

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 19-2154A

San Antonio Water System seeks to amend its portion of Certificate of Adjudication No. 19-2154 to add wetland purposes, add a place of use for wetland purposes and add a diversion point on Mitchell Lake, located on Rincon Creek, San Antonio River Basin in Bexar County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. San Antonio Water System, 2800 U.S. Hwy 281, San Antonio, TX, 78212, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Notice is being mailed to the co-owners of the certificate pursuant to Title 30 TAC § 295.158(c)(2)(A)&(B) and to the interjacent water right holders of record in the San Antonio River Basin pursuant to Title 30 TAC § 295.158(c)(3)(D).

A portion of Certificate of Adjudication No. 19-2154 authorizes San Antonio Water System to divert and use not to exceed 124.67 acre-feet of water per year from a point on the perimeter of Mitchell Lake, located on Rincon Creek, tributary of the Medina River, San Antonio River Basin, at a maximum diversion rate of 2.0 cfs (900 gpm), for agricultural purposes to irrigate 62.06 acres of land out of a 285.47-acre tract in Bexar County. The time priority of owner's right is March 28, 1916.

Applicant seeks to amend its portion of Certificate of Adjudication No. 19-2154 to add wetland purposes and add a place of use for wetland purposes being 194 acres out of 886.45 acres of land in Bexar County.

Applicant also seeks to add a second diversion point, for wetland purposes, on Mitchell Lake located at Latitude 29.291139° N, Longitude 98.496417° W in Bexar County, ZIP Code 78221.

The application and partial fees were received on April 22, 2021. Additional information and fees were received on May 20, 2021. The application was declared administratively complete and filed with the Office of the Chief Clerk on May 26, 2021.

The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would contain special conditions including, but not limited to, maintaining a measurement device. 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 December 20, 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 December 20, 2022. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by December 20, 2022.

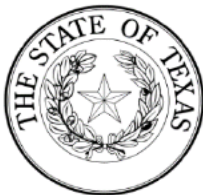
To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;"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

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

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 2154 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at <http://www.tceq.texas.gov/>. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: December 02, 2022

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 19-2154A

TYPE § 11.122

| | | | |
|--------------|--|------------|---|
| Owner: | San Antonio Water System | Address: | 2800 U.S. Hwy 281 San Antonio, Texas 78212 |
| Filed: | May 26, 2021 | Granted: | |
| Purposes: | Agriculture, Wetland | County: | Bexar |
| Watercourse: | Rincon Creek, tributary of the Medina River | Watershed: | San Antonio River Basin |

WHEREAS, a portion of Certificate of Adjudication No. 19-2154 authorizes San Antonio Water System (Owner/Applicant) to divert and use not to exceed 124.67 acre-feet of water per year from a point on the perimeter of Mitchell Lake, located on Rincon Creek, tributary of the Medina River, San Antonio River Basin, at a maximum diversion rate of 2.0 cfs (900 gpm), for agricultural purposes to irrigate 62.06 acres of land out of a 285.47-acre tract in Bexar County; and

WHEREAS, the time priority of owner's right is March 28, 1916; and

WHEREAS, Applicant seeks to amend its portion of Certificate of Adjudication No. 19-2154 to add wetland purposes and add a place of use for wetland purposes being 194 acres out of 886.45 acres of land in Bexar County; and

WHEREAS, Applicant also seeks to add a second diversion point, for wetland purposes, on Mitchell Lake located at Latitude 29.291139° N, Longitude 98.496417° W in Bexar County; and

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

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

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

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 19-2154, designated Certificate of Adjudication No. 19-2154A, is issued to San Antonio Water System subject to the following terms and conditions:

1. USE

In addition to the previous authorization, Owner is authorized to divert and use not to exceed 124.67 acre-feet of water per year from Mitchell Lake for wetland purposes within 194 acres out of 886.45 acres of land in Bexar County.

2. DIVERSION

- A. In addition to the previous authorization, Owner is authorized to divert water for wetland purposes from a second point on Mitchell Lake, San Antonio River Basin located at Latitude 29.291139° N, Longitude 98.496417° W in Bexar County.
- B. Maximum Combined Diversion Rate of 2.0 cfs (900 gpm).

3. SPECIAL CONDITIONS

- A. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens at the diversion structure(s).
- B. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point(s) authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- C. Owner shall allow representatives of the South Texas Watermaster reasonable access to the property to inspect the measuring device and records.
- D. Owner shall contact the South Texas 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. 19-2154, except as specifically amended herein.

This amendment is issued subject to all superior and senior water right holders in the San Antonio 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:

From: [Jim Mathews](#)
To: [Sarah Henderson](#)
Cc: [Jennifer Windscheffel B](#); [Mark Brewton E](#); [Gregg Eckhardt](#); [Ben Mathews](#)
Subject: Re: San Antonio Water System ADJ No. 19-2154A
Date: Friday, November 18, 2022 12:35:40 PM

Sarah, thanks for the chance to review. The draft permit seems consistent with the application. SAWS has no objection.
Please let us know when the notice is mailed to co-owners and interjacentes.

From: Sarah Henderson <sarah.henderson@tceq.texas.gov>
Date: Friday, November 4, 2022 at 5:51 PM
To: Jim Mathews [REDACTED]
Subject: San Antonio Water System ADJ No. 19-2154A

Mr. Mathews,

Please find the attached draft public notice, draft amendment and related technical memoranda for your review.

Any comments are requested by November 18, 2022.

Thank you,

Sarah

Sarah Henderson
Water Rights Permitting Team
Water Availability Division
Texas Commission on Environmental Quality
P.O. Box 13087/MC-160
Austin, TX 78711-3087
(P) 512.239.2535
(F) 512.239.4770

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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

November 4, 2022

Mr. Jim Mathews
Mathews & Freeland, LLP
8140 N. MoPac, Suite #4-200
Austin, Texas 78759

VIA E-MAIL

RE: San Antonio Water System
ADJ 2154
CN600529069, RN102861879
Application No. 19-2154A to Amend Certificate of Adjudication No. 19-2154
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Rincon Creek, San Antonio River Basin
Bexar County

Dear Mr. Mathews:

Drafts, subject to revision, of the public notice, proposed amendment to Certificate of Adjudication No. 19-2154, 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 November 18, 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. 19-2154 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 sarah.henderson@tceq.texas.gov or by telephone at (512) 239-2535.

Sincerely,

Sarah Henderson

Sarah Henderson, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 19-2154A

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Applicant also seeks to add a second diversion point, for wetland purposes, on Mitchell Lake located at Latitude 29.291139° N, Longitude 98.496417° W in Bexar County, ZIP Code 78221.

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

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

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

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

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

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

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

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 2154 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at <http://www.tceq.texas.gov/>. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 19-2154A

TYPE § 11.122

| | | | |
|--------------|--|------------|---|
| Owner: | San Antonio Water System | Address: | 2800 U.S. Hwy 281 San Antonio, Texas 78212 |
| Filed: | May 26, 2021 | Granted: | |
| Purposes: | Agriculture, Wetland | County: | Bexar |
| Watercourse: | Rincon Creek, tributary of the Medina River | Watershed: | San Antonio River Basin |

WHEREAS, a portion of Certificate of Adjudication No. 19-2154 authorizes San Antonio Water System (Owner/Applicant) to divert and use not to exceed 124.67 acre-feet of water per year from a point on the perimeter of Mitchell Lake, located on Rincon Creek, tributary of the Medina River, San Antonio River Basin, at a maximum diversion rate of 2.0 cfs (900 gpm), for agricultural purposes to irrigate 62.06 acres of land out of a 285.47-acre tract in Bexar County; and

WHEREAS, the time priority of owner's right is March 28, 1916; and

WHEREAS, Applicant seeks to amend its portion of Certificate of Adjudication No. 19-2154 to add wetland purposes and add a place of use for wetland purposes being 194 acres out of 886.45 acres of land in Bexar County; and

WHEREAS, Applicant also seeks to add a second diversion point, for wetland purposes, on Mitchell Lake located at Latitude 29.291139° N, Longitude 98.496417° W in Bexar County; and

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

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

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

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 19-2154, designated Certificate of Adjudication No. 19-2154A, is issued to San Antonio Water System subject to the following terms and conditions:

1. USE

In addition to the previous authorization, Owner is authorized to divert and use not to exceed 124.67 acre-feet of water per year from Mitchell Lake for wetland purposes within 194 acres out of 886.45 acres of land in Bexar County.

2. DIVERSION

- A. In addition to the previous authorization, Owner is authorized to divert water for wetland purposes from a second point on Mitchell Lake, San Antonio River Basin located at Latitude 29.291139° N, Longitude 98.496417° W in Bexar County.
- B. Maximum Combined Diversion Rate of 2.0 cfs (900 gpm).

3. SPECIAL CONDITIONS

- A. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens at the diversion structure(s).
- B. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point(s) authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- C. Owner shall allow representatives of the South Texas Watermaster reasonable access to the property to inspect the measuring device and records.
- D. Owner shall contact the South Texas 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. 19-2154, except as specifically amended herein.

This amendment is issued subject to all superior and senior water right holders in the San Antonio River Basin.

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

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

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

For the Commission


Date Issued:

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Sarah Henderson, Project Manager
Water Rights Permitting Team

Date: August 18, 2022

Through: Leslie Patterson, Team Leader 
Resource Protection Team

From: Jade Rutledge, Aquatic Scientist
Resource Protection Team

Subject: San Antonio Water System
ADJ 2154
CN600529069
Rincon Creek, San Antonio River Basin
Bexar 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

A portion of Certificate of Adjudication No. 19-2154 (Certificate) authorizes San Antonio Water System (SAWS/Applicant) to divert 124.67 acre-feet of water per year from a point on Rincon Creek (Mitchell Lake), San Antonio River Basin, at a maximum diversion rate of 2.0 cfs (900 gpm), for agricultural purposes in Bexar County.

SAWS requests to amend its portion of the Certificate to add a diversion point on Mitchell Lake, add wetland purposes, and add a place of use for wetland purposes in Bexar County.

ENVIRONMENTAL ANALYSIS

Aquatic and Riparian Habitats: The Applicant's proposed diversion point is located on Mitchell Lake, a reservoir, on Rincon Creek in the Northern Blackland Prairie ecoregion (Griffith et al. 2007).

The checklist for the San Antonio River Basin identified 45 species of ichthyofauna occurring within the Medina hydrologic unit (United States Geological Survey [USGS] code 12100302) (Hendrickson and Cohen 2015). Guadalupe bass (*Micropterus treculii*) and false spike (*Fusconaia mitchelli*), high-interest aquatic species, have been determined to occur in Bexar County (TPWD 2015). This

amendment is not expected to have an effect on any high-interest aquatic or aquatic-dependent species because no additional state water is being requested.

The Applicant has agreed to install screens on any new diversion structures in order to minimize entrainment and impingement of aquatic organisms. The Applicant's request is not expected to adversely impact aquatic and riparian habitats in the area.

On August 8, 2012, the TCEQ adopted environmental flow standards for the Guadalupe, San Antonio, Mission, and Aransas Rivers, and Mission, Copano, Aransas, and San Antonio Bays (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter E). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC §298.360). The Applicant does not request a new appropriation of water or an amendment that increases the amount of water stored, taken, or diverted; therefore, the environmental flow standards do not apply.

Although the Applicant is requesting to add a diversion point, Resource Protection staff does not recommend a streamflow restriction for the change in diversion point, because the proposed point is on the same reservoir as the Applicant's existing point.

Recreational Uses: Mitchell Lake has a presumed primary contact recreation 1 use (TCEQ 2018). The Applicant's request should not adversely impact recreational uses.

Water Quality: Mitchell Lake has a presumed high aquatic life use (TCEQ 2018). 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 application does not request a new appropriation of water. Therefore, the Applicant's request should not have any impact to San Antonio Bay.

RECOMMENDATIONS

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

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

LITERATURE CITED

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

Hendrickson DA, Cohen AE. 2015. Fishes of Texas Project Database [Internet]. [cited 2022 June 28]; Version 2.0. Available from <http://www.fishesoftexas.org/home/> doi:10.17603/C3WC70

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

TPWD. 2015. TPWD County Lists of Texas Protected Species and Species of Greatest Conservation Need [Internet]. Austin (TX): Bexar County, revised March 17, 2022. [2022 June 28]. Available from <http://tpwd.texas.gov/gis/rtest/>.


Jade Rutledge

Jade Rutledge, Aquatic Scientist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Sarah Henderson, Project Manager **Date:** August 17, 2022
Water Rights Permitting Team

Through: Leslie Patterson, Team Leader 
Resource Protection Team

From: Trent Jennings, Water Conservation Specialist
Resource Protection Team

Subject: San Antonio Water System
ADJ 2154A
CN600529069
Rincon Creek, San Antonio River Basin
Bexar County

APPLICATION SUMMARY

A portion of Certificate of Adjudication No. 19-2154 (Certificate) authorizes San Antonio Water System (SAWS) to divert 124.67 acre-feet of water per year from a point on Rincon Creek (Mitchell Lake), San Antonio River Basin, at a maximum diversion rate of 2.0 cfs (900 gpm), for agricultural purposes to irrigate 62.06 acres of land out of a 285.47-acre tract in Bexar County.

SAWS requests to amend its portion of the Certificate to add a diversion point on Mitchell Lake, add wetland purposes, and add a place of use for wetland purposes, being 194 acres out of an 886.45-acre tract of land, in Bexar County.

WATER CONSERVATION REVIEW

The application requesting diversion for wetland purposes functions analogous to an impoundment for in-place use.

Pursuant to Title 30 Texas Administrative Code §295.9(5), applications to impound water for in-place use are exempt from submitting a water conservation plan.

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

RECOMMENDATIONS

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


Trent Jennings, Water Conservation Specialist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Sarah Henderson, Project Manager Date: October 03, 2022
Water Rights Permitting Team

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

TG Trent Gay, Team Leader
Surface Water Availability Team

From: John-Cody Stalsby, Hydrologist
Surface Water Availability Team

Subject: San Antonio Water System
ADJ 2154A
CN600529069
Rincon Creek, San Antonio River Basin
Bexar County

HYDROLOGY REVIEW

Application Summary

A portion of Certificate of Adjudication No. 19-2154 (Certificate) authorizes San Antonio Water System (SAWS) to divert 124.67 acre-feet of water per year from a point on Rincon Creek (Mitchell Lake), San Antonio River Basin, at a maximum diversion rate of 2.0 cfs (900 gpm), for agricultural purposes in Bexar County.

SAWS requests to amend its portion of the Certificate to add a diversion point on Mitchell Lake, add wetland purposes, and add a place of use for wetland purposes in Bexar County.

The application was declared administratively complete on May 26, 2021.

Hydrology Review

Resource Protection staff did not recommend that the application be subject to instream flow requirements; however, they did recommend other special conditions. See Resource Protection staff's August 18, 2022 memorandum.

The application does not request a new appropriation of water; therefore, a water availability analysis is not necessary. However, the application must be reviewed to ensure that no water rights are affected by the request.

The request to add another diversion point on Mitchell Lake cannot affect other water rights because the request does not increase the maximum amount of water authorized for diversion or the diversion rate.

In addition, the application is subject to the requirements and orders of the South Texas Watermaster. The Watermaster actively manages water rights on a daily basis and protects senior water rights in times of shortage. This should provide additional protection for senior water rights.

Conclusion

Staff can support granting the application.

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



John-Cody Stalsby, Hydrologist

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Sarah Henderson, Project Manager
Water Rights Permitting Team

DATE: May 26, 2021

SUBJECT: San Antonio Water System
ADJ 2154
CN600529069, RN102861879
Application No. 19-2154A to Amend Certificate of Adjudication No.
19-2154
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Rincon Creek, San Antonio River Basin
Bexar County

The application and partial fees were received on April 22, 2021. Additional fees were received May 20, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 26, 2021. Mailed notice to the co-owners of record and to the interjacent water right holders of record in the San Antonio River Basin is required pursuant to Title 30 Texas Administrative Code §§ 295.158(c)(2)(A)&(B) and 295.158(c)(3)(D).

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

Sarah E Henderson

Sarah Henderson, 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

May 26, 2021

Mr. Jim Mathews
Mathews & Freeland, LLP
8140 N. Mopac, Suite #4-200
Austin, Texas 78759

VIA EMAIL

RE: San Antonio Water System
ADJ 2154
CN600529069, RN102861879
Application No. 19-2154A to Amend Certificate of Adjudication No. 19-2154
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Rincon Creek, San Antonio River Basin
Bexar County

Dear Mr. Mathews:

This acknowledges receipt, on May 20, 2021, of additional information and fees in the amount of \$8.82 (Receipt No. M118050, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on May 26, 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 sarah.henderson@tceq.texas.gov or by telephone at (512) 239-2535.

Sincerely,

Sarah E Henderson

Sarah Henderson, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



21-MAY-21 03:11 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

| <u>Fee Description</u> | <u>Fee Code</u> <u>Account#</u> <u>Account Name</u> | <u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u> | <u>Check Number</u> <u>Card Auth.</u> <u>User Data</u> | <u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u> | <u>Slip Key</u> <u>Document#</u> | <u>Tran Date</u> | <u>Tran Amount</u> |
|------------------------|---|---|--|---|-------------------------------------|------------------|--------------------|
| WTR USE PERMITS | WUP | M118049 | 7104 | | BS00087082 | 21-MAY-21 | -\$100.00 |
| <i>?</i> - | WUP | ADJ232751 | 052121 | N | D1803385 | | |
| | WATER USE PERMITS | JARVIS, GLENN (LAW OFFICES) | RHDAVIS | CK | | | |
| | WUP | M118050 | 9195 | | BS00087082 | 21-MAY-21 | -\$8.82 |
| <i>S. Henderson</i> - | WUP | ADJ192154 | 052121 | N | D1803385 | | |
| | WATER USE PERMITS | MATHEWS & FREELAND LP | RHDAVIS | CK | | | |
| | WUP | M118051 | 7810 | | BS00087082 | 21-MAY-21 | -\$100.00 |
| <i>L. Moore</i> - | WUP | ADJ74314 | 052121 | N | D1803385 | | |
| | WATER USE PERMITS | FORTENBERRY , JOYCE | RHDAVIS | CK | | | |
| Total (Fee Code): | | | | | | | -\$208.82 |

MATHEWS & FREELAND, L.L.P.

ATTORNEYS AT LAW

JIM MATHEWS
JOE FREELAND

Westpark II, Suite 260
8140 North MoPac Expressway
AUSTIN, TEXAS 78759

(512) 404-7800
FAX: (512) 703-2785

May 18, 2021

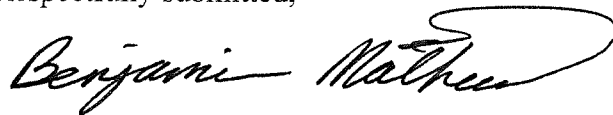
Ms. Sarah Henderson, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality
P.O. Box 13087, MC-160
Austin, Texas 78711-3087

Re: Application to amend Certificate of Adjudication 19-2154

Dear Ms. Henderson:

I am in receipt of your May 17, 2021 letter acknowledging receipt of San Antonio Water System's application to amend Certificate of Adjudication 19-2154. In this letter you requested remittance of additional fees in the amount of \$8.82 before the application can be declared administratively complete. Enclosed please find a check made out for this amount. Please contact our office if you have further questions.

Respectfully submitted,



Benjamin Mathews
Mathews and Freeland, LLP
Attorneys for San Antonio Water System

Enclosure: Check No. 9195

RECEIVED

MAY 20 2021

Water Availability Division

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 17, 2021

Mr. Jim Mathews
Mathews & Freeland, LLP
8140 N. Mopac, Suite #4-200
Austin, Texas 78759

VIA EMAIL

RE: San Antonio Water System
ADJ 2154
CN600529069, RN102861879
Application No. 19-2154A to Amend Certificate of Adjudication No. 19-2154
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Rincon Creek, San Antonio River Basin
Bexar County

Dear Mr. Mathews:

This acknowledges receipt, on April 22, 2021, of the referenced application and partial fees in the amount of \$112.50 (Receipt No. M116900, copy attached).

Before the application can be declared administratively complete, remit fees in the amount of **\$8.82** 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 |
| <u>Notice Fee (3 WR Holders x \$2.94)</u> | <u>\$ 8.82</u> |
| Total Fees | \$ 121.32 |
| <u>Fees Received</u> | <u>\$ 112.50</u> |
| Fees Due | \$ 8.82 |

Please provide the requested information and fees by June 16, 2021 or the application may be returned pursuant to 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter please contact me via email at sarah.henderson@tceq.texas.gov or by telephone at (512) 239-2535.

Sincerely,

Sarah E Henderson

Sarah Henderson, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



22-APR-21 02:27 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

| <u>Fee Description</u> | <u>Fee Code</u> <u>Account#</u> <u>Account Name</u> | <u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u> | <u>Check Number</u> <u>Card Auth.</u> <u>User Data</u> | <u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u> | <u>Slip Key</u> <u>Document#</u> | <u>Tran Date</u> | <u>Tran Amount</u> |
|------------------------|---|---|--|---|-------------------------------------|------------------|--------------------|
| WTR USE PERMITS | WUP | M116898 | 29308 | | BS00086748 | 22-APR-21 | -\$100.00 |
| | WUP | ADJ141643 | 042221 | N | D1803168 | | |
| WATER USE PERMITS | | OATMAN LAND | JARIVERA | CK | | | |
| | | TITLES INC | | | | | |
| | WUP | M116899 | 2138 | | BS00086748 | 22-APR-21 | -\$100.00 |
| | WUP | ADJ2777001 | 042221 | N | D1803168 | | |
| WATER USE PERMITS | | FENDER JR, | JARIVERA | CK | | | |
| | | HARRIS R | | | | | |
| | WUP | M116900 | 9192 | | BS00086748 | 22-APR-21 | -\$112.50 |
| | WUP | 192154 | 042221 | N | D1803168 | | |
| WATER USE PERMITS | | MATHEWS & | JARIVERA | CK | | | |
| | | FREELAND | | | | | |
| | | LLP | | | | | |
| Total (Fee Code): | | | | | | | -\$312.50 |

RECEIVED

APR 26 2021

Water Availability Division

MATHEWS & FREELAND, L.L.P.

ATTORNEYS AT LAW

JIM MATHEWS
JOE FREELAND

Westpark II, Suite 260
8140 North MoPac Expressway
AUSTIN, TEXAS 78759

(512) 404-7800
FAX: (512) 703-2785

April 21, 2021

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

Re: Application to amend Certificate of Adjudication 19-2154

Dear Ms. McGregor:

Enclosed please find San Antonio Water System's (SAWS) application to amend Certificate of Adjudication 19-2154. Under this water right SAWS is currently authorized to divert 124.67 acre-feet of water from the south end of Mitchell Lake for agricultural use on land southeast of the lake. The requested amendment seeks to add a second diversion point on the north end of Mitchell Lake to allow diversion of this water for wetland purposes to basins on the Mitchell Lake Wildlife Refuge managed by the Audubon Society. No changes in the diversion amount or rate of diversion are requested.

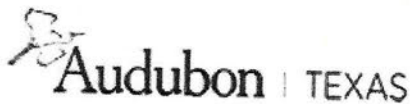
The wetland habitats at the Mitchell Lake Wildlife Refuge are an important ecosystem for migratory birds, used by more than 330 species for feeding and sheltering purposes. Audubon relies on these wetland habitats to support its mission of protecting avian wildlife through educational, cultural, and scientific and research programs. A letter from Audubon supporting this requested amendment is attached.

Because of recent sustained dry conditions, the wetlands at the wildlife refuge are significantly drying up, adversely affecting the habitat for native and migratory bird population. If this amendment is granted, water from SAWS's diversion authorization under COA 19-2154 would be used to restore and sustain these wetland habitats and assist Audubon in its programs that enjoy broad public support. For these reasons, SAWS requests that you expedite this amendment request to the extent possible given your substantial workload.

Respectfully submitted,



Jim Mathews
Mathews and Freeland
Attorneys for San Antonio Water System



7700 Hwy 71 West, Suite 330
Austin, TX 78735

9 April 2021

tx.audubon.org

Ms. Sarah Henderson
Dr. Kathy Alexander
Texas Commission on Environmental Quality
P.O. Box 13087, MC 160
Austin, Texas 78711-3087

Dear Ms. Henderson and Dr. Alexander:

The National Audubon Society is writing in support of San Antonio Water System's application to amend Certificate of Adjudication 19-2154, which seeks to add a new diversion point near the north end of Mitchell Lake and authorize use of 124.67 acre-feet of currently permitted water for wetlands purposes.

Pursuant to a 2004 Lease and Operating Agreement between the San Antonio Water System and National Audubon Society, Inc., and subsequent amendments, Audubon operates the Mitchell Lake Audubon Center in the wetland area which this water will support. The City of San Antonio established Mitchell Lake as a Refuge for Shore Birds and Waterfowl in 1973, and Audubon operates it as such.

The wetlands area is an important ecosystem for birds migrating along the Central Flyway. More than 340 species of neotropical migratory birds, over half the species that fly through Texas, are known to use the site to refuel, rest, and breed. The site is one of Audubon's foremost locations for advancing our mission to protect birds and the places they need, today and tomorrow, using science, advocacy, education, and on-the-ground conservation.

Though our partnership with San Antonio Water System, our educational and research programs promote environmental stewardship and offer important community benefits. For example, Audubon's programs have helped elevate San Antonio as a world-class eco-cultural tourism destination, recognized regionally, nationally, and internationally for its unique cultural, historical, and natural assets and experiences. Our programs enjoy widespread support from community leaders and citizens.

San Antonio experienced significantly less than average rainfall in the last two years. As a result, the current lack of water in the wetlands are impacting waterfowl habitat. At this time, the majority of the wetlands area is dry and uninhabitable, limiting our ability to uphold our mission and move forward with educational programs.

For this reason, we support SAWS application and appreciate your consideration of processing it in an expedited manner.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Suzanne Dixon".

Suzanne Dixon
Acting Executive Director, Audubon Texas

Addendum 1- Summary of Application

San Antonio Water System
Application to Amend COA 19-2154
Addendum 1—Summary of Application

A. Statutory Authority for Application

This application is submitted pursuant to Texas Water Code §11.122 (b) to request an amendment to Certificate of Adjudication 19-2154. Applicant, San Antonio Water System (SAWS), is part owner of COA 19-2154. This water right authorizes SAWS to divert up to 124.67 acre-feet of water per year from Mitchell Lake for agricultural purposes. SAWS requests a simple amendment to this existing right that does not contemplate an additional consumptive use of state water or an increased rate or period of diversion and has no potential to adversely affect other water rights or the environment. The requested amendment seeks only to add a new diversion point and a new place and purpose of use.

B. Summary of Existing Water Right

In 2018, SAWS acquired a 285.47-acre tract of land and associated water right authorized by COA 19-2154. In 2019 SAWS submitted to TCEQ a change of ownership form requesting that its ownership for this water right be shown in the Commission's records. By memo dated March 13, 2019, TCEQ recognized SAWS' right to divert 124.67 acre-feet of water per year from Mitchell Lake for Agricultural Purposes to irrigate 62.06 acres out of the 285.47-acre tract. The priority date of this water right is March 28, 1916. The diversion point is on the south end of Mitchell Lake as shown in the map attached to Addendum 3-Supplement to Worksheet 3.0.

C. Specific Amendments Requested Through This Application

SAWS requests the following specific amendments to COA 19-2154:

- a) Add a new diversion point at the location shown on the map attached to Addendum 3- Supplement to Worksheet 3.0.
- b) Add a new authorized place of use allowing the 124.67 acre-feet of water SAWS is currently authorized to divert to be used on 194 acres out of the 886.45-acre tract described in the deed attached to Addendum 3- Supplement to Worksheet 3 north of Mitchell Lake
- c) Add a new authorization allowing the water diverted at the new diversion point to be used for wetland purposes.

Addendum 1- Summary of Application

D. No Adverse Impact on Other Water Right Holders or the Environment.

The locations of the existing diversion point and the proposed additional diversion point are shown on the map attached to Addendum 3- Supplement to Worksheet 3.0. Both are located on the same contiguous tract owned by the City of San Antonio. SAWS is currently authorized to divert and consumptively use 124.67 acre-feet of water from the southern end of Mitchell Lake. SAWS requested amendment does not increase the amount of water authorized to be diverted or change the rate of diversion. Instead, it simply adds an additional diversion point on the northern end of Mitchell Lake and authorizes use of the currently permitted water for wetland purposes on a wildlife refuge north of Mitchell Lake.

E. Need for Requested Amendments

The National Audubon Society (“Audubon”) operates the Mitchell Lake Wildlife Refuge (“Refuge”) on approximately 600 acres of land north of Mitchell Lake pursuant to a lease and operating agreement with SAWS, the City of San Antonio’s exclusive agent for management of this property. Part of this land is wetland habitat that Audubon describes as “one of the last critical stopover grounds before the Texas Coast” for 98.5% of long-distance migratory species in the U.S. This habitat is used by Audubon for educational, cultural, wildlife management and scientific and research purposes.

Because of recent sustained dry conditions, these wetlands are significantly drying up, adversely affecting the habitat for native and migratory bird populations at the Refuge. If this amendment is granted, water from SAWS’s diversion authorization under COA 19-2154 would be used to restore and sustain these wetland habitats and assist Audubon in its programs that enjoy broad public support.

APPLICATION TO AMEND COA 19-2154
Evaluation of Factors Enumerated in *City of Marshall* Opinion

On June 9, 2006, the Texas Supreme Court issued an opinion in the case of the *City of Marshall v. City of Uncertain* that identified factors the TCEQ must consider when determining if public notice is required for an application to amend a water right under Water Code §11.122(b), commonly referred to as the “full use authorization” provision” or “four corners doctrine”. The court held that the “subject to meeting all other applicable requirements” clause in §11.122(b) required the Commission to determine, based on the application, whether the proposed amendment impacts substantive criteria, other than the full use assumption, imposed by the Water Code and Commission Rules.

In the interest of expediting the processing of its application, San Antonio Water System (SAWS) addresses each of the Marshall factors below and submits that this application for amendment to COA 19-2154, is consistent with each of the factors such that public notice of this application for amendment should not be required.

Administrative Requirements and Fees. SAWS has submitted a complete application that meets the applicable administrative requirements of the Water Code and 30 TAC 281, 295, and 297. The amendment application includes all required documents, including a sworn application, completed TCEQ forms, fees, etc.

Beneficial Use. *City of Marshall* states that proposed appropriations of state water must be for a beneficial use. Under Texas Water Code §11.002, "beneficial use" means “use of the amount of water which is economically necessary for a purpose authorized by this chapter, when reasonable intelligence and reasonable diligence are used in applying the water to that purpose...” As explained in the Summary of Application, SAWS plans to use the water subject to this application for beneficial use in restoring and maintaining wetland habitats used for wildlife management in the Mitchell Lake Wildlife refuge managed by the National Audubon Society. Accordingly, the water will be put to beneficial use.

Public Welfare. A proposed appropriation of state water must not be detrimental to the public welfare. The Texas Water Code does not define “detriment to public welfare” and the TCEQ has wide discretion in determining what constitutes a benefit or detriment to the public welfare. SAWS requested amendment will allow it to assist the Audubon Society in restoring and maintaining wetland habitats that provide shelter and feeding to wildlife and migratory waterfowl. These resources are vital to Audubon’s mission to provide educational and research opportunities about Texas wildlife. These uses will benefit the public welfare.

Groundwater Effects. A proposed appropriation of state water must consider effects of the proposed permit on groundwater or groundwater recharge. Although not seeking a new or increased appropriation of state water, Applicant submits that issuance of the requested amendments will have no adverse effect on groundwater supply. These wetlands and basins to receive water from SAWS requested diversions have been inundated for decades during wet periods and with no evidence of an adverse effect on groundwater.

Consistency with Regional and State Plan. The requested amendment does not increase the currently authorized diversion rate or amount. The water that is the subject of this application is not contemplated for use by others in the 2017 state and 2021 regional plans.

Avoidance of Waste and Achievement of Water Conservation. Applicant will avoid waste and achieve water conservation by communicating with Audubon and diverting only as necessary to maintain an appropriate wetland environment needed to support Audubon's mission for the Refuge.

Adverse Impact on Water Right Holders and the Environment. The requested amendment will not change the authorized diversion rate or amount. Accordingly, this amendment will not result in consumption of any greater amount of water than that authorized under full utilization of the existing water right.

Addendum 3- Supplement to Worksheet 3.0

This addendum provides the following supplemental materials requested by Worksheet 3.0
Diversion Point Information:

- 2.c Deed describing tract that includes the diversion structure.
- 2.f Map identifying the diversion point.

2.c Deed describing tract that includes the diversion structure.

ORIGINAL DEED TO CITY FOR MITCHELL LAKE
AUGUST 26, 1963 - VOL. 4999/728-733

876.91 AC
9.54 AC
86.45 AC

VOL 4999 PAGE 728

EXECUTED this 23rd day of August, A. D. 1963.

ATTEST:

Laura V. Cassler
Secretary

ESSAY BUILDERS, INC.

By: John M. Schaefer
President

(Single acknowledgment)

THE STATE OF TEXAS
COUNTY OF BEXAR

Before me, the undersigned authority, on this day personally appeared John M. Schaefer, President of Essay Builders, Inc., a Corporation,

known to me to be the person whose name subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said Corporation and in the capacity therein stated.

Given under my hand and seal of office on this the 23rd day of August, A. D. 1963.



William A. Seipel
Notary Public in and for Bexar County, Texas.

WILLIAM A. SEIPEL
Notary Public, Bexar County, Texas

Filed for record Aug 30, 1963, at 3:20 o'clock P M.
Recorded Sept 12, 1963, at 1:15 o'clock P M.

JAMES W. KNIGHT, County Clerk, Bexar County, Texas.

By T. A. Sowell Deputy.

524016

STATE OF TEXAS I
COUNTY OF BEXAR I

KNOW ALL MEN BY THESE PRESENTS:

That we, ELIZABETH CASSIN BARTLETT, a widow of San Antonio, Texas, and P. H. SWEARINGEN, Independent Executor and Trustee under the Will of Clara May Brooks Trickutt, Deceased, of San Antonio, Texas, for and in consideration of the sum of Twenty-Five Thousand and No/100 (\$25,000.00) Dollars in cash, to us in hand paid by the CITY OF SAN ANTONIO in Bexar County, State of Texas, the receipt of which is hereby acknowledged, have and by these presents do GRANT, SELL and CONVEY, subject to the further provisions hereof, unto the said City of San Antonio in Bexar County, State of Texas, the following described property situated in Bexar County, Texas, to-wit:

FIRST TRACT: The property known as "Mitchell Lake", containing 876.91 acres, more or less;

SECOND TRACT: 9.54 acres adjoining Mitchell Lake, together with the roadway to said tract;

both of said tracts being more fully described in Exhibit "A" hereto attached and made a part hereof.

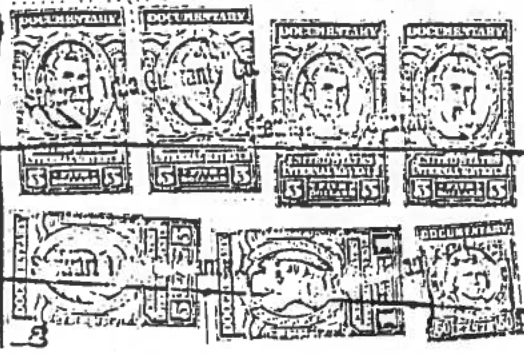
This conveyance is subject to any outstanding easements, water rights, conveyances and contracts now recorded in the Deed Records of Bexar County, Texas, among which are the following:

1. Water rights conveyed in Deed from Lila Moore Brooks, Individually and as Independent Executrix of the Estate of S. J. Brooks, deceased, and Clara May Brooks Trickett, Individually and as Independent Executrix of the Estate of S. J. Brooks, deceased, to Raymon R. Midgett, dated June 16, 1943, recorded in Volume 1969, pages 541 et seq., Deed Records of Bexar County, Texas.
2. Water rights conveyed in Deed from Lila M. Brooks, Individually and as Independent Executrix of the Estate of S. J. Brooks, deceased, and P. H. Swearingen, Independent Executor and Trustee of the Estate of Clara May Brooks Trickett, deceased, to Curtis E. Norman, dated August 3, 1951, recorded in Volume 3063, pages 228 et seq., Deed Records of Bexar County, Texas.
3. This conveyance is subject to the provisions of the Ordinance Contract between the City of San Antonio, Charlotte Cassin, and others, approved May 30, 1932, and which is recorded in Volume 1309, at page 248, Deed Records of Bexar County, Texas.
4. Second Tract, covering 9.54 acres, more or less, is subject to Lease Agreement dated September 24, 1962, but effective as of September 1, 1962, from Elizabeth C. Bartlett, a feme sole, and P. H. Swearingen, Independent Executor and Trustee of the Estate of Clara May Brooks Trickett, deceased, to Outdoor Sports, Inc., which terminates August 31, 1963.

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Vol 4330 pg 729

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, the City of San Antonio in Bexar County, State of Texas, its successors and assigns forever. This conveyance is made without warranty of title, express or implied.

EXECUTED this the 26th day of August, 1963.



Elizabeth Cassin Bartlett
Elizabeth Cassin Bartlett

P. H. Swearingen
P. H. Swearingen, Independent Executor
and Trustee under the Will of Clara
May Brooks Trickett, Deceased



STATE OF TEXAS I
COUNTY OF BEXAR I

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Elizabeth Cassin Bartlett, a widow, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 27 day of August, 1963.

Estaleen E. Baker
Notary Public, Bexar County, Texas
ESTALEEN E. BAKER
Notary Public in and for Bexar County, Texas

4489 / 730

NOTARY PUBLIC
BEXAR COUNTY TEXAS

STATE OF TEXAS I
COUNTY OF BEXAR I

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared P. H. Swearingon, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 26 day of August, 1963.

Margaret N. Sheehan
Notary Public, Bexar County, Texas
Margaret N. Sheehan



EXHIBIT "A"

(Attached to Deed dated August 26, 1963, executed by Elizabeth Cassin Bartlett, et al, Grantors, to the City of San Antonio, Grantee)

FIRST TRACT:

That certain tract of land situated in the County of Bexar, State of Texas, designated as "Mitchell Lake", and described by field notes as follows:

BEGINNING at corner of fence on East margin of State Highway 9, the Pleasanton Road, said corner of fence marking the southwest corner of a tract of 38.6 acres conveyed by the Mission Irrigated Farms Company to Winchester Kelso by deed

dated February 17, 1918, and recorded in the Deed Records of Bexar County, in Volume 453, Page 474; Thence N. 54° 2' East 615 feet and S. 72° 1' East 278.35 feet to a stake on the West side of Mitchell Lake and on the 525 foot contour line for the Beginning point of this survey; Thence with said contour line as follows, to-wit: N. 62° 5' East 104.36 feet, N. 4° 31' East 238.50 feet, N. 71° 47½' East 101.40 feet, N. 12° 35½' East 348.60 feet, S. 74° 16' West 425.15 feet, N. 15° 51½' East 278.35 feet, N. 51° 48½' East 275.35 feet, N. 18° 29' West 312.20 feet, N. 30° 55' West 338.10 feet, N. 62° 21' West 106.70 feet, S. 62° 29½' West 221.45 feet, S. 35° 42' West 121.65 feet, N. 87° 30½' West 133.25 feet, S. 30° 59½' West 171.70 feet, N. 19° 49' West 192.85 feet, North 87° 36' West 89.50 feet, S. 39° 47½' West 88.34 feet, N. 30° 50' West 90.80 feet, N. 61° 14½' West 182.05 feet, N. 68° 19½' West 211.10 feet, S. 89° 44' West 210.50 feet, N. 38° 19' West 98.55 feet to a stake 1.5 feet Easterly and 1.0 foot Southerly of the Northwest corner of said Winchester Kelso tract; Thence N. 71° 33½' East 138.75 feet, N. 79° 32½' East 184.70 feet, S. 81° 23½' East 221.55 feet, S. 84° 57½' East 251.55 feet, N. 62° 12½' East 179.50 feet, N. 30° 36½' East 188.50 feet, N. 3° 55' East 170.75 feet, N. 37° 52' East 142.05 feet, S. 27° 21' East 224.20 feet, S. 46° 35½' East 85.65 feet, N. 69° 28½' East 137.15 feet, N. 55° 43½' East 214.30 feet, S. 40° 15½' East 80.80 feet, N. 76° 40' East 115.25 feet, S. 83° 35' East 129.80 feet, N. 89° 15' East 224.00 feet, N. 73° 21' East 83.60 feet, N. 34° 28' East 106.65 feet, N. 3° 00' East 136.40 feet, N. 26° 15' East 164.35 feet, N. 11° 57' East 152.65 feet, N. 19° 57' West 152.90 feet, N. 12° 00½' West 150.70 feet, N. 47° 52½' West 244.85 feet, N. 46° 45' West 424.05 feet, N. 62° 24' West 178.10 feet, N. 52° 12' West 139.25 feet, N. 72° 19' West 198.90 feet, N. 59° 53' West 123.45 feet, N. 72° 10' West 213.55 feet, N. 57° 42' West 350.45 feet, N. 47° West 189.95 feet, N. 81° 23' West 97.30 feet, N. 58° 26' West 185.40 feet, N. 62° 12' West 189.90 feet, N. 51° 51' West 261.00 feet, N. 17° 30½' West 362.55 feet, N. 24° 48½' West 136.45 feet,

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N. 5° 26' West 211.80 feet, N. 23° 9' West 187.90 feet, N. 58° 1' West 137.00 feet, S. 79° 46½' West 153.40 feet, N. 69° 51½' West 112.30 feet; Thence N. 0° 46' East along foot of levee 944.85 feet to a point on 525 foot contour; Thence continuing with said 525 foot contour N. 77° 1½' East 649.40 feet, S. 71° 64' East 532.30 feet, N. 62° 1' East 137.25 feet, N. 13° 43½' West 462.25 feet, N. 29° 42½' West 500.65 feet, N. 26° 18½' East 1037.60 feet, N. 41° 35' West 400.25 feet, N. 3° 2½' West 372.30 feet, S. 70° 24' East 301.70 feet, N. 87° 19½' East 291.30 feet, N. 67° 11½' East 239.00 feet, N. 24° 57½' East 201.65 feet, N. 56° 31½' East 444.30 feet, N. 49° 34½' East 361.80 feet, N. 2° 39' East 273.30 feet to an iron pin set 2 feet North from fence on South line of Cassin Road, N. 65° 49½' East 344.75 feet, N. 76° East 651.25 feet S. 12° 2' East 601.95 feet, S. 18° 39½' West 688.30 feet, S. 21° 18½' West 954.00 feet, S. 3° 34½' East 254.60 feet, S. 21° 42½' East 329.25 feet, S. 29° 43' East 210.70 feet, S. 78° 17' East 138.45 feet, N. 23° 34' East 205.10 feet, N. 50° 44' East 467.65 feet, N. 44° 33' East 375.60 feet, S. 61° 38' East 609.65 feet, S. 37° 24½' West 727.20 feet, S. 15° 37½' West 912.25 feet, S. 62° 6½' East 432.90 feet, S. 18° 35½' West 624.70 feet, S. 2° West 199.80 feet, S. 32° 57' East 206.03 feet, N. 80° 31½' East 342.85 feet, N. 11° 58' East 179.90 feet, N. 74° 21' East 729.20 feet, S. 85° 47' East 823.30 feet, S. 25° 44' West 274.40 feet, S. 54° 34' West 701.50 feet, S. 33° 41½' West 1259.90 feet, S. 15° 28' East 543.15 feet, S. 38° 47' East 580.95 feet, S. 24° 26½' West 609.05 feet, S. 47° 59' East 314.40 feet, N. 45° 51½' East 583.95 feet, N. 67° 55' East 582.00 feet, N. 43° 36' East 466.85 feet, S. 33° 4½' East 382.70 feet, S. .4° 1' West 509.75 feet, S. 23° 37' West 428.40 feet, to a stake on the division line between the Cassin and the Brooks and Ogden tracts; Thence S. 23° 37' West 169.50 feet, S. 57° 56' East 692.20 feet, S. 46° 58½' West 464.00 feet, S. 5° 49' West 493.80 feet, N. 69° 48' West 942.30 feet, S. 67° 10½' West 511.65 feet, S. 74° 24' West 332.80 feet, S. 54° 8' West 294.80 feet, S. 9° 37' East 340.60 feet, S. 7° 33' West 502.45 feet, S. 12° 36' West 264.65 feet, S. 21° 54' East 356.10 feet, S. 10° 19' West 229.10 feet, S. 23° 9½' West 678.10 feet, to an iron pin set at the East end of Dam at lower end of Lake; Thence N. 88° 14½' West across

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draw 186.73 feet to an iron pin at foot of levee; Thence continuing along foot of levee as follows, to-wit: S. 77° 48' West 393.20 feet, S. 71° 51' West 243.50 feet, S. 68° 32' West 552.18 feet, N. 56° 12' West 391.90 feet, N. 51° 27' West 372.95 feet, N. 63° 35' West 220.25 feet, N. 84° 10' West 434.10 feet, N. 33° 25' West 244.75 feet, N. 27° 45' West 286.15 feet, N. 26° 47' East 63.00 feet, N. 27° 37' East 227.55 feet, to a point on the 525 foot contour line; Thence following said contour line as follows, to-wit: N. 67° 55' East 249.65 feet, N. 9° 55' West 144.20 feet, N. 19° 8' East 193.90 feet, N. 51° 34' West 155.00 feet, N. 51° 6' East 163.35 feet, N. 13° 43' West 75.80 feet, N. 62° 6' East 43.74 feet, to the place of beginning, CONTAINING 876.91 acres and being portions of the Fernando Rodriguez Survey No. 18, the Jose Antonio de la Garza Survey and the J. M. Urriegas Survey No. 32. The aforesaid boundary follows iron stakes set on a contour at elevation 525 above sea level, except where the notes indicate divergence therefrom; said contour being determined from the U.S. Geological Survey Bench Mark No. 522 located on the East side of the Pleasanton Road about 200 feet North of the depot of the SA&GRR., at Cassin, Texas; using 514.25 for the elevation of said Bench Mark.

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SECOND TRACT:

BEGINNING at an angle point in the western boundary line of Mitchell Lake as leased by the City of San Antonio under agreement of June 3, 1932, recorded in Volume 1309, pp. 247-256, Deed Records of Bexar County, Texas, said point of beginning being the sixth angle point in the aforesaid lake boundary South and Easterly from angle point at the South end of a dyke near and East of the old Pleasanton Road;

THENCE with the aforesaid boundary line of Mitchell Lake South 17° 11' East, 362.6 feet to an original iron pin found in place; South 51° 32' East, 261.0 feet to another original iron pin; South 61° 53' East, 188.9 feet; South 56° 7' East, 185.4 feet passing boathouse inside lake boundary on this and previous course, South 81° 4' East, 97.3 feet; South 46° 41' East, 190.0 feet;

THENCE South 43° 19' West, leaving lake boundary, 430.0 feet to a point near but East of an old entrance lane produced;

THENCE North 51° 10' West, 918.0 feet corner of fence on North side land near gate an angle of a yard around a house, 962.0 feet to another corner in Westerly fence around house and also in old present lane;

THENCE North 19° 20' East with fence on the West side of yard to the North corner of yard, a distance of 123.0 feet;

THENCE North 17° East, 460 feet to the place of beginning, containing nine and 54/100 (9.54) acres, more or less, including the grounds and buildings which have for many years been used for hunting and fishing club purposes, excepting, however, that part of the grounds so used as have been in the entrance lane and extension thereof.

ALSO, a strip of land leading from the old Pleasanton Road, to the tract first hereinabove described and being sixty (60) feet in width and lying East of the old Pleasanton Road, and fronting on the westerly margin of Mitchell Lake, described by metes and bounds as follows:

BEGINNING at a point in the Easterly right-of-way line of the old Pleasanton Road opposite the South end of a dyke which prevents the water from Mitchell Lake overflowing the said road said point being 410.0 feet, more or less, North of an angle in the old Pleasanton Road, on top of the hill immediately South of said Dyke;

metes

THENCE East 175.0 feet, more or less, to an angle point in the boundary of Mitchell Lake at the South end of the aforesaid dykes;

THENCE Southerly and Easterly around and above the shore of Mitchell Lake, above high water following its boundary line, South 69° 31' East, 112.3 feet; North 79° 7' East, 153.4 feet; South 57° 40' East, 137.0 feet; South 22° 49' East 187.9 feet; South 5° 6' East 211.8 feet; South 24° 28' East, 136.5 feet, a point in said Lake boundary for the beginning, and North corner of the hereinbefore described 9.54 acre tract;

TOGETHER WITH such additional width beyond the sixty feet not to exceed sixty feet additional, as may be necessary to avoid an old borrow pit, and stretches of bluff bank to provide a practicable road right-of-way, without necessity of extensive grading.

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Filed for record Aug 30, 1963, at 3:29 o'clock PM.
Recorded Sept 12, 1963, at 1:17 o'clock PM.

JAMES W. KNIGHT, County Clerk. Bexar County, Texas.
By J. A. Kuvells Deputy.

Prepared by the San Antonio Bar Association for use by Lawyers only. 3-62-5M

NOTICE

To select the proper form, fill in blank spaces, strike out form provisions or insert special terms constitutes the practice of law. No "standard form" can meet all requirements. (Rev. 4-60)

524017

WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS
COUNTY OF BEXAR

KNOW ALL MEN BY THESE PRESENTS:

That LAKE CROFT BEACH ESTATES, INC., a Texas corporation, acting herein by and through its officer hereunto authorized,

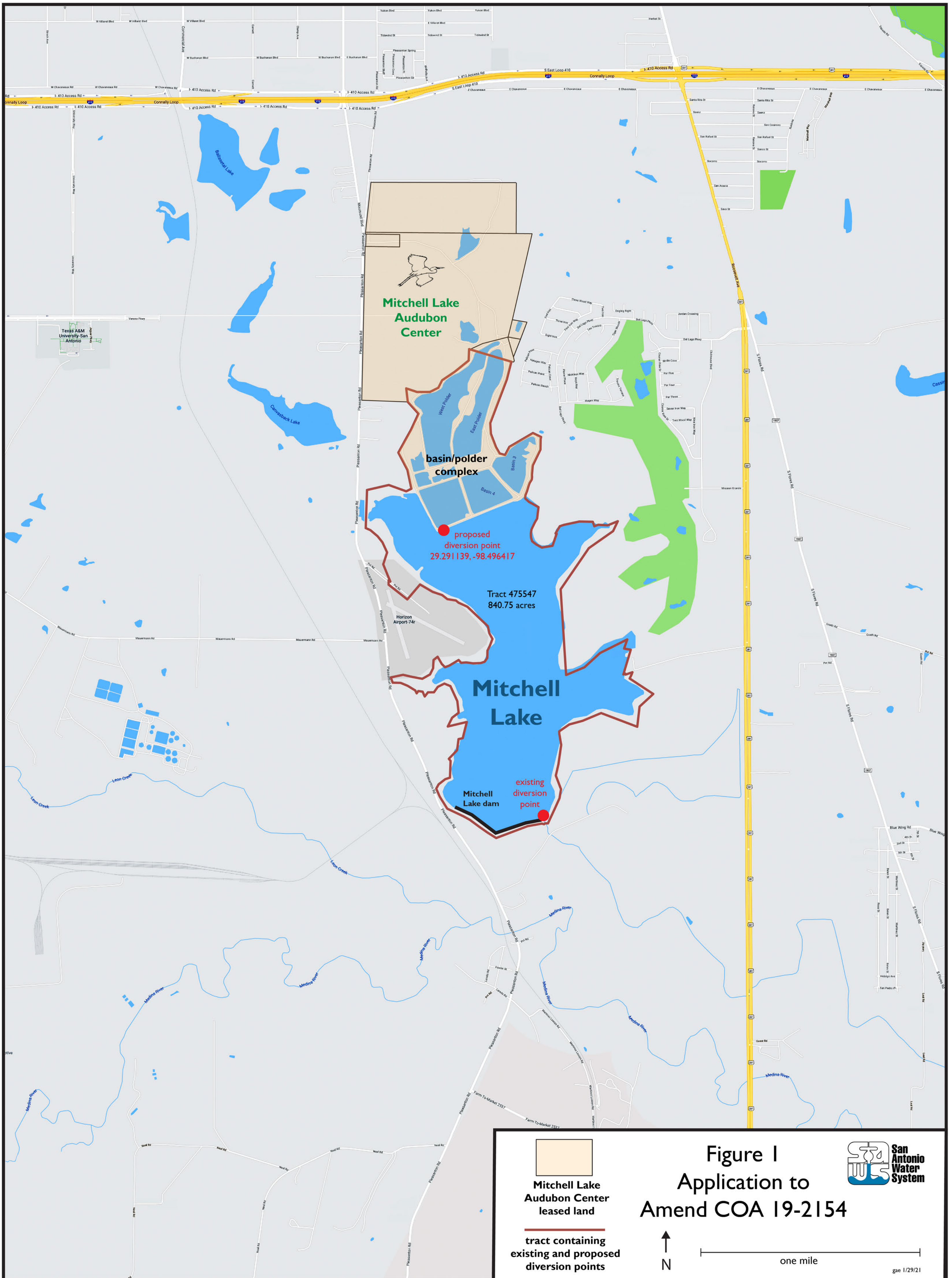
of the County of BEXAR State of TEXAS for and in consideration of the sum of TEN AND NO/100 (\$10.00) ----- DOLLARS and other valuable consideration to the undersigned cash in hand paid by the grantee herein named, the

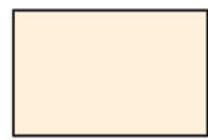
receipt of which is hereby acknowledged, and the further consideration of Fifty Thousand Dollars (\$50,000.00) paid to the undersigned by The Travelers Insurance Company at the instance and request of grantee, as is more fully evidenced by a promissory vendor's lien note of even date herewith in the principal sum of \$50,000.00 executed by Joan Brown Winter (wife of Wm. C. Winter) for the use and benefit of her separate estate, payable to The Travelers Insurance Company in installments and bearing interest as in said note specified.

the payment of which note is secured by vendor's lien herein retained, and is additionally secured by a deed of trust, of even date herewith, to R. A. SAYLOR, Trustee, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto JOAN BROWN WINTER, for the use and benefit of her separate estate,

of the County of Bexar State of Texas, all of the following described real property in Bexar County, Texas, to-wit:

2.f Map identifying the diversion point.




Mitchell Lake Audubon Center leased land






tract containing existing and proposed diversion points

Figure I

Application to Amend COA 19-2154



San Antonio Water System

gae 1/29/21

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): San Antonio Water System

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

| Y/N | | Y/N | |
|-----------|--|-----------|--|
| <u>Y</u> | <u>Administrative Information Report</u> | <u>Y</u> | <u>Worksheet 3.0</u> |
| <u>NA</u> | <u>Additional Co-Applicant Information</u> | <u>Y</u> | <u>Additional W.S 3.0 for each Point</u> |
| <u>NA</u> | <u>Additional Co-Applicant Signature Pages</u> | <u>Y</u> | <u>Recorded Deeds for Diversion Points</u> |
| <u>Y</u> | <u>Written Evidence of Signature Authority</u> | <u>N</u> | <u>Consent For Diversion Access</u> |
| <u>Y</u> | <u>Technical Information Report</u> | <u>NA</u> | <u>Worksheet 4.0</u> |
| <u>Y</u> | <u>USGS Map (or equivalent)</u> | <u>NA</u> | <u>TPDES Permit(s)</u> |
| <u>Y</u> | <u>Map Showing Project Details</u> | <u>NA</u> | <u>WWTP Discharge Data</u> |
| <u>NA</u> | <u>Original Photographs</u> | <u>NA</u> | <u>24-hour Pump Test</u> |
| <u>NA</u> | <u>Water Availability Analysis</u> | <u>NA</u> | <u>Groundwater Well Permit</u> |
| <u>Y</u> | <u>Worksheet 1.0</u> | <u>NA</u> | <u>Signed Water Supply Contract</u> |
| <u>Y</u> | <u>Recorded Deeds for Irrigated Land</u> | <u>NA</u> | <u>Worksheet 4.1</u> |
| <u>NA</u> | <u>Consent For Irrigation Land</u> | <u>Y</u> | <u>Worksheet 5.0</u> |
| <u>NA</u> | <u>Worksheet 1.1</u> | <u>N</u> | <u>Addendum to Worksheet 5.0</u> |
| <u>NA</u> | <u>Addendum to Worksheet 1.1</u> | <u>N</u> | <u>Worksheet 6.0</u> |
| <u>Y</u> | <u>Worksheet 1.2</u> | <u>NA</u> | <u>Water Conservation Plan(s)</u> |
| <u>Y</u> | <u>Addendum to Worksheet 1.2</u> | <u>NA</u> | <u>Drought Contingency Plan(s)</u> |
| <u>NA</u> | <u>Worksheet 2.0</u> | <u>NA</u> | <u>Documentation of Adoption</u> |
| <u>NA</u> | <u>Additional W.S 2.0 for Each Reservoir</u> | <u>NA</u> | <u>Worksheet 7.0</u> |
| <u>NA</u> | <u>Dam Safety Documents</u> | <u>NA</u> | <u>Accounting Plan</u> |
| <u>NA</u> | <u>Notice(s) to Governing Bodies</u> | <u>Y</u> | <u>Worksheet 8.0</u> |
| <u>NA</u> | <u>Recorded Deeds for Inundated Land</u> | <u>Y</u> | <u>Fees</u> |
| <u>NA</u> | <u>Consent For Inundation Land</u> | | |

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."

San Antonio Water System (SAWS) seeks to amend COA 19-2154 by adding an additional
diversion point on the same contiguous tract of land as the original diversion point and adding
a new purpose of use and place of use in the same basin as the place of use authorized by the
original right.

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

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

San Antonio Water System

(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 : CN600529069 (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: **Robert Puente**

Title: **President/CEO**

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

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

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

Name: **Robert Puente, President/CEO**

Mailing Address: **2800 U.S.Hwy 281 North**

City: **San Antonio**

State: **Texas**

ZIP Code: **78212**

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: NA SOS Charter (filing) Number: NA

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: **Jim Mathews**

Title: **Lawyer**

Organization Name: **Mathews and Freeland**

Mailing Address: **8140 N. Mopac #4-200**

City: **Austin**

State: **Texas**

ZIP Code: **78759**

Phone No.: **512-404-7800**

Extension: **1**

Fax No.: **512-703-2785**

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: NA

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: **NA**

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: **NA**

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 NA**

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

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, San Antonio Water System

(Typed or printed name)

(Title)

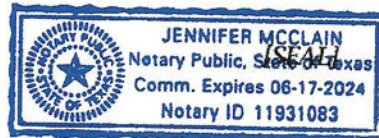
certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the 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: [Handwritten Signature] Date: 4-16-21
(Use blue ink)

Subscribed and Sworn to before me by the said
on this 16th day of April, 2021.
My commission expires on the 17th day of June, 2021.

Notary Public Jennifer McClain
Brew
County, Texas



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



SAN ANTONIO WATER SYSTEM
INTERNAL MEMORANDUM

March 18, 2020

| | | <u>Initials</u> | <u>Date</u> |
|----------|--|-----------------|------------------|
| TO: | Robert R. Puente, President/Chief Executive Officer | | |
| FROM: | Philip C. Campos, Jr. CPA, Contracting Director | | <u>3/18/2020</u> |
| THROUGH: | Steve Clouse, Senior Vice President – COO; | | <u>3/19/2020</u> |
| | Doug Evanson, Senior Vice-President - CFO; | | <u>3/19/2020</u> |
| | Nancy Belinsky, Vice President – General Counsel; | | <u>3/19/2020</u> |
| | Scott Oliver, Corporate Counsel | | <u>3/19/2020</u> |
| SUBJECT: | Recommended Delegation of Contract Signature Authority Changes | | |

Background

On June 21, 2005, the San Antonio Water System (SAWS) Board of Trustees passed and approved resolution #05-247 (attached), granting the President/Chief Executive Officer the discretion to designate signatories for particular areas of contracts, agreements and obligations of SAWS as is reasonable and necessary.

Issue

The delegated contract signature authority is limited to various positions within SAWS (see Attachment 1), with the President/Chief Executive Officer having the sole ability to sign all types of contracts, agreements and obligations for SAWS. In light of the COVID-19 pandemic, to ensure uninterrupted business continuity, it is prudent to authorize additional signatories for particular areas of contracts, agreements and obligations of SAWS as is reasonable and necessary.

Recommendation

A proposed Delegation of Signature Authority has been developed and attached (see Attachment 2) that expands the authority of the Senior Vice Presidents with the ability to sign all types of contracts, agreements and obligations for SAWS in addition to the President/Chief Executive Officer.

It is recommended that the attached Proposed Signature Authority be accepted.

Concur:

Robert R. Puente
President/Chief Executive Officer

03-19-20
Date

RESOLUTION NO. 05-217

OF THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES RESCINDING RESOLUTIONS NOS. 02-149 AND 04-417 APPROVED BY THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES ON MAY 7, 2002 AND NOVEMBER 2, 2004 RESPECTIVELY, WHICH DESIGNATED CERTAIN SIGNATORIES WITHIN SAWS BY WAY OF TITLE AND POSITION; PROVIDING THE PRESIDENT/CHIEF EXECUTIVE OFFICER WITH THE DISCRETION TO DESIGNATE SIGNATORIES BY TITLE AND POSITION IN RELATION TO CONTRACTUAL AND OTHER OBLIGATIONS OF THE SYSTEM; FINDING THE RESOLUTION TO HAVE BEEN CONSIDERED PURSUANT TO THE LAWS GOVERNING OPEN MEETINGS; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the San Antonio Water System (the "System") is party to numerous contracts and agreements; and

WHEREAS, Board Resolutions Nos. 02-149 and 04-417 authorized certain individuals by position and title to execute contracts and agreements on behalf of the System; and

WHEREAS, the Board of Trustees wishes to rescind those designations of signatory responsibilities and to provide the President/Chief Executive Officer with the discretion to delegate signatories for contracts, agreements and other obligations of the System as reasonable and necessary; therefore

BE IT RESOLVED BY THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES:

1. That the Board Resolutions No. 02-149 and 04-417 are hereby rescinded.
2. That the President/Chief Executive Officer is hereby provided with the discretion to designate signatories for particular areas of contracts, agreements and obligations of the System as is reasonable and necessary. The designations currently contemplated for implementation are attached hereto by way of example.
3. It is officially found, determined, and declared that the meeting at which this resolution is adopted was open to the public, and the public notice at the time, place, and subject matter of the public business to be concluded at such meeting, including this resolution was given to all as required by the Texas Code Annotated, as amended, Title 5, Chapter 551, Government Code.

4. If any part, section, paragraph, sentence, phrase or word of this resolution is for any reason held to be unconstitutional, illegal, inoperative or invalid, or if any exception to or limitation upon any general provision hereon contained is held to be unconstitutional, illegal, invalid or inoperative, the remainder of this resolution shall nevertheless stand effective and valid as if it had been enacted without the portion to be held to be unconstitutional, illegal, invalid, or ineffective.

5. This resolution becomes effective immediately upon its passage.

PASSED AND APPROVED this 21st day of June, 2005.


James M. Mayor, Chairman

ATTEST:


Salvadore M. Hernández, Secretary

**San Antonio Water System
Existing Signature Authority Matrix
Attachment 1**

| CONTRACT TYPE | Board Approved | | Board Approved Construction >\$10,000,000.00 | Board Approved Construction <\$10,000,000.00 | Contract Amendments | Water Resources & Conservation | Interlocal Agreements | Claims Settlement <\$50,000.00 | Litigation Settlement <\$50,000.00 | Outside Legal | Utility Service | Professional Svcs, & Consulting <\$100,000.00 | Construction Contract Informally Solicited <\$100,000.00 | Construction Contract Informally Solicited >\$100,000.00 | Emergency Construction Contracts >\$3,000,000.00 | Emergency Construction Contracts <\$3,000,000.00 | Construction Change Orders | All Procurement Contracts (Goods and Services) | Real Estate Related Contracts | Chilled Water | Recycled Water | Hardship Contracts | Bankruptcy & Estate Claims > \$20,000.00 | Antiquities Permits | BGD Permits | Amendments to Benefits Plan Not Materially Altering Contributions or Participation | Third Party Administrator Contracts up to \$50,000.00 | Consent Decree Certifications | | | |
|---|----------------------------|------------------|--|--|---------------------|--------------------------------|-----------------------|--------------------------------|------------------------------------|---------------|-----------------|---|--|--|--|--|----------------------------|--|-------------------------------|---------------|----------------|--------------------|--|---------------------|-------------|--|---|-------------------------------|---|--|--|
| | Prof Services & Consulting | >\$10,000,000.00 | <\$10,000,000.00 | >\$10,000,000.00 | <\$10,000,000.00 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SIGNATORIES | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| President/CEO | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | | |
| SVP – Chief Operating Officer | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SVP – Chief Financial Officer | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| VP - Engineering & Construction | | | | | | | | | | | X ¹ | | | | | | | | | | | | | | | | | | | | |
| VP - General Counsel | | | | | | | | X | | X | | | | | | | | | | X | | | | | | | | | | | |
| VP - Water Resources & Governmental Relations | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| VP – Human Resources | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| VP – Production & Treatment | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Director of Contracting ² | | | X | X | X | X | | | | | | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | | |
| Sr. Counsel for Employment & Claims | X | | | | | | | X | | | | | | | | | | | | | | | | | | | | | | | |
| Director of Purchasing ² | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Notes:
1 - President/CEO signs USAs over Recharge Zone
2 - or designee

**San Antonio Water System
Proposed Signature Authority Matrix
Attachment 2
3/18/2020**

| CONTRACT TYPE | Board Approved | | Prof Services & Consulting | | Board Approved Construction >\$10,000,000.00 | Board Approved Construction <\$10,000,000.00 | Contract Amendments | Water Resources & Conservation | Interlocal Agreements | Claims Settlement <\$50,000.00 | Litigation Settlement <\$50,000.00 | Outside Legal | Utility Service | Professional Svcs, & Consulting Informally Solicited <\$100,000.00 | Construction Contract Informally Solicited <\$100,000.00 | Emergency Construction Contracts >\$3,000,000.00 | Emergency Construction Contracts <\$3,000,000.00 | Construction Change Orders | All Procurement Contracts (Goods and Services) | Real Estate Related Contracts | Chilled Water | Recycled Water | Hardship Contracts | Bankruptcy & Estate Claims > \$20,000.00 | Antiquities Permits | BGD Permits | Amendments to Benefits Plan Not Materially Altering Contributions or Participation | Third Party Administrator Contracts up to \$50,000.00 | Consent Decree Certifications | | | | | | | |
|---|----------------|--|----------------------------|--|--|--|---------------------|--------------------------------|-----------------------|--------------------------------|------------------------------------|---------------|-----------------|--|--|--|--|----------------------------|--|-------------------------------|---------------|----------------|--------------------|--|---------------------|-------------|--|---|-------------------------------|--|--|--|--|--|--|--|
| | SIGNATORIES | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| President/CEO | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SVP - Chief Operating Officer | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SVP - Chief Financial Officer | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| VP - Engineering & Construction | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| VP - General Counsel | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| VP - Water Resources & Governmental Relations | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| VP - Human Resources | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| VP - Production & Treatment | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Director of Contracting ² | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sr. Counsel for Employment & Claims | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Director of Purchasing ² | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Notes:
1 - President/CEO signs USAs over Recharge Zone
2 - or designee

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

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

Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4600 to schedule a meeting. Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / NY _____ (If yes, date : 4/1/2021).

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

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

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y / NN _____
- 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 / NN _____ (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 / NN/A

- c. Applicant requests to extend an existing Term authorization or to make the right permanent? Y / NN _____ (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. If the application does not contain consent from the current owner to make the requested amendment, TCEQ will not begin processing the amendment application until the Change of Ownership has been completed and will consider the Received Date for the application to be the date the Change of Ownership is completed. See instructions page. 6.*

Water Right (Certificate or Permit) number you are requesting to amend: 19-2154

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 |
|-------------------------------|-----------------------------------|
| N/A | |

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

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

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

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

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

If yes, submit:

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

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

If yes, submit:

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

e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? **Y / N**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 / NN _____ *If yes, call the Water Availability Division at (512) 239-4600 to discuss.*

Additionally, all amendments require:

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

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

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

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 / NN _____

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 / NN _____

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 / NN _____

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 / NN _____

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

Worksheets and information:

- **Worksheet 1.0 - Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)
- **Worksheet 4.0 - Discharge Information Worksheet** (for each discharge point)

- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

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

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

b. Did the Applicant perform its own Water Availability Analysis? Y / N^N_____

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

c. Does the application include required Maps? (Instructions Page. 15) Y / N^Y_____

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> |
|--|--|-------------------|---|
| N/A | | | |
| | | | |
| | | | |

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

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

a. Location Information Regarding the Lands to be Irrigated

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

ii) Location of land to be irrigated: In the N/A 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** |
|----------------------|----------------------------|-----------------------------|--|----------------------------|
| 124.67 | Agricultural Use | | San Antonio basin southeast of Mitchell Lake | |
| | | | | |
| | | | | |

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

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 N/A
- b. The proposed transfer is from a basin to an adjoining coastal basin? Y/N N/A
- 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 N/A
- 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 N/A

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

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/A

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

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

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): N/A
- b. Zip Code: N/A
- c. In the N/A 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/A °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): N/A
- dii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N/A

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. Y Diversion Point No.
2. N/A Upstream Limit of Diversion Reach No.
3. N/A Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 2.0 cfs (cubic feet per second)
or 900 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / N Y
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 2.0 cfs or 900 gpm

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

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

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

| Check one | | Write: Existing or Proposed |
|-----------|--|-----------------------------|
| N/A | Directly from stream | |
| Y | From an on-channel reservoir | Proposed |
| N/A | From a stream to an on-channel reservoir | |
| N/A | 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 N/A

If yes, the drainage area is N/A sq. miles.

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Mitchell Lake in the San Antonio/Medina River Basin
- b. Zip Code: 78221
- c. Location of point: In the J.A. de a Graza Original Survey No. N/A, Abstract No. 3, Bexar 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 29.291139 °N, Longitude -98.496417 °W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Earth
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 4.0 DISCHARGE INFORMATION

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

- N/A
- 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 N/A % and explain the method of calculation: N/A

N/A

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

- N/A
1. The TPDES Permit Number(s). _____ (attach a copy of the **current** TPDES permit(s))
- N/A
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").
- N/A
4. The percentage of return flows from groundwater _____, surface water _____?
- N/A
5. If any percentage is surface water, provide the base water right number(s) _____.
- N/A
- c. Is the source of the water being discharged groundwater? Y / N _____ If yes, provide the following information:
- N/A
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 N/A.
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.
- N/
- ci. Is the source of the water being discharged a surface water supply contract? Y / N _____ If yes, provide the signed contract(s).
- N/A
- 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 N/A 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 N/A cfs or N/A gpm.
- c. Name of Watercourse as shown on Official USGS maps: N/A
- d. Zip Code N/A
- f. Location of point: In the N/A Original Survey No. N/A, Abstract No. N/A, _____ County, Texas.
- g. Point is at:
Latitude N/A °N, Longitude N/A °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): N/A

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

WORKSHEET 5.0

ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

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

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

This section is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins and in all basins for requests to change a diversion point. **Instructions, Page 30.**

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

2.4 to 3.7 feet

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

Other, specify: _____

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: _____

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

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

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

This section is required for applications using an alternate source of water and bed and banks applications in any basins. **Instructions, page 31.**

- a. For all bed and banks applications:
 - i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.
- b. For all alternate source applications:

- i. If the alternate source is treated return flows, provide the TPDES permit number N/A

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

| Parameter | Average Conc. | Max Conc. | No. of Samples | Sample Type | Sample Date/Time |
|-------------------------------|---------------|-----------|----------------|-------------|------------------|
| Sulfate, mg/L | N/A | | | | |
| 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.

- iii. If groundwater will be used, provide the depth of the well N/A and the name of the aquifer from which water is withdrawn N/A.

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 512-239-4600, 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. N/A Municipal Use. See 30 TAC § 288.2. **
2. N/A Industrial or Mining Use. See 30 TAC § 288.3.
3. N/A Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. N/A 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 N/A**

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.

N/A

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:
- N/A
1. ___ Municipal Uses by public water suppliers. See 30 TAC § 288.20.
N/A
 2. ___ Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
N/A
 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 ___ N/A

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

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

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

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

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

WORKSHEET 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

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

2. AMENDMENT OR SEVER AND COMBINE

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

3. BED AND BANKS

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