

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 14-1330D

Pursuant to a five-year lease agreement, Quicksand Partners, LTD., Applicant, seeks to amend Certificate of Adjudication No. 14-1330, as amended, to authorize the diversion of 500 acre-feet of water authorized in Certificate of Adjudication No. 14-1338, from the diversion point authorized in Certificate of Adjudication No. 14-1330, to add a place of use for agricultural purposes in Tom Green County and to add recreational purposes of use to the 500 acre-feet of water. The application does not request a new appropriation of water. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Quicksand Partners, LTD., 2305 Pulliam Street, San Angelo, Texas 76905, 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. Limited mailed notice is required to the co-owners of the Certificate and to the interjacent water right holders of record in the Colorado River Basin pursuant to Title 30 TAC §§ 295.158(c)(2)(A) and 295.158(c)(3)(D), respectively.

A portion of Certificate of Adjudication No. 14-1330, as amended, authorizes Quicksand Partners, LTD. (Owner/Applicant) to divert and use not to exceed 443 acre-feet of water per year from a point on the Concho River, Colorado River Basin, at a maximum combined diversion rate of 8.89 cfs (3,990 gpm) for agricultural purposes to irrigate 266.085 acres out of a 370.816-acre tract in Tom Green County.

Owner is also authorized to impound 1,192 acre-feet of water in three off-channel reservoirs in Tom Green County.

The time priority of the owner's right is 1955.

Certificate of Adjudication No. 14-1338 authorizes Allison Carson Devereaux and Sandra Birnie to divert not to exceed 500 acre-feet of water per year from a point on the Concho River for agricultural purposes in Tom Green County; and

Applicant has entered into a five-year lease agreement with the owners of Certificate of Adjudication No. 14-1338 for the 500 acre-feet of water currently authorized for diversion under that certificate.

Pursuant to the lease agreement, Applicant seeks to amend Certificate of Adjudication No. 14-1330, as amended, to authorize the diversion and use of the 500 acre-feet of water per year authorized under Certificate of Adjudication No. 14-1338 from the diversion point authorized in Certificate of Adjudication No. 14-1330, at a maximum combined diversion rate of 5.33 cfs (2,400 gpm), and to add a place of use for agricultural purposes to irrigate the 266.085 acres in Tom Green County, in Zip Code 76905.

Pursuant to the lease agreement, Applicant also seeks to add recreational purposes of use to the 500 acre-feet of water authorized under Certificate of Adjudication No. 14-1338.

The application was received on January 4, 2021. Additional information and fees were received on April 2 and 3, and June 14, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on June 22, 2021.

The Executive Director has completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions including, but not limited to, streamflow restrictions and maintenance of the lease agreement. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by April 12, 2022. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by April 12, 2022. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by April 12, 2022.

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

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

INFORMATION. Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 1330 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: March 25, 2022

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-1330D	TYPE § 11.122
Owner: Quicksand Partners, LTD.	Address: 2305 Pulliam Street San Angelo, Texas 76905
Filed: June 22, 2021	Granted:
Purposes: Agricultural and Recreational	County: Tom Green
Watercourse: Concho River	Watershed: Colorado River Basin

WHEREAS, a portion of Certificate of Adjudication No. 14-1330, as amended, authorizes Quicksand Partners, LTD. (Owner/Applicant) to divert and use not to exceed 443 acre-feet of water per year from a point on the Concho River, Colorado River Basin, at a maximum combined diversion rate of 8.89 cfs (3,990 gpm) for agricultural purposes to irrigate 266.085 acres out of a 370.816-acre tract in Tom Green County; and

WHEREAS, Owner is also authorized to impound 1,192 acre-feet of water in three off-channel reservoirs in Tom Green County; and

WHEREAS, the time priority of the owner's right is 1955; and

WHEREAS, Certificate of Adjudication No. 14-1338 authorizes Allison Carson Devereaux and Sandra Birnie to divert not to exceed 500 acre-feet of water per year from a point on the Concho River for agricultural purposes in Tom Green County; and

WHEREAS, Applicant has entered into a five-year lease agreement with the owners of Certificate of Adjudication No. 14-1338 for the 500 acre-feet of water currently authorized for diversion from under that certificate; and

WHEREAS, pursuant to the lease agreement, Applicant seeks to amend Certificate of Adjudication No. 14-1330, as amended, to authorize the diversion and use of the 500 acre-feet of water per year authorized under Certificate of Adjudication No. 14-1338 from the diversion point authorized in Certificate of Adjudication No. 14-1330, at a maximum combined diversion rate of 5.33 cfs (2,400 gpm), and to add a place of use for agricultural purposes to irrigate the 266.085 acres in Tom Green County; and

WHEREAS, pursuant to the lease agreement, Applicant also seeks to add recreational purposes of use to the 500 acre-feet of water authorized under Certificate of Adjudication No. 14-1338; and

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

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

WHEREAS, the Executive Director recommends 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. 14-1330, designated Certificate of Adjudication No. 14-1330D, is issued to Quicksand Partners, LTD., subject to the following terms and conditions:

1. USE

In addition to previous authorizations, Owner is authorized to divert and use 500 acre-feet of water per year, authorized by Certificate of Adjudication No. 14-1338, from the Concho River for recreational and agricultural purposes to irrigate 266.085 acres out of a 370.816-acre tract in Tom Green County.

2. DIVERSION

A. In addition to previous authorizations, Owner is authorized to divert the 500 acre-feet of water per year authorized under Certificate of Adjudication No. 14-1338 from the existing diversion point on the Concho River authorized in Certificate of Adjudication No. 14-1330 and located at 31.456706° N Latitude and 100.372954° W Longitude.

B. At a maximum combined diversion rate of 5.33 cfs (2,400 gpm).

3. CONSERVATION

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

4. SPECIAL CONDITIONS

- A. The streamflow restrictions in this amendment only apply to diversion of the 500 acre-feet of water authorized under Certificate of Adjudication No. 14-1338, during the time period the lease agreement is in effect.
- B. Owner shall not divert the additional 500 acre-feet of water authorized in this amendment unless streamflow exceeds the following environmental flow values at USGS Gage No. 08136500 - Concho River at Paint Rock, TX, subject to the requirements of Paragraphs 4.C. - 4.G. below.

Season	Hydrologic Condition	Subsistence	Base
Winter	Severe	1 cfs	8 cfs
Winter	Dry	N/A	8 cfs
Winter	Average	N/A	20 cfs
Winter	Wet	N/A	36 cfs
Spring	Severe	1 cfs	4 cfs
Spring	Dry	N/A	4 cfs
Spring	Average	N/A	14 cfs
Spring	Wet	N/A	27 cfs
Summer	Severe	1 cfs	1 cfs
Summer	Dry	N/A	1 cfs
Summer	Average	N/A	4 cfs
Summer	Wet	N/A	12 cfs
Fall	Severe	1 cfs	5 cfs
Fall	Dry	N/A	5 cfs
Fall	Average	N/A	16 cfs
Fall	Wet	N/A	29 cfs

cfs = cubic feet per second N/A = not applicable

- 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 determine the hydrologic condition once per season. The conditions present on the last day of the month of the preceding season shall determine the hydrologic conditions for the following season. Owner shall calculate cumulative streamflow for the previous twelve months at USGS Gage No. 08136500 (Concho River at Paint Rock, TX) on the last day of the preceding season to determine the applicable hydrologic condition. The cumulative streamflow values for determining the hydrologic condition that governs diversions of the 500 acre-feet of water authorized under this amendment are as follows:

MEASUREMENT POINT	Cumulative Streamflow (acre-feet)			
	SEVERE	DRY	AVERAGE	WET
Concho River at Paint Rock, TX	Less than 7,110	7,110 - 17,000	17,000 - 49,900	Greater than 49,000

Subsistence Flow Special Conditions

- E. Owner shall not divert the 500 acre-feet of water authorized under this amendment if streamflow at USGS Gage No. 08136500 is below the applicable subsistence flow value for a season.
- F. If streamflow at USGS Gage No. 08136500 is above the applicable subsistence flow value for a season but below the applicable dry condition base flow value for a season, Owner may only divert the 500 acre-feet of water authorized under this amendment during severe hydrologic conditions if streamflow does not fall below the applicable subsistence flow value.

Base Flow Special Conditions

- G. Owner may divert the 500 acre-feet of water authorized under this amendment if the flow at USGS Gage No. 08136500 is above the applicable base flow value for that hydrologic condition and season so long as streamflow at USGS Gage No. 08136500 does not fall below the applicable base flow value for that hydrologic condition.
- H. Owner shall maintain a record of the calculated hydrologic condition, based on the measured streamflow at USGS Gage No. 08136500 (Concho River at Paint Rock, TX) and the applicable streamflow restriction in effect at the time of the diversion and provide these records on the Concho Watermaster upon request.
- I. The authorizations described in Paragraphs 1. USE and 2. DIVERSION are subject to the continued maintenance of the lease agreement Between Quicksand Partners, LTD. and the owners of Certificate of Adjudication No. 14-1338. as such lease may be extended or amended from time to time. Should the lease be amended in such a manner as to change the amount of water or the type or location of use of the water, Owners shall submit an application to amend this certificate to conform to the terms of the amended lease. Upon expiration of the lease, Owners shall immediately apply to amend the certificate with a new lease, or voluntarily forfeit the amendment. Owners shall immediately notify the Executive Director upon amendment or expiration of the lease and provide copies of appropriate documents effectuating such changes
- J. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- K. Owner shall allow representatives of the Concho River Watermaster reasonable access to the property to inspect the measuring device and records.
- L. Owner shall contact the Concho River Watermaster prior to diversion of water authorized by this amendment

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 14-1330, as amended, except as specifically amended herein.

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

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

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

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

For the Commission

Date Issued:

DRAFT

Hal Bailey

From: Chuck Brown [REDACTED] >
Sent: Thursday, March 24, 2022 10:15 AM
To: Brooke McGregor
Cc: Hal Bailey; Chris Kozlowski
Subject: Re: Quicksand Partners, Ltd, ADJ 14-1330D Draft Amendment/Notice Applicant Review

Here are some excerpts from SB3.

1. " In other words, the assessments have been replaced by the adopted environmental flow standards in basins where standards have been adopted. TCEQ's rules (30 Tex. Admin. Code § 298.10) provide that the adopted standards only apply to **new appropriations of water**. Section 298.10 further states that nothing in the rules restricts the TCEQ's authority to impose special conditions on water right permits that are not new 2 appropriations, including special conditions to protect environmental flows, for interbasin transfers; on amendments, such as an amendment to move a diversion point; and on authorizations under TWC, §§11.042 and 11.046, to protect the environment or **senior water rights**.

2. **Therefore, the guidelines in this document are not intended to apply to applications that do not request a new appropriation of water.**

3. **There is nothing in SB 3 adopting rules related to the environmental flow standards for the Concho River.** Here is the excerpt:

In 2007, the 80th Legislature enacted House Bill 3 (HB 3), relating to the management of the water resources of the state, including the protection of instream flows and freshwater inflows; and Senate Bill 3 (SB 3), relating to the development, management, and preservation of the water resources of the state. Both of these bills amended Texas Water Code (TWC) §11.1471 to require the Texas Commission on Environmental Quality (commission or TCEQ) to adopt rules related to environmental flow standards. On April 20, 2011, the commission adopted rules for the Sabine and Neches Rivers and Sabine Lake and the Trinity and San Jacinto Rivers and Galveston Bay. On August 8, 2012, the commission adopted rules for the Colorado and Lavaca Rivers and Matagorda and Lavaca Bays and the Guadalupe, San Antonio, Mission, and Aransas Rivers and Mission, Copano, Aransas, and San Antonio Bays. On February 12, 2013, the commission adopted rules for the Nueces River and Corpus Christi and Baffin Bays, Brazos River and its associated bay and estuary system, and the Rio Grande, the Rio Grande estuary, and the Lower Laguna Madre.

Hal Bailey

From: Chuck Brown <[REDACTED]>
Sent: Wednesday, March 23, 2022 7:55 PM
To: Brooke McGregor
Cc: Chris Kozlowski; Hal Bailey
Subject: Re: Quicksand Partners, Ltd, ADJ 14-1330D Draft Amendment/Notice Applicant Review

Brooke,

So what you were saying regarding the environmental flow is that since there is an amendment, one of the most senior water rights in segment 1421 (14-1338) now has a special condition that gives it less “clout” than Quicksand’s junior water right...since there are no special conditions (environmental flows) which apply to Quicksand’s junior WR 14-1330).

Got it.

From my decades of experience, junior water rights are always the first to be curtailed or restricted during low flow or extended drought conditions. It is also my understanding that these new “environmental flows” are based on the previous year’s seasonal stream flow data. The data from the previous year’s flow could be night and day difference if using it instead of near real time current conditions in our watersheds.

The Concho River between San Angelo and Paint Rock has historically been a gaining stream. In terms of prolonged drought, however, that is not the case. I guess we’ll agree to disagree regarding flow and I’ll let this go as is. If I have to address the environmental flows criteria with the agency down the road, so be it.

Please proceed to notice.

Chuck

On Wed, Mar 23, 2022 at 5:21 PM Brooke McGregor <brooke.mcgregor@tceq.texas.gov> wrote:

Hi Chuck,

You expressed concerns about the 5th Recital on Page 1 of the Draft Permit relating to the five-year lease agreement. Special Conditions Paragraph 4.I. in the draft permit addresses the situation where the lease would be extended. Based on Paragraph 4.I., if the final one year option is exercised, an amendment to the permit would not be required.

You also expressed concerns about the environmental flow conditions in the amendment. The application requested an amendment to move the diversion point of an existing water right (the 500 acre-feet of water authorized under Certificate of Adjudication 14-1338). Under the Texas Water Code and TCEQ’s water rights rules, TCEQ is required to evaluate amendment applications for impacts to other water rights and the environment and include special conditions in the amendment to protect these interests. (See Section 9.2 of [SB3 Implementation Guidelines](#)). The streamflow requirements in the draft permit only apply to the leased water.

Please let me know if you have any other concerns, otherwise we will proceed to notice on Monday (3/28).

Thank you,



Brooke McGregor

Manager

Water Rights Permitting and Availability Section

Water Availability Division

(512) 239-2025

From: Chuck Brown [REDACTED] >
Sent: Monday, March 7, 2022 12:00 PM
To: Hal Bailey <Hal.Bailey@tceq.texas.gov>
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>
Subject: Re: Quicksand Partners, Ltd, ADJ 14-1330D Draft Amendment/Notice Applicant Review

Hal,

We have reviewed the draft permit package for Quicksand Partners LTD. and are in agreement with the document. We do have two minor concerns, one of them with the verbiage. There is a sentence on the second to the last paragraph in page 1 which states: "Applicant has entered into a five-year lease agreement with the owners of Certificate of Adjudication No. 14-1338 for the 500 acre-feet of water currently authorized for diversion under that certificate."

That agreement, signed by both parties, is a five-year lease with a one year option after the five year period.

I have provided that agreement document in previous emails and would be happy to do so again if needed. It is unknown at this time if the final one year option will be used at this time, but would request that to be included in the language just in case.

Lastly, Quicksand had concerns that the special conditions relating to base and subsistence flow are applied to them only. After speaking with you, it is my understanding that this is a basin wide protocol which applies to all water right holders within basin 14, segment 1421. I have relayed that information to Quicksand and they are comfortable with that scenario.

Please contact me anytime as needed.

Chuck

On Wed, Feb 23, 2022 at 11:44 AM Hal Bailey <Hal.Bailey@tceq.texas.gov> wrote:

Good morning Chuck,

Attached is the draft amendment/notice for Quicksand Partners, Ltd., application no. 14-1330D, and related technical memoranda.

Please review the draft documents and provide any comments and/or edits by COB on 03/09/2022.

If you have any questions, please feel free to let me know.

Thank you,

Hal E. Bailey, Jr.

Natural Resources Specialist III

Water Rights Permitting Team

Water Availability Division

Texas Commission on Environmental Quality

512-239-4615 Hal.Bailey@tceq.texas.gov

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Chuck Brown

President/CEO

Hydro Corporation LLC

(325) 234-8017

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Chuck Brown

President/CEO

Hydro Corporation LLC

(325) 234-8017

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

February 23, 2022

Mr. Chuck Brown, CEO
Hydro Corporation, LLC
2320 W Avenue L
San Angelo, Texas 76901

VIA E-MAIL

RE: Quicksand Partners, LTD.
ADJ 1330
CN602878530, RN102703303
Application No. 14-1330D to Amend Certificate of Adjudication No. 14-1330
Texas Water Code § 11.122, Limited Mailed Notice Required
Concho River, Colorado River Basin
Tom Green County

Dear Mr. Brown:

Drafts, subject to revision, of the public notice, proposed amendment to Certificate of Adjudication No. 14-1330, and the related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the attached drafts. Please review the drafts and contact me no later than March 9, 2022 with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

Please note, this application requires a two-week comment period, and once the comment period has closed, the proposed amendment to Certificate of Adjudication No. 14-1330 may be issued as drafted given no hearing requests are received.

If you have any questions concerning this matter, please contact me via email at hal.bailey@tceq.texas.gov or by telephone at (512) 239-4615.

Sincerely,

A handwritten signature in cursive script that reads "Hal E. Bailey, Jr.".

Hal E. Bailey, Jr., 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. 14-1330D

Pursuant to a five-year lease agreement, Quicksand Partners, LTD., Applicant, seeks to amend Certificate of Adjudication No. 14-1330, as amended, to authorize the diversion of 500 acre-feet of water authorized in Certificate of Adjudication No. 14-1338, from the diversion point authorized in Certificate of Adjudication No. 14-1330, to add a place of use for agricultural purposes in Tom Green County and to add recreational purposes of use to the 500 acre-feet of water. The application does not request a new appropriation of water. More information on the application and how to participate in the permitting process is given below.

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Issued:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-1330D	TYPE § 11.122
Owner: Quicksand Partners, LTD.	Address: 2305 Pulliam Street San Angelo, Texas 76905
Filed: June 22, 2021	Granted:
Purposes: Agricultural and Recreational	County: Tom Green
Watercourse: Concho River	Watershed: Colorado River Basin

WHEREAS, a portion of Certificate of Adjudication No. 14-1330, as amended, authorizes Quicksand Partners, LTD. (Owner/Applicant) to divert and use not to exceed 443 acre-feet of water per year from a point on the Concho River, Colorado River Basin, at a maximum combined diversion rate of 8.89 cfs (3,990 gpm) for agricultural purposes to irrigate 266.085 acres out of a 370.816-acre tract in Tom Green County; and

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WHEREAS, Certificate of Adjudication No. 14-1338 authorizes Allison Carson Devereaux and Sandra Birnie to divert not to exceed 500 acre-feet of water per year from a point on the Concho River for agricultural purposes in Tom Green County; and

WHEREAS, Applicant has entered into a five-year lease agreement with the owners of Certificate of Adjudication No. 14-1338 for the 500 acre-feet of water currently authorized for diversion from under that certificate; and

WHEREAS, pursuant to the lease agreement, Applicant seeks to amend Certificate of Adjudication No. 14-1330, as amended, to authorize the diversion and use of the 500 acre-feet of water per year authorized under Certificate of Adjudication No. 14-1338 from the diversion point authorized in Certificate of Adjudication No. 14-1330, at a maximum combined diversion rate of 5.33 cfs (2,400 gpm), and to add a place of use for agricultural purposes to irrigate the 266.085 acres in Tom Green County; and

WHEREAS, pursuant to the lease agreement, Applicant also seeks to add recreational purposes of use to the 500 acre-feet of water authorized under Certificate of Adjudication No. 14-1338; and

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

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

WHEREAS, the Executive Director recommends 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. 14-1330, designated Certificate of Adjudication No. 14-1330D, is issued to Quicksand Partners, LTD., subject to the following terms and conditions:

1. USE

In addition to previous authorizations, Owner is authorized to divert and use 500 acre-feet of water per year, authorized by Certificate of Adjudication No. 14-1338, from the Concho River for recreational and agricultural purposes to irrigate 266.085 acres out of a 370.816-acre tract in Tom Green County.

2. DIVERSION

A. In addition to previous authorizations, Owner is authorized to divert the 500 acre-feet of water per year authorized under Certificate of Adjudication No. 14-1338 from the existing diversion point on the Concho River authorized in Certificate of Adjudication No. 14-1330 and located at 31.456706° N Latitude and 100.372954° W Longitude.

B. At a maximum combined diversion rate of 5.33 cfs (2,400 gpm).

3. CONSERVATION

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

4. SPECIAL CONDITIONS

- A. The streamflow restrictions in this amendment only apply to diversion of the 500 acre-feet of water authorized under Certificate of Adjudication No. 14-1338, during the time period the lease agreement is in effect.
- B. Owner shall not divert the additional 500 acre-feet of water authorized in this amendment unless streamflow exceeds the following environmental flow values at USGS Gage No. 08136500 - Concho River at Paint Rock, TX, subject to the requirements of Paragraphs 4.C. - 4.G. below.

Season	Hydrologic Condition	Subsistence	Base
Winter	Severe	1 cfs	8 cfs
Winter	Dry	N/A	8 cfs
Winter	Average	N/A	20 cfs
Winter	Wet	N/A	36 cfs
Spring	Severe	1 cfs	4 cfs
Spring	Dry	N/A	4 cfs
Spring	Average	N/A	14 cfs
Spring	Wet	N/A	27 cfs
Summer	Severe	1 cfs	1 cfs
Summer	Dry	N/A	1 cfs
Summer	Average	N/A	4 cfs
Summer	Wet	N/A	12 cfs
Fall	Severe	1 cfs	5 cfs
Fall	Dry	N/A	5 cfs
Fall	Average	N/A	16 cfs
Fall	Wet	N/A	29 cfs

cfs = cubic feet per second N/A = not applicable

- 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 determine the hydrologic condition once per season. The conditions present on the last day of the month of the preceding season shall determine the hydrologic conditions for the following season. Owner shall calculate cumulative streamflow for the previous twelve months at USGS Gage No. 08136500 (Concho River at Paint Rock, TX) on the last day of the preceding season to determine the applicable hydrologic condition. The cumulative streamflow values for determining the hydrologic condition that governs diversions of the 500 acre-feet of water authorized under this amendment are as follows:

MEASUREMENT POINT	Cumulative Streamflow (acre-feet)			
	SEVERE	DRY	AVERAGE	WET
Concho River at Paint Rock, TX	Less than 7,110	7,110 - 17,000	17,000 - 49,900	Greater than 49,000

Subsistence Flow Special Conditions

- E. Owner shall not divert the 500 acre-feet of water authorized under this amendment if streamflow at USGS Gage No. 08136500 is below the applicable subsistence flow value for a season.
- F. If streamflow at USGS Gage No. 08136500 is above the applicable subsistence flow value for a season but below the applicable dry condition base flow value for a season, Owner may only divert the 500 acre-feet of water authorized under this amendment during severe hydrologic conditions if streamflow does not fall below the applicable subsistence flow value.

Base Flow Special Conditions

- G. Owner may divert the 500 acre-feet of water authorized under this amendment if the flow at USGS Gage No. 08136500 is above the applicable base flow value for that hydrologic condition and season so long as streamflow at USGS Gage No. 08136500 does not fall below the applicable base flow value for that hydrologic condition.
- H. Owner shall maintain a record of the calculated hydrologic condition, based on the measured streamflow at USGS Gage No. 08136500 (Concho River at Paint Rock, TX) and the applicable streamflow restriction in effect at the time of the diversion and provide these records on the Concho Watermaster upon request.
- I. The authorizations described in Paragraphs 1. USE and 2. DIVERSION are subject to the continued maintenance of the lease agreement Between Quicksand Partners, LTD. and the owners of Certificate of Adjudication No. 14-1338. as such lease may be extended or amended from time to time. Should the lease be amended in such a manner as to change the amount of water or the type or location of use of the water, Owners shall submit an application to amend this certificate to conform to the terms of the amended lease. Upon expiration of the lease, Owners shall immediately apply to amend the certificate with a new lease, or voluntarily forfeit the amendment. Owners shall immediately notify the Executive Director upon amendment or expiration of the lease and provide copies of appropriate documents effectuating such changes
- J. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- K. Owner shall allow representatives of the Concho River Watermaster reasonable access to the property to inspect the measuring device and records.
- L. Owner shall contact the Concho River Watermaster prior to diversion of water authorized by this amendment

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 14-1330, as amended, except as specifically amended herein.

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

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

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

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

For the Commission

Date Issued:

DRAFT

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Hal Bailey, Project Manager Date: February 18, 2022
Water Rights Permitting Team

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

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

Subject: Quicksand Partners, Ltd.
ADJ 1330
CN602878530
Concho River, Colorado River Basin
Tom Green County

Water Availability Review

Application Summary

Certificate of Adjudication No. 14-1330 authorizes Quicksand Partners, Ltd. (Applicant) to divert 443 acre-feet of water per year from a point on the Concho River, Colorado River Basin, at a maximum combined diversion rate of 8.89 cfs (3,990 gpm) for mining, industrial, recreation, hydroelectric, navigation, recharge, and agricultural purposes in Tom Green County. Applicant is also authorized to impound 1,192 acre-feet of water in three off-channel reservoirs in Tom Green County.

Pursuant to a five-year lease agreement, Applicant requests to amend Certificate of Adjudication No. 14-1330 to authorize the diversion of 500 acre-feet of water authorized in Certificate of Adjudication No. 14-1338, from the diversion point authorized in Certificate of Adjudication No. 14-1330, at a maximum combined diversion rate of 5.33 cfs (2400 gpm), and add recreational and agricultural purposes in Tom Green County.

The application was declared administratively complete on June 22, 2021.

Water Availability Review

Resource protection Staff recommended that the application be subject to instream flow requirements. See the Resource Protection Memo dated September 22, 2021.

The application does not require a water availability analysis because the request is not for a new appropriation of water. However, the request to move the 500 acre-feet of diversion rights under Certificate of Adjudication No. 14-1338 to the diversion point authorized under Certificate of Adjudication No. 14-1330 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. Resource Protection staff's recommended environmental flow requirements were applied during this simulation, including the hydrologic condition. Staff calculated the applicable hydrologic condition in accordance with 30 Texas Administrative Code (TAC) §298.320(e). Staff generated regulated flows at USGS Gage No. 08136500 (Concho River at Paint Rock, TX) and calculated the accumulated streamflow for the preceding twelve months for each month of the period of record. Staff then calculated the 5th percentile (severe conditions), 25th percentile (dry conditions), 50th percentile (average conditions), and 75th percentile (wet conditions) for the years 1941 through 2016; adjusted these values to comply with the rule; and used these values to determine which condition applied to each month in the period of record. Staff assumed average conditions for 1940. Staff compared the pre- and post-application volume reliabilities of all water rights in the Colorado River Basin and found that 47 water rights were negatively affected as a result of changing the diversion point, although the effects were minimal (<1%).

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

Conclusion

Hydrology staff can support granting the application provided the permit includes the following special conditions:

1. Owner shall determine the hydrologic condition once per season. The conditions present on the last day of the month of the preceding season shall

determine the hydrologic conditions for the following season. Owner shall calculate cumulative streamflow for the previous twelve months at USGS Gage No. 08136500 (Concho River at Paint Rock, TX) on the last day of the preceding season to determine the applicable hydrologic condition. The cumulative streamflow values for determining the hydrologic condition that governs diversions of the 500 acre-feet of water authorized under this amendment are as follows:

MEASUREMENT POINT	Cumulative Streamflow (acre-ft)			
	SEVERE	DRY	AVERAGE	WET
Concho River at Paint Rock, TX	Less than 7,110	7,110 - 17,000	17,000 - 49,900	Greater than 49,000

2. Owner shall maintain a record of the calculated hydrologic condition, based on the measured streamflow at USGS Gage No. 08136500 (Concho River at Paint Rock, TX) and the applicable streamflow restriction in effect at the time of the diversion and provide those records to the Concho Watermaster upon request.

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Hal Bailey, Project Manager
Water Rights Permitting Team

Date: September 23, 2021

Through: Leslie Patterson, Team Leader
 Resource Protection Team

Jennifer Allis, Senior Water Conservation Specialist
 Resource Protection Team

From:  Trent Jennings, Water Conservation Specialist
Resource Protection Team

Subject: Quicksand Partners, Ltd.
ADJ 1330
CN602878530
Concho River, Colorado River Basin
Tom Green County

APPLICATION SUMMARY

Certificate of Adjudication No. 14-1330 authorizes Quicksand Partners, Ltd. (Applicant) to divert 443 acre-feet of water per year from a point on the Concho River, Colorado River Basin, at a maximum combined diversion rate of 8.89 cfs (3,990 gpm) for mining, industrial, recreation, hydroelectric, navigation, recharge, and agricultural purposes to irrigate 266.085 acres out of 370.816-acre tract in Tom Green County. Applicant is also authorized to impound 1,192 acre-feet of water in three off-channel reservoirs in Tom Green County.

Pursuant to a five-year lease agreement, Applicant requests to amend Certificate of Adjudication No. 14-1330 to authorize the diversion of 500 acre-feet of water authorized in Certificate of Adjudication No. 14-1338, from the diversion point authorized in Certificate of Adjudication No. 14-1330, at a maximum combined diversion rate of 5.33 cfs (2400 gpm), for recreational purposes and agricultural purposes to irrigate 266.085 out of a 370.816-acre tract in Tom Green County.

WATER CONSERVATION REVIEW

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

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

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

RECOMMENDATIONS

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

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


Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Hal Bailey, Project Manager
Water Rights Permitting Team

Date: September 22, 2021

Through: Leslie Patterson, Team Leader
Resource Protection Team

From:  Jade Rutledge, Aquatic Scientist
Resource Protection Team

Subject: Quicksand Partners, Ltd.
ADJ 1330
CN602878530
Concho River, Colorado River Basin
Tom Green County

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

APPLICATION SUMMARY

Certificate of Adjudication No. 14-1330 authorizes Quicksand Partners, Ltd. (Applicant) to divert 443 acre-feet of water per year from a point on the Concho River, Colorado River Basin, at a maximum combined diversion rate of 8.89 cfs (3,990 gpm) for mining, industrial, recreation, hydroelectric, navigation, recharge, and agricultural purposes in Tom Green County. Applicant is also authorized to impound 1,192 acre-feet of water in three off-channel reservoirs in Tom Green County.

Pursuant to a five-year lease agreement, Applicant requests to amend Certificate of Adjudication No. 14-1330 to authorize the diversion of 500 acre-feet of water authorized in Certificate of Adjudication No. 14-1338, from the diversion point authorized in Certificate of Adjudication No. 14-1330, at a maximum combined diversion rate of 5.33 cfs (2400 gpm), and add recreational and agricultural purposes in Tom Green County.

ENVIRONMENTAL ANALYSIS

Aquatic and Riparian Habitats: The Applicant’s proposed project is located on the Concho River, a perennial stream, in the Red Prairie ecoregion (Griffith et. al. 2004).

The checklist for the Colorado River Basin identified 54 species of ichthyofauna occurring within Tom Green County (Hendrickson and Cohen 2015). The Guadalupe bass (*Micropterus treculii*), Texas pimpleback (*Quadrula petrina*), Texas fatmucket (*Lampsilis bracteata*), Texas fawnsfoot (*Truncilla macrodon*), Brazos water snake (*Nerodia harteri*), and Concho water snake (*Nerodia paucimaculata*), high interest aquatic species, are known to occur in Tom Green County (TPWD 2015). This amendment is not expected to have an effect on any high interest aquatic species because no additional state water will be taken.

On August 8, 2012, the TCEQ adopted environmental flow standards for the Colorado and Lavaca River, 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. Resource Protection staff recommend a streamflow restriction for the leased water. Resource Protection staff utilized the subsistence and base environmental flow standards (Title 30 TAC §298.330(e)(5)) established at United States Geological Survey (USGS) Gage No. 08136500 – Concho River at Paint Rock, Texas, for the stream flow restriction as shown in Table 1.

Table 1. Subsistence Environmental Flow Values (cfs) at USGS Gage No. 08136500 – Concho River at Paint Rock, TX.

Season	Hydrologic Condition	Subsistence	Base
Winter	Severe	1 cfs	8 cfs
Winter	Dry	N/A	8 cfs
Winter	Average	N/A	20 cfs
Winter	Wet	N/A	36 cfs
Spring	Severe	1 cfs	4 cfs
Spring	Dry	N/A	4 cfs
Spring	Average	N/A	14 cfs
Spring	Wet	N/A	27 cfs
Summer	Severe	1 cfs	1 cfs
Summer	Dry	N/A	1 cfs
Summer	Average	N/A	4 cfs
Summer	Wet	N/A	12 cfs
Fall	Severe	1 cfs	5 cfs
Fall	Dry	N/A	5 cfs
Fall	Average	N/A	16 cfs

Fall	Wet	N/A	29 cfs
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cfs = cubic feet per second

N/A = not applicable

The applicable subsistence flow values vary depending on season. The applicable base flow values vary depending on season and hydrologic condition. Seasons are defined as follows: Winter (November through February), Spring (March through June), Summer (July through August), and Fall (September through October). Hydrologic conditions will be addressed in the water availability analysis for this application. 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: Concho River (Segment 1421) has a designated primary contact recreation 1 use (TCEQ 2018). The Applicant’s request should not adversely impact recreational uses.

Water Quality: Concho River (Segment 1421) has designated high aquatic life use (TCEQ 2018). Segment 1421_07 was also identified in the Texas Integrated Report with a concern for screening levels for chlorophyll-a (TCEQ 2020). The Applicant’s request should not adversely impact water quality.

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

RECOMMENDATIONS

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

1. Owner shall not divert leased water unless streamflow exceeds the following environmental flow values at USGS Gage No. 08136500 – Concho River at Paint Rock, TX, subject to the requirements of Special Conditions 2-5 below.

Season	Hydrologic Condition	Subsistence	Base
Winter	Severe	1 cfs	8 cfs
Winter	Dry	N/A	8 cfs
Winter	Average	N/A	20 cfs
Winter	Wet	N/A	36 cfs
Spring	Severe	1 cfs	4 cfs
Spring	Dry	N/A	4 cfs
Spring	Average	N/A	14 cfs

Spring	Wet	N/A	27 cfs
Summer	Severe	1 cfs	1 cfs
Summer	Dry	N/A	1 cfs
Summer	Average	N/A	4 cfs
Summer	Wet	N/A	12 cfs
Fall	Severe	1 cfs	5 cfs
Fall	Dry	N/A	5 cfs
Fall	Average	N/A	16 cfs
Fall	Wet	N/A	29 cfs

cfs = cubic feet per second

N/A = not applicable

- 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

- Owner shall not divert leased water if streamflow at USGS Gage No. 08136500 is below the applicable subsistence flow value for a season.
- If streamflow at USGS Gage No. 08136500 is above the applicable subsistence flow value for a season but below the applicable dry condition base flow value for a season, Owner may only divert leased water during severe hydrologic conditions if streamflow does not fall below the applicable subsistence flow value.

Base Flow Special Condition

- Owner may divert leased water if the flow at USGS Gage No. 08136500 is above the applicable base flow value for that hydrologic condition and season so long as streamflow at USGS Gage No. 08136500 does not fall below the applicable base flow value for that hydrologic condition.

LITERATURE CITED

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

Hendrickson DA, Cohen AE. 2015. Fishes of Texas Project Database [Internet]. [2021 Sep 15]; Version 2.0. Available from <http://www.fishesoftexas.org/home/> doi:10.17603/C3WC70

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

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

TPWD. 2015. TPWD County Lists of Texas Protected Species and Species of Greatest Conservation Need [Internet]. Austin (TX): Tom Green County, revised June 22 2021. [2021 Sep 15]. Available from <http://tpwd.texas.gov/gis/rtest/>.

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Hal E. Bailey, Jr., Project Manager
Water Rights Permitting Team

DATE: June 22, 2021

SUBJECT: Quicksand Partners, Ltd.
ADJ 1330
CN602878530, RN102703303
Application No. 14-1330D to Amend Certificate of Adjudication
No. 14-1330
Texas Water Code § 11.122, Limited Mailed Notice Required
Concho River, Colorado River Basin
Tom Green County

The application was received on January 4, 2021. Additional information and fees were received on April 2, 3, and June 14, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on June 22, 2021. Limited mailed notice to the co-owner of the water right is required pursuant to Title 30 Texas Administrative Code (TAC) § 295.158(c)(2)(A) and to the interjacent water right holders of record in the Colorado River Basin is required pursuant to 30 TAC § 295.158 (c)(3)(D).

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

Hal E. Bailey, Jr.

Hal E. Bailey, Jr., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required **YES** **NO**

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 22, 2021

Mr. Chuck Brown, CEO
Hydro Corporation, LLC
2320 W Avenue L
San Angelo, Texas 76901

VIA E-MAIL

RE: Quicksand Partners, Ltd.
ADJ 1330
CN602878530, RN102703303
Application No. 14-1330D to Amend Certificate of Adjudication No. 14-1330
Texas Water Code § 11.122, Limited Mailed Notice Required
Concho River, Colorado River Basin
Tom Green County

Dear Mr. Brown:

This acknowledges receipt, on June 14, 2021, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on June 22, 2021. Staff will continue processing the application for consideration by the Executive Director.

Please be advised that additional information may be requested during the technical review phase of the application process.

If you have any questions concerning this matter, please contact me via email at hal.bailey@tceq.texas.gov or by telephone at (512) 239-4615.

Sincerely,

Hal E. Bailey, Jr.

Hal E. Bailey, Jr., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Hal Bailey

From: Chuck Brown [REDACTED]
Sent: Monday, June 14, 2021 7:14 AM
To: Hal Bailey
Cc: Chris Kozlowski; Humberto Galvan; Brooke McGregor
Subject: Re: Quicksand Partners, LTD. Application No. 14-1330D Request for Extension - Approved
Attachments: Hal Responses 2.docx; Sandra Birnie Authorization.pdf

Good Morning Everyone,

Attached is the additional information requested for the Quicksand water right amendment 14-1330. Please call or email me if you have any questions or concerns.

Chuck

On Fri, May 14, 2021 at 9:37 AM Hal Bailey <Hal.Bailey@tceq.texas.gov> wrote:

Good morning Chuck,

Your request for a 30-day extension to provide additional information requested in the RFI dated 04/16/2021 has been approved.

Please provide a response by COB on 06/14/2021.

Thank you,

Hal E. Bailey, Jr.

Natural Resources Specialist III

Water Rights Permitting Team

Water Availability Division

Texas Commission on Environmental Quality

512-239-4615 Hal.Bailey@tceq.texas.gov

--
Chuck Brown
President/CEO
Hydro Corporation LLC
(325) 234-8017

Hydro Corporation

Water Resources and Project Planning

Hal E. Bailey, Jr., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

RE: Quicksand Partners, Ltd.
ADJ 1330
CN602878530, RN102703303
Application No. 14-1330D to Amend Certificate of Adjudication No. 14-1330
Texas Water Code § 11.122, Limited Mailed Notice Required
Concho River, Colorado River Basin
Tom Green County

Hal,

Below are the answers and documents regarding the additional information relating to the amendment of Certificate of Adjudication No. 14-1330. Please contact me at your convenience if you have any questions.

1. Confirm that the method and/or device used to measure and account for the amount of water diverted from the source of supply, described in Section I.B.2. of the water conservation plan (TCEQ-10238, Page 4), is within an accuracy of plus or minus 5.0%. Staff recognizes that this section of the water conservation plan indicates a pump will be used; however, information about the pump's accuracy is not included in this section.

The method used to measure and account for the diverted water is a Berkley Pump model number B6JPBMS. This is a high performance, closed coupled centrifugal pump which specification features indicate pumping accuracy well within the plus or minus 5.0% accuracy.

2. Provide additional information concerning the submitted water conservation plan for agricultural use to comply with Title 30 Texas Administrative Code § 288.4. Clarify the total acres irrigated in Section I. A. 4. of the water conservation plan (TCEQ-10238, page 2). The water conservation plan indicates that the total amount of land to be irrigated is 1,000 acres. However, the previous response letter dated April 1, 2021 indicates that the place of use requested in the application is the 266.085 acres currently authorized in Certificate of Adjudication 14-1330.

The current total acres to be irrigated **is the 266.085 acres which is authorized in Certificate of Adjudication 14-1330**. The 1000 acres is roughly the total acres of property ownership by Quicksand Partners, LTD.

3. Provide a signed copy of the lease agreement between Quicksand Partners, Ltd., and the owner(s) of Certificate of Adjudication No. 14-1338. Staff notes Certificate of Adjudication No. 14-1338 is co-owned by Allison Carson Devereaux and Sandra Birnie. The lease agreement must be executed and signed by both owners of record. Alternatively, you may provide consent from Sandra Birnie to lease the 500 acre-feet of water authorized in Certificate of Adjudication No. 14-1338.

Please see attachment #1 which is a consent letter signed by Sandra Birnie authorizing Allie Devereaux, CEO and owner of Carson Farm to sign letters and agreements on her behalf.

To whom it may concern:

I, Sandra Birnie, do hereby authorize Allison Carson Devereaux, as CEO and owner of Carson Farms, to negotiate all transactions, contracts and agreements with Quicksand Partners, LTD regarding Van Carson et al water right number 14-1338.

Sandra Birnie

6/1/21

Sandra Birnie

Date

Hal Bailey

From: Hal Bailey
Sent: Friday, May 14, 2021 9:37 AM
To: Chuck Brown
Cc: Chris Kozlowski; Humberto Galvan; Brooke McGregor
Subject: Quicksand Partners, LTD. Application No. 14-1330D Request for Extension - Approved
Attachments: Quicksand_Partners_LTD_14_1330D_RFI#2_Extension_Approval_Letter_Signed_05.14.2021.pdf

Good morning Chuck,

Your request for a 30-day extension to provide additional information requested in the RFI dated 04/16/2021 has been approved.

Please provide a response by COB on 06/14/2021.

Thank you,

*Hal E. Bailey, Jr.
Natural Resources Specialist III
Water Rights Permitting Team
Water Availability Division
Texas Commission on Environmental Quality
512-239-4615 Hal.Bailey@tceq.texas.gov*

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 14, 2021

Mr. Chuck Brown, CEO
Hydro Corporation, LLC
2320 W Avenue L
San Angelo, Texas 76901

VIA E-MAIL

RE: Quicksand Partners, Ltd.
ADJ 1330
CN602878530, RN102703303
Application No. 14-1330D to Amend Certificate of Adjudication No. 14-1330
Texas Water Code § 11.122, Limited Mailed Notice Required
Concho River, Colorado River Basin
Tom Green County

Dear Mr. Brown:

This acknowledges receipt, on May 13, 2021, of the applicant's request for an extension of time to respond to the Texas Commission on Environmental Quality request for additional information letter, dated April 16, 2021.

An extension is granted until June 14, 2021, and after that date the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18. No further extensions will be granted associated with this request for information.

If you have any questions concerning the application, please contact Hal Bailey, Jr. via e-mail at hal.bailey@tceq.texas.gov or by telephone at (512) 239-4615.

Sincerely,

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

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

BM/hb

Hal Bailey

From: Chuck Brown [REDACTED]
Sent: Thursday, May 13, 2021 7:52 AM
To: Hal Bailey
Cc: Chris Kozlowski; Humberto Galvan
Subject: Re: Quicksand Partners, Ltd. Application No. 14-1330D RFI #2 Sent
Attachments: hal letter extension 3.docx

Hal,

Attached is a 30-day extension request document. This should be resolved sooner than later but unfortunately there is no way I can receive some of the pertinent information in the updated request by the deadline of May 17, 2021.

On Fri, Apr 16, 2021 at 10:24 AM Hal Bailey <Hal.Bailey@tceq.texas.gov> wrote:

Good morning Mr. Brown,

Attached is a second Request for Information (RFI) letter for Quicksand Partners, Ltd., application no. 14-1330D.

Please provide a response by COB on 05/17/2021.

Should you have any questions, please let me know.

Thanks,

Hal E. Bailey, Jr.

Natural Resources Specialist III

Water Rights Permitting Team

Water Availability Division

Texas Commission on Environmental Quality

512-239-4615 Hal.Bailey@tceq.texas.gov

--

Chuck Brown
President/CEO
Hydro Corporation LLC
(325) 234-8017



Hydro Corporation

Water Resources and Project Planning

Chuck Brown
2320 W Avenue L
San Angelo TX 76901
(325) 234-8017



Hal E. Bailey, Jr.
Natural Resources Specialist III
Water Rights Permitting Team
Water Availability Division
Texas Commission on Environmental Quality
512-239-4615 Hal.Bailey@tceq.texas.gov

Hal,

Unfortunately, the parties (Quicksand Partners LTD WR 14-1330 and Allie Devereaux DBA Van Carson et al WR 14-1338) are now in the process of a few additional updates to their contract agreement. Sandra Birnie, co-owner of water right 14-1338 is now involved. I have yet to receive a final signed copy of Ms. Bernie's authorization letter as her lawyers are now reviewing the entire agreement document. She has agreed to sign the waver giving Ms. Devereaux the sole authority to sign on her behalf but additional time is needed for the review.

Therefore, I would like to request a 30-day extension to the additional information requested in the water right amendment of Quicksand Partners LTD water right 14-1330. I would assume these responses will be sent to you by me in the next week or so... but I doubt that the information above will be ready before the May 17, 2021 deadline.

I apologize for the delay. Other than this one item, I have all the additional information completed and ready to be sent to you. Please contact me if you have any questions or concerns.

Chuck

Hal Bailey

From: Chuck Brown [REDACTED]
Sent: Tuesday, May 11, 2021 12:50 PM
To: Hal Bailey
Cc: Chris Kozlowski; Humberto Galvan
Subject: Re: Quicksand Partners, Ltd. Application No. 14-1330D RFI #2 Sent

Hal,

I am having the same problems as last time in regards to submitting information requested...namely the signature page for Sandra Birnie who is the co-owner of the Van Carson water right 14-1338. She is willing and ready to sign a document I created which states:

To whom it may concern:

I, Sandra Birnie, do hereby authorize Allison Carson Devereaux, as the managing partner of Carson Farms, to negotiate all transactions, contracts and agreements with Quicksand Partners, LTD regarding the Van Carson et al water right number 14-1338.

In short, the problem lies in that there was a previous agreement in the original contract which stated there would be a signing bonus for Allie in the original water right agreement. This is not a stipulation of the new agreement but Allie still wants the old agreement to take precedence, even though there is a new agreement is in place signed by both parties.

I am working through all of this but in the meantime, I will probably request a 30-day extension....just in case. I should know more by Thursday or Friday morning at the latest. If needed, I will send your the extension request on Hydro Corporation letterhead by COB Friday, May 14 2021.

Regards,

Chuck

Chuck Brown
President/CEO
Hydro Corporation LLC
(325) 234-8017
[REDACTED]

Hal Bailey

From: Hal Bailey
Sent: Friday, April 16, 2021 10:25 AM
To: Chuck Brown
Cc: Chris Kozlowski; Humberto Galvan
Subject: Quicksand Partners, Ltd. Application No. 14-1330D RFI #2 Sent
Attachments: Quicksand_Partners_LTD_14_1330D_RFI_#2_Sent_04.16.2021.pdf

Good morning Mr. Brown,

Attached is a second Request for Information (RFI) letter for Quicksand Partners, Ltd., application no. 14-1330D.

Please provide a response by COB on 05/17/2021.

Should you have any questions, please let me know.

Thanks,

*Hal E. Bailey, Jr.
Natural Resources Specialist III
Water Rights Permitting Team
Water Availability Division
Texas Commission on Environmental Quality
512-239-4615 Hal.Bailey@tceq.texas.gov*

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 16, 2021

Mr. Chuck Brown, CEO
Hydro Corporation, LLC
2320 W Avenue L
San Angelo, Texas 76901

VIA E-MAIL

RE: Quicksand Partners, Ltd.
ADJ 1330
CN602878530, RN102703303
Application No. 14-1330D to Amend Certificate of Adjudication No. 14-1330
Texas Water Code § 11.122, Limited Mailed Notice Required
Concho River, Colorado River Basin
Tom Green County

Dear Mr. Brown:

This acknowledges receipt, on April 2 and 3, 2021, of additional information and fees in the amount of \$150.72 (Receipt No. M116013, copy attached).

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

1. Confirm that the method and/or device used to measure and account for the amount of water diverted from the source of supply, described in Section I.B.2. of the water conservation plan (TCEQ-10238, Page 4), is within an accuracy of plus or minus 5.0%. Staff recognizes that this section of the water conservation plan indicates a pump will be used; however, information about the pump's accuracy is not included in this section.
2. Provide additional information concerning the submitted water conservation plan for agricultural use to comply with Title 30 Texas Administrative Code § 288.4.

Clarify the total acres irrigated in Section I. A. 4. of the water conservation plan (TCEQ-10238, page 2). The water conservation plan indicates that the total amount of land to be irrigated is 1,000 acres. However, the previous response letter dated April 1, 2021 indicates that the place of use requested in the application is the 266.085 acres currently authorized in Certificate of Adjudication 14-1330.

3. Provide a signed copy of the lease agreement between Quicksand Partners, Ltd., and the owner(s) of Certificate of Adjudication No. 14-1338. Staff notes Certificate of Adjudication No. 14-1338 is co-owned by Allison Carson Devereaux and Sandra Birnie. The lease agreement must be executed and signed by both owners of record. Alternatively, you may provide consent from Sandra Birnie to lease the 500 acre-feet of water authorized in Certificate of Adjudication No. 14-1338.

Mr. Chuck Brown
Application No. 14-1330D
April 16, 2021
Page 2 of 2

Please provide the requested information by May 17, 2021 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact me via email at hal.bailey@tceq.texas.gov or by telephone at (512) 239-4615.

Sincerely,

Hal E. Bailey, Jr.

Hal E. Bailey, Jr., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



Basis2 Receipt Report by Endorsement Number

APR-09-21 09:45 AM

Acct. #: WUP

Account Name: WATER USE PERMITS

<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
	M116013	141330	QUICKSAND PARTNERS LTD	CK	19595		BS00086554	07-APR-21	\$150.72

Hal Bailey

From: Chuck Brown [REDACTED]
Sent: Saturday, April 3, 2021 9:17 AM
To: Hal Bailey
Subject: Re: Quicksand Partners LTD WR 14-1330
Attachments: Quicksand Partners RFI #7.pdf

Hal,

In regards to RFI #7, attached is the completed signature page listed as Attachment 3. It has been signed by GM Jack Hutchison and notarized. Please let me know if you need additional information.

Chuck

On Fri, Apr 2, 2021 at 9:15 AM Chuck Brown [REDACTED] wrote:

Hal,

Attached is a PDF containing the responses requested for additional information to amend Quicksand Partners WR 14-1330. In my final review, it seems that requests #7 and #8 on your original information request are duplicative. If I need to provide additional information to #7, please let me know exactly what you need and I will promptly provide that information.

Thank you for your assistance as we continue through this amendment process and please contact me if you have any questions or concerns.

Kind Regards,

Chuck

--

Chuck Brown
President/CEO
Hydro Corporation LLC
(325) 234-8017
[REDACTED]

--

Chuck Brown
President/CEO
Hydro Corporation LLC
(325) 234-8017
[REDACTED]

ATTACHMENT 3

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, JACK HUTCHISON
(Typed or printed name)

GM, QUICKSAND PARTNERS LTD
(Title)

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

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

Signature: Jack V. Hutchison
(Use blue ink)

Date: 4-2-2021

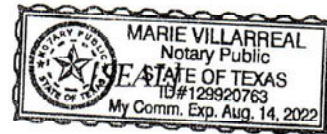
Subscribed and Sworn to before me by the said

on this 2nd day of April, 2021.

My commission expires on the 14th day of Aug, 2022.

Notary Public

Marie Villarreal



County, Texas

Tom Green

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

Hal Bailey

From: Chuck Brown [REDACTED]
Sent: Friday, April 2, 2021 9:15 AM
To: Hal Bailey
Subject: Quicksand Partners LTD WR 14-1330
Attachments: QSP WR Amendment 14-1330D.pdf

Hal,

Attached is a PDF containing the responses requested for additional information to amend Quicksand Partners WR 14-1330. In my final review, it seems that requests #7 and #8 on your original information request are duplicative. If I need to provide additional information to #7, please let me know exactly what you need and I will promptly provide that information.

Thank you for your assistance as we continue through this amendment process and please contact me if you have any questions or concerns.

Kind Regards,

Chuck

--

Chuck Brown
President/CEO
Hydro Corporation LLC
(325) 234-8017
[REDACTED]

Hydro Corporation

Water Resources and Project Planning

Chuck Brown
2320 W Avenue L
San Angelo TX 76901
(325) 234-8017



Hal E. Bailey, Jr., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

RE: Quicksand Partners, Ltd.
ADJ 1330
CN602878530, RN102703303
Application No. 14-1330D to Amend Certificate of Adjudication No. 14-1330
Texas Water Code § 11.122, Limited Mailed Notice Required
Concho River, Colorado River Basin
Tom Green County

Mr. Bailey:

I am supplying the additional information requested in Quicksand's application. Some of this information provided are documents already on file and attached hereto.

1. Provide a completed System Inventory and Water Conservation Plan for agricultural use (TCEQ Form-10238) as referenced in Worksheet 6.0 Water Conservation/Drought Contingency Plans.

(See Attachment 1)

2. Provide information describing how the application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan (Section 4.a. of the Technical Information Report). For examples, see page 15 of the Instructions for Completing the Water Right Permitting Application (Form TCEQ-10214A-inst).

The water is to be purchased from water right 14_1338 (Van Carson et al) by water right 14-1330 (Quicksand Partners Ltd). This water has been adjudicated and it is not inconsistent with the state water plan.

3. Confirm that the place of use requested in the application is the same place of use authorized by Certificate of Adjudication No. 14-1330.

The place of use requested in the application is the same place of use authorized by Certificate of Adjudication No. 14-1330

4. Confirm that the diversion point requested in the application is the same point authorized in Certificate of Adjudication No. 14-1330 and that the requested diversion point is located in at ZIP Code 76905. Commission records indicate that the coordinates are 31.456706° N Latitude, 100.372954° W Longitude.

The diversion point requested is the same point authorized in Certificate of Adjudication No. 14-1330. The requested diversion point is in zip code 76905. The coordinates are 31.456706° N Latitude, 100.372954° W Longitude.

5. Confirm that water diverted under Certificate of Adjudication No. 14-1338 will be diverted at a maximum diversion rate of 5.33 cfs (2,400 gpm), the diversion rate currently authorized by Certificate of Adjudication No. 14-1338.

The water diverted under Certificate of Adjudication No 14-1338 will be diverted at a rate below the maximum diversion rate of 5.33 CFS (2400 GPM) as authorized by Certificate of Adjudication No. 14-1338.

6. Provide a USGS 7.5-minute topographic map (or equivalent) with the location of the requested diversion point(s) clearly marked.

(See Attachment 2)

7. Provide an original signed and notarized signature page. (Page 7 of Form TCEQ-10214b).

(See Attachment 3)

8. Provide written evidence that Mr. Jack Hutchison is authorized to sign the application for Quicksand Partners, Ltd., pursuant to Title 30 Texas Administrative Code (TAC) § 295.14(5), which states:

If the applicant is a corporation, public district, county, municipality, or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of bylaws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

(See Attachment 4)

9. Provide a signed copy of the lease agreement between Quicksand Partners, Ltd. and the owner(s) of Certificate of Adjudication No. 14-1338. Staff notes that the lease agreement must be executed and signed by the owners of record of both Certificates.

A signed copy of the lease agreement has been provided as Attachment 5. This lease agreement is titled "Final Draft" but is considered by both parties as a completed agreement. However, this agreement does not go into effect until final date of approval of water right amendment 14-1330D. The letter is signed by Jack

Hutchison, GM of Quicksand Partners WR 14-1330 and Allie Devereaux, Owner/Operator of Carson Farms. She is authorized to sign all agreements on behalf of WR 14-1338.

10. A copy of the check in the amount of \$150.72 is provided. The original check has been sent to:

TCEQ
Water Rights Permitting Team
MC-160
PO Box 13087
Austin, Texas 78711-3087

ATTACHMENT 1



Texas Commission on Environmental Quality
Water Availability Division
MC-160, P.O. Box 13087 Austin, Texas 78711-3087
Telephone (512) 239-4600, FAX (512) 239-2214

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

This form is provided to assist entities in developing a water conservation plan for individually-operated irrigation systems. If you need assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4600.

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: Chuck Brown

Address: 2320 W Avenue L San Angelo TX 76901

Telephone Number: (325) 234-8017 Fax: ()

Form Completed By: Chuck Brown Hydro Corporation

Title: President/CEO

Signature: _____ Date: 03/01/2021

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

Quicksand Partners Ltd uses the City of San Angelo's water conservation plan for their municipal water uses.

I. BACKGROUND DATA

A. Water Use

1. Annual diversion appropriated or requested (in acre-feet):
2. Not to exceed 500 acre-feet
3. In the table below, list the amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year.

January	February	March	April
25	25	25	50
May	June	July	August
50	50	75	75
September	October	November	December
50	25	25	25
Total All Months			500

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

<i>Type of crop</i>	<i>Growing Season (Months)</i>	<i>Acres irrigated/year</i>
Bermuda grass species	6	1000
Total acres irrigated		1000

5. Are crops rotated seasonally or annually? Yes No

If yes, please describe:

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

Sandy loam with high permeability

B. Irrigation system information

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

Surface water that is used for irrigation at Quicksand Partners Ltd property is pumped directly from the Concho River from Certificate of Adjudication 14-1330. All Concho River diversions points within the basin are under the Concho Watermaster program. The Concho Watermaster approves all rates and amounts of water pumped before pumping occurs. Quicksand Partners Ltd maximum rate of diversion is 1500 GPM.

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

A calibrated surface water pump is used to measure the amount of water diverted from the surface water source and the amount is tabulated on the pump in gallons and checked regularly by the Concho Watermaster.

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

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

- a. 5-year goal:
Savings in acre-feet 25 or system efficiency as a percentage 5 %
- b. 10-year goal:
Savings in acre-feet 50 or system efficiency as a percentage 10 %

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

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

Yes No

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

C. Conservation practices

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

Irrigation and all plumbing associated with the system are continually checked and repairs to the system are completed immediately if a break occurs.

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

Pressure indicators are installed throughout the system to detect leaks or water loss.

3. Describe any water-saving scheduling or practices to be used in the application of water (e.g., irrigation only in early morning, late evening or night hours and/or during lower temperatures and winds) and methods to measure the amount of water applied (e.g. soil-moisture monitoring).

All of the Best Management Practices listed above are used to diminish water usage within the irrigation system.

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

The golf course property has multiple water catchment basins. These basins capture runoff water before it leaves the property. This BMP improves water quality in the Concho River by retaining Nutrients (Nitrogen and Phosphorus) and Total Suspended Solids on the property and can be reused to supplement golf course property irrigation.

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

See above

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

Retention areas, detention ponds, recycle of waste products on property

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

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

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

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

No water to be used in this amendment is New or Additional State Water.

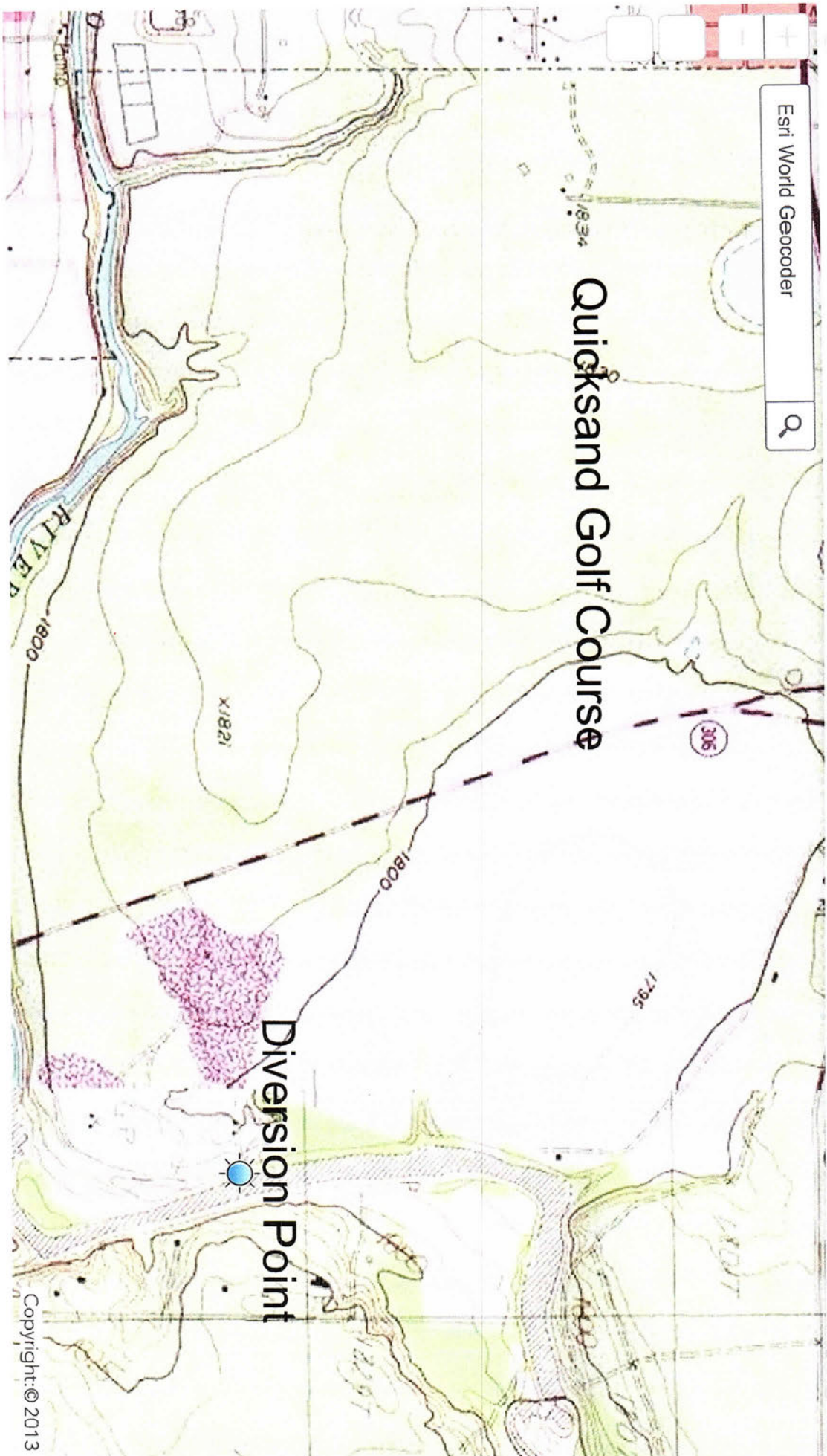
ATTACHMENT 2



Development App

Improving City services with GIS technology

Esri World Geocoder



0.3mi

Copyright: © 2013

ATTACHMENT 3

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, _____
(Typed or printed name) (Title)

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

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

Signature: _____ Date: _____
(Use blue ink)

Subscribed and Sworn to before me by the said

on this _____ day of _____, 20_____.

My commission expires on the _____ day of _____, 20_____.

Notary Public

[SEAL]

County, Texas

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

ATTACHMENT 4

AFFIDAVIT

The State of Texas)

) S.S.

County of Tom Green)

I, Mike Black, of San Angelo, in Tom Green, Texas, MAKE OATH AND SAY THAT:

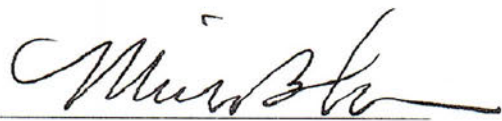
1. I, Mike Black, President, CEO and Owner of Quicksand Partners LTD, do hereby provide this evidence: Jack Hutchison, General Manager of Quicksand Golf Course has the authority to sign applications for Quicksand Partners, LTD

2. _____

STATE OF TEXAS

COUNTY OF TOM GREEN

SUBSCRIBED AND SWORN TO BEFORE
ME, on the 5th day of August, 2020



(Signature)

Mike Black

Signature

 (Seal)

NOTARY PUBLIC

My Commission expires:

9-14-2020



FINAL DRAFT

Quicksand Partners, LTD. 2305 Pulliam Street, San Angelo, Texas 76905

This water rights lease agreement ("Agreement") is made and entered into this 1st day of April 2021, by and between Quicksand Partners, LTD, a Texas corporation, whose address is 2305 Pulliam Street San Angelo, Texas 76905, and Allison Devereaux, (DBA Van W. Carson, ET AL), whose address is 4224 City Farm Rd, San Angelo, Tx 76905 (collectively the "Parties"). This agreement will be initiated upon the approval of the TCEQ to the lease provisions. If TCEQ does not approve of amending permit 14-1330, for the temporary usage of water right 14-1338, this document will void September 1, 2021.

Recitals

WHEREAS, Allison Devereaux (DBA Van W. Carson, ET AL) owns the rights to divert 500-acre feet of surface water, File No. 14-1338 permitted on December 19, 1914, which allows the diversion of 500 acre feet of surface water, which water right is the subject of this Agreement;

WHEREAS, Allison Devereaux is the owner of Permit for surface water, dated December 19, 1914, ("Surface water Permit No. 14-1338") which authorizes the diversion of not more than 500 acre-feet per year ("afy") of surface water from the Concho River under certain terms and conditions set forth in the attached surface water Permit No. 14-1338.

WHEREAS, the Water rights Diversion Point/s for Permit 14-1338 are located in Tom Green County, Texas in the general vicinity of the Latitude 31.214918 and Longitude 100.498199.

WHEREAS, Allison Devereaux desires to lease 500 afy of her right to divert water associated with surface water Permit File No. 14-1338 to Quicksand Partners, LTD ("QSP"), and QSP desires to lease such water; and,

WHEREAS, QSP will file all appropriate and necessary applications with the Texas Commission on Environmental Quality (TCEQ) to accomplish the objectives of this Agreement.

IT IS, THEREFORE, AGREED as follows:

1. The Recitals mentioned above are mutual covenants and are inducements for the making and execution of this Agreement, provided however, that Allison Devereaux makes no warranty or assurance of her ownership of the rights set forth in the Recitals and it is QSP's responsibility to confirm the ownership of the same.
2. Subject to the terms and conditions of surface water Permit File No. 14-1338 and any necessary approvals from the TCEQ, Allison Devereaux does hereby lease 500 afy of her right to divert water to QSP. QSP shall be responsible for ensuring surface water Permit File No. 14-

1338 has adequate recharge credits in any year prior to diverting groundwater under this Agreement up to its actual annual usage.

3. QSP shall pay AD \$50,000 per year for the lease of the 500 afy. Payment shall be made no later than the 1st day of April each year the lease is in effect. The term of this Agreement shall be 5 years, with an option to renew for an additional 1 year upon written approval of both parties and as may be authorized by the laws of Texas and approval by the TCEQ. Allison Devereaux's or QSP's approval of a lease extension will not be unreasonably withheld. In the event the Parties fail to act after 5 years, unless there is actual notice of termination, the lease shall be extended by a one-year term. There shall be no consideration of compensation in excess of the agreed to yearly level to be paid by QSP during the extension year, provided, however, the consideration for the additional year shall be \$55,000.

4. Surface water Permit No. 14-1338 requires that surface water diversions be metered and reported to the TCEQ Concho Watermaster by the 10th day of each month. QSP will file all required reports with the TCEQ Concho Watermaster and provide a copy of the reports to AD within fifteen days of the date they are filed.

5. QSP will file all appropriate and necessary applications with the TCEQ for approval of the lease and transfer of the diversion point for the duration of the lease. QSP will pay all costs incurred in filing any such application and pay all costs of defending any protest to the application, if a protest is filed, or in otherwise prosecuting the application but may cease prosecution of the application if it is protested. QSP will consult and coordinate with AD regarding the prosecution of any such application. All decisions with respect to the prosecution of any such application will be made by QSP. All decisions that could impact the validity and continuance of Surface water Permit No. 14-1338 will be made by AD. Lease will be initiated upon the approval of the TCEQ to the lease provisions.

6. QSP affirms and warrants that it will do all acts required by law and regulation and take no actions which would adversely impact AD's rights under Surface water Permit No. 14-1338. QSP shall pay all fees, fines, and penalties imposed by TCEQ or any other relevant agency related to Surface water Permit No. 14-1338 and related to QSP's diversion and use of water. If QSP fails to comply with any existing and/or future TCEQ requirements under Surface water Permit No. 14-1338, and if QSP fails or refuses to comply or correct such default, then AD shall give notice in writing to QSP of such default, specifying the nature and character thereof, and unless the default is corrected within 60 days after the receipt by QSP of such notice, this Agreement may be terminated at the sole discretion of AD and QSP shall be liable to AD for any adverse impact to AD's rights under Surface water Permit No. 14-1338.

QSP agrees to indemnify, save and hold harmless the AD, AD's heirs, executors, administrators, tenants and assigns ("Indemnitees") from and against all causes of action, liabilities and claims of whatever nature for damages, including but not limited to personal injury or property damages, arising from the QSP's operations under this Agreement, expressly including damages resulting from acts or omissions of

QSP, QSP's contractors, subcontractors, licensees, agents, servants or employees. This indemnity and hold harmless agreement shall include indemnity against all reasonable cost, expenses and liabilities, including reasonable attorney's fees, and Indemnitees on or in connection with any such claim or proceeding brought thereon and in defense thereof. The provisions of this paragraph, including the obligation to indemnify, shall survive and shall not be affected by the termination of this Agreement.

7. QSP shall not assign this Agreement, or the benefits of this Agreement including any water diverted pursuant therefrom, without written permission from AD given or withheld at AD discretion.

8. The Parties agree that the diversion point and related infrastructure will be designed and constructed for utilization exclusively within Tom Green County. AD will agree to the transfer of the approved diversion point from its present location to the QSP permitted diversion point located at Latitude 31.27.24 and Longitude 100.22.22 only for the duration of the lease period. QSP will not enter onto the surface of the property owned AD without AD's written consent.

9. Notices related to actions regarding this Agreement may be made first by telephone or email to confirm forthcoming notice. The periods of time related to notices and cures shall not accrue until an actual written notice is sent to the addresses set forth in this paragraph:

QSP, 2305 Pulliam Street, San Angelo, Texas 76905, E-mail: [REDACTED] and Allison Devereaux, 4224 City Farm Rd, San Angelo, Tx 76905, E-mail: [REDACTED]

10. Any changes to this Agreement must be in writing and signed by the authorized representatives of the two Parties.

11. This Agreement shall be interpreted under the laws and regulations of the State of Texas and venue shall be in the State courts of Tom Green County, Texas. If disagreement occurs as to the meaning or effect of any provision of this Agreement, the parties commit to good faith cooperation in resolving such disagreement. If, however, litigation arises, the prevailing party will be entitled to recover reasonable costs and attorney's fees.

12. The Parties represent that they have carefully read and reviewed the terms of the Agreement and that they understand it.

13. The Parties further acknowledge that this instrument constitutes the entire Agreement and that all of the terms hereof are contractual and not mere recitals.

14. In the event that any non-material provision contained in the Agreement shall be held void, unenforceable, invalid, or illegal by a court of competent jurisdiction, the remaining provisions

of the Agreement shall not be held void, unenforceable, invalid or illegal and all such other provisions shall continue in full force and effect.

15. No provision of the Agreement is intended to create in the public or in any member thereof a third-party beneficiary status or to authorize anyone not a party to the Agreement a right to enforce any provision of the Agreement.

16. This Agreement shall inure to the benefit of and be binding upon the Parties' respective successors and assigns.

17. This Agreement may be executed in counterparts, each of which shall be deemed an original instrument, but all of which together shall constitute one and the same instrument.

This Agreement is made effective on the date first mentioned above.

Jack Hutchison QSP



Allison Devereaux



7. Provide an original signed and notarized signature page. (Page 7 of Form TCEQ-10214b).
8. Provide written evidence that Mr. Jack Hutchison is authorized to sign the application for Quicksand Partners, Ltd., pursuant to Title 30 Texas Administrative Code (TAC) § 295.14(5), which states:

If the applicant is a corporation, public district, county, municipality, or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of bylaws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

9. Provide a signed copy of the lease agreement between Quicksand Partners, Ltd. and the owner(s) of Certificate of Adjudication No. 14-1338. Staff notes that the lease agreement must be executed and signed by the owners of record of both Certificates.
10. Please remit fees in the amount of \$150.72 as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (Amendment)	\$	100.00
Recording Fee	\$	12.50
Notice (\$2.94 x 13 water right holders)	\$	38.22
<u>Total Fees</u>	\$	<u>150.72</u>
Fees Received	\$	000.00
<u>Fees Due</u>	\$	<u>150.72</u>

Please provide the requested information and fees by March 5, 2021 or the application may be returned pursuant to Title 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via email at hal.bailey@tceq.texas.gov or by telephone at (512) 239-4615.

Sincerely,

Hal E. Bailey, Jr.

Hal E. Bailey, Jr., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

**QUICKSAND PARTNERS, LTD.
GENERAL ACCOUNT**

2305 PULLIAM PH. 325-482-8337
SAN ANGELO, TX 76905

DATE 3/3/2021 88-1220/1113

PAY
TO THE
ORDER OF

TCEQ

\$ 150.72

One hundred fifty dollars & 72/100

DOLLARS  Secure Features
Included
Details on Back

FIRST STATE BANK OF PAINT ROCK

245 W. MOSS ST. 402 SMITH BLVD.
PAINT ROCK, TX SAN ANGELO, TX
325-732-4386 325-653-1000

FOR permit

Michelle Hutchison

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

February 3, 2021

Mr. Chuck Brown, CEO
Hydro Corporation, LLC
2320 W Avenue L
San Angelo, Texas 76901

VIA E-MAIL

RE: Quicksand Partners, Ltd.
ADJ 1330
CN602878530, RN102703303
Application No. 14-1330D to Amend Certificate of Adjudication No. 14-1330
Texas Water Code § 11.122, Limited Mailed Notice Required
Concho River, Colorado River Basin
Tom Green County

Dear Mr. Brown:

This acknowledges receipt, on January 4, 2021, of the referenced application.

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

1. Provide a completed System Inventory and Water Conservation Plan for agricultural use (TCEQ Form-10238) as referenced in Worksheet 6.0 *Water Conservation/Drought Contingency Plans*.
2. Provide information describing how the application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan (Section 4.a. of the *Technical Information Report*). For examples, see page 15 of the Instructions for Completing the Water Right Permitting Application (Form TCEQ-10214A-inst).
3. Confirm that the place of use requested in the application is the same place of use authorized by Certificate of Adjudication No. 14-1330.
4. Confirm that the diversion point requested in the application is the same point authorized in Certificate of Adjudication No. 14-1330 and that the requested diversion point is located in at ZIP Code 76905. Commission records indicate that the coordinates are 31.456706° N Latitude, 100.372954° W Longitude.
5. Confirm that water diverted under Certificate of Adjudication No. 14-1338 will be diverted at a maximum diversion rate of 5.33 cfs (2,400 gpm), the diversion rate currently authorized by Certificate of Adjudication No. 14-1338.
6. Provide a USGS 7.5-minute topographic map (or equivalent) with the location of the requested diversion point(s) clearly marked.

Hal Bailey

From: Chuck Brown [REDACTED]
Sent: Thursday, April 1, 2021 6:29 AM
To: Hal Bailey
Cc: Chris Kozlowski; Humberto Galvan; Brooke McGregor
Subject: Re: Quicksand Partners, LTD. Application No. 14-1330D Request for Extension

Hal,

Unfortunately, the parties (Quicksand Partners LTD WR 14-1330 and Allie Devereaux DBA Van Carson et al WR 14-1338) are still in the process of updating their contract agreement. I have yet to receive a final signed copy of this agreement, which is one of the requested items in the Certificate of Adjudication amendment to WR 14-1330. It is **possible** that I could get that document either today or tomorrow, but to be safe, I will likely need to request another 30-day extension.

FYI, and unrelated to this project, I am the Vice Chair for the Region 9 Flood Planning Group. We have a meeting today in San Angelo from 9AM until noon. Once the meeting is adjourned, I will make every effort to encourage the updated agreement to be finalized and signed by both parties today. If I am unable to accomplish this, I will be sending you this exact same letter on Hydro Corporation letterhead this evening or first thing tomorrow morning requesting another 30-day extension.

I apologize for the delay. Other than this one item, I have all of the additional information completed and ready to be sent to you. Please contact me after lunch if you have any questions or concerns.

Chuck

On Mon, Mar 8, 2021 at 4:40 PM Hal Bailey <Hal.Bailey@tceq.texas.gov> wrote:

Good afternoon Chuck,

Your request for a 30-day extension to provide additional information requested in the RFI dated 02/03/2021 has been approved.

Please provide a response by COB on 04/04/2021.

Thank you,

Hal E. Bailey, Jr.

Natural Resources Specialist III


Water Rights Permitting Team

Water Availability Division

Texas Commission on Environmental Quality

512-239-4615 Hal.Bailey@tceq.texas.gov

--

Chuck Brown
President/CEO
Hydro Corporation LLC
(325) 234-8017


Hal Bailey

From: Hal Bailey
Sent: Monday, March 8, 2021 4:40 PM
To: Chuck Brown
Cc: Chris Kozlowski; Humberto Galvan; Brooke McGregor
Subject: Quicksand Partners, LTD. Application No. 14-1330D Request for Extension
Attachments: Quicksand_Partners_LTD_14_1330D_Extension_Approval_Letter_03.05.2021.pdf

Good afternoon Chuck,

Your request for a 30-day extension to provide additional information requested in the RFI dated 02/03/2021 has been approved.

Please provide a response by COB on 04/04/2021.

Thank you,

*Hal E. Bailey, Jr.
Natural Resources Specialist III
Water Rights Permitting Team
Water Availability Division
Texas Commission on Environmental Quality
512-239-4615 Hal.Bailey@tceq.texas.gov*

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 8, 2021

Mr. Chuck Brown, CEO
Hydro Corporation, LLC
2320 W Avenue L
San Angelo, Texas 76901

VIA E-MAIL

RE: Quicksand Partners, Ltd.
ADJ 1330
CN602878530, RN102703303
Application No. 14-1330D to Amend Certificate of Adjudication No. 14-1330
Texas Water Code § 11.122, Limited Mailed Notice Required
Concho River, Colorado River Basin
Tom Green County

Dear Mr. Brown:

This acknowledges receipt, on March 4, 2021, of the applicant's request for an extension of time to respond to the Texas Commission on Environmental Quality request for additional information letter, dated February 3, 2021.

An extension is granted until April 4, 2021, and after that date the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18. No further extensions will be granted associated with this request for information.

If you have any questions concerning the application, please contact Hal Bailey, Jr. via e-mail at hal.bailey@tceq.texas.gov or by telephone at (512) 239-4615.

Sincerely,

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

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

BM/hb

Hal Bailey

From: Chuck Brown [REDACTED]
Sent: Thursday, March 4, 2021 3:57 PM
To: Hal Bailey
Subject: Re: Quicksand certificate of adjudication 14- 1330
Attachments: hal letter extension.docx

Attached is the requested extension on my official Hydro Corporation letterhead.

Chuck

On Thu, Mar 4, 2021 at 3:00 PM Hal Bailey <Hal.Bailey@tceq.texas.gov> wrote:

Good afternoon Chuck,

As per our phone conversation earlier today, please submit the extension request on official company letterhead as soon as possible. The request must be received

no later than COB tomorrow, 03/05/2021, which is the response due date for the original RFI.

Thanks,

Hal E. Bailey, Jr.

Natural Resources Specialist III

Water Rights Permitting Team

Water Availability Division

Texas Commission on Environmental Quality

512-239-4615 Hal.Bailey@tceq.texas.gov

From: Chuck Brown [REDACTED]
Sent: Thursday, March 4, 2021 12:16 PM
To: Hal Bailey <Hal.Bailey@tceq.texas.gov>
Subject: Quicksand certificate of adjudication 14- 1330

Hal,

Unfortunately, even though I have 99% of all of your requested information ready to go, there is an issue with the agreement between Quicksand and Allie Devereaux. There are multiple agreement letters that differ. Additionally, none of them have been signed by either party.

In order to supply you with all of the information requested, I will need an extension of time to complete this process. I would hope to have this done within the next week but I understand a 30 day extension is probably the standard time allowed.

If by chance I can somehow pull this off , I will certainly send you all of this information by close of business tomorrow, although that is highly unlikely. Thanks for all your help with this amendment and please contact me if you need anything.

Chuck

--

Chuck Brown

President/CEO

Hydro Corporation LLC

(325) 234-8017

[REDACTED]

--

Chuck Brown

President/CEO

Hydro Corporation LLC

(325) 234-8017

[REDACTED]

Hydro Corporation

Water Resources and Project Planning

Chuck Brown
2320 W Avenue L
San Angelo TX 76901
(325) 234-8017



Hal E. Bailey, Jr.
Natural Resources Specialist III
Water Rights Permitting Team
Water Availability Division
Texas Commission on Environmental Quality
512-239-4615 Hal.Bailey@tceq.texas.gov

Hal,

Unfortunately, even though I have 99% of your requested information ready to go, there is an issue with the agreement between Quicksand and Allie Devereaux. There are multiple agreement letters that differ. Additionally, none of them have been signed by either party.

To supply you with all the information requested, I will need an extension of time to complete this process. I would hope to have this done within the next week, but I understand a 30-day extension is probably the standard time allowed.

If by chance I can somehow pull this off, I will certainly send you all this information by close of business tomorrow, although that is highly unlikely. Thanks for all your help with this amendment and please contact me if you need anything.

Chuck

Hal Bailey

From: Hal Bailey
Sent: Wednesday, March 3, 2021 3:22 PM
To: 'Chuck Brown'
Subject: RE: Quicksand 14-1330

Chuck,

I mentioned to my team leader some of the issues we discussed this morning. He said that the lease agreement doesn't have to be signed.

It can be a draft. Hopefully, that's one less hoop you have to jump through. That said, we still need the agreement to reflect the owners of record of both Certificates, as stated in the RFI letter.

Thanks,

*Hal E. Bailey, Jr.
Natural Resources Specialist III
Water Rights Permitting Team
Water Availability Division
Texas Commission on Environmental Quality
512-239-4615 Hal.Bailey@tceq.texas.gov*

From: Chuck Brown [REDACTED]
Sent: Wednesday, March 3, 2021 9:16 AM
To: Hal Bailey <Hal.Bailey@tceq.texas.gov>
Subject: Quicksand 14-1330

Good Morning Hal,

I am 99% completed with the additional requested information but I do have one quick question for you before completion. Please call me.

Chuck
325 234 8017

--
Chuck Brown
President/CEO
Hydro Corporation LLC
(325) 234-8017
[REDACTED]

Hal Bailey

From: Chuck Brown [REDACTED]
Sent: Monday, March 1, 2021 9:33 AM
To: Hal Bailey
Cc: Chris Kozlowski; Humberto Galvan
Subject: Re: Quicksand Partners, Ltd. Application No. 14-1330D RFI

Hal,

Good Morning,

I am completing your additional information requested in the Quicksand Partners, Ltd. application 14-1330D. Before I wrap this information up and send it to you, I have a few questions. Can you please call me today so I can verify that I have included everything you need at this time?

I am available anytime.

Regards,

Chuck
325 234 8017

On Wed, Feb 3, 2021 at 10:20 AM Hal Bailey <Hal.Bailey@tceq.texas.gov> wrote:

Good morning Mr. Brown,

Attached is a Request for Information (RFI) letter for Quicksand Partners, Ltd., application no. 14-1330D.

Please provide a response by COB on 03/05/2021.

Should you have any questions, or if you need additional time to respond, please let me know.

Thanks,

Hal E. Bailey, Jr.

Natural Resources Specialist III


Water Rights Permitting Team

Water Availability Division

Texas Commission on Environmental Quality

512-239-4615 Hal.Bailey@tceq.texas.gov

--

Chuck Brown
President/CEO
Hydro Corporation LLC
(325) 234-8017


Hal Bailey

From: Hal Bailey
Sent: Wednesday, February 3, 2021 10:21 AM
To: Chuck Brown
Cc: Chris Kozlowski; Humberto Galvan
Subject: Quicksand Partners, Ltd. Application No. 14-1330D RFI
Attachments: Quicksand_Partners_LTD_14_1330D_RFI_02.03.2021.pdf

Good morning Mr. Brown,

Attached is a Request for Information (RFI) letter for Quicksand Partners, Ltd., application no. 14-1330D.

Please provide a response by COB on 03/05/2021.

Should you have any questions, or if you need additional time to respond, please let me know.

Thanks,

Hal E. Bailey, Jr.
Natural Resources Specialist III
Water Rights Permitting Team
Water Availability Division
Texas Commission on Environmental Quality
512-239-4615 Hal.Bailey@tceq.texas.gov

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 3, 2021

Mr. Chuck Brown, CEO
Hydro Corporation, LLC
2320 W Avenue L
San Angelo, Texas 76901

VIA E-MAIL

RE: Quicksand Partners, Ltd.
ADJ 1330
CN602878530, RN102703303
Application No. 14-1330D to Amend Certificate of Adjudication No. 14-1330
Texas Water Code § 11.122, Limited Mailed Notice Required
Concho River, Colorado River Basin
Tom Green County

Dear Mr. Brown:

This acknowledges receipt, on January 4, 2021, of the referenced application.

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

1. Provide a completed System Inventory and Water Conservation Plan for agricultural use (TCEQ Form-10238) as referenced in Worksheet 6.0 *Water Conservation/Drought Contingency Plans*.
2. Provide information describing how the application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan (Section 4.a. of the *Technical Information Report*). For examples, see page 15 of the Instructions for Completing the Water Right Permitting Application (Form TCEQ-10214A-inst).
3. Confirm that the place of use requested in the application is the same place of use authorized by Certificate of Adjudication No. 14-1330.
4. Confirm that the diversion point requested in the application is the same point authorized in Certificate of Adjudication No. 14-1330 and that the requested diversion point is located in at ZIP Code 76905. Commission records indicate that the coordinates are 31.456706° N Latitude, 100.372954° W Longitude.
5. Confirm that water diverted under Certificate of Adjudication No. 14-1338 will be diverted at a maximum diversion rate of 5.33 cfs (2,400 gpm), the diversion rate currently authorized by Certificate of Adjudication No. 14-1338.
6. Provide a USGS 7.5-minute topographic map (or equivalent) with the location of the requested diversion point(s) clearly marked.

Mr. Chuck Brown
Application No. 14-1330D
February 3, 2021
Page 2 of 2

7. Provide an original signed and notarized signature page. (Page 7 of Form TCEQ-10214b).
8. Provide written evidence that Mr. Jack Hutchison is authorized to sign the application for Quicksand Partners, Ltd., pursuant to Title 30 Texas Administrative Code (TAC) § 295.14(5), which states:

If the applicant is a corporation, public district, county, municipality, or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of bylaws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

9. Provide a signed copy of the lease agreement between Quicksand Partners, Ltd. and the owner(s) of Certificate of Adjudication No. 14-1338. Staff notes that the lease agreement must be executed and signed by the owners of record of both Certificates.
10. Please remit fees in the amount of \$150.72 as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (Amendment)	\$	100.00
Recording Fee	\$	12.50
Notice (\$2.94 x 13 water right holders)	\$	38.22
<hr/> Total Fees	\$	150.72
Fees Received	\$	000.00
<hr/> Fees Due	\$	150.72

Please provide the requested information and fees by March 5, 2021 or the application may be returned pursuant to Title 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via email at hal.bailey@tceq.texas.gov or by telephone at (512) 239-4615.

Sincerely,

Hal E. Bailey, Jr.

Hal E. Bailey, Jr., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

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): Quicksand Partners, LTD

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

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

Y/N

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

Quicksand Partners LTD, who owns water right 14-1330, has completed a lease agreement

with water right 14-1338 (Van Carson ET AL Allie Devereaux) for a period of 5 years. This agreeer

both parties, states that 500 acre-feet (not to exceed) of water per year will be purchased from

Allie Devereaux WR 14-1338. Upon completion of this amendment, the water will be diverted by

at their established diversion point. This water will be used for agricultural and

recreational uses over the lease agreement contract period and not in perpetuity.

14-1338 contact information:

Allie Devereaux 4224 City Farm Road San Angelo TX 76905

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?

Quicksand Partners, LTD

(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 : _____ (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: **Jack Hutchison**

Title: **GM, Quicksand Partners, L^c**

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

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

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

Name: **Quicksand Partners LTD**

Mailing Address: **2305 Pulliam St**

City: **San Angelo**

State: **TX**

ZIP Code: **76905**

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: **75-2839175** 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: **Chuck Brown**

Title: **CEO**

Organization Name: **Hydro Corporation**

Mailing Address: **2320 W Ave L**

City: **San Angelo**

State: **TX**

ZIP Code: **76901**

Phone No.: **(325) 234-8017**

Extension:

Fax No.:

E-mail Address **[REDACTED]**

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

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

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

First and Last Name:

Title:

Organization Name:

Mailing Address:

City:

State:

ZIP Code:

Phone No.:

Extension:

Fax No.:

E-mail Address:

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

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

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

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

Account number:

Amount past due:

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

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

Enforcement order number:

Amount past due:

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

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

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

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Jack Hutchison GM, Quicksand Golf Course
(Typed or printed name) (Title)

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

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

Signature: _____ Date: _____
(Use blue ink)

Subscribed and Sworn to before me by the said

on this _____ day of _____, 20____.

My commission expires on the _____ day of _____, 20____.

Notary Public

[SEAL]

County, Texas

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

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

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

Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4691 to schedule a meeting. Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N (If yes, date : August 21, 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 **NO**
- b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? Y / N **NO** (If yes, indicate the Certificate or Permit number: _____)

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 **YES** (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: 14-1330

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

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

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

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

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

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

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

If yes, submit:

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

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

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

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

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

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

Additionally, all amendments require:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Worksheets and information:

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

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

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

Quicksand Partners LTD, who owns water right 14-1330, has completed a lease agree
with water right 14-1338 (Van Carson ET AL Allie Devereaux) for a period of 5 years. T
both parties, states that 500 acre-feet (not to exceed) of water per year will be purchas
Allie Devereaux WR 14-1338. Upon completion of this amendment, the water will be di
at their established diversion point. This water will be used for agricultural and

- 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 **N**

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

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

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

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

1. Location Information Regarding the Lands to be Irrigated

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

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

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

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

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

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

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

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

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

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

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

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

Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.
- c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
- d. See Worksheet 1.2, Marshall Criteria, and submit if required.
- e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

WORKSHEET 1.1

INTERBASIN TRANSFERS, TWC § 11.085

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

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

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

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

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

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

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

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

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

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

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

WORKSHEET 1.2 NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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

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

WORKSHEET 2.0

Impoundment/Dam Information

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

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

1. Storage Information (Instructions, Page. 21)

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

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

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

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

2. Structure Location (Instructions, Page. 23)

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

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

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

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

Latitude _____°N, Longitude _____°W.

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

- di. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):_____
- dii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N

WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

- a. This Worksheet is to add new (select 1 of 3 below):
1. _____ Diversion Point No.
 2. _____ Upstream Limit of Diversion Reach No.
 3. _____ Downstream Limit of Diversion Reach No.
- b. Maximum Rate of Diversion for **this new point** _____ cfs (cubic feet per second)
or _____ gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / N**
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches _____ cfs or _____ gpm*
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / N**

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

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

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

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

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

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

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

2. Diversion Location (Instructions, Page 25)

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

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

- d. Point is at:
Latitude _____°N, Longitude _____°W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): _____
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 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: **4** _____

Other, specify: _____

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: _____

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

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

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

For all bed and banks applications:

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

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

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

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

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

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

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

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

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans

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

Instructions, Page 31.

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

1. Water Conservation Plans

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

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

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

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

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

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

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

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

2. Drought Contingency Plans

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

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

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

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

- a. A **text file** that includes:
 1. an introduction explaining the water rights and what they authorize;
 2. an explanation of the fields in the accounting plan spreadsheet including how they are calculated and the source of the data;
 3. for accounting plans that include multiple priority dates and authorizations, a section that discusses how water is accounted for by priority date and which water is subject to a priority call by whom; and
 4. Should provide a summary of all sources of water.

- b. A **spreadsheet** that includes:
 1. Basic daily data such as diversions, deliveries, compliance with any instream flow requirements, return flows discharged and diverted and reservoir content;
 2. Method for accounting for inflows if needed;
 3. Reporting of all water use from all authorizations, both existing and proposed;
 4. An accounting for all sources of water;
 5. An accounting of water by priority date;
 6. For bed and banks applications, the accounting plan must track the discharged water from the point of delivery to the final point of diversion;
 7. Accounting for conveyance losses;
 8. Evaporation losses if the water will be stored in or transported through a reservoir. Include changes in evaporation losses and a method for measuring reservoir content resulting from the discharge of additional water into the reservoir;
 9. An accounting for spills of other water added to the reservoir; and
 10. Calculation of the amount of drawdown resulting from diversion by junior rights or diversions of other water discharged into and then stored in the reservoir.

WORKSHEET 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

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

2. AMENDMENT OR SEVER AND COMBINE

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

3. BED AND BANKS

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

FINAL DRAFT

Quicksand Partners, LTD.

2305 Pulliam Street, San Angelo, Texas 76905

This water rights lease agreement (“Agreement”) is made and entered into this 1st day of April 2020, by and between Quicksand Partners, LTD, a Texas corporation, whose address is 2305 Pulliam Street San Angelo, Texas 76905, and Allison Devereaux, (DBA Van W. Carson, ET AL), whose address is 4224 City Farm Rd, San Angelo, Tx 76905 (collectively the “Parties”).

Recitals

WHEREAS, Allison Devereaux (DBA Van W. Carson, ET AL) owns the rights to divert 500-acre feet of surface water, File No. 14-1338 permitted on December 19,1914, which allows the diversion of 500 acre feet of surface water, which water right is the subject of this Agreement;

WHEREAS, Allison Devereaux is the owner of Permit for surface water, dated December 19, 1914,(“Surface water Permit No. 14-1338”) which authorizes the diversion of not more than 500 acre-feet per year (“afy”) of surface water from the Concho River under certain terms and conditions set forth in the attached surface water Permit No. 14-1338.

WHEREAS, the Water rights Diversion Point/s for Permit 14-1338 are located in Tom Green County. Texas in the general vicinity of the Latitude 31.214918 and Longitude 100.498199.

WHEREAS, Allison Devereaux desires to lease 500 afy of her right to divert water associated with surface water Permit File No. 14-1338 to QSP, and QSP desires to lease such water; and,

WHEREAS, QSP will file all appropriate and necessary applications with the Texas Commission on Environmental Quality (TCEQ) to accomplish the objectives of this Agreement.

IT IS, THEREFORE, AGREED as follows:

1. The Recitals mentioned above are mutual covenants and are inducements for the making and execution of this Agreement.
2. Subject to the terms and conditions of surface water Permit File No. 14-1338 and any necessary approvals from the TCEQ, Allison Deveraux does hereby lease 500 afy of her right to divert water to QSP. The quantity of surface water rights not used by QSP on an annual basis under surface water Permit File No. 14-1338 will be available for use by Allison Devereaux. Deveraux shall ensure surface water Permit File No. 14-1338 has adequate recharge credits in any year prior to diverting groundwater under this Agreement up to its actual annual usage.
3. QSP shall pay AD \$50,000 per year for the lease of the 500 afy. Payment shall be made no later than the 30st day of April each year the lease is in effect. The term of this Agreement shall

be 5 years, with an option to renew for an additional 1 year upon written approval of both parties and as may be authorized by the laws of Texas and approval by the TCEQ. Allison Devereaux's or QSP's approval of a lease extension will not be unreasonably withheld. In the event the Parties fail to act after 5 years, unless there is actual notice of termination, the lease shall be extended by a one-year term. There shall be no consideration of compensation in excess of the agreed to yearly level to be paid by QSP during the extension year.

4. Surface water Permit No. 14-1338 requires that surface water diversions be metered and reported to the TCEQ Concho Watermaster by the 10th day of each month. QSP will provide a copy of the reports to AD as requested.

5. QSP will file all appropriate and necessary applications with the TCEQ for approval of the lease and transfer of the diversion point for the duration of the lease. QSP will pay all costs incurred in filing any such application and share costs with AD in defending any protest to the application, if a protest is filed, or in otherwise prosecuting the application but may cease prosecution of the application if it is protested. QSP will consult and coordinate with AD regarding the prosecution of any such application, and all decisions that could impact Surface water Permit No. 14-1338 will be made by QSP. Lease will be initiated upon the approval of the TCEQ to the lease provisions.

6. QSP affirms and warrants that it will do all acts required by law and regulation and take no actions which would adversely impact AD's rights under Surface water Permit No. 14-1338. If QSP fails to comply with any existing and/or future TCEQ requirements under Surface water Permit No. 14-1338, and if QSP fails or refuses to comply or correct such default, then AD shall give notice in writing to QSP of such default, specifying the nature and character thereof, and unless the default is corrected within 60 days after the receipt by QSP of such notice, this Agreement may be terminated at the sole discretion of AD.

7. QSP shall not assign this Agreement, or the benefits of this Agreement including any water diverted pursuant therefrom, without written permission from AD.

8. The Parties agree that the diversion point and related infrastructure will be designed and constructed for utilization in conjunction be located exclusively within Tom Green County. AD will agree to the transfer of the approved diversion point from its present location to the QSP permitted diversion point located at Latitude 31.27.24 and Longitude 100.22.22 for the duration of the lease period.

9. Notices related to actions regarding this Agreement may be made first by telephone or email to confirm forthcoming notice. The periods of time related to notices and cures shall not accrue until an actual written notice is sent to the addresses set forth in this paragraph:

QSP, 2305 Pulliam Street, San Angelo, Texas 76905, E-mail: [REDACTED] and Allison Devereaux , 4224 City Farm Rd, San Angelo, Tx 76905, E-mail: [REDACTED]

10. Any changes to this Agreement must be in writing and signed by the authorized representatives of the two Parties.

11. This Agreement shall be interpreted under the laws and regulations of the State of Texas. If disagreement occurs as to the meaning or effect of any provision of this Agreement, the parties commit to good faith cooperation in resolving such disagreement. If, however, litigation arises, the prevailing party will be entitled to recover reasonable costs and attorney's fees.

12. The Parties represent that they have carefully read and reviewed the terms of the Agreement and that they understand it.

13. The Parties further acknowledge that this instrument constitutes the entire Agreement and that all of the terms hereof are contractual and not mere recitals.

14. In the event that any provision contained in the Agreement shall be held void, unenforceable, invalid, or illegal by a court of competent jurisdiction, the remaining provisions of the Agreement shall not be held void, unenforceable, invalid or illegal and all such other provisions shall continue in full force and effect.

15. No provision of the Agreement is intended to create in the public or in any member thereof a third-party beneficiary status or to authorize anyone not a party to the Agreement a right to enforce any provision of the Agreement.

16. This Agreement shall inure to the benefit of and be binding upon the Parties' respective successors and assigns.

17. This Agreement may be executed in counterparts, each of which shall be deemed an original instrument, but all of which together shall constitute one and the same instrument.

This Agreement is made effective on the date first mentioned above.

Michael Black, QSP

Allison Devereaux
