goldthwaite  
ADJ 2553  
CN600739221, RN103928818  
Application No. 14-2553B to Sever a Portion of Certificate of  
Adjudication No. 14-2546 and Combine it with and Amend  
Certificate of Adjudication No. 14-2553  
Texas Water Code § 11.121, Requiring Limited Mailed Notice  
Colorado River, Colorado River Basin  
Mills County

The application and partial fees were received on July 2, 2020. Additional information and fees were received on October 6, and November 9, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on December 3, 2020. Notice is required to be mailed to the interjacent water right holders of record in the Colorado River Basin pursuant to Title 30 Texas Administrative Code § 295.15(c)2(C).

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

*H Galvan*

---

Bert Galvan, Work Leader  
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*

December 3, 2020

Mr. Jordan Furnans  
LRE Water, LLC  
1101 Satellite View, #301  
Round Rock, TX 78665

**VIA-EMAIL**

RE: City of Goldthwaite  
ADJ 2553  
CN600739221, RN103928818  
Application No. 14-2553B to Sever a Portion of Certificate of Adjudication  
No. 14-2546 and Combine it with and Amend Certificate of Adjudication No. 14-  
2553  
Texas Water Code § 11.121, Requiring Limited Mailed Notice  
Colorado River, Colorado River Basin  
Mills County

Dear Mr. Furnans:

This acknowledges receipt of additional information and fees on October 26, and November 9, 2020 in the amount of \$20.58 (Receipt No. M104395, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on December 3, 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 [humberto.galvan@tceq.texas.gov](mailto:humberto.galvan@tceq.texas.gov) or by telephone at (512) 239-4013.

Sincerely,

*H Galvan*

Bert Galvan, Work Leader  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment



17-NOV-20 12:29 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP	M104395	1007		BS00083840	17-NOV-20	-\$20.58
	WUP	ADJ142553	111620	N	D1801147		
	WATER USE PERMITS	FURNANS	RHDAVIS	CK			
		GROUP LLC					
						Total (Fee Code):	-\$20.58

RECEIVED

NOV 18 2020

Water Availability Division



## City of Goldthwaite Response to TCEQ RFI

**To:** Bert Galvan  
Texas Commission on Environmental Quality  
**From:** Jordan Furnans, PhD, PE, PG  
**Date:** 11/9/2020  
**Subject:** Application No 14-2553B

---

Dear Mr. Galvan –

Please find the attached documents requested in your letter dated October 12, 2020. I have also included a copy of your letter, as well as a copy of the check for the requested fees. I am submitting the check to the TCEQ cashier per their instructions.

Thanks,

Jordan Furnans  
LRE Water, LLC  
512-736-6485  


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 12, 2020

Mr. Jordan Furnans  
LRE Water, LLC  
1101 Satellite View, #301  
Round Rock, TX 78665

**VIA-EMAIL**

RE: City of Goldthwaite  
ADJ 2553  
CN600739221, RN103928818  
Application No. 14-2553B to Sever a Portion of Certificate of Adjudication  
No. 14-2546 and Combine it with and Amend Certificate of Adjudication No. 14-  
2553  
Texas Water Code § 11.121, Requiring Limited Mailed Notice  
Colorado River, Colorado River Basin  
Mills County

Dear Mr. Furnans:

This acknowledges receipt on July 2, 2020, of the referenced application and partial fees in the amount of \$ 212.50 (Receipt No. M021447, copy attached).

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

1. Provide additional information concerning the submitted drought contingency plan for municipal use to comply with Title 30 Texas Administrative Code (TAC) § 288.20.
  - a. Provide specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought in the Drought Contingency Plan.
2. Provide a completed existing dam information sheet, one for each of the four dams (TCEQ Form-20344, copy attached).
3. Remit fees in the amount of \$ 20.58 as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (\$ 100 x 2 Certificates)	\$ 200.00
Recording Fee	\$ 12.50
<u>Notice Fee (\$ 2.94 x 7 Interjacent Water Rights Holders)</u>	<u>\$ 26.46</u>
TOTAL FEES	\$ 233.08
<u>FEES RECEIVED</u>	<u>\$ 212.50</u>
BALANCE DUE	\$ 20.58

Please provide the requested information and fees by November 11, 2020 or the application may be returned pursuant to 30 TAC § 281.18.

Mr. Jordan Furnans  
Application No. 14-2553B  
October 12, 2020  
Page 2 of 2

If you have any questions concerning this matter, please contact me via email at [humberto.galvan@tceq.texas.gov](mailto:humberto.galvan@tceq.texas.gov) or by telephone at (512) 239-4013.

Sincerely,

*H Galvan*

Bert Galvan, Work Leader  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachments



ORDINANCE No. 441

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLDTHWAITE, TEXAS, ADOPTING AN AMENDMENT TO THE 2019 WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN FOR THE EFFECTIVE DATE THEREOF.**

**WHEREAS**, the City Council recognizes that the amount of water available to the City of Goldthwaite's water customers is limited and subject to depletion during periods of extended drought; and

**WHEREAS**, the City of Goldthwaite recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes; and

**WHEREAS**, the City of Goldthwaite wants to set forth voluntary goals for water conservation in addition to any other goals or requirements set forth in the plan; and

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDTHWAITE:**

1. That the Water Conservation and Drought Contingency Plan be amended to include the attached conservation goals and be adopted by the City of Goldthwaite; and
2. That the City Manager is hereby directed to implement, administer and enforce the amended Water Conservation Plan.

**PASSED AND APPROVED this 5th day of November 2020.**



Mike McMahan, Mayor

**ATTEST:**



Darnelle White, City Secretary

Addendum: Drought Contingency Plan for the  
City of Goldthwaite  
October 27, 2020

Per 30 TAC §288.20(a)(1)(F): "The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable."

To comply with 30 TAC §288.20(a)(1)(F), the City of Goldthwaite amends its previously approved drought contingency plan to include the following unenforceable water use reduction goals for all of entities receiving water from the City of Goldthwaite. These goals are defined as percent reductions in a "base water usage" rate defined separately for each customer. The base water usage rate is the larger of the monthly average water usage rate for each customer over the preceding three (3) years or a usage rate agreed upon by the customer and the City of Goldthwaite.

Drought Stage	Water Usage Reduction Goal
1 – Drought Watch	5%
2 – Drought Warning	15%
3 – Drought Emergency	25%

To illustrate the application of the above water usage reduction goals, we use the following example:

Company X used 10, 15, and 20 acre-ft of water in January 2018, January 2019, and January 2020, respectively. Their base water usage for January 2021 is therefore the average of these prior January monthly usage totals, which equals 15 acre-ft. Company X wishes to increase its base water usage based on expanded operations in 2020, and requests a variance from the City of Goldthwaite, allowing their base water usage to be set at 20 acre-ft for January 2021. The variance is granted.

If drought stage 1 were entered, Company X would voluntarily attempt to reduce its water usage to 19 acre-ft in January, which is a 5% reduction from the base water usage.

If drought stage 2 were entered, Company X would voluntarily attempt to reduce its water usage to 17 acre-ft in January, which is a 15% reduction from the base water usage.

If drought stage 3 were entered, Company X would voluntarily attempt to reduce its water usage to 15 acre-ft in January, which is a 25% reduction from the base water usage.

Company X could have different base water usages defined for each month of the calendar year.



Texas Dam Safety Program, MC 174  
Field Operations Support Division, Office of Compliance and Enforcement  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711

## INFORMATION SHEET: EXISTING DAM

(PLEASE PRINT OR TYPE)

Reference 30 Texas Administrative Code, Chapter 299, Dams and Reservoirs

### SECTION 1: OWNER INFORMATION

Owner's Name City of Goldthwaite, TX Title \_\_\_\_\_

Organization \_\_\_\_\_

[Signature]

(Signature of Owner)

11/9/2020

(Date)

Owner's Address 1218 Fisher

City Goldthwaite State TX Zip Code 76844

Phone Number (325) 648 3186 Emergency Contact Phone ( ) \_\_\_\_\_

Fax Number (325) 648 2570 E-mail \_\_\_\_\_

Owner Code (Please check one): ☐ Federal (F) ☒ Local Government (L) ☐ Utility (U) ☐ Private (P) ☐ State (S)  
☐ Other (O) please specify: \_\_\_\_\_

Year Built Unknown Year Modified \*\*Visible on USGS Topographic Map from 1979

Dam and Reservoir Use (Please check one): ☐ Augmentation ☐ Diversion ☐ Domestic ☐ Erosion Control  
☐ Evaporation ☐ Flood Control ☐ Fire Control ☐ Fish ☐ Hydroelectric ☐ Industrial  
☐ Irrigation ☐ Mining ☒ Municipal ☐ Pollution Control ☐ Recreation ☐ Stock Water  
☐ Settling Ponds ☐ Tailings ☐ Waste Disposal ☐ Other, please specify: \_\_\_\_\_

Engineering Firm Unknown

Project Engineer Unknown Texas P.E. License Number Unknown

Engineering Firm Address Unknown

City Unknown State Unknown Zip Code Unknown

Phone ( ) Unknown Fax ( ) Unknown

E-mail Unknown

### SECTION 2: GENERAL INFORMATION

Name of Dam N/A

Other Name(s) of Dam N/A

Reservoir Name Reservoir #1

Location Off Channel Latitude 31.371751 N Longitude 98.644550 W

County Mills Stream Name N/A - Off Channel Reservoir

River Basin Colorado River Basin Topographic Map No. 3198-242 Big Valley South, TX

Distance & Direction from Nearest City or Town 6.8 Miles SW from City of Goldthwaite

Last Inspection Date Unknown Inspected by (name of company or agency) \_\_\_\_\_

TX Number Unknown Water Rights Number Certificate of Adjudication 14-2553

Date of Emergency Action Plan (EAP), if one exists N/A

Describe the current operating condition of dam Not operated - to be rehabilitated for future use

*If you have questions on how to fill out this form or about the Dam Safety Program, please contact us at 512-239-5195. Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-239-3282.*



### SECTION 3: INFORMATION ON DAM

#### Classification

Size Classification: ☐ Large ☐ Medium ☒ Small  
Hazard Classification: ☐ High ☐ Significant ☒ Low 1 Residence Visable, possibly  
Number of People at Risk 0-4 Study Year 2020 - Via Google Earth downstream of a breach

Type of Dam: ☐ Concrete ☐ Gravity ☐ Earthfill ☐ Rockfill ☐ Masonry ☐ Other (specify) Unknown

**Dam Structure** (dimensions to nearest tenth of foot, volume to nearest acre-foot or cubic yard, areas to nearest acre):

Spillway Height 367.8 ft (natural surface of ground to bottom of emergency spillway at longitudinal centerline) \*\*Per 2013 DEM  
Embankment Height 2.0 ft (natural surface of ground to crest of dam at centerline) \*\*Per 2013 DEM  
Structural Height Unknown ft (bottom of cutoff trench to crest of dam at centerline)  
Length of Dam 2100 ft Crest Width Unknown ft  
Normal Pool Elevation N/A ft-MSL Principal Spillway Elevation Unknown ft-MSL  
Emergency Spillway Elevation Unknown ft-MSL Top of Dam Elevation 367.8 ft-MSL  
Embankment Volume Unknown cu yd \*\* Per 2013 DEM  
Maximum Impoundment Capacity 12 \*\*70 acre-ft desired ac-ft (at top of dam) \*\*Per 2013 DEM & Area  
Normal Reservoir Capacity Unknown ac-ft (at normal or conservation pool)  
Reservoir Surface Area 6 acres (at normal or conservation pool)

#### Outlet

Outlet Diameter: N/A ☐ in ☐ ft (check one)  
Type: Unknown

#### Principal Spillway

Type: ☐ Natural ☐ Riprap ☐ Concrete ☐ CMP ☐ RCP ☐ Other  
Width (Diam.): Unknown ft Capacity: Unknown cfs

#### Emergency Spillway

Type: ☐ Natural ☐ Riprap ☐ Concrete ☐ CMP ☐ RCP ☐ Other  
Width (Diam.): Unknown ft Capacity: Unknown cfs  
Total Spillway Capacity: Unknown cfs (crest of the dam)

### SECTION 4: HYDROLOGIC INFORMATION

Required Hydrologic Criteria (% PMF) N/A % PMF Passing N/A  
PMF Study Year N/A  
Drainage Area: N/A acres, or N/A sq mi  
Curve Number (AMC III condition) N/A  
Time of Concentration N/A hr  
Peak Discharge N/A cfs  
Peak Stage N/A ft-MSL  
Storm Duration Causing Peak Stage N/A hr



Texas Dam Safety Program, MC 174  
Field Operations Support Division, Office of Compliance and Enforcement  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711

## INFORMATION SHEET: EXISTING DAM

(PLEASE PRINT OR TYPE)

Reference 30 Texas Administrative Code, Chapter 299, Dams and Reservoirs

### SECTION 1: OWNER INFORMATION

Owner's Name City of Goldthwaite, TX Title \_\_\_\_\_

Organization \_\_\_\_\_

*[Signature]*

(Signature of Owner)

11/9/2020

(Date)

Owner's Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number ( ) \_\_\_\_\_ Emergency Contact Phone ( ) \_\_\_\_\_

Fax Number ( ) \_\_\_\_\_ E-mail \_\_\_\_\_

Owner Code (Please check one): ☐ Federal (F) ☒ Local Government (L) ☐ Utility (U) ☐ Private (P) ☐ State (S)  
☐ Other (O) please specify: \_\_\_\_\_

Year Built Unknown Year Modified \*\*Visible on USGS Topographic Map from 1979

Dam and Reservoir Use (Please check one): ☐ Augmentation ☐ Diversion ☐ Domestic ☐ Erosion Control  
☐ Evaporation ☐ Flood Control ☐ Fire Control ☐ Fish ☐ Hydroelectric ☐ Industrial  
☐ Irrigation ☐ Mining ☒ Municipal ☐ Pollution Control ☐ Recreation ☐ Stock Water  
☐ Settling Ponds ☐ Tailings ☐ Waste Disposal ☐ Other, please specify: \_\_\_\_\_

Engineering Firm Unknown

Project Engineer Unknown Texas P.E. License Number Unknown

Engineering Firm Address Unknown

City Unknown State Unknown Zip Code Unknown

Phone ( ) Unknown Fax ( ) Unknown

E-mail Unknown

### SECTION 2: GENERAL INFORMATION

Name of Dam N/A

Other Name(s) of Dam N/A

Reservoir Name Reservior #2

Location Off Channel Latitude 32.373289 N Longitude 98.644550 W

County Mills Stream Name NA - Off Channel Reservoir

River Basin Colorado Topographic Map No. 3198-242 Big Valley South, TX

Distance & Direction from Nearest City or Town 6.8 Miles SW from City of Goldthwaite

Last Inspection Date Unknown Inspected by (name of company or agency) Unknown

TX Number Unknown Water Rights Number Certificate of Adjudication 14-2553

Date of Emergency Action Plan (EAP), if one exists N/A

Describe the current operating condition of dam Operational - receives water diverted from Colorado River  
Water is transferred via pipeline to City of Goldthwaite Reservior #3.

*If you have questions on how to fill out this form or about the Dam Safety Program, please contact us at 512-239-5195. Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-239-3282.*

### SECTION 3: INFORMATION ON DAM

#### Classification

Size Classification: ☐ Large ☐ Medium ☒ Small  
Hazard Classification: ☐ High ☐ Significant ☒ Low  
Number of People at Risk 0-4 Study Year 2020 via Google Earth - 1 residence visible nearby

**Type of Dam:** ☐ Concrete ☐ Gravity ☐ Earthfill ☐ Rockfill ☐ Masonry ☐ Other (specify) Unknown

**Dam Structure** (dimensions to nearest tenth of foot, volume to nearest acre-foot or cubic yard, areas to nearest acre):

Spillway Height 367.8 ft (natural surface of ground to bottom of emergency spillway at longitudinal centerline) \*\*Per 2013 DEM  
Embankment Height Unknown ft (natural surface of ground to crest of dam at centerline)  
Structural Height Unknown ft (bottom of cutoff trench to crest of dam at centerline)  
Length of Dam 2200 ft Per Google Earth Crest Width Unknown ft  
Normal Pool Elevation Unknown ft-MSL Principal Spillway Elevation Unknown ft-MSL  
Emergency Spillway Elevation Unknown ft-MSL Top of Dam Elevation Unknown ft-MSL  
Embankment Volume Unknown cu yd  
Maximum Impoundment Capacity Unknown ac-ft (at top of dam)  
Normal Reservoir Capacity 65 ac-ft (at normal or conservation pool) Estimated per Permit  
Reservoir Surface Area 6.6 acres (at normal or conservation pool) Measured in GIS

#### Outlet

Outlet Diameter: Unknown ☐ in ☐ ft (check one)  
Type: Unknown

#### Principal Spillway

Type: ☐ Natural ☐ Riprap ☐ Concrete ☐ CMP ☐ RCP ☐ Other  
Width (Diam.): Unknown ft Capacity: Unknown cfs

#### Emergency Spillway

Type: ☐ Natural ☐ Riprap ☐ Concrete ☐ CMP ☐ RCP ☐ Other  
Width (Diam.): Unknown ft Capacity: Unknown cfs  
Total Spillway Capacity: Unknown cfs (crest of the dam)

### SECTION 4: HYDROLOGIC INFORMATION

Required Hydrologic Criteria (% PMF) N/A % PMF Passing N/A  
PMF Study Year N/A  
Drainage Area: N/A acres, or N/A sq mi  
Curve Number (AMC III condition) N/A  
Time of Concentration N/A hr  
Peak Discharge N/A cfs  
Peak Stage N/A ft-MSL  
Storm Duration Causing Peak Stage N/A hr





Texas Dam Safety Program, MC 174  
Field Operations Support Division, Office of Compliance and Enforcement  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711

## INFORMATION SHEET: EXISTING DAM

(PLEASE PRINT OR TYPE)

Reference 30 Texas Administrative Code, Chapter 299, Dams and Reservoirs

### SECTION 1: OWNER INFORMATION

Owner's Name City of Goldthwaite, TX Title \_\_\_\_\_

Organization \_\_\_\_\_

[Signature] (Signature of Owner) 11/9/2020 (Date)

Owner's Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number ( ) \_\_\_\_\_ Emergency Contact Phone ( ) \_\_\_\_\_

Fax Number ( ) \_\_\_\_\_ E-mail \_\_\_\_\_

Owner Code (Please check one): ☐ Federal (F) ☒ Local Government (L) ☐ Utility (U) ☐ Private (P) ☐ State (S)  
☐ Other (O) please specify: \_\_\_\_\_

Year Built Between 1980 & 1995 Year Modified Per Google Earth & USGS Topo Map

Dam and Reservoir Use (Please check one): ☐ Augmentation ☐ Diversion ☐ Domestic ☐ Erosion Control  
☐ Evaporation ☐ Flood Control ☐ Fire Control ☐ Fish ☐ Hydroelectric ☐ Industrial  
☐ Irrigation ☐ Mining ☒ Municipal ☐ Pollution Control ☐ Recreation ☐ Stock Water  
☐ Settling Ponds ☐ Tailings ☐ Waste Disposal ☐ Other, please specify: \_\_\_\_\_

Engineering Firm Unknown

Project Engineer Unknown Texas P.E. License Number Unknown

Engineering Firm Address Unknown

City Unknown State Unknown Zip Code Unknown

Phone ( ) Unknown Fax ( ) Unknown

E-mail Unknown

### SECTION 2: GENERAL INFORMATION

Name of Dam Unknown

Other Name(s) of Dam Unknown

Reservoir Name Reservoir #3

Location Off Channel Latitude 31.431906 N Longitude 98.605240 W

County Mills Stream Name N/A - Off Channel Reservoir

River Basin Colorado Topographic Map No. Goldthwaite, TX N3122.5-W9830/7.5

Distance & Direction from Nearest City or Town 3.4 Miles SW from Goldthwaite, TX

Last Inspection Date Unknown Inspected by (name of company or agency) Unknown

TX Number Unknown Water Rights Number Unknown

Date of Emergency Action Plan (EAP), if one exists Unknown

Describe the current operating condition of dam Operational - receives water from Reservoir #2, transfers Water to Reservoir #4 and City of Goldthwaite.

*If you have questions on how to fill out this form or about the Dam Safety Program, please contact us at 512-239-5195. Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-239-3282.*

### SECTION 3: INFORMATION ON DAM

#### Classification

Size Classification: ☐ Large ☐ Medium ☐ Small

Hazard Classification: ☐ High ☐ Significant ☒ Low

Number of People at Risk 0-4 Study Year 2020 - Google Earth 1-2 potential nearby residences

Type of Dam: ☐ Concrete ☐ Gravity ☐ Earthfill ☐ Rockfill ☐ Masonry ☐ Other (specify) Unknown

**Dam Structure** (dimensions to nearest tenth of foot, volume to nearest acre-foot or cubic yard, areas to nearest acre):

Spillway Height Unknown ft (natural surface of ground to bottom of emergency spillway at longitudinal centerline)

Embankment Height 1468 ft (natural surface of ground to crest of dam at centerline)

Structural Height 16 ft (bottom of cutoff trench to crest of dam at centerline)

Length of Dam 3500 ft Crest Width Unknown ft

Normal Pool Elevation 1466 ft-MSL Principal Spillway Elevation Unknown ft-MSL

Emergency Spillway Elevation Unknown ft-MSL Top of Dam Elevation 1468 ft-MSL

Embankment Volume Unknown cu yd

Maximum Impoundment Capacity Unknown ac-ft (at top of dam)

Normal Reservoir Capacity 200 ac-ft (at normal or conservation pool)

Reservoir Surface Area 16.4 acres (at normal or conservation pool)

#### Outlet

Outlet Diameter: Unknown ☐ in ☐ ft (check one)

Type: Unknown

#### Principal Spillway

Type: ☐ Natural ☐ Riprap ☐ Concrete ☐ CMP ☐ RCP ☐ Other

Width (Diam.): Unknown ft Capacity: Unknown cfs

#### Emergency Spillway

Type: ☐ Natural ☐ Riprap ☐ Concrete ☐ CMP ☐ RCP ☐ Other

Width (Diam.): Unknown ft Capacity: Unknown cfs

Total Spillway Capacity: Unknown cfs (crest of the dam)

### SECTION 4: HYDROLOGIC INFORMATION

Required Hydrologic Criteria (% PMF) N/A % PMF Passing N/A

PMF Study Year N/A

Drainage Area: N/A acres, or N/A sq mi

Curve Number (AMC III condition) N/A

Time of Concentration N/A hr

Peak Discharge N/A cfs

Peak Stage N/A ft-MSL

Storm Duration Causing Peak Stage N/A hr





Texas Dam Safety Program, MC 174  
Field Operations Support Division, Office of Compliance and Enforcement  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711

## INFORMATION SHEET: EXISTING DAM

(PLEASE PRINT OR TYPE)

Reference 30 Texas Administrative Code, Chapter 299, Dams and Reservoirs

### SECTION 1: OWNER INFORMATION

Owner's Name City of Goldthwaite, TX Title \_\_\_\_\_

Organization *[Signature]* 11/9/2020  
(Signature of Owner) (Date)

Owner's Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number ( ) \_\_\_\_\_ Emergency Contact Phone ( ) \_\_\_\_\_

Fax Number ( ) \_\_\_\_\_ E-mail \_\_\_\_\_

Owner Code (Please check one): ☐ Federal (F) ☒ Local Government (L) ☐ Utility (U) ☐ Private (P) ☐ State (S)  
☐ Other (O) please specify: \_\_\_\_\_

Year Built 2008 Year Modified \_\_\_\_\_

Dam and Reservoir Use (Please check one): ☐ Augmentation ☐ Diversion ☐ Domestic ☐ Erosion Control  
☐ Evaporation ☐ Flood Control ☐ Fire Control ☐ Fish ☐ Hydroelectric ☐ Industrial  
☐ Irrigation ☐ Mining ☒ Municipal ☐ Pollution Control ☐ Recreation ☐ Stock Water  
☐ Settling Ponds ☐ Tailings ☐ Waste Disposal ☐ Other, please specify: \_\_\_\_\_

Engineering Firm Jacob & Martin, LTD Consulting Engineers

Project Engineer Henry K. Harle Texas P.E. License Number 98381

Engineering Firm Address 3465 Curry Lane

City Abilene State TX Zip Code 79606

Phone (325) 695-1070 Fax (325) 691-5134

E-mail Unknown

### SECTION 2: GENERAL INFORMATION

Name of Dam Unknown

Other Name(s) of Dam Unknown

Reservoir Name Reservoir #4

Location Off Channel Latitude 31.436080 N Longitude 98.603137 W

County Mills Stream Name NA - Off Channel

River Basin Colorado Topographic Map No. Goldthwaite, TX N3122.5-W9830/7.5

Distance & Direction from Nearest City or Town 3.4 Miles SW from Goldthwaite, TX

Last Inspection Date Unknown Inspected by (name of company or agency) Unknown

TX Number Unknown Water Rights Number Unknown

Date of Emergency Action Plan (EAP), if one exists Unknown

Describe the current operating condition of dam Operating as designed.

*If you have questions on how to fill out this form or about the Dam Safety Program, please contact us at 512-239-5195. Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-239-3282.*

### SECTION 3: INFORMATION ON DAM

#### Classification

Size Classification: ☐ Large ☒ Medium ☐ Small  
Hazard Classification: ☐ High ☐ Significant ☒ Low  
Number of People at Risk 0-4 Study Year 2020 via Google Earth, 1 nearby residence

Type of Dam: ☒ Concrete ☐ Gravity ☐ Earthfill ☐ Rockfill ☐ Masonry ☐ Other (specify) \_\_\_\_\_

**Dam Structure** (dimensions to nearest tenth of foot, volume to nearest acre-foot or cubic yard, areas to nearest acre):

Spillway Height Unknown ft (natural surface of ground to bottom of emergency spillway at longitudinal centerline)  
Embankment Height 25 ft (natural surface of ground to crest of dam at centerline)  
Structural Height Unknown ft (bottom of cutoff trench to crest of dam at centerline)  
Length of Dam 4220 ft Crest Width 20 ft  
Normal Pool Elevation 1488 ft-MSL Principal Spillway Elevation Unknown ft-MSL  
Emergency Spillway Elevation \_\_\_\_\_ ft-MSL Top of Dam Elevation 1490 ft-MSL  
Embankment Volume 183830 cu yd  
Maximum Impoundment Capacity Unknown ac-ft (at top of dam)  
Normal Reservoir Capacity 350 ac-ft (at normal or conservation pool)  
Reservoir Surface Area 16.23 acres (at normal or conservation pool)

#### Outlet

Outlet Diameter: 12 ☒ in ☐ ft (check one)  
Type: C-900 PVC Pipe

#### Principal Spillway

Type: ☐ Natural ☐ Riprap ☐ Concrete ☐ CMP ☐ RCP ☐ Other  
Width (Diam.): Unknown ft Capacity: Unknown cfs

#### Emergency Spillway

Type: ☐ Natural ☐ Riprap ☐ Concrete ☐ CMP ☐ RCP ☐ Other  
Width (Diam.): Unknown ft Capacity: Unknown cfs  
Total Spillway Capacity: Unknown cfs (crest of the dam)

### SECTION 4: HYDROLOGIC INFORMATION

Required Hydrologic Criteria (% PMF) N/A % PMF Passing N/A  
PMF Study Year N/A  
Drainage Area: N/A acres, or N/A sq mi  
Curve Number (AMC III condition) N/A  
Time of Concentration N/A hr  
Peak Discharge N/A cfs  
Peak Stage N/A ft-MSL  
Storm Duration Causing Peak Stage N/A hr

**From:** Jordan Furnans [REDACTED]  
**Sent:** Monday, October 26, 2020 5:26 PM  
**To:** Humberto Galvan <Humberto.Galvan@tceq.texas.gov>  
**Subject:** Re: City of Goldthwaite App No. 14-2553B Request for Information Letter

Hello Bert -

Thanks for this. I'm working with the City of Goldthwaite to get you the information you need. I have a few questions:

- 1) Did TCEQ not previously approve this DCP when the City submitted it after updating in 2019? We can put in specific water use reduction goals, but they will need to be approved by the City Council, which may not be possible by 11/11.
- 2) Regarding the dam information sheets - all of the City's reservoirs are off-channel reservoirs and as such do not have a drainage area or associated information related to the required hydrologic data. Are these forms needed for off-channel reservoirs?
- 3) We will happily provide the additional fees. Please confirm you only need an additional \$20.58 (i.e. \$2.94 x 7 water right holders). The letter you provided suggests we need to pay either \$20.58 or \$26.46.

Thanks!

Jordan

**Jordan Furnans, PhD, PE, PG**  
Vice President - Texas Operations  
Office: 720-259-7996 | Direct: 512-736-6485  
[REDACTED]

[REDACTED]  
**LREWATER.COM**  
1101 Satellite View #301, Round Rock, TX 78665

**\*\*CONFIDENTIALITY NOTICE:**

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.

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 12, 2020

Mr. Jordan Furnans  
LRE Water, LLC  
1101 Satellite View, #301  
Round Rock, TX 78665

**VIA-EMAIL**

RE: City of Goldthwaite  
ADJ 2553  
CN600739221, RN103928818  
Application No. 14-2553B to Sever a Portion of Certificate of Adjudication  
No. 14-2546 and Combine it with and Amend Certificate of Adjudication No. 14-  
2553  
Texas Water Code § 11.121, Requiring Limited Mailed Notice  
Colorado River, Colorado River Basin  
Mills County

Dear Mr. Furnans:

This acknowledges receipt on July 2, 2020, of the referenced application and partial fees in the amount of \$ 212.50 (Receipt No. M021447, copy attached).

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

1. Provide additional information concerning the submitted drought contingency plan for municipal use to comply with Title 30 Texas Administrative Code (TAC) § 288.20.
  - a. Provide specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought in the Drought Contingency Plan.
2. Provide a completed existing dam information sheet, one for each of the four dams (TCEQ Form-20344, copy attached).
3. Remit fees in the amount of \$ 20.58 as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (\$ 100 x 2 Certificates)	\$ 200.00
Recording Fee	\$ 12.50
<u>Notice Fee (\$ 2.94 x 7 Interjacent Water Rights Holders)</u>	<u>\$ 26.46</u>
TOTAL FEES	\$ 233.08
<u>FEES RECEIVED</u>	<u>\$ 212.50</u>
BALANCE DUE	\$ 20.58

Please provide the requested information and fees by November 11, 2020 or the application may be returned pursuant to 30 TAC § 281.18.

Mr. Jordan Furnans  
Application No. 14-2553B  
October 12, 2020  
Page 2 of 2

If you have any questions concerning this matter, please contact me via email at [humberto.galvan@tceq.texas.gov](mailto:humberto.galvan@tceq.texas.gov) or by telephone at (512) 239-4013.

Sincerely,

*H Galvan*

Bert Galvan, Work Leader  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachments



Basis2 Receipt Report by Endorsement Number

SEP-29-20 09:48 AM

<u>Acct. #:</u> WUP		<u>Account Name:</u> WATER USE PERMITS							
<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
AMEND	M021447		GOLDTHWAITE, CITY OF	CK	18586		BS00081213	29-JUN-20	\$212.50



## INFORMATION SHEET: EXISTING DAM

(PLEASE PRINT OR TYPE)

Reference 30 Texas Administrative Code, Chapter 299, Dams and Reservoirs

### SECTION 1: OWNER INFORMATION

Owner's Name \_\_\_\_\_ Title \_\_\_\_\_

Organization \_\_\_\_\_

\_\_\_\_\_  
(Signature of Owner)

\_\_\_\_\_  
(Date)

Owner's Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number ( ) \_\_\_\_\_ Emergency Contact Phone ( ) \_\_\_\_\_

Fax Number ( ) \_\_\_\_\_ E-mail \_\_\_\_\_

Owner Code (Please check one): ☐ Federal (F) ☐ Local Government (L) ☐ Utility (U) ☐ Private (P) ☐ State (S)  
☐ Other (O) please specify: \_\_\_\_\_

Year Built \_\_\_\_\_ Year Modified \_\_\_\_\_

Dam and Reservoir Use (Please check one): ☐ Augmentation ☐ Diversion ☐ Domestic ☐ Erosion Control  
☐ Evaporation ☐ Flood Control ☐ Fire Control ☐ Fish ☐ Hydroelectric ☐ Industrial  
☐ Irrigation ☐ Mining ☐ Municipal ☐ Pollution Control ☐ Recreation ☐ Stock Water  
☐ Settling Ponds ☐ Tailings ☐ Waste Disposal ☐ Other, please specify: \_\_\_\_\_

Engineering Firm \_\_\_\_\_

Project Engineer \_\_\_\_\_ Texas P.E. License Number \_\_\_\_\_

Engineering Firm Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

E-mail \_\_\_\_\_

### SECTION 2: GENERAL INFORMATION

Name of Dam \_\_\_\_\_

Other Name(s) of Dam \_\_\_\_\_

Reservoir Name \_\_\_\_\_

Location \_\_\_\_\_ Latitude \_\_\_\_\_ Longitude \_\_\_\_\_

County \_\_\_\_\_ Stream Name \_\_\_\_\_

River Basin \_\_\_\_\_ Topographic Map No. \_\_\_\_\_

Distance & Direction from Nearest City or Town \_\_\_\_\_

Last Inspection Date \_\_\_\_\_ Inspected by (name of company or agency) \_\_\_\_\_

TX Number \_\_\_\_\_ Water Rights Number \_\_\_\_\_

Date of Emergency Action Plan (EAP), if one exists \_\_\_\_\_

Describe the current operating condition of dam \_\_\_\_\_

*If you have questions on how to fill out this form or about the Dam Safety Program, please contact us at 512-239-5195. Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-239-3282.*



### SECTION 3: INFORMATION ON DAM

#### Classification

Size Classification: ☐ Large ☐ Medium ☐ Small

Hazard Classification: ☐ High ☐ Significant ☐ Low

Number of People at Risk \_\_\_\_\_ Study Year \_\_\_\_\_

**Type of Dam:** ☐ Concrete ☐ Gravity ☐ Earthfill ☐ Rockfill ☐ Masonry ☐ Other (specify) \_\_\_\_\_

**Dam Structure** (dimensions to nearest tenth of foot, volume to nearest acre-foot or cubic yard, areas to nearest acre):

Spillway Height \_\_\_\_\_ ft (*natural surface of ground to bottom of emergency spillway at longitudinal centerline*)

Embankment Height \_\_\_\_\_ ft (*natural surface of ground to crest of dam at centerline*)

Structural Height \_\_\_\_\_ ft (*bottom of cutoff trench to crest of dam at centerline*)

Length of Dam \_\_\_\_\_ ft Crest Width \_\_\_\_\_ ft

Normal Pool Elevation \_\_\_\_\_ ft-MSL Principal Spillway Elevation \_\_\_\_\_ ft-MSL

Emergency Spillway Elevation \_\_\_\_\_ ft-MSL Top of Dam Elevation \_\_\_\_\_ ft-MSL

Embankment Volume \_\_\_\_\_ cu yd

Maximum Impoundment Capacity \_\_\_\_\_ ac-ft (*at top of dam*)

Normal Reservoir Capacity \_\_\_\_\_ ac-ft (*at normal or conservation pool*)

Reservoir Surface Area \_\_\_\_\_ acres (*at normal or conservation pool*)

#### Outlet

Outlet Diameter: \_\_\_\_\_ ☐ in ☐ ft (*check one*)

Type: \_\_\_\_\_

#### Principal Spillway

Type: ☐ Natural ☐ Riprap ☐ Concrete ☐ CMP ☐ RCP ☐ Other

Width (Diam.): \_\_\_\_\_ ft Capacity: \_\_\_\_\_ cfs

#### Emergency Spillway

Type: ☐ Natural ☐ Riprap ☐ Concrete ☐ CMP ☐ RCP ☐ Other

Width (Diam.): \_\_\_\_\_ ft Capacity: \_\_\_\_\_ cfs

Total Spillway Capacity: \_\_\_\_\_ cfs (*crest of the dam*)

### SECTION 4: HYDROLOGIC INFORMATION

Required Hydrologic Criteria (% PMF) \_\_\_\_\_ % PMF Passing \_\_\_\_\_

PMF Study Year \_\_\_\_\_

Drainage Area: \_\_\_\_\_ acres, or \_\_\_\_\_ sq mi

Curve Number (AMC III condition) \_\_\_\_\_

Time of Concentration \_\_\_\_\_ hr

Peak Discharge \_\_\_\_\_ cfs

Peak Stage \_\_\_\_\_ ft-MSL

Storm Duration Causing Peak Stage \_\_\_\_\_ hr





Basis2 Receipt Report by Endorsement Number

SEP-29-20 09:48 AM

<u>Acct. #:</u> WUP		<u>Account Name:</u> WATER USE PERMITS							
<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
AMEND	M021447		GOLDTHWAITE, CITY OF	CK	18586		BS00081213	29-JUN-20	\$212.50

**Jordan Furnans, PhD, PE, PG**  
Vice President & Manager - Texas Operations



1101 Satellite View #301  
Round Rock, TX 78665  
Direct: 720-259-7996  
Cell: 512-736-6485

[Redacted]

[Redacted]

## WORKSHEET 8.0 CALCULATION OF FEES

Receipt to follow

Received and Original  
Forward to Dept.

JUN 26 2020

TCEQ/Revenue Section

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

### 1. NEW APPROPRIATION

	Description	Amount (\$)
<b>Filing Fee</b>	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under <b>Amount (\$)</b> . <u>In Acre-Feet</u>	
	a. Less than 100	\$100.00
	b. 100 - 5,000	\$250.00
	c. 5,001 - 10,000	\$500.00
	d. 10,001 - 250,000	\$1,000.00
	e. More than 250,000	\$2,000.00
<b>Recording Fee</b>		\$25.00
<b>Agriculture Use Fee</b>	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
<b>Use Fee</b>	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
<b>Recreational Storage Fee</b>	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
<b>Storage Fee</b>	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
<b>Mailed Notice</b>	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4691.	
<b>TOTAL</b>		\$

### 2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
<b>Filing Fee</b>	Amendment: \$100	
	OR Sever and Combine: \$100 x <u>2</u> of water rights to combine	200
<b>Recording Fee</b>		\$12.50
<b>Mailed Notice</b>	Additional notice fee to be determined once application is submitted.	
<b>TOTAL INCLUDED</b>		\$ 212.50

### 3. BED AND BANKS

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

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## TCEQ WATER RIGHTS PERMITTING APPLICATION

### ADMINISTRATIVE INFORMATION CHECKLIST

Complete and submit this checklist for each application. See Instructions Page. 5.

APPLICANT(S): City of Goldthwaite

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

Y/N

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

Y/N

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

**For Commission Use Only:**

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

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



# ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

☐ New Appropriation of State Water

☒ Amendment to a Water Right \*

☐ Bed and Banks

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

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

See Attachment.

## City of Goldthwaite – Summary of Request

<b>To:</b>	TCEQ Surface Water Permitting
<b>From:</b>	Jordan Furnans, PhD, PE, PG LRE Water, LLC [REDACTED]
<b>Date:</b>	5/15/2020

The City of Goldthwaite currently owns water right 14-2553A and a portion of the water right 14-2546. Through this amendment, the City wishes to achieve the following:

- Create 14-2553B
- Sever its portion of 14-2546
  - Combine the severed portion of 14-2546 with 14-2553B
  - Modify the severed portion of 14-2546 to:
    - Include Municipal Use
    - Exclude Agricultural Use
    - Be divertable only from the authorized diversion location under 14-2553B
    - Adjust the authorized diversion location under 14-2553B to match the physical diversion location in use by the City of Goldthwaite.
- Amend 14-2553A so that water may be used for Municipal and Industrial purposes, with the combined total usage between the two use categories being up to 1500 acre-ft/yr.
- Amend 14-2553A so that diversions made under this permit occur at the location where the City of Goldthwaite currently maintains diversion infrastructure.
- Amend 14-2553A so that it authorizes four off-channel reservoirs with a total combined capacity of 685 acre-ft
- Clarify language within the water right 14-2553A regarding direct re-use of water.

Table 1 details the City of Goldthwaite's off-channel reservoirs as they should be included in 14-2553B.

**Table 1 – Off-Channel Reservoirs for the City of Goldthwaite**

Name	Capacity Acre-ft	Center Location		Status
		Latitude	Longitude	
#1	70	31.371751 °N	98.644550 °W	Constructed
#2	65	31.373189 °N	98.644550 °W	Constructed, Operating
#3	200	31.431906 °N	98.605240 °W	Constructed, Operating
#4	350	31.436080 °N	98.603137 °W	Constructed, Operating

The diversion location utilized by the City of Goldthwaite is given by following coordinates as determined by Google Earth:

31.367464 °N, 98.650161 °W



## 2. APPLICANT INFORMATION (Instructions, Page. 6 )

### a. Applicant

Indicate the number of Applicants/Co-Applicants 1  
(Include a copy of this section for each Co-Applicant, if any)

What is the Full Legal Name of the individual or entity (applicant) applying for this permit?

City of Goldthwaite

*(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 : 600739221 ( 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: Mike McMahan

Title: Mayor, City of Goldthwaite

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

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

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

Name: Mayor Mike McMahan

Mailing Address: 1219 Fisher St.

City: Goldthwaite

State: TX

ZIP Code: 76844

Indicate an X next to the type of Applicant:

☐ Individual

☐ Sole Proprietorship-D.B.A.

☐ Partnership

☐ Corporation

☐ Trust

☐ Estate

☐ Federal Government

☐ State Government

☐ County Government

☒ City Government

☐ Other Government

☐ 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: Jordan Furnans

Title: Vice President - TX Operations

Organization Name: LRE Water, LLC

Mailing Address: 1101 Satellite View #301

City: Round Rock

State: TX

ZIP Code: 78665

Phone No.: 512-736-6485

Extension:

Fax No.:

E-mail Address:





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

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

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

First and Last Name: N/A

Title:

Organization Name:

Mailing Address:

City:

State:

ZIP Code:

Phone No.:

Extension:

Fax No.:

E-mail Address:

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

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

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

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/> Not Applicable

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

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

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

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

Applicant:

1. Mike McMahon Mayor  
(Typed or printed name) (Title)

I 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: 6-2-2020  
(Use blue ink)

Subscribed and Sworn to before me by the said Mike McMahon  
on this 2nd day of June, 2020

My commission expires on the 4th day of November, 2020

Notary Public

Darnelle White



County, Texas

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

## AMENDMENT TO WATER RIGHT PURCHASE CONTRACT

This Amendment ("Amendment") is effective as of the 22<sup>nd</sup> day of October, 2019 ("Effective Date"), by and between Kenneth O. O'Rear and Cherie L. O'Rear (the "Seller") and the City of Goldthwaite, Texas (the "Buyer"). Buyer and Seller may be referred to herein individually as a "Party" and together as "Parties."

WHEREAS, the Seller and Buyer entered into that certain Water Right Purchase Contract (the "Contract"), effective July 9, 2018, whereby Seller agreed to sell to Buyer, and Buyer agreed to buy from Seller, 1,000 acre-ft/year of the 1,600 acre-ft/year water right authorized in Certificate of Adjudication 14-2546 owned by Seller. Once all necessary documents were executed, the Parties began the process at the Texas Commission on Environmental Quality ("TCEQ") to transfer and amend Certificate of Adjudication 14-2546.

WHEREAS, on January 28, 2019, the TCEQ issued a letter acknowledging that the Buyer owns the 1,000 acre-ft/year diversion right under Certificate of Adjudication 14-2546 and the Seller continues to own a 600 acre-ft/yr diversion right under the same permit. TCEQ also stated that the Parties had not divided the diversion rate authorized in Certificate of Adjudication 14-2546.

WHEREAS, in order for the Buyer to formally sever the 1,000 acre-ft/year diversion right under Certificate of Adjudication 14-2546 and amend its own water right, the Parties must divide the diversion rate authorized in Certificate of Adjudication 14-2546; and

WHEREAS, the Parties desire to enter into this Amendment to amend the Contract by dividing the diversion rate authorized in Certificate of Adjudication 14-2546;

NOW IN CONSIDERATION OF THE FOREGOING, the Parties agree to the following amendments to the Contract:

1. Diversion Rate. Pursuant to the terms of this Amendment and the Contract, Seller and Buyer agree to divide the diversion rate authorized in Certificate of Adjudication 14-2546 as follows:

Original Permit	Buyer (City) Permit Once Divided	Seller (O'Rear) Permit Once Divided
1,600 acre-feet/year	1,000 AF/year	600 AF/year
24.51 cubic ft. per second (11,000 gallons per minute)	15.32 cfs (6,875 GPM)	9.19 cfs (4,125 GPM)

2. Unless otherwise defined in this Amendment, all capitalized terms shall have the meaning ascribed in the Contract.

IN WITNESS WHEREOF, the Parties duly execute this Amendment in multiple counterparts, all such counterparts comprising one and the same document, as of the dates set forth below; however, this Amendment is effective as of the Effective Date set forth above. Faxed signatures or signatures transmitted by email or other electronic means shall be binding for all purposes.

*[Signature Pages Follow]*



**SELLER:**

Kenneth O. O'Rear  
Kenneth O. O'Rear

11-22-2019  
Date

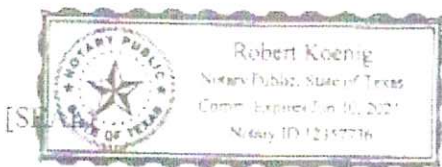
Cherie L. O'Rear  
Cherie L. O'Rear

11-22-2019  
Date

THE STATE OF TEXAS      §

COUNTY OF SAN SABA      §

This instrument was acknowledged before me on October 22, 2019 by Kenneth O. O'Rear

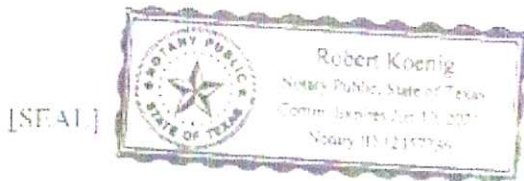


[Signature]  
Notary Public, State of Texas  
My Commission Expires June 10, 2021

THE STATE OF TEXAS      §

COUNTY OF SAN SABA      §

This instrument was acknowledged before me on October 22, 2019 by Cherie L. O'Rear



[Signature]  
Notary Public, State of Texas  
My Commission Expires June 10, 2021

**BUYER:**

City of Goldthwaite, Texas

By: [Signature]

Name: Mike McMahan

Title: Mayor

THE STATE OF TEXAS

COUNTY OF Bliss ~~SAN SABA~~

This instrument was acknowledged before me on October 16, 2019 by Robert Lindsey, City Manager of the City of Goldthwaite, Texas, on behalf of such City

[Signature]  
Notary Public, State of Texas  
My Commission Expires 11/14/2020

[SEAL]



**RESOLUTION  
OF THE CITY OF GOLDTHWAITE**

**A RESOLUTION RECOGNIZING THE MAYOR OF GOLDTHWAITE AS AN  
AUTHORIZED SIGNATORY.**

**WHEREAS**, the City of Goldthwaite enters into agreements and makes various regulatory filings from time to time; and

**WHEREAS**, those agreements and filing may require the signature of the chief elected official; and

**WHEREAS**, the City wishes to designated the Mayor as one of its officially authorized signatories.

**THEREFORE, BE IT RESOLVED**, that the City of Goldthwaite Council authorizes and recognizes the Mayor as an official representative to execute agreements, regulatory filings or other documents on behalf of the City of Goldthwaite.

**PASSED AND APPROVED THIS 27<sup>th</sup> DAY OF JANUARY 2020**



Mike McMahan, Mayor

**ATTEST:**



Darnelle White, City Secretary

# TECHNICAL INFORMATION REPORT

## WATER RIGHTS PERMITTING

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

***Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4691 to schedule a meeting.*** Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N **Yes** (If yes, date : 1/13/2020 ).

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

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

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

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

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

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

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

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

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



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

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

Water Right (Certificate or Permit) number you are requesting to amend: 14-2553A

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

List of water rights to sever	Combine into this ONE water right
14-2546	14-2553A

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

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

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

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

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

*If yes, submit:*

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

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

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

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

*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 **Y** *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 **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 **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 **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 **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 **N**

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

*Worksheets and information:*

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

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

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

See Attachment.

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

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

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



## **Addendum Regarding the State and Regional Water Plans**

<b>To:</b>	TCEQ Surface Water Permitting
<b>From:</b>	Jordan Furnans, PhD, PE, PG LRE Water, LLC [REDACTED]
<b>Date:</b>	5/15/2020

The City of Goldthwaite ("Goldthwaite"), per the 2016 Region K water plan, has water shortages ranging from 48 acre-ft/yr in 2020 to 94 acre-ft/yr in 2070. The plan recognizes that Goldthwaite has water right 14-2553 with a priority date of 5/6/1960 that allows for up to 1750 acre-ft/yr diversions for Municipal/Domestic purposes. The plan also states that Goldthwaite has reservoir storage, but that the yield from the reservoirs (which are filled via water right 14-2553) is 0 acre-ft/yr as a result of the junior priority of the water right and the location of the diversion upstream of the senior-priority LCRA rights for Lake Buchanan and Lake Travis. As such, per the Region K water plan, Goldthwaite is reliant upon the Trinity and Marble Falls aquifers for its water supplies.

To augment its water supplies, Goldthwaite has purchased a portion of water right 14-2556, is an irrigation right with a priority date of 12/31/1956 and a diversion location upstream from the diversion location authorized under Goldthwaite's water right 14-2553). The total quantity permitted for diversion under 14-2556 is 1,600 acre-ft/yr, of which Goldthwaite now owns 1,000 acre-ft/yr.

Goldthwaite intends to amend its water right 14-2553 in the following manner:

- Sever its 1,000 acre-ft/yr diversion right under 14-2556 and merge this 1,000 acre-ft/yr diversion into water right 14-2553.
- Add Municipal & Industrial usage to the 1,000 acre-ft/yr diversion (from 14-2556), and remove irrigation usage.
- Add off-channel reservoir storage to 14-2553
- Eliminate limits on direct water reuse that are currently contained within 14-2553.

Each of these actions will enhance Goldthwaite's ability to provide water to customers during drought periods. However these actions will NOT alter the water available to Goldthwaite during a drought of records, and do therefore NOT provide additional water supplies per state and regional water planning purposes.

As such, Goldthwaite's proposed water right amendments are not inconsistent with the 2016 Region K plan or 2017 State Water Plan.

## City of Goldthwaite – Required Maps

<b>To:</b>	TCEQ Surface Water Permitting
<b>From:</b>	Jordan Furnans, PhD, PE, PG LRE Water, LLC [REDACTED]
<b>Date:</b>	5/15/2020

The City of Goldthwaite currently owns water right 14-2553 and a portion of water right 14-2546. Figure 1 is a map of these two water rights, showing authorized impoundments and diversion locations within the vicinity of the City of Goldthwaite. Currently there are three authorized off-channel reservoirs under 14-2553. Under 14-2546, there is an authorized off-channel reservoir that is NOT owned by the City of Goldthwaite and is not included in this permit amendment application.

Figure 2 shows a map of the Colorado River between diversions points authorized for 14-2546 (upstream) and 14-2553 (downstream). As shown, there are numerous authorized diversion points and reservoirs located in between the authorized diversions for 14-2546 and 14-2553. The diversions and reservoirs are authorized under water rights: 14-2549, 14-2550, 14-2472, 14-2551, and 14-2552.

Figure 3 shows a map of the area near the authorized diversion point under water right 14-2553, including both the Reservoir #1 and Reservoir #2 authorized under 14-2553.

Figure 4 shows a map of Reservoir #3 authorized under 14-2553, and Reservoir #4 currently in use by the City of Goldthwaite, which is to be formally authorized within this requested amendment to 14-2553. All City of Goldthwaite reservoirs are off-channel reservoirs and do not capture state water. They only receive water diverted from the Colorado River under water rights held by the City of Goldthwaite. Reservoirs #3 and #4 are located approximately 1 mile southwest of the City of Goldthwaite along State Highway 16.



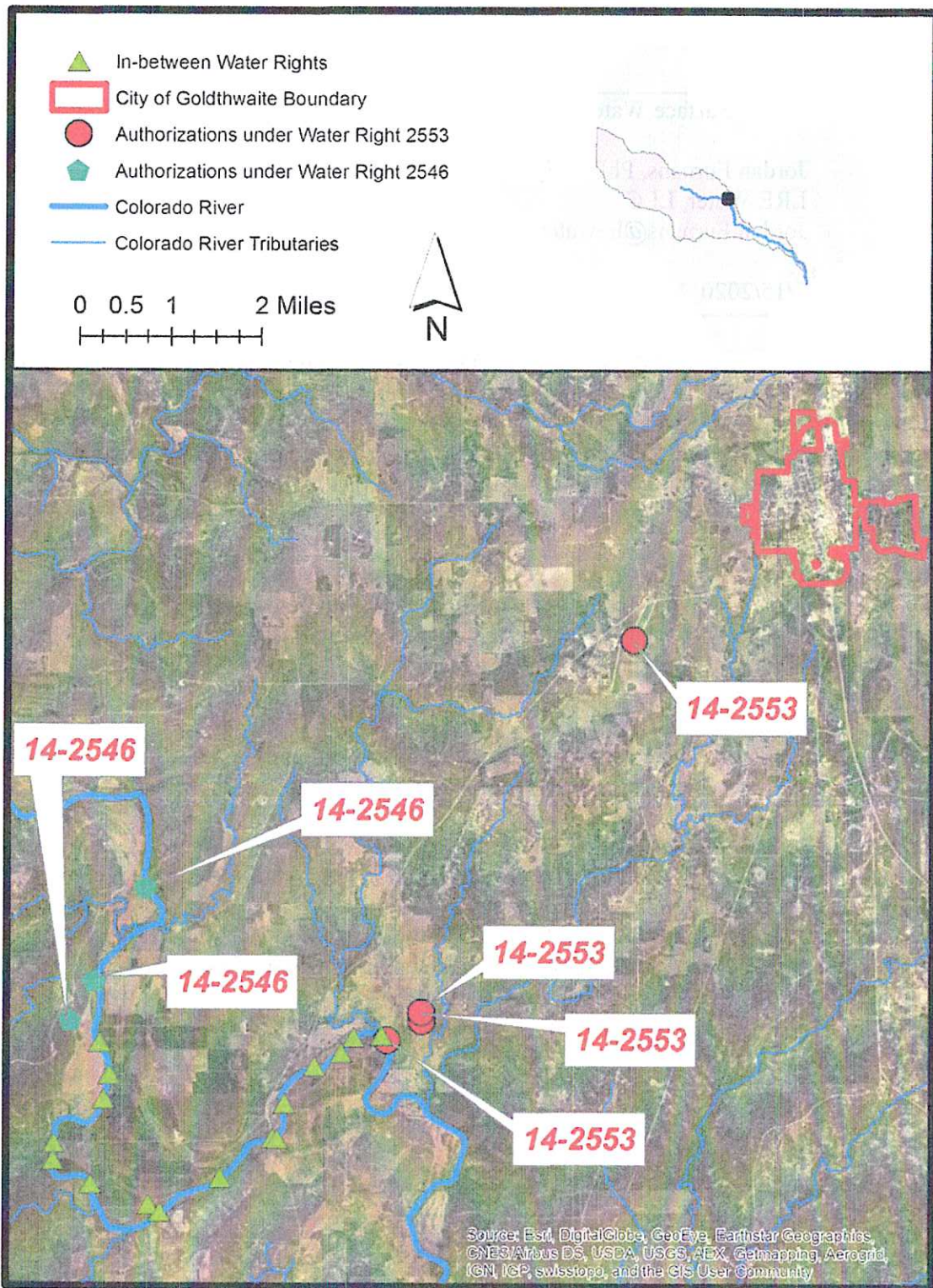


Figure 1 – Goldthwaite Water Right Map #1 – showing existing water rights (14-2553 & 14-2546) including authorized diversion locations and reservoir locations relative to the City of Goldthwaite boundary.



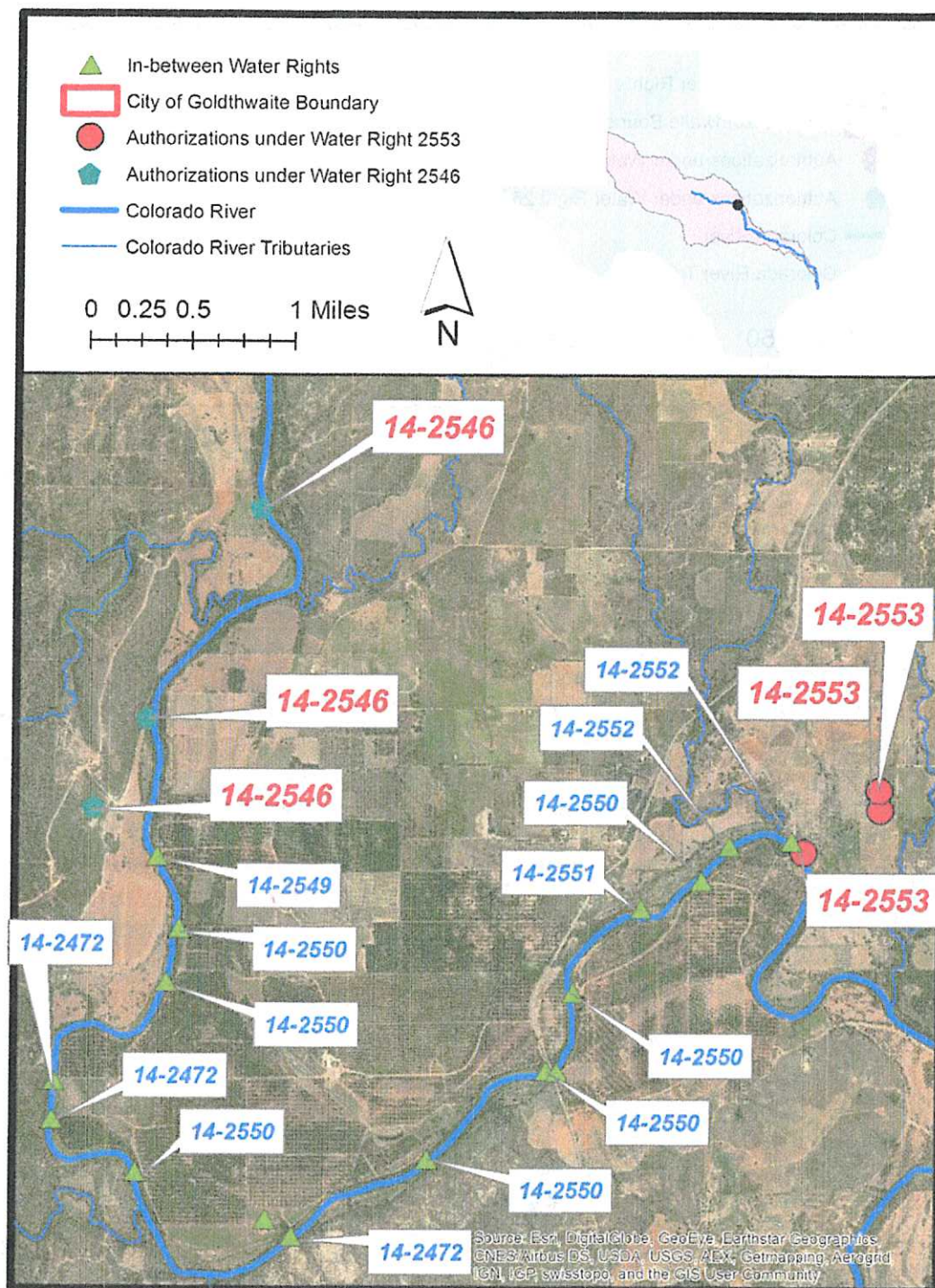


Figure 2 - Goldthwaite Water Right Map #2- showing existing water rights along the Colorado River between right 14-2546 (upstream) and right 14-2553 (downstream).



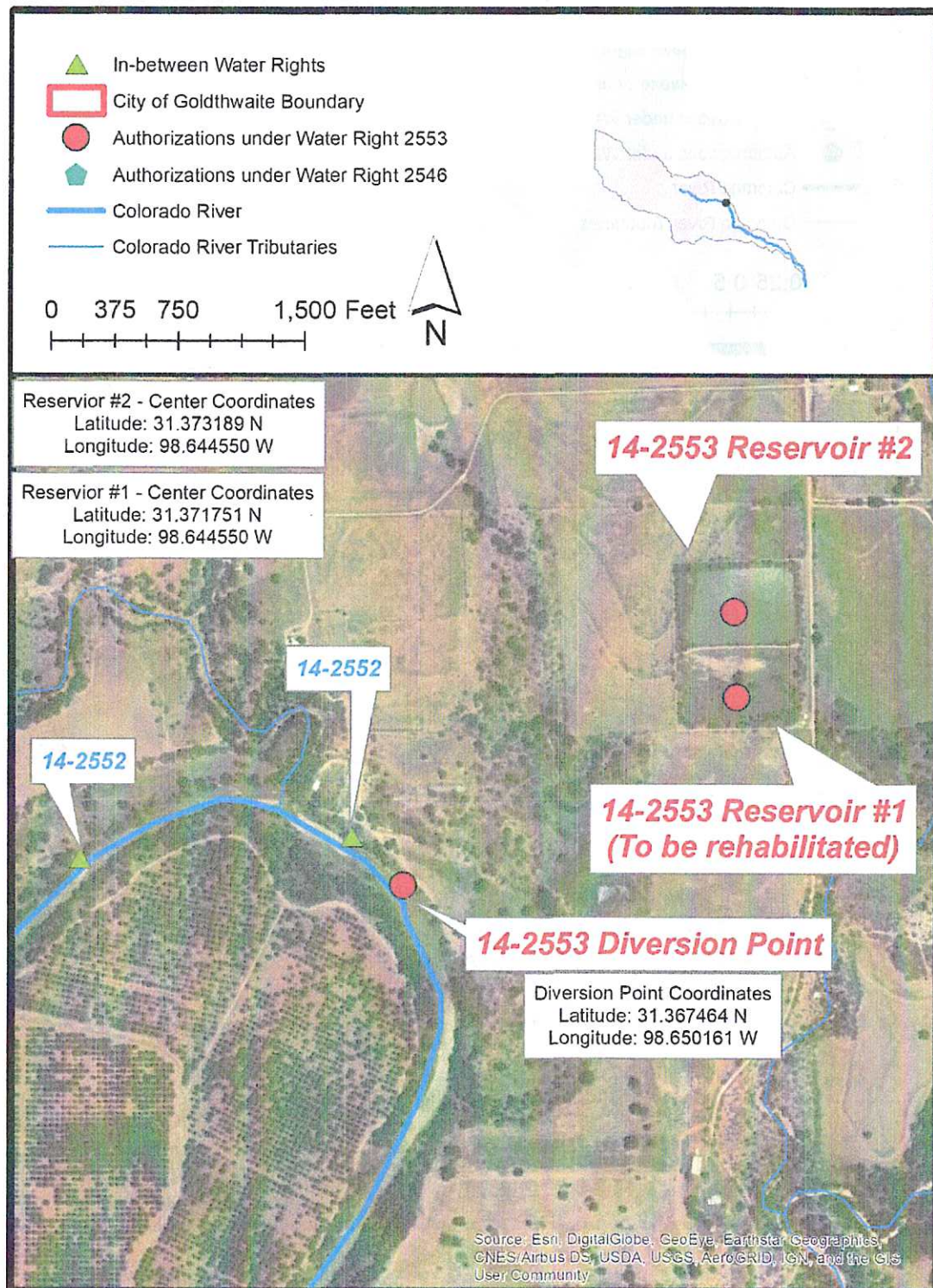


Figure 3 - Goldthwaite Water Right Map #3- showing existing water rights along the Colorado River near Goldthwaite's diversion point under right 14-2553. Also shown is the Reservoir #1 and #1 authorized under 14-2553, with Reservoir #1 currently inactive and to be possibly rehabilitates by the City. Both reservoirs are off-channel reservoirs.



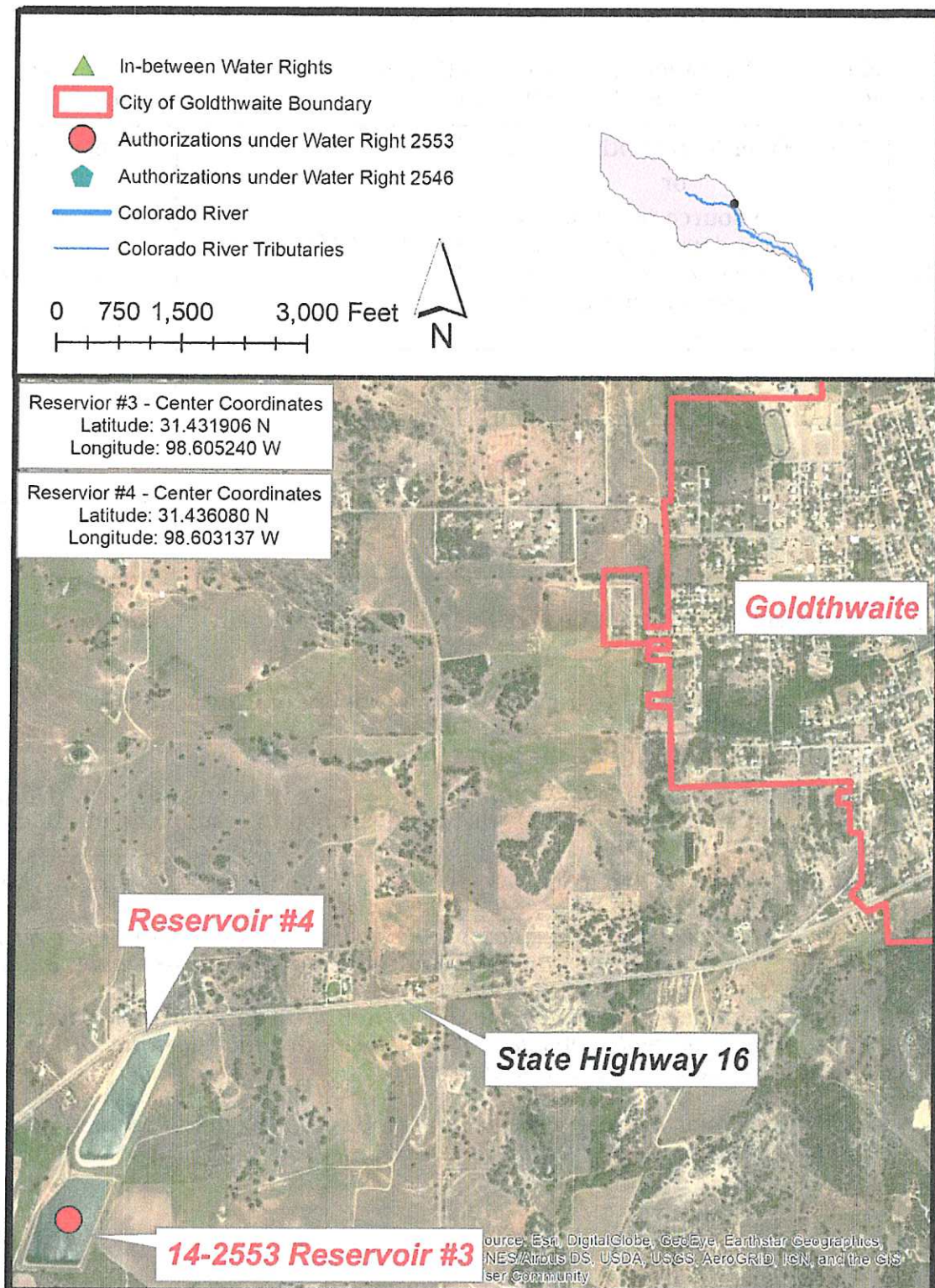


Figure 4 - Goldthwaite Water Right Map #4— showing existing reservoirs #3 authorized under 14-2553, and existing reservoir #4 to be authorized through this permit amendment. Both reservoirs are off-channel reservoirs.

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

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

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

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

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

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

#### 1. Location Information Regarding the Lands to be Irrigated

- i) Applicant proposes to irrigate a total of \_\_\_\_\_ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of \_\_\_\_\_ acres in \_\_\_\_\_ County, TX.
- ii) Location of land to be irrigated: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_.

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

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

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



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

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

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
1000	Agricultural	Municipal and Industrial	Agricultural Usage area under 14-2546	City of Goldthwaite ETJ and service area within Mills County
1500	700 Municipal 800 Industrial	1500 Municipal and Industrial (combined Total)	City of Goldthwaite ETJ and service area within Mills County	City of Goldthwaite ETJ and service area within Mills County

\*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)

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

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

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

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

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

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

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



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

## WORKSHEET 1.2

### NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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



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

## WORKSHEET 2.0

### Impoundment/Dam Information

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

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

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

- a. Official USGS name of reservoir, if applicable: NA
- 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. 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** 18.44 cfs (cubic feet per second)  
or 8275 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / N **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 **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	Existing
<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 **Y**

If yes, the drainage area is 25.914 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): Colorado River
- b. Zip Code: \_\_\_\_\_
- c. Location of point: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, \_\_\_\_\_ County, Texas.

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

- d. Point is at:  
Latitude 31.367464°N, Longitude 98.650161°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.

NA

LEASE AGREEMENT

THE STATE OF TEXAS  
COUNTY OF MILLS

*Robert Long  
Amanda Louise Long  
Trust  
Sept 2, 1962  
JL*

WHEREAS, by "Lease Contract" dated November 26, 1963, recorded in Volume 126, page, 132, Deed Records of Mills County Texas, Floyd O. Sykes and wife, Dera Sykes, as "Lessor," leased to the City of Goldthwaite, as "Lessee," that certain 1 acre tract of land situated in Mills County Texas, out of the Southwest part of Block 5, Francisco Vegereal, Survey, for a term of 50 years beginning December 1, 1963, and ending November 30, 2013

WHEREAS, said Lease Contract provides for an option to renew for an additional 50 year term under the conditions of said lease contract,

WHEREAS, the said 1 acre tract of land is now owned by Robert Lee Long, Jr., and wife, Amanda Louise Long, as Trustees of The Robert Lee and Amanda Louise Long Living Trust, dated July 24, 2005,

WHEREAS, the Lessee under said Lease Contract has elected to exercise its option to renew the Lease contract, said election being hereby acknowledged by the said Robert Lee Long, Jr., and wife Amanda Louise Long, and

WHEREAS, the said Robert Lee Long Jr. and wife, Amanda Louise Long, individually and as Trustees of The Robert Lee and Amanda Louise Long Living Trust, dated July 24, 2005, and the City of Goldthwaite, have agreed to modify some of the terms of the original "Lease Contract" by execution of a new lease,

NOW THEREFORE, KNOWN ALL MEN BY THESE PRESENTS, that Robert Lee Long Jr. and wife, Amanda Louise Long, individually and as Trustees of The Robert Lee and Amanda



Louise Long Living Trust, dated July 24, 2005, hereinafter referred to as "lessor," do hereby lease to the City of Goldthwaite, a municipal corporation in Mills County, Texas, hereinafter referred to as "lessee," the following described property is situated in Mills County, Texas

All that certain 1 acre tract of land situated in Mills County, Texas, out of the Southwest part of Block 5, Francisco Vegereal Survey, and being more fully described by meets and bounds on the attached Exhibit A which is here referred to and made apart here of for all descriptive purposes

#### TERM

- (1) The term of this lease shall be for a period of 57 years beginning November 20, 2006, and ending November 20, 2063

#### USE

- (2) The property may only be used by lessee as a Pumping Station and River Intake and related purposes, as a part of lessee's water supply system, together with appurtenant water lines and electrical service

#### RENTAL

- (3) Lessee agrees to pay to Lessor, as rental for the full 57 year initial term of this Lease, the sum of \$6,000.00 paid in advance by Lessee at the execution of this Lease Agreement, the receipt of which is hereby acknowledged by Lessor

#### APPURTENANT EASEMENTS

- (4) Lessor and Lessee acknowledge the existence of two easement and right of way documents appurtenant to the property which is the subject of this lease, both dated November 26, 1963, from Floyd O. Sykes and wife, Dera Sykes to the City of Goldthwaite, the first recorded in volume 126, page 130, and the second recorded in volume 126, page 131, Deed Records of Mills County, Texas, as amended by easement and right of way agreement recorded in volume 245, page 56, Real Property Records of Mills County, Texas. Lessor ratifies and confirms said easement documents, acknowledges lessee's rights to ingress and egress, with rights to lay and maintain pipelines and electrical transmission lines, all as previously described in those easement documents, and represents that the easements connect with the leased tract

#### ADDITIONAL TERMS AND CONDITIONS

- (5) Lessee agrees to install a two inch water tap into lessee's water line, and lay a two inch water line approximately 1 mile in length from the water tap to a point near lessor's garden plot located near the home located on lessor's adjoining property, together with water pressure reducers and fittings. Upon installation, ownership of the water line shall be vested in lessor with lessor, at his expense, being responsible for any maintenance and additional connections.
- (6) For so long as this lease remains in effect, lessee agrees to allow lessor to divert up to 480,000 gallons of untreated water per year from lessee's river line at the water tap installed by lessee, free of cost. Any water taken by lessee in excess of 480,000 gallons per year shall be paid for by lessor at the rate of twenty-five cents (\$0.25) per 1000 gallons. In the event that lessor should fail to pay for excess water use within 15 days of receipt of the utilities statement from lessee, all water service to lessee will be terminated until such time as delinquent utility bills and re-connection charges are paid. The water may only be used by lessor for domestic and livestock purposes, and may not be used for irrigation purposes with the exception of the family garden which may not exceed 1 acre in size. The water may not be sold or in any other manner used by any party other than the owner in fee simple of the property which is the subject of this lease. The right to divert water herein granted shall only extend to the property owned by lessor which is contiguous to the leased tract. In the event lessor sells a portion of his adjoining property, all rights granted herein to divert water for the benefit of the severed tract shall terminate. Any violation of this use restriction shall, at lessee's option, cause a forfeiture and termination of lessor right to divert water from lessee's line.
- (7) Additionally lessee agrees, upon request from lessor, to furnish lessor with a three phase electrical service line from the electrical line located on lessor's property to a location to be designated by lessor, not to exceed 500 feet from the existing electrical line located on lessor's property. Once installed, ownership of the electric line shall be vested in lessor with lessor, at his expense, being responsible for any maintenance and additional connections. Lessor agrees to pay for all electricity provided by lessee at its customary rate. In the event that any monthly electrical use is not paid within 15 days of receipt of the utility bill from lessee, lessee may terminate electrical service until such time as the delinquent amount, together with re-connection charges is paid in full.
- (8) Lessee's agreement to allow lessor to tap into the water line of lessee and divert up to 480,000 gallons of water per year through lessor's 2 inch water line is subject to fluctuations in water availability and any discontinuance or interruption of water service from the pump site. Lessee makes no warranty or guarantee that lessor will be able to divert the full amount of 480,000 gallons of water in any one year. Lessee is under no obligation to continuing pumping from

the pump site and may discontinue pumping, either temporarily or permanently, at any time in Lessee's sole discretion. Any such discontinuance of pumping will not affect any of Lessee's rights hereunder. Lessor will only be able to divert water while lessee's pump is operating. Lessee reserves the right to impose upon lessor the same restrictions with regard to its use of water as may be imposed from time to time upon the water users within the City of Goldthwaite.

- (9) LESSOR AGREES AND ACKNOWLEDGES THAT THE WATER TAKEN FROM LESSEE'S LINE IS UNTREATED WATER, NOT SUITABLE FOR HUMAN CONSUMPTION OR HOUSEHOLD USE. LESSOR ASSUMES ALL RISKS INVOLVED WITH THE USE OF THE WATER AND AGREES TO HOLD LESSEE, IT'S SUCCESSORS AND ASSIGNS HARMLESS FROM ANY AND ALL LIABILITY, CLAIMS AND DAMAGES ARISING OUT OF OR RESULTING IN ANY WAY OR MANNER FROM THE USE OF THE WATER OR THE OPERATION OF THE WATER TAP, WATER LINE, PRESSURE REDUCERS OR FITTINGS.
- (10) Lessor warrants that he is vested with good fee simple title to the land described herein free and clear of all liens and encumbrances, and that such good and indefeasible title will be furnished by lessor to lessee at the time of signing this contract and agreement. Failure to so deliver such title may at the option of lessee, end and terminate this contract and agreement.
- (11) Lessor agrees to not interfere with lessee's possession and use of the property during the term of this lease.
- (12) All physical additions, improvements, fixtures, equipment and other items of personal property placed on the leased property shall remain the property of lessee and may be removed by lessee at the termination of this lease agreement.
- (13) In the event of default by either party under the terms of this lease agreement, the other party must provide the defaulting party with 10 days advanced written notice of the default and opportunity to cure.
- (14) Any notice required or permitted under this lease must be in writing. Any notice required by this lease will be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, Postage prepaid, Certified Mail, Return Receipt Requested, and addressed to the intended recipient at the address shown in this lease. Notice may also be given by regular mail, personal delivery, courier delivery, facsimile transmission, or other commercially reasonable means and will be effective when actually received. Any address or notice may be changed by written notice delivered as provided herein.

November 21, 2006

Page 5

(15) This lease agreement shall be binding on the parties hereto, their heirs, successors and assigns

Signed in duplicate originals, each party retaining one, and either one of which may be admitted in evidence as an original, this the 21<sup>st</sup> day of November, 2006

LESSOR

Robert Lee Long Jr. and Amanda Louise Long, Individually and as Trustees of The Robert Lee and Amanda Louise Long Living Trust, dated July 24, 2005

Robert Lee Long Jr.  
Robert Lee Long Jr., Individually and as Trustee of The Robert Lee and Amanda Louise Long Living Trust, dated July 24, 2005

Amanda Louise Long  
Amanda Louise Long, Individually and as Trustee of The Robert Lee and Amanda Louise Long Living Trust, dated July 24, 2005

LESSEE

City of Goldthwaite

By Mike McMahan  
Mike McMahan, Mayor

November 21, 2006

Page 5

ADDRESS OF LESSOR

The Robert Lee and Amanda Louise Long  
Living Trust, dated July 24, 2005  
c/o Robert Lee Long, Jr. and  
Amanda Louise Long  
181 FM 2005 East  
Goldthwaite, Texas 76844

ADDRESS OF LESSEE

The City of Goldthwaite  
PO Box 450  
Goldthwaite, Texas 76844

STATE OF TEXAS                   )  
COUNTY OF MILLS               )

This instrument was acknowledged before me on November 21, 2006, by  
Robert Lee Long Jr., individually and as Trustee of The Robert Lee and Amanda Louise Long  
Living Trust, dated July 24, 2005

Marjelle Petersen  
Notary Public, State of Texas  
My commission expires



November 21, 2006

Page 1

STATE OF TEXAS )  
COUNTY OF MILLS )

This instrument was acknowledged before me on November 21, 2006 by  
Amanda Louise Long, individually and as Trustee of The Robert Lee and Amanda Louise Long  
Living Trust, dated July 24, 2005

Debbie Peterson  
Notary Public, State of Texas  
My commission expires:



STATE OF TEXAS )  
COUNTY OF MILLS )

This instrument was acknowledged before me on November 21, 2006 by  
Mike McMahan, as Mayor for the City of Goldthwaite

Debbie Peterson  
Notary Public, State of Texas  
My commission expires:





# EXHIBIT "A"

All of that certain 1.0 acre tract, lot, or parcel of land being out of Block No. 5 of the Francisco Veyereal Survey No. 60, Abstract No. 696, being situated on the Waters of The Colorado River, Mills County, Texas, and being the same land as described and shown in field notes dated November 26, 1963, being of record in Volume 127, Page 4, of the Deed Records of Mills County, Texas, and is further described as occupied as follows,

BEGINNING at a 2 1/2" steel fence corner post in concrete being the Easterly Corner of said 1 acre tract, for the Easterly Corner of this, from which the NEC of Block No. 5 bears; North 33 degrees 58 minutes 49 seconds West, 70.64 feet to a 2 1/2" steel fence corner post, North 33 degrees 10 minutes 34 seconds East, 646.81 feet to a 2 1/2" steel fence corner post, North 09 degrees 45 minutes 18 seconds West, 595.13 feet to a 2 1/2" steel fence corner post in concrete, North 85 degrees 20 minutes 58 seconds East, 953.95 feet, a chain link fence corner post in concrete, South 06 degrees 09 minutes 07 seconds East, 14.25 feet, a chain link fence corner post in concrete, being the SWC of City of Goldthwaite's 18 acre tract and North 87 degrees 37 minutes 53 seconds East, 781.13 feet to a chain link fence corner post in concrete in the Westerly line of a County Road way, being the SEC of said 18 acre tract for the NEC of said Block No. 5,

THENCE South 50 degrees 10 minutes 38 seconds West, with existing fence line passing a concrete monument set on the top bank of the Colorado River at 137.97 feet, and continuing a total distance of 208.33 feet to the South Corner of said 1 acre tract, for the South Corner of this;

THENCE North 39 degrees 49 minutes 22 seconds West, 208.33 feet to the West Corner of said 1 acre tract, being within said River, for the West Corner of this;

THENCE North 50 degrees 10 minutes 38 seconds East, passing a concrete monument set on the top bank of said river at 108.46 feet, and continuing with a total distance of 208.33 feet to a concrete monument set, being the North Corner of said 1 acre tract, for the North Corner of this;

THENCE South 39 degrees 49 minutes 22 seconds East, with northeasterly line of said 1 acre tract, 208.33 feet to the place of beginning and calculated to contain 1 acre of land in area

CLERK'S NOTICE: ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE, IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

FILED  
AT 4:00 O'CLOCK P. M.  
ON THE 21 DAY OF November  
A.D., 2006

STATE OF TEXAS  
COUNTY OF MILLS

I hereby certify that this instrument was FILED on the date and at the time stamped herein by me and was duly RECORDED in the Volume and Page of the Real Records of Mills County, Texas.

Beverly L. Roberts  
COUNTY CLERK, MILLS CO., TEXAS  
By Donna Cheslin  
DEPUTY



Beverly L. Roberts  
County Clerk, Mills County, Texas  
VOL 281 PAGE 183  
RECORDED 11-21-2006

## WORKSHEET 4.0

### DISCHARGE INFORMATION

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

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

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

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

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

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

## WORKSHEET 4.1

### DISCHARGE POINT INFORMATION

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

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

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

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



## WORKSHEET 5.0

### ENVIRONMENTAL INFORMATION

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

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

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

a. Identify the appropriate description of the water body.

☒ Stream

☐ Reservoir

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

☐ Other, specify: \_\_\_\_\_

b. Flow characteristics

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

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

☐ Intermittent with Perennial Pools - enduring pools

☒ Perennial - normally flowing

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

☒ USGS flow records

☐ Historical observation by adjacent landowners

☐ Personal observation

☐ Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

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



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

#### d. Waterbody Recreational Uses

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

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

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

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

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

For all bed and banks applications:

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

- b. An assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

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

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

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

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

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

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

## City of Goldthwaite – Environmental Addendum

<b>To:</b>	TCEQ Surface Water Permitting
<b>From:</b>	Jordan Furnans, PhD, PE, PG LRE Water, LLC [REDACTED]
<b>Date:</b>	5/15/2020

The City of Goldthwaite currently owns water right 14-2553 and a portion of water right 14-2546. Goldthwaite wishes to sever its portion of water right 14-2546 and combine its portion into existing water right 14-2553. Figure 1 shows a map of the area near the authorized diversion point under water right 14-2553.

Figure 2 presents the Colorado River looking downstream from the left bank, at the diversion location authorized under 14-2553.

Figure 3 presents the Colorado River looking upstream from the left bank, at the diversion location authorized under 14-2553.

Figure 4 presents the existing pump, meter, and pipeline infrastructure used by the City of Goldthwaite to divert water under 14-2553.



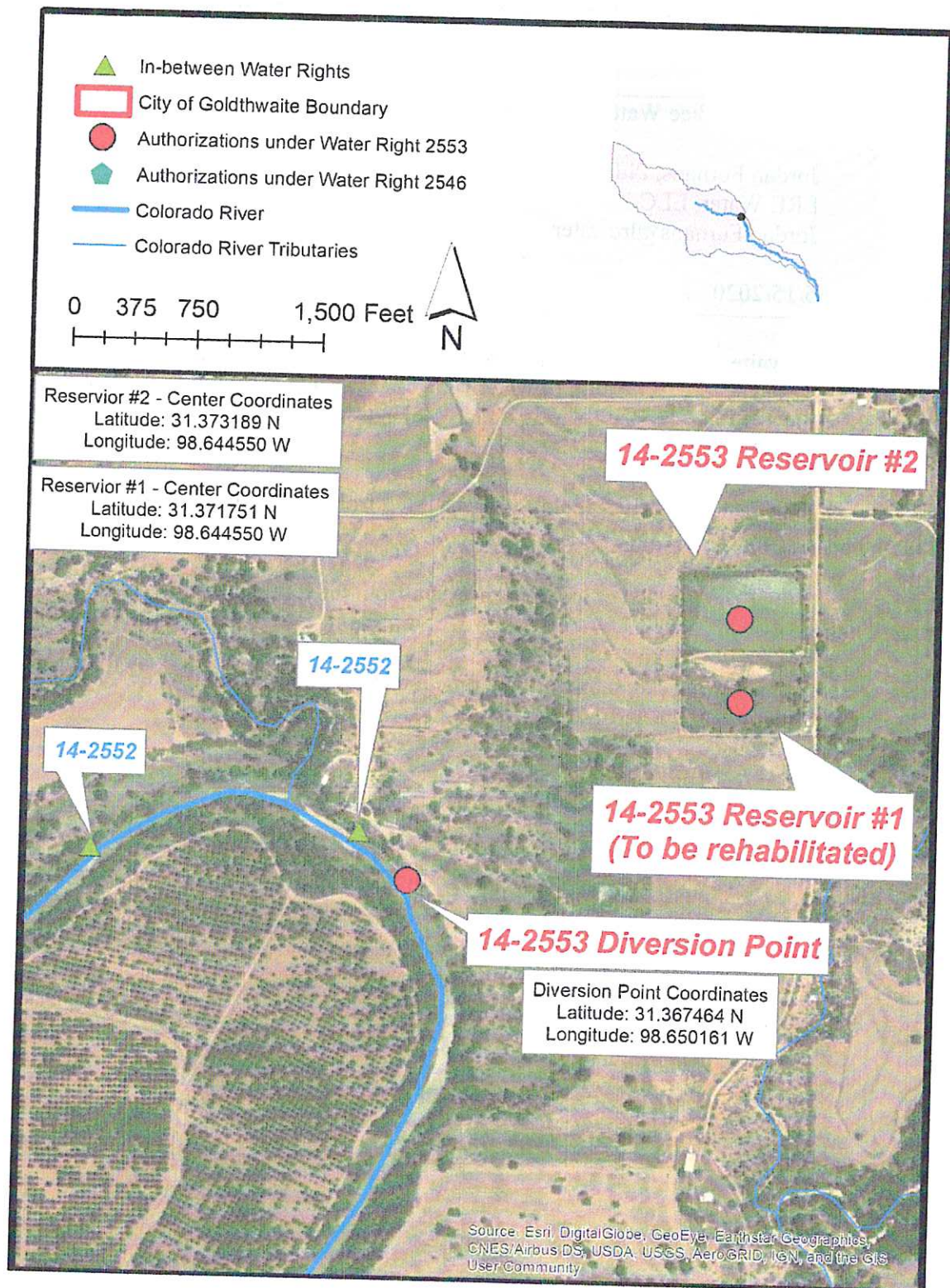


Figure 1 - Goldthwaite Water Right Map #1- showing exiting water rights along the Colorado River near Goldthwaite's diversion point under right 14-2553. Goldthwaite wishes to divert water under 14-2546 at the diversion location for 14-2553.



City of Goldthwaite – Environmental Addendum

May 15, 2020

Page 3

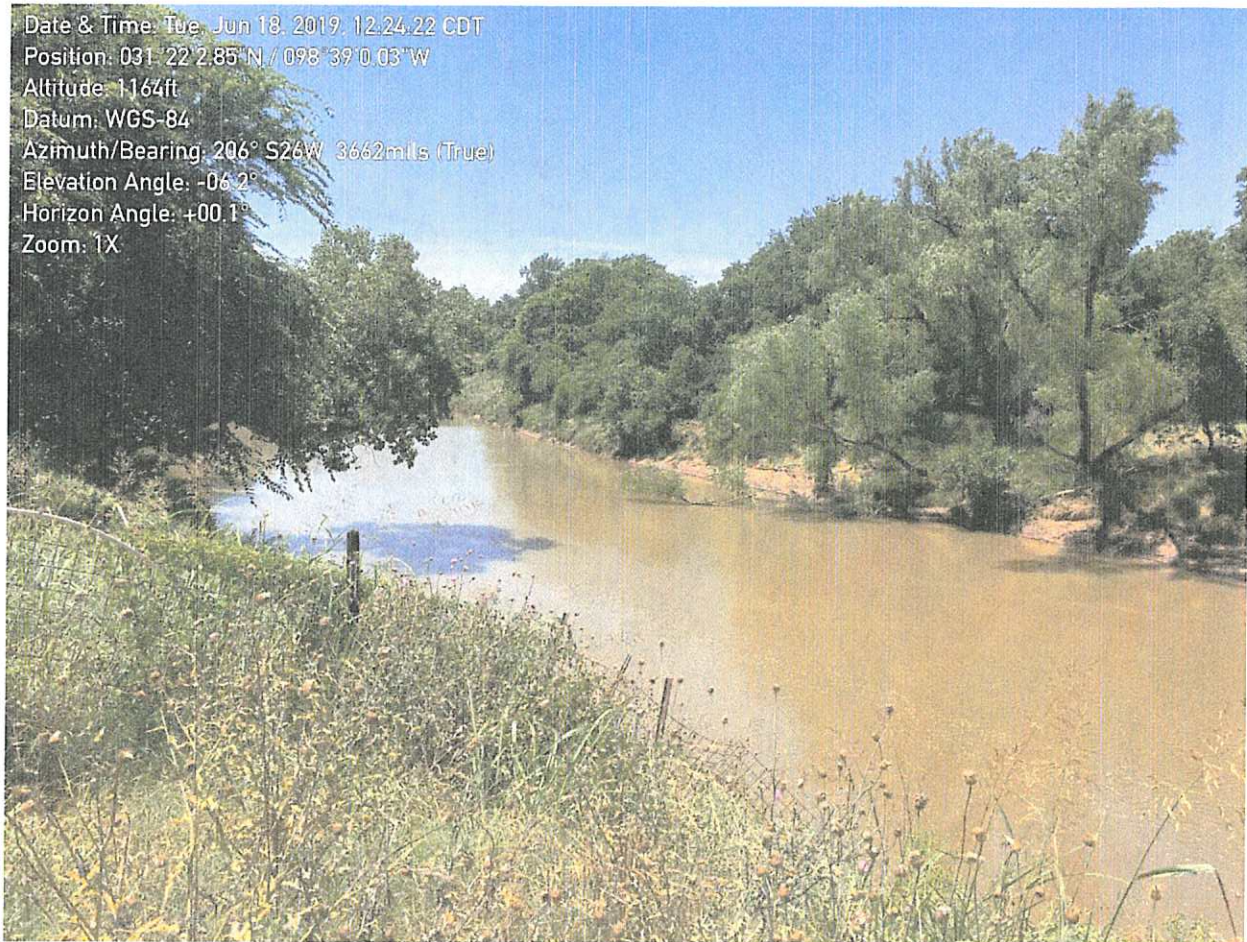


Figure 2 – Colorado River looking downstream from the left bank, at the City of Goldthwaite's diversion location (adjacent to installed diversion infrastructure).





Figure 3 - Colorado River looking upstream from the left bank, at the City of Goldthwaite's diversion location (adjacent to installed diversion infrastructure).





Figure 4 – City of Goldthwaite's installed and operating diversion infrastructure (pump, meter, and pipeline)



## WORKSHEET 6.0

### Water Conservation/Drought Contingency Plans

This form is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plans is required and to specify the requirements for plans.  
**Instructions, Page 31.**

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

#### 1. Water Conservation Plans

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

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

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

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

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

- 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 ☒ Y

**Water Conservation  
&  
Drought Contingency Plan**  
for the  
**City of Goldthwaite**

2019

*Prepared By:*

**JACOB | MARTIN**

*3465 Curry Lane | Abilene, TX | 79606*

*jacobmartin.com*

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## ATTACHMENTS

<i>Attachment 1</i>	Goldthwaite CCN Map
<i>Attachment 2</i>	Municipal Use Public Water Supply Utility Profile
<i>Attachment 3</i>	Goldthwaite WWTP and Discharge Point
<i>Attachment 4</i>	Resolution Adopting Water Conservation and Drought Contingency Plan
<i>Attachment 5</i>	Letter to Regional Water Planning Group



## **WATER CONSERVATION PLAN**

### **1.1 General**

This Conservation Plan has been developed to meet the requirements of 30 TAC §288.2 for the City of Goldthwaite which is a retail public water supplier of treated water to residents located in Mills County.

### **1.2 Utility Profile**—See Attachment #2—Texas Water Development Board (TWDB) Utility Profile (Form --TWDB-1965)

The City of Goldthwaite draws water from the Colorado River. Over the past five years Goldthwaite has treated on average approximately 82 MG per year with a daily usage of approximately 0.25 MGD. Goldthwaite currently provides water for a retail population of approximately 1878. The Goldthwaite water system Certificate of Convenience and Necessity (CCN) number is 10462. The City's sewer system CCN number is 20175. A map of the City's CCN is included in Attachment #1. The municipal use public water supply utility profile for Goldthwaite is included in Attachment #2.

The City's raw water transmission facilities consist of a raw water intake located on the Colorado River which pumps water through a single pump into an off-channel raw water pond located near the river. From this point, the water is pumped through approximately five miles of 8" water line to two (2) other off-channel raw water ponds located near the City's water treatment plant. From the two storage ponds the raw water is pumped to the City's water treatment plant. The City also operates one well that pumps groundwater into a terminal ground storage tank where the groundwater is disinfected and pumped into the distribution system. Additionally, the city has a contract to purchase water from two local private water wells as well as 200AF (annually) of raw water from the City of San Saba via the Mills Creek line when necessary.

The City's water treatment plant consists of two sedimentation basins and one solids contact clarifier followed by microfiltration. The water treatment plant also has a clearwell for treated water storage and a high service pump station to pump water into the distribution system. The City's existing water distribution system has water line sizes ranging from 1" to 8", two 500,000-gallon elevated storage tanks, one 240,000 ground storage tank, and approximately 955 service connections.

### **1.3 Water Conservation Goals**

Five year (2014-2018) per capita water usage figures are shown in the table below for residential usage and overall usage. Five and ten-year reductions are also shown for both types. These 5- and 10-year goals are in line with the overall water conservation goals outlined by both the State of Texas and the Region K Planning Group.

	<i>5-yr. avg</i>	<i>5-year (2023) goal</i>	<i>10-year (2028) goal</i>
Residential Usage (gpcd)	119.37	115	110
Overall Usage (gpcd)	119.37	115	110

In addition, the City over the past five years has experienced on average approximately 8% water loss through the water system, which equates to a water loss of approximately 9.14 gpcd. The City's 5-year goal is to reduce water loss to below 6% by the end of 2023. The 10-year goal is to reduce water loss to below 4%. The 5 and 10-year goals will be met through replacement of old meters and distribution lines and through a more accurate recording of water that is unaccounted for.

#### **1.4 Schedule for Implementing Plan to Achieve Targets and Goals**

The City will adhere to the following schedule, to achieve the targets and goals for water conservation:

- Production meters on wells shall be tested annually
- The City meter replacement program includes the monitoring of the accuracy of existing meters annually and replacing meters as needed
- Water audits shall be conducted annually
  - Real water losses shall be identified and corrected
  - Real water losses shall be minimized by replacement of deteriorating water mains and appurtenances by the City staff on an on-going basis
- The City will make available for viewing at City Hall water conservation materials developed by the staff, materials obtained from the Texas Water Development Board, Texas Commission on Environmental Quality or other sources.
- A Leak Detection Program shall be implemented by the City, which reduces real water losses.
- The City has adopted the International Plumbing Code, and requires that all new construction or renovations in the city use water conserving fixtures

#### **1.5 Tracking Targets and Goals**

City staff shall track targets and goals by utilizing the following procedures:

- Logs shall be maintained for meter calibration, meter testing, and meter replacement programs
- Annual water audits shall be documented and kept in the Utility Department files
- Rates shall be tracked by means of ordinances adopted
- Logs shall be maintained for the utility's Leak Detection Program

#### **1.6 Metering Devices**

All metering devices used by the City to meter water diverted from the Colorado River are accurate to within plus or minus 5%. The City repairs or replaces meters, which appear to have high or low water usage. Incorporated into the Water Conservation Plan, the City has set up the following meter testing schedule:

- Production Meters – calibrated once a year
- All distribution meters – monitored and tested when unusual flows are observed

The City has a computer billing system, which handles all the billing. The system compares meter readings monthly and notes dramatic changes.

### **1.7 Universal Metering**

All service connections in the Goldthwaite water distribution system are metered. The City promotes an aggressive leak detection and repair program along with a computerized billing system, which together result in an accurate accounting of water delivery.

### **1.8 Water Loss**

The City utilizes a record management program which includes water purchased, water sold, water loss and daily average water usage. In addition, the City separates water users and sales into categories of residential, commercial and industrial. The City visually inspects distribution lines for leaks on a daily basis and repairs reported and visually detected leaks in a timely manner. With detailed record management and leak detection programs, the City can minimize unaccounted-for water use.

### **1.9 Continuing Public Education & Information**

At their main office, the City has posted information. As well as provided pre-printed brochures, etc. pertaining to water conservation, which water customers can view and pickup at their convenience. The City also holds monthly council meetings that are open to the public, where questions and comments can be discussed pertaining to water conservation.

### **1.10 Non-Promotional Water Rate Structure**

The City has adopted a non-promotional water rate structure as outlined below. With a water rate structure which includes a per thousand gallon charge, the City shifts the cost of supplying water to those customers who use water the most. The rates contained in this plan are subject to change as deemed appropriate and necessary by City Council.

#### **Water Rate Structure Within the City:**

Monthly Minimum – Residential and Business Meters (2,000 Gallons)	\$26.50
2,001-10,000 Gallons (Price per 1,000 Gallons)	\$2.25
10,001-50,000 Gallons (Price per 1,000 Gallons)	\$2.50
50,001 Gallons and over (Price per 1,000 Gallons)	\$3.00

### **1.11 Enforcement Procedure & Plan Adoption**

This water conservation plan has been adopted by the City on \_\_\_\_\_ and a copy of the resolution adopting the Plan is included in Attachment #4. The adopted Plan will be enforced by the City by providing water service only to customers complying with the Plan and discontinuing service to customers who do not pay their water bills or refuse to comply with the Plan.

#### **1.12 Coordination with Region K Planning Group**

The service area of the City of Goldthwaite is located within the Region K water planning area and the City has provided a copy of this water conservation plan to Region K Planning Group. A copy of the cover letter is provided in Attachment #5.

#### **1.13 Plan Review and Update**

The City will review and update this water conservation plan, as needed, based on new or updated information, such as adoption or revision of the regional water plan. The water conservation plan will be updated again before May 1, 2023 and every five (5) years thereafter.



## **2.0 DROUGHT CONTINGENCY PLAN**

### **2.1 Declaration of Policy, Purpose, and Intent**

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Goldthwaite hereby adopts the following regulations and restrictions on the delivery and consumption of water through an ordinance/or resolution (see Attachment 4).

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 2.10 of this Plan.

### **2.2 Public Involvement**

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Goldthwaite by means of scheduling and providing public notice of a public meeting to accept input on the Plan.

### **2.3 Water Customer Education**

The City of Goldthwaite will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of public events, press releases or utility bill inserts.

### **2.4 Coordination with Regional Water Planning Group**

The service area of the City of Goldthwaite is located within the Region K Planning Group and the City of Goldthwaite has provided a copy of this Plan to the Region K Planning Group.

### **2.5 Authorization**

The City Manager, or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

## **2.6 Application**

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Goldthwaite. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

## **2.7 Definitions**

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by City of Goldthwaite.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;

- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) Use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

## **2.8 Criteria for Initiation and Termination of Drought Response Stages**

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification of the initiation or termination of drought response stages shall be by means of publication in a newspaper of general circulation, direct mail to each customer and/or signs posted in public places.

The City owns and operates two off channel raw water storage ponds. The raw water storage reservoirs are supplied by pumping from the Colorado River. The triggering criteria described below are based on the estimated yield of the reservoir and past experience during drought periods. Triggering criteria will be initiated and implemented by the City of Goldthwaite.

## **STAGE 1 – DROUGHT WATCH**

**Requirements for initiation** – Customers shall be required to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, as defined in Section 2.7, when:

1. Water storage in the City’s reservoir is equal to or less than 50% of its active water supply capacity as determined by the City Public Works Department.
2. When reasonable estimates of current annual demands, coupled with inflows and evaporation representative of the drought of record, indicate that the amount of water supply in storage could be reduced during the next succeeding 12 month period to 50 percent or less of its total active water supply capacity.

**Requirements for termination** – Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. The City will notify the media of the termination of Stage 1 of the same manner as the notification of the implementation of Stage 1 of the Plan.

## **STAGE 2 - DROUGHT WARNING**

**Requirements for initiation** - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section 2.7 of this Plan when:

1. Water storage in the City’s reservoir is equal to or less than 40% of its active water supply capacity as determined by the City Public Works Department.
2. When reasonable estimates of current annual demands, coupled with inflows and evaporation representative of the drought of record, indicate that the amount of water supply in storage could be reduced during the next succeeding 12-month period to 30 percent or less of its total active water supply capacity.

**Requirements for termination** - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. The City will notify the media of the termination of Stage 2 in the same manner as the notification of Stage 1 of the Plan.

## **STAGE 3 - DROUGHT EMERGENCY**

**Requirements for initiation** - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when:

1. Water storage in the City’s reservoir is equal to or less than 30% of its active water supply capacity or when the remaining capacity is less than one year’s estimated demand as determined by the City Public Works Department.



**Requirements for termination** - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. The City will notify the media of the termination of Stage 3 in the same manner as the notification of Stage 1 of the Plan.

## **2.9 Drought Response Stages**

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section 2.8 of the Plan, shall determine that a Stage 1, 2 or 3 condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation:

### ***STAGE 1 - DROUGHT WATCH***

#### **Supply Management Measures:**

1. Inform public by mail and through the news media that a trigger condition has been reached and that water users should look for ways to reduce water consumption voluntarily.
2. Advise public of the trigger condition situation weekly.
3. Request water users to insulate pipes rather than allowing water to flow to keep pipe from freezing.
4. The City shall request that the Colorado River Municipal Water District at Big Spring, Texas release additional emergency water supply from Lake Ivie to the Colorado River.

### ***STAGE 2 - DROUGHT WARNING***

#### **Supply Management Measures:**

1. Continue implementation of all relevant actions in preceding phase.
2. Car washing, window washing, and pavement washing shall be prohibited except when a bucket is used.
3. A mandatory lawn watering schedule shall be implemented, so that customers will be required to limit outside watering to alternate days based on residents address as determined by City and not exceed once a week. A schedule should be published in all area newspapers and broadcast on local radio and television. Watering shall be limited to the hours of 6-10 a.m. and 8-10 p.m.
4. Shrubs and newly established lawn grasses may be watered with a hand held hose with a sprayer limiting nozzle discharge to 2.0 gpm.

5. The following public water uses, not essential for public health or safety, are prohibited:
  - Street washing
  - Water hydrant flushing
  - Filling pools
  - Golf course watering
6. The City shall request that the Colorado River Municipal Water District at Big Spring, Texas release additional emergency water supply from Lake Ivie to the Colorado River.

### **STAGE 3 - DROUGHT EMERGENCY**

#### **Supply Management Measures:**

1. Prohibit all outdoor use.
2. Implement a user surcharge of \$4.00 per 1000 gallons for consumption over the following limits:

Single family dwellings	10,000 gallons/month
Multi-family dwellings	8,000 gallons/month
Trailer Parks	5,000 gallons/month

Commercial and Industrial Users by meter size:

<u>Meter Size</u>	
5/8 inch	10,000 gallons/month
1 inch	20,000 gallons/month
2 inches	40,000 gallons/month

3. City will investigate alternative water supplies and possible emergency supply sources.
4. The City shall request that the Lower Colorado River Authority and the Colorado River Municipal Water District at Big Spring, Texas release additional emergency water supply from Lake Ivie to the Colorado River.

### **2.10 Enforcement**

- (a) No person shall knowingly or intentionally allow the use of water from the City of Goldthwaite for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the

drought response stage in effect at the time pursuant to action taken by the City Manager, or his/her designee, in accordance with provisions of this Plan.

- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than fifty dollars (\$25) and not more than two hundred and fifty dollars (\$75). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the City Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$50, and any other costs incurred by the City of Goldthwaite in discontinuing service. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.
- (c) Any person, including a person classified as a water customer of the City of Goldthwaite, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.
- (d) Any officer of the Mills County Sheriff's Department, or other City employee designated by the City Manager, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.



## 2.11 Variances

The City Manager, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of Goldthwaite within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager, or his/her designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

Variances granted by the City of Goldthwaite shall be subject to the following conditions, unless waived or modified by the City Manager or his/her designee:

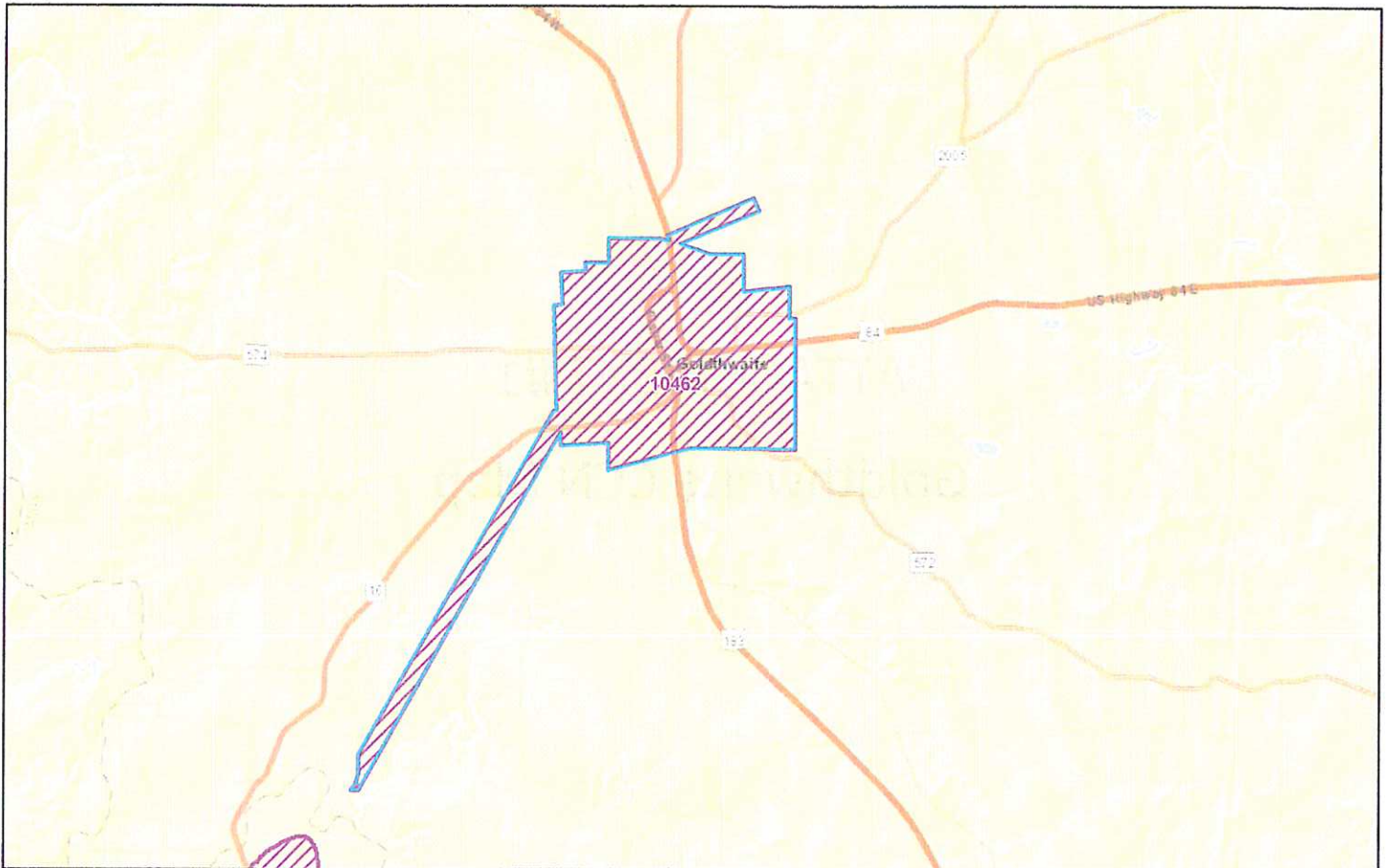
- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.



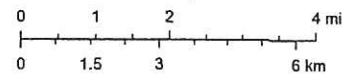
**ATTACHMENT #1**  
**Goldthwaite CCN Map**

## Goldthwaite CCN 10462



October 25, 2019

1:144,448



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

ATTACHMENT #2

TWDB Utility Profile (TWDB-1965)

## UTILITY PROFILE

Fill out this form as completely as possible.  
If fields do not apply to your entity, leave them blank.

### CONTACT INFORMATION

Name of Utility: City of Goldthwaite  
Public Water Supply Identification Number (PWS ID): TX1670001  
CCN Number: 10462 (water system) and 20175 (sewer system)  
Water Rights ID Number: 2553 or 1670001  
Wastewater ID Number: WQ0010459001

Check all that apply:

- ☐ Retail Water Supplier  
☐ Wholesale Water Supplier  
☒ Wastewater Treatment Utility

Address: 1218 Fisher Street City: Goldthwaite Zip Code: 76844

Email: [REDACTED] Telephone Number: 325-648-3186

Regional Water Planning Group: K [Map](#)

Groundwater Conservation District: N/A [Map](#)

Completed By: Blake Steen Title: Mayor, City of Goldthwaite

Date: \_\_\_\_\_

Check all that apply:

- ☐ Received financial assistance of \$500,000 or more from TWDB  
☐ Have 3,300 or more retail connections  
☒ Have a water right with TCEQ



## Section I: Utility Data

### A. Population and Service Area Data

1. Current service area size in square miles: 11  
 (Attach or email a copy of the service area map.)
2. Provide historical service area population for the previous five years, starting with the most current year.

Year	Historical Population Served By Retail Water Service	Historical Population Served By Wholesale Water Service	Historical Population Served By Wastewater Service
2014	1,848	0	1,848
2015	1,856	0	1,856
2016	1,850	0	1,850
2017	1,872	0	1,872
2018	1,878	0	1,878

3. Provide the projected service area population for the following decades.

Year	Projected Population Served By Retail Water Service	Projected Population Served By Wholesale Water Service	Projected Population Served By Wastewater Service
2020	2,075	0	2,075
2030	2,144	0	2,144
2040	2,203	0	2,203
2050	2,289	0	2,289
2060	2,377	0	2,377

4. Describe the source(s)/method(s) for estimating current and projected populations.

The TWDB Pre-Populated Projection Method was used.

## B. System Input

Provide system input data for the previous five years.

Total System Input = Self-supplied + Imported – Exported

Year	Self-supplied Water in Gallons	Purchased/Imported Water in Gallons	Exported Water in Gallons	Total System Input
2014	72,090,700	0	0	72,090,700
2015	81,660,000	0	0	81,660,000
2016	78,085,000	0	0	78,085,000
2017	82,741,000	0	0	82,741,000
2018	90,963,000	0	0	90,963,000

## C. Water Supply System (Attach description of water system)

- Designed daily capacity of system 1,000,000 gallons per day
- Storage Capacity:
  - Elevated 1,000,000 gallons
  - Ground 240,000 gallons

- List all current water supply sources in gallons:

Water Supply Source	Source Type*	Total Gallons
Colorado River	Surface water	
Mills Pasture	Groundwater	
City of San Saba	Contract	
	Select	
	Select	
	Select	

\*Select one of the following source types: *Surface water, Groundwater, or Contract*

- If surface water is a source type, do you recycle backwash to the head of the plant?
  - ☐ Yes \_\_\_\_\_ estimated gallons per day
  - ☐ No

## D. Projected Demands

1. Estimate the water supply requirements for the next ten years using population trends, historical water use, economic growth, etc.

Year	Population	Water Demands (gallons)
2019	2,068	91,385,700
2020	2,075	91,324,000
2021	2,082	91,262,300
2022	2,089	91,200,600
2023	2,096	91,138,900
2024	2,103	91,077,200
2025	2,110	91,015,500
2026	2,116	90,953,800
2027	2,123	90,892,100
2028	2,130	90,830,400

2. Describe sources of data and how projected water demands were determined.  
 Attach additional sheets if necessary.

TWDB projection tool

## E. High Volume Customers

1. If applicable, list the annual water use for the five highest volume **RETAIL** customers. Select one of the following water use categories to describe the customer; choose Residential, Industrial, Commercial, Institutional, or Agricultural.

Retail Customer	Water Use Category*	Annual Water Use	Treated or Raw
GISD	Residential	4,450,000	Treated
Hillview Skilled Care	Residential	3,642,000	Treated
City Sewer Plant	Residential	2,458,000	Treated
Mills Co Meat Co Inc	Residential	1,237,000	Treated
Creative Solutions Health	Residential	1,179,000	Treated

\*For definitions on recommended customer categories for classifying customer water use, refer to the [Guidance and Methodology for Reporting on Water Conservation and Water Use](#).

2. If applicable, list the annual water use for the five highest volume **WHOLESALE** customers. Select one of the following water use categories to describe the customer; choose Municipal, Industrial, Commercial, Institutional, or Agricultural.

Wholesale Customer	Water Use Category*	Annual Water Use	Treated or Raw
	Select		Select
	Select		Select
	Select		Select
	Select		Select
	Select		Select

\*For definitions on recommended customer categories for classifying customer water use, refer to the [Guidance and Methodology for Reporting on Water Conservation and Water Use](#).



## Section II: Retail System Data

If you do not provide retail water, go to Section III.

## A. Retail Connections

1. List the active retail connections by major water use category.

Water Use Category*	Active Retail Connections		
	Metered	Unmetered	Total Connections
Residential - Single Family	934	0	934
Residential – Multi-family (units)	6	0	6
Industrial	0	0	0
Commercial	0	0	0
Institutional	0	0	0
Agricultural	0	0	0
<b>TOTAL</b>	<b>940</b>	<b>0</b>	<b>940</b>

\*For definitions on recommended customer categories for classifying customer water use, refer to the [Guidance and Methodology for Reporting on Water Conservation and Water Use](#).

2. List the net number of new retail connections by water use category for the previous five years.

Water Use Category*	Net Number of New Retail Connections				
	2014	2015	2016	2017	2018
Residential - Single Family	5	6	4	5	8
Residential – Multi-family (units)					
Industrial					
Commercial					
Institutional					
Agricultural					
<b>TOTAL</b>	<b>5</b>	<b>6</b>	<b>4</b>	<b>5</b>	<b>8</b>

\*For definitions on recommended customer categories for classifying customer water use, refer to the [Guidance and Methodology for Reporting on Water Conservation and Water Use](#).

## B. Retail Water Accounting Data - Water Use Categories

For the previous five years, enter the number of gallons of RETAIL water provided in each major water use category.

Water Use Category*	Total Gallons of Retail Water				
	2014	2015	2016	2017	2018
Residential - Single Family	72,090,700	81,660,000	78,085,000	82,741,000	90,963,000
Residential – Multi-family					
Industrial					
Commercial					
Institutional					
Agricultural					
<b>TOTAL</b>	<b>72,090,700</b>	<b>81,660,000</b>	<b>78,085,000</b>	<b>82,741,000</b>	<b>90,963,000</b>

\*For definitions on recommended customer categories for classifying customer water use, refer to the [Guidance and Methodology for Reporting on Water Conservation and Water Use](#).

### C. Retail Water Accounting Data - Annual and Seasonal Use

For the previous five years, enter the number of gallons provided to RETAIL customers.

#### TREATED

	2014	2015	2016	2017	2018
January	4,911,000	5,146,000	4,726,000	5,714,000	5,341,000
February	5,145,000	4,453,000	5,130,000	4,990,000	5,507,000
March	5,357,000	4,189,000	4,476,000	4,363,000	5,097,000
April	7,386,000	4,814,000	6,397,000	6,407,000	6,026,000
May	7,342,000	5,678,000	5,625,000	7,714,000	7,871,000
June	3,493,000	5,863,000	6,276,000	7,185,000	11,527,000
July	7,795,000	9,048,000	10,463,000	9,239,000	12,500,000
August	9,046,000	12,958,000	10,320,000	9,484,000	12,029,000
September	8,433,000	9,722,000	7,456,000	9,386,000	9,389,000
October	6,764,000	9,421,000	6,345,000	6,797,000	5,354,000
November	3,379,700	5,481,000	5,829,000	5,615,000	5,429,000
December	3,039,000	4,887,000	5,042,000	5,847,000	4,893,000
<b>TOTAL</b>	<b>72,090,700</b>	<b>81,660,000</b>	<b>78,085,000</b>	<b>82,741,000</b>	<b>90,963,000</b>

#### RAW

	2014	2015	2016	2017	2018
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>RETAIL</b>	2014	2015	2016	2017	2018	<b>Average in Gallons</b>
Summer Retail (Treated + Raw)	20,334,000	27,869,000	27,059,000	25,908,000	36,056,000	27,445,200 5yr Average
<b>TOTAL Retail</b> (Treated + Raw)	<b>72,090,700</b>	<b>81,660,000</b>	<b>78,085,000</b>	<b>82,741,000</b>	<b>90,963,000</b>	81,107,940 5yr Average



## D. Water Loss

Provide Water Loss Data for the previous five years.

Water Loss GPCD = [Total Water Loss in Gallons ÷ Permanent Population Served] ÷ 365

Water Loss Percentage = [Total Water Loss ÷ Total System Input] x 100

Year	Total Water Loss in Gallons	Water Loss in GPCD	Water Loss as a Percentage
2014	11,035,000	16	15%
2015	3,414,000	5	4%
2016	11,466,000	17	15%
2017	3,414,000	5	4%
2018	1,597,000	2	2%
5-year average	6,185,200	9	8%

## E. Peak Day Use

Provide the Average Daily Use and Peak Day Use for the previous five years.

Year	Average Daily Use (gal)	Peak Day Use (gal)	Peak Factor
2014	197,509	631,000	3.19
2015	223,726	587,000	2.62
2016	213,932	572,000	2.67
2017	226,688	794,000	3.50
2018	249,214	689,000	2.76



## Section III: Wholesale System Data

If you do not provide wholesale water, go to Section IV.

## A. Wholesale Connections

1. List the active wholesale connections by major water use category.

Water Use Category*	Active Wholesale Connections		
	Metered	Unmetered	Total Connections
Municipal			0
Industrial			0
Commercial			0
Institutional			0
Agricultural			0
<b>TOTAL</b>	0	0	0

\*For definitions on recommended customer categories for classifying customer water use, refer to the [Guidance and Methodology for Reporting on Water Conservation and Water Use](#).

2. List the net number of new wholesale connections by water use category for the previous five years.

Water Use Category*	Net Number of New Wholesale Connections				
	2014	2015	2016	2017	2018
Municipal					
Industrial					
Commercial					
Institutional					
Agricultural					
<b>TOTAL</b>	0	0	0	0	0

\*For definitions on recommended customer categories for classifying customer water use, refer to the [Guidance and Methodology for Reporting on Water Conservation and Water Use](#).

## B. Wholesale Water Accounting Data - Water Use Categories

For the previous five years, enter the number of gallons of WHOLESALE water exported (*sold or transferred*) to each major water use category.

Customer Category*	Total Gallons of Wholesale Water				
	2014	2015	2016	2017	2018
Municipal					
Industrial					
Commercial					
Institutional					
Agricultural					
<b>TOTAL</b>	0	0	0	0	0

\*For definitions on recommended customer categories for classifying customer water use, refer to the [Guidance and Methodology for Reporting on Water Conservation and Water Use](#).

**C. Wholesale Water Accounting Data - Annual and Seasonal Use**

For the previous five years, enter the number of gallons exported (sold or transferred) to WHOLESALE customers.

**TREATED**

	2014	2015	2016	2017	2018
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
<b>TOTAL</b>	0	0	0	0	0

**RAW**

	2014	2015	2016	2017	2018
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
<b>TOTAL</b>	0	0	0	0	0

<b>WHOLESALE</b>	2014	2015	2016	2017	2018	<b>Average in Gallons</b>
Summer Wholesale (Treated + Raw)	0	0	0	0	0	0 5yr Average
TOTAL Wholesale (Treated + Raw)	0	0	0	0	0	0 5yr Average

### D. Water Loss

Provide Water Loss Data for the previous five years.

Water Loss GPCD = [Total Water Loss in Gallons ÷ Permanent Population Served] ÷ 365

Water Loss Percentage = [Total Water Loss ÷ Total System Input] x 100

Year	Total Water Loss in Gallons	Water Loss in GPCD	Water Loss as a Percentage
2014			0%
2015			0%
2016			0%
2017			0%
2018			0%
5-year average	0	0	0%

### E. Peak Day Use

Provide the Average Daily Use and Peak Day Use for the previous five years.

Year	Average Daily Use (gal)	Peak Day Use (gal)	Peak Factor
2014	197,509		0.00
2015	223,726		0.00
2016	213,932		0.00
2017	226,688		0.00
2018	249,214		0.00



## Section IV: Wastewater System Data

If you do not provide wastewater system services then you have completed the Utility Profile. Save and Print this form to submit with your Plan. Continue with the [Water Conservation Plan Checklist](#) to complete your Water Conservation Plan.

**A. Wastewater System Data** (Attach a description of your wastewater system)

- Design capacity of wastewater treatment plant(s): 254,000  
gallons per day.
- Provide data on the types of recycling and reuse activities implemented during the current reporting period.

	Total Annual Volume (in gallons)
On-site irrigation	
Plant wash down	
Chlorination/de-chlorination	
Industrial	
Landscape irrigation (parks, golf courses)	5,846,000
Agricultural	
Discharge to surface water	
Evaporation pond	5,846,000

- Could treated wastewater be substituted for potable water?

☐ Yes ☐ No

**B. Wastewater Data for Service Area**

- Percent of water service area served by wastewater system: 100%
- Monthly treated wastewater volume in gallons, for the previous five years.

	2014	2015	2016	2017	2018
January		3,700,000	3,010,000	4,606,000	4,256,000
February		2,696,000	3,198,000	2,961,000	2,928,000
March		4,506,000	2,654,000	2,591,000	3,436,000
April		3,585,000	2,726,000	3,362,000	3,616,000
May		3,400,000	2,690,000	2,426,000	4,359,000
June		3,724,000	2,609,000	2,126,000	
July		2,442,000	2,192,000	1,862,000	
August		2,674,000	2,345,000	1,816,000	
September		2,280,000	2,217,000	2,126,000	
October		2,438,000	2,609,000	3,355,000	
November		2,660,000	2,672,000	4,530,000	
December		2,957,000	2,787,000	4,266,000	
<b>TOTAL</b>	0	37,062,000	31,709,000	36,027,000	18,595,000

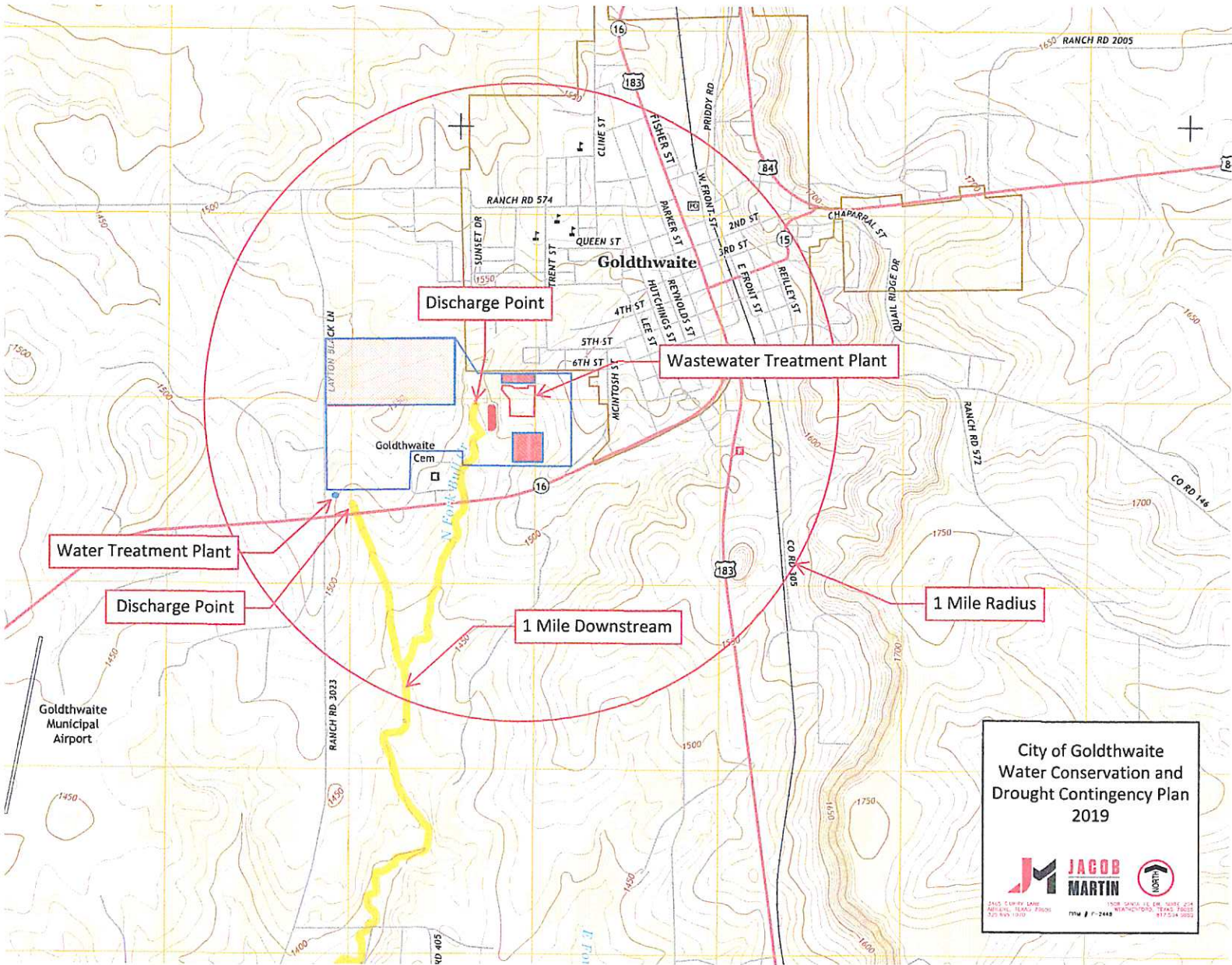
You have completed the Utility Profile. Save and Print this form to submit with your Plan.

Continue with the Water Conservation Plan Checklist to complete your Water Conservation Plan.

**ATTACHMENT #3**

**Goldthwaite WWTP & Discharge Point**





City of Goldthwaite  
Water Conservation and  
Drought Contingency Plan  
2019

**JACOB MARTIN**

PAUL TERRY LAND  
CONSULTING, INC.  
1508 GLENDALE DR. SUITE 204  
NORTH WICHITA, KS 67203  
TEL: 620-633-1000  
FAX: 620-633-1001

1508 GLENDALE DR. SUITE 204  
NORTH WICHITA, KS 67203  
TEL: 620-633-1000  
FAX: 620-633-1001



ATTACHMENT #4

Resolution Adopting  
Water Conservation Plan &  
Drought Contingency Plan

ORDINANCE NO. 437

AN ORDINANCE OF THE CITY OF GOLDTHWAITE, TEXAS, ADOPTING A WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Goldthwaite, Texas recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought;

WHEREAS, the City recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Sections 11.1271 and 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of Goldthwaite, Texas, the City Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF GOLDTHWAITE, TEXAS:

SECTION 1.

That the City of Goldthwaite, Texas Water Conservation and Drought Contingency Plan attached hereto as Exhibit "A" and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the City.

SECTION 2.

That all ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 4.

This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED BY THE CITY OF GOLDTHWAITE, TEXAS, on the 5<sup>th</sup> day of December, 2019.

APPROVED:



MAYOR

ATTESTED TO:



CITY SECRETARY



## 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

### Industrial Water Conservation Plan

This form is provided to assist entities in developing a water conservation plan for industrial water use. 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

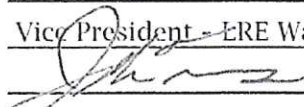
Name: City of Goldthwaite

Address: 1218 Fisher Street, Goldthwaite, TX 76844

Telephone Number: (325)648-3186 Fax: (     )

Form Completed By: Jordan Furnans, PE

Title: Vice President - ERE Water, LLC

Signature:  Date: 1/14/2020

#### City of Goldthwaite - Industrial Water Usage & Conservation Planning

As of 1/14/2020, the City of Goldthwaite does not provide water to any industrial users. However, industrial use is authorized under the City's existing surface water right 12-2553A. This form is being submitted to comply with requirements for amending 12-2553A, and reflects that the City does not currently provide water for industrial uses. At which future time the City commences to provide water for industrial uses, it will submit a revised Industrial Water Conservation Plan to the Texas Commission on Environmental Quality as well as to the Texas Water Development Board.



A water conservation plan for industrial use must include the following requirements (as detailed in 30 TAC Section 288.3). 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):

2500

2. Maximum diversion rate (cfs):

18.44

### B. Water Sources

1. Please indicate the maximum or average annual amounts of water currently used and anticipated to be used (in acre-feet) for industrial purposes:

<i>Source</i>	<i>Water Right No.(s)</i>	<i>Current Use</i>	<i>Anticipated Use</i>
Surface Water	12-2553	0	Up to 2500
Groundwater	NA	NA	NA
Purchased	NA	NA	NA
<b>Total</b>	12-2553	0	Up to 2500

2. How was the surface water data and/or groundwater data provided in B(1) obtained?

Master meter X; Customer meter X; Estimated ; Other

***\*\*When City of Goldthwaite provides water to industrial users, the provided water will be measured with a customer meter. The City also maintains a master meter tracking diversions from the Colorado River made under water right 12-2553.***

3. Was purchased water raw or treated?

If both, % raw ; % treated ; and Supplier(s)

***\*\*When City of Goldthwaite provides water to industrial users, the users will have the option to obtain treated or raw water.***

*C. Industrial Information*

1. Major product(s) or service(s) produced by applicant:

NA

2. North American Industry Classification System (NAICS):

NA

**II. WATER USE AND CONSERVATION PRACTICES**

*A. Water Use in Industrial Processes*

<i>Production Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Cooling, condensing, & refrigeration	NA	NA	NA	NA	NA
Processing, washing, transport	NA	NA	NA	NA	NA
Boiler feed	NA	NA	NA	NA	NA
Incorporated into product	NA	NA	NA	NA	NA
Other	NA	NA	NA	NA	NA

\*\*

<i>Facility Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Cooling tower(s)	NA	NA	NA	NA	NA
Pond(s)	NA	NA	NA	NA	NA
Once through	NA	NA	NA	NA	NA
Sanitary & drinking water	NA	NA	NA	NA	NA
Irrigation & dust control	NA	NA	NA	NA	NA

1. Was fresh water recirculated at this facility? ☐ Yes ☐ No
2. Provide a detailed description of how the water will be utilized in the industrial process.

NA

3. Estimate the quantity of water consumed in production processes and is therefore unavailable for reuse, discharge, or other means of disposal.

NA

4. Monthly water consumption for previous year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Consumption</i>
January	0	0	0
February	0	0	0
March	0	0	0
April	0	0	0
May	0	0	0
June	0	0	0
July	0	0	0
August	0	0	0
September	0	0	0
October	0	0	0
November	0	0	0
December	0	0	0
<b>Totals</b>	0	0	0

5. Projected monthly water consumption for next year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Consumption</i>
January	0	0	0
February	0	0	0
March	0	0	0
April	0	0	0
May	0	0	0
June	0	0	0
July	0	0	0
August	0	0	0
September	0	0	0
October	0	0	0
November	0	0	0
December	0	0	0
<b>Totals</b>	0	0	0



*B. Specific and Quantified Conservation Goal*

Water conservation goals for the industrial sector are generally established either for (1) the amount of water recycled, (2) the amount of water reused, or (3) the amount of water not lost or consumed, and therefore is available for return flow.

1. Water conservation goal (water use efficiency measure)

Type of goal(s):

NA % reused water

NA % of water not consumed and therefore returned

NA Other (specify)

2. Provide specific, quantified 5-year and 10-year targets for water savings and the basis for development of such goals for this water use/facility.

NA

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

a. 5-year goal: NA

b. 10-year goal: NA

3. 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%.

NA

4. Provide a description of the leak-detection and repair, and water-loss accounting measures used.

NA

5. Describe the application of state-of-the-art equipment and/or process modifications used to improve water use efficiency.

NA

6. Describe any other water conservation practice, method, or technique which the user shows to be appropriate for achieving the stated goal or goals of the water conservation plan:

NA

# ATTACHMENT #5

## Letter to Regional Water Planning Group

Date:

Mr. John E. Burke  
Chair Region K Water Planning Group  
17310 Hill Lakes Court  
Cypress, TX 777429

Dear Mr. Burke:

This letter is to notify you that the City of Goldthwaite recently adopted a water conservation and drought contingency plan. This notice is in accordance with Texas Water Development Board and Texas Commission on Environmental Quality rules.

The plan is available upon request.

Sincerely,

Robert E. Lindsey, III  
City Manager,  
The City of Goldthwaite

# 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 (\$)
<b>Filing Fee</b>	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under <b>Amount (\$)</b> . <u>In Acre-Feet</u> a. Less than 100 \$100.00 b. 100 - 5,000 \$250.00 c. 5,001 - 10,000 \$500.00 d. 10,001 - 250,000 \$1,000.00 e. More than 250,000 \$2,000.00	
<b>Recording Fee</b>		\$25.00
<b>Agriculture Use Fee</b>	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
<b>Use Fee</b>	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
<b>Recreational Storage Fee</b>	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
<b>Storage Fee</b>	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
<b>Mailed Notice</b>	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4691.	
<b>TOTAL</b>		\$

### 2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
<b>Filing Fee</b>	Amendment: \$100 OR Sever and Combine: \$100 x <u>2</u> of water rights to combine	200
<b>Recording Fee</b>		\$12.50
<b>Mailed Notice</b>	Additional notice fee to be determined once application is submitted.	
<b>TOTAL INCLUDED</b>		\$ 212.50

### 3. BED AND BANKS

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