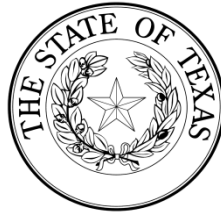


# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF AN APPLICATION TO AMEND A WATER USE PERMIT

### APPLICATION NO. 13760

Zimmerman Living Trust (Applicant) has applied for a Water Use Permit to authorize the use of the bed and banks of an exempt reservoir on an unnamed tributary of Rocky Creek, tributary of Rocky Creek, tributary of the Lavaca River, Lavaca River Basin to convey not to exceed 358 acre-feet of groundwater per year from the Gulf Coast Aquifer for subsequent diversion and use for industrial and mining purposes in Lavaca County. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Zimmerman Living Trust, 2599 Gonzales County Road, Shiner, TX, 77984, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Water Use Permit pursuant to Texas Water Code § 11.042, and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1 *et seq.* Notice is being mailed to the Texas Parks and Wildlife Department and the Public Interest Counsel pursuant to Title 30 TAC § 295.161(c).

Zimmerman Living Trust seeks authorization to use the bed and banks of an exempt reservoir on an unnamed tributary of Rocky Creek, tributary of Rocky Creek, tributary of the Lavaca River, Lavaca River Basin to convey not to exceed 358 acre-feet of groundwater per year for subsequent diversion and use of up to 353 acre-feet of groundwater per year for industrial and mining purposes in Lavaca County.

The proposed discharge point and diversion point are located anywhere along the perimeter of the reservoir identified by a point at Latitude 29.421447° N, Longitude 97.217410° W.

Applicant indicates that groundwater will be discharged at a maximum discharge rate of 1.0 cfs (450 gpm) and diverted at a maximum diversion rate of 8.42 cfs (3,780 gpm) in Zip Code 77984.

The application and partial fees were received on April 7, 2021. Additional information and fees were received on May 11, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 21, 2021.

The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions, including, but not limited to, the installation of measurement devices. 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](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.

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

Issued: May 18, 2022

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## WATER USE PERMIT

PERMIT NO. 13760

TYPE § 11.042

Permittee:	Zimmerman Living Trust	Address:	2599 Gonzales County Road Shiner, TX 77984
Filed:	May 21, 2021	Granted:	
Purposes:	Industrial and Mining	County:	Lavaca
Watercourse:	Unnamed tributary of Rocky Creek, tributary of Rocky Creek, tributary of the Lavaca River	Watershed:	Lavaca River Basin

WHEREAS, Zimmerman Living Trust (Applicant/Permittee) seeks authorization to use the bed and banks of an exempt reservoir on an unnamed tributary of Rocky Creek, tributary of Rocky Creek, tributary of the Lavaca River, Lavaca River Basin to convey not to exceed 358 acre-feet of groundwater per year from the Gulf Coast Aquifer for subsequent diversion and use of up to 353 acre-feet of groundwater per year, for industrial and mining purposes in Lavaca County; and

WHEREAS, the proposed discharge point and diversion point are located anywhere along the perimeter of the reservoir identified by a point at Latitude 29.421447° N, Longitude 97.217410° W; and

WHEREAS, the Applicant indicates groundwater will be discharged at a maximum discharge rate of 1.0 cfs (450 gpm) and diverted at a maximum diversion rate of 8.42 cfs (3,780 gpm); and

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

WHEREAS, this permit, 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 the permit; 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 permit;

NOW, THEREFORE, this permit, designated Water Use Permit No. 13760, is issued to Zimmerman Living Trust subject to the following terms and conditions:

1. USE

Permittee is authorized to use the bed and banks of an exempt reservoir on an unnamed tributary of Rocky Creek to convey not to exceed 358 acre-feet of groundwater per year from the Gulf Coast Aquifer for subsequent diversion and use of up to 353 acre-feet of groundwater per year, for industrial and mining purposes in Lavaca County.

2. DISCHARGE

Groundwater will be discharged anywhere along the perimeter of the reservoir identified by a point at Latitude 29.421447° N, Longitude 97.217410° W, at a maximum discharge rate: 1.0 cfs (450 gpm).

3. DIVERSION

Permittee is authorized to divert the discharged groundwater from anywhere along the perimeter of the reservoir identified by a point at Latitude 29.421447° N, Longitude 97.217410° W, at a maximum diversion rate of 8.42 cfs (3,780 gpm).

4. PRIORITY

The groundwater authorized to be conveyed via the bed and banks of a State watercourse in this permit does not have a priority date and is not subject to priority calls from senior water rights.

5. SPECIAL CONDITIONS

- A. Permittee is not authorized to divert state water for industrial and mining purposes and shall only divert groundwater that has been discharged into the reservoir for those purposes of use.
- B. Permittee shall only divert 98.66% of the volume of groundwater discharged into the reservoir.
- C. Prior to diversion of the groundwater authorized herein, if sufficiently accurate measurement devices are not available, Permittee shall install and maintain measurement device(s), at the discharge point(s), of the groundwater and at any authorized diversion point, capable of measuring within plus or minus 5% accuracy.
- D. Permittee shall maintain records of the daily amount of groundwater discharged into the reservoirs and subsequently diverted and make those records available to the South Texas Watermaster upon request.
- E. Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens at the diversion structure.
- F. Permittee shall allow representatives of the South Texas Watermaster reasonable access to the property to inspect the measuring device and records.



G. Permittee shall contact the South Texas Watermaster prior to diversion of water authorized by this permit.

This permit is issued subject to all superior rights in the Lavaca River Basin.

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

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

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

-----  
For the Commission

Date Issued:

DRAFT

## Natalia Ponebshek

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**From:** Jeff Sammons [REDACTED] >  
**Sent:** Thursday, May 12, 2022 4:43 PM  
**To:** Natalia Ponebshek  
**Cc:** Parsons, Mark N. (MRO)  
**Subject:** RE: Zimmerman Living Trust App. No. 13760 Draft Permit

Good Afternoon Natalia,

The applicant has no comments and I have no comments on the draft permit you provided. Please proceed with the required notice.

Sincerely,  
Jeff

Jeffrey D. Sammons, P.G.  
Senior Geologist  
Flatrock Engineering and Environmental  
18615 Tuscany Stone, Suite 200  
San Antonio, TX 78258  
Mobile: 281-380-5810  
<http://www.flatrockenergy.net>

---

**From:** Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>  
**Sent:** Tuesday, April 26, 2022 1:23 PM  
**To:** Jeff Sammons [REDACTED]  
**Subject:** Zimmerman Living Trust App. No. 13760 Draft Permit

Hello,

Please find the attached draft permit and notice for the abovementioned application. Please provide any comments you may have by close of business on May 10, 2022.

Thank you,

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
(512) 239-4641

## **Natalia Ponebshek**

---

**From:** Natalia Ponebshek  
**Sent:** Tuesday, April 26, 2022 1:23 PM  
**To:** Jeff Sammons  
**Subject:** Zimmerman Living Trust App. No. 13760 Draft Permit  
**Attachments:** Zimmerman\_Living\_Trust\_13760\_Draft\_Permit\_Sent\_4.26.2022.pdf

Hello,

Please find the attached draft permit and notice for the abovementioned application. Please provide any comments you may have by close of business on May 10, 2022.

Thank you,

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
(512) 239-4641

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 26, 2022

Mr. Jeffery D. Sammons, P.G.  
Flatrock Engineering and Environmental  
18615 Tuscany Stone, Ste. 200  
San Antonio, TX 78258

VIA E-MAIL

RE: Zimmerman Living Trust  
WRPERM 13760  
CN605877919, RN111240677  
Application No. 13760 for a Water Use Permit  
Texas Water Code § 11.042, Requiring Limited Mailed Notice  
Unnamed tributary of Rocky Creek, Lavaca River Basin  
Lavaca County

Dear Mr. Sammons:

Drafts, subject to revision, of the public notice, proposed Water Use Permit No. 13760, and 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 May 10, 2022 with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

Please note this application requires a 15-day comment period and once the comment period has closed, the proposed Water Use Permit No. 13760 may be issued as drafted given if no hearing requests are received.

If you have any questions concerning the application, please contact me via email at [natalia.ponebshek@tceq.texas.gov](mailto:natalia.ponebshek@tceq.texas.gov) or by phone at (512) 239-4641.

Sincerely,

*Natalia Ponebshek*

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
Texas Commission on Environmental Quality

Attachments

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## WATER USE PERMIT

PERMIT NO. 13760

TYPE § 11.042

Permittee:	Zimmerman Living Trust	Address:	2599 Gonzales County Road Shiner, TX 77984
Filed:	May 21, 2021	Granted:	
Purposes:	Industrial and Mining	County:	Lavaca
Watercourse:	Unnamed tributary of Rocky Creek, tributary of Rocky Creek, tributary of the Lavaca River	Watershed:	Lavaca River Basin

WHEREAS, Zimmerman Living Trust (Applicant/Permittee) seeks authorization to use the bed and banks of an exempt reservoir on an unnamed tributary of Rocky Creek, tributary of Rocky Creek, tributary of the Lavaca River, Lavaca River Basin to convey not to exceed 358 acre-feet of groundwater per year from the Gulf Coast Aquifer for subsequent diversion and use of up to 353 acre-feet of groundwater per year, for industrial and mining purposes in Lavaca County; and

WHEREAS, the proposed discharge point and diversion point are located anywhere along the perimeter of the reservoir identified by a point at Latitude 29.421447° N, Longitude 97.217410° W; and

WHEREAS, the Applicant indicates groundwater will be discharged at a maximum discharge rate of 1.0 cfs (450 gpm) and diverted at a maximum diversion rate of 8.42 cfs (3,780 gpm); and

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

WHEREAS, this permit, 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 the permit; 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 permit;

NOW, THEREFORE, this permit, designated Water Use Permit No. 13760, is issued to Zimmerman Living Trust subject to the following terms and conditions:

1. USE

Permittee is authorized to use the bed and banks of an exempt reservoir on an unnamed tributary of Rocky Creek to convey not to exceed 358 acre-feet of groundwater per year from the Gulf Coast Aquifer for subsequent diversion and use of up to 353 acre-feet of groundwater per year, for industrial and mining purposes in Lavaca County.

2. DISCHARGE

Groundwater will be discharged anywhere along the perimeter of the reservoir identified by a point at Latitude 29.421447° N, Longitude 97.217410° W, at a maximum discharge rate: 1.0 cfs (450 gpm).

3. DIVERSION

Permittee is authorized to divert the discharged groundwater from anywhere along the perimeter of the reservoir identified by a point at Latitude 29.421447° N, Longitude 97.217410° W, at a maximum diversion rate of 8.42 cfs (3,780 gpm).

4. PRIORITY

The groundwater authorized to be conveyed via the bed and banks of a State watercourse in this permit does not have a priority date and is not subject to priority calls from senior water rights.

5. SPECIAL CONDITIONS

- A. Permittee is not authorized to divert state water for industrial and mining purposes and shall only divert groundwater that has been discharged into the reservoir for those purposes of use.
- B. Permittee shall only divert 98.66% of the volume of groundwater discharged into the reservoir.
- C. Prior to diversion of the groundwater authorized herein, if sufficiently accurate measurement devices are not available, Permittee shall install and maintain measurement device(s), at the discharge point(s), of the groundwater and at any authorized diversion point, capable of measuring within plus or minus 5% accuracy.
- D. Permittee shall maintain records of the daily amount of groundwater discharged into the reservoirs and subsequently diverted and make those records available to the South Texas Watermaster upon request.
- E. Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens at the diversion structure.
- F. Permittee shall allow representatives of the South Texas Watermaster reasonable access to the property to inspect the measuring device and records.

G. Permittee shall contact the South Texas Watermaster prior to diversion of water authorized by this permit.

This permit is issued subject to all superior rights in the Lavaca River Basin.

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

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

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

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For the Commission

Date Issued:



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF AN APPLICATION TO AMEND A WATER USE PERMIT

### APPLICATION NO. 13760

Zimmerman Living Trust (Applicant) has applied for a Water Use Permit to authorize the use of the bed and banks of an exempt reservoir on an unnamed tributary of Rocky Creek, tributary of Rocky Creek, tributary of the Lavaca River, Lavaca River Basin to convey not to exceed 358 acre-feet of groundwater per year from the Gulf Coast Aquifer for subsequent diversion and use for industrial and mining purposes in Lavaca County. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Zimmerman Living Trust, 2599 Gonzales County Road, Shiner, TX, 77984, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Water Use Permit pursuant to Texas Water Code § 11.042, and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1 *et seq.* Notice is being mailed to the Texas Parks and Wildlife Department and the Public Interest Counsel pursuant to Title 30 TAC § 295.161(c).

Zimmerman Living Trust seeks authorization to use the bed and banks of an exempt reservoir on an unnamed tributary of Rocky Creek, tributary of Rocky Creek, tributary of the Lavaca River, Lavaca River Basin to convey not to exceed 358 acre-feet of groundwater per year for subsequent diversion and use of up to 353 acre-feet of groundwater per year for industrial and mining purposes in Lavaca County.

The proposed discharge point and diversion point are located anywhere along the perimeter of the reservoir identified by a point at Latitude 29.421447° N, Longitude 97.217410° W.

Applicant indicates that groundwater will be discharged at a maximum discharge rate of 1.0 cfs (450 gpm) and diverted at a maximum diversion rate of 8.42 cfs (3,780 gpm) in Zip Code 77984.

The application and partial fees were received on April 7, 2021. Additional information and fees were received on May 11, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 21, 2021.

The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions, including, but not limited to, the installation of measurement devices. 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](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.

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

Issued:


DRAFT


# Texas Commission on Environmental Quality


## INTEROFFICE MEMORANDUM

**To:** Natalia Ponebshek, Project Manager  
Water Rights Permitting Team

**Date:** November 12, 2021

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


Jennifer Allis, Senior Water Conservation Specialist  
Resource Protection Team  


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


**Subject:** Zimmerman Living Trust  
WRPERM 13760  
CN605877919  
Unnamed tributary of Rocky Creek, Lavaca River Basin  
Lavaca County

### APPLICATION SUMMARY

Zimmerman Living Trust requests authorization to use the bed and banks of an exempt reservoir on an unnamed tributary of Rocky Creek, Lavaca River Basin, to convey 358 acre-feet of groundwater per year from the Gulf Coast Aquifer, discharged at a maximum rate of 1.00 cfs (450 gpm), for subsequent diversion from the perimeter of the reservoir, at a maximum diversion rate of 8.42 cfs (3,780 gpm), for industrial and mining purposes in Lavaca County.

### WATER CONSERVATION REVIEW

Pursuant to Title 30 Texas Administrative Code §295.9, a water conservation plan is not required to be submitted for this application.

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

### RECOMMENDATIONS


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


# Texas Commission on Environmental Quality

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## INTEROFFICE MEMORANDUM

**To:** Natalia Ponebshek, Project Manager      **Date:** November 15, 2021  
Water Rights Permitting Team

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

**From:** George Gable, Aquatic Scientist  
 Resource Protection Team

**Subject:** Zimmerman Living Trust  
WRPERM 13760  
CN 605877919  
Unnamed tributary of Rocky Creek, Lavaca River Basin  
Lavaca 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

Zimmerman Living Trust (Applicant) requests authorization to use the bed and banks of an exempt reservoir on an unnamed tributary of Rocky Creek, Lavaca River Basin, to convey 358 acre-feet of groundwater per year from the Gulf Coast Aquifer, discharged at a maximum rate of 1.00 cfs (450 gpm), for subsequent diversion from the perimeter of the reservoir, at a maximum diversion rate of 8.42 cfs (3,780 gpm), for industrial and mining purposes in Lavaca County.

### ENVIRONMENTAL ANALYSIS

**Aquatic and Riparian Habitats:** The Applicant's reservoir is located on an unnamed tributary of Rocky Creek. The unnamed tributary is intermittent with perennial pools and is located in the Southern Blackland/Fayette Prairie Ecoregion. (Griffith *et al.* 2007).

The checklist for the Lavaca River basin identified 35 species of ichthyofauna occurring within Lavaca County (Hendrickson and Cohen 2015). The interior least tern (*Sternula antillarum athalassos*), a high interest aquatic species, has been determined to occur in Lavaca County (TPWD 2015). This proposed permit is not expected to have an effect on any high interest aquatic or aquatic-dependent species.

The Applicant has agreed to install screens on any new diversion structure(s) in order to minimize entrainment and impingement of aquatic organisms.

On August 8, 2012, the TCEQ adopted environmental flow standards for the Colorado and Lavaca Rivers, and Matagorda and Lavaca Bays (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter D). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC §298.310). The Applicant does not request a new appropriation of water or an amendment that increases the amount of water stored, taken, or diverted; therefore, the environmental flow standards do not apply. The Applicant proposes to use groundwater as an alternate source of water. The Applicant's request is not expected to adversely impact aquatic and riparian habitats in the area.

**Recreational Uses:** The unnamed tributary of Rocky Creek has a presumed primary contact recreation 1 use (TCEQ 2018). The Applicant's request should not adversely impact recreational uses.

**Water Quality:** The unnamed tributary of Rocky Creek has a presumed limited aquatic life use (TCEQ 2018). The Applicant's request should not adversely impact water quality.

The Applicant indicates groundwater from one well in the Gulf Coast Aquifer will be discharged and subsequently diverted. Resource Protection staff have reviewed the Applicant's groundwater quality information, and the groundwater to be used is of sufficient quality that it 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 Matagorda Bay.

## **RECOMMENDATIONS**

Resource Protection staff recommends the following special condition be included in the proposed permit, if granted:

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

## **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]. [2021 November 2]; Version 2.0. Available from <http://doi.org/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): Lavaca County, revised October 1, 2021. [2021 November 2]. Available from <http://tpwd.texas.gov/gis/rtest/>.

**Texas Commission on Environmental Quality**

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INTEROFFICE MEMORANDUM

To: Natalia Ponebshek, Project Manager  
Water Rights Permitting Team

Date: March 22, 2022

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

TA Trent Gay, Team Leader  
Surface Water Availability Team

From: Jenny M. Torres, Hydrologist  
Surface Water Availability Team

Subject: Zimmerman Living Trust  
WRPERM 13760  
CN605877919  
Unnamed tributary of Rocky Creek, Lavaca River Basin  
Lavaca County

**HYDROLOGY REVIEW**

**Application Summary**

Zimmerman Living Trust (Applicant) requests authorization to use the bed and banks of an exempt reservoir on an unnamed tributary of Rocky Creek, Lavaca River Basin, to convey 358 acre-feet of groundwater per year from the Gulf Coast Aquifer, discharged at a maximum rate of 1.00 cfs (450 gpm), for subsequent diversion from the perimeter of the reservoir, at a maximum diversion rate of 8.42 cfs (3,780 gpm), for industrial and mining purposes in Lavaca County.

The application was declared administratively complete on May 21, 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 November 15, 2021 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.



Regarding the request to use the bed and banks of the unnamed tributary of Rocky Creek, Lavaca River Basin to convey groundwater, the application included the information required in 30 TAC §295.113.

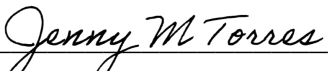
The Applicant indicated that losses associated with the conveyance would be 1.34%. Staff reviewed the Applicant's estimate of losses and found them to be acceptable. Staff is of the opinion that so long as the Applicant's diversions are limited to 98.66% of the discharged water, other water rights should not be affected by the application. 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. Therefore, existing water rights should not be affected by the permit.

### **Conclusion**

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

1. Permittee is not authorized to divert state water for industrial and mining purposes and shall only divert groundwater that has been discharged into the reservoir for those purposes of use.
2. Permittee shall only divert 98.66% of the volume of groundwater discharged into the reservoir.
3. Prior to diversion of discharged groundwater authorized herein, if sufficiently accurate measuring devices are not available, Permittee shall install and maintain measuring device(s), at the discharge point(s) of the groundwater and at any authorized diversion point, capable of measuring within plus or minus 5% accuracy.
4. Permittees shall maintain records of the daily amount of groundwater discharged into the reservoirs and subsequently diverted and make those records available to the South Texas Watermaster upon request.

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

  
\_\_\_\_\_  
Jenny M Torres, Hydrologist

## Natalia Ponebshek

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**From:** Jeff Sammons <[REDACTED]>  
**Sent:** Monday, March 28, 2022 2:48 PM  
**To:** Natalia Ponebshek  
**Subject:** RE: Zimmerman Living Trust App. No. 13760 ADC

Thanks Natalia. Do you have an estimated date when the application may be ready for our review prior to Notice? I believe it's been about 10 months now since the application was deemed administratively complete. Also, how much longer after the Notice will it take to get final permit approval provided there is no opposition from the Notice?

Thanks,  
Jeff

Jeffrey D. Sammons, P.G.  
Senior Geologist  
Flatrock Engineering and Environmental  
18615 Tuscany Stone, Suite 200  
San Antonio, TX 78258  
Mobile: 281-380-5810  
<http://www.flatrockenergy.net>

---

**From:** Natalia Ponebshek [mailto:Natalia.Ponebshek@tceq.texas.gov]  
**Sent:** Monday, March 28, 2022 2:15 PM  
**To:** Jeff Sammons <[REDACTED]>  
**Subject:** RE: Zimmerman Living Trust App. No. 13760 ADC

Hello,

I am currently drafting the permit for this application. Once it goes through our internal review process, you will have an opportunity to approve it prior to notice. Please let me know if you have any further questions.

Thank you,

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
(512) 239-4641

---

**From:** Jeff Sammons <[REDACTED]>  
**Sent:** Monday, March 28, 2022 2:01 PM  
**To:** Natalia Ponebshek <[Natalia.Ponebshek@tceq.texas.gov](mailto:Natalia.Ponebshek@tceq.texas.gov)>  
**Subject:** RE: Zimmerman Living Trust App. No. 13760 ADC

Good Afternoon Natalia,

Will you please give me an update on the status of this application? You can reach me by email or phone.

Thanks,

Jeff

Jeffrey D. Sammons, P.G.  
Senior Geologist  
Flatrock Engineering and Environmental  
18615 Tuscany Stone, Suite 200  
San Antonio, TX 78258  
Mobile: 281-380-5810  
<http://www.flatrockenergy.net>

---

**From:** Jeff Sammons  
**Sent:** Friday, March 25, 2022 7:21 AM  
**To:** Natalia Ponebshek <[Natalia.Ponebshek@tceq.texas.gov](mailto:Natalia.Ponebshek@tceq.texas.gov)>  
**Subject:** RE: Zimmerman Living Trust App. No. 13760 ADC

Good Morning Natalia,

Will you please give me an update on the status of this application?

Thanks,  
Jeff

Jeffrey D. Sammons, P.G.  
Senior Geologist  
Flatrock Engineering and Environmental  
18615 Tuscany Stone, Suite 200  
San Antonio, TX 78258  
Mobile: 281-380-5810  
<http://www.flatrockenergy.net>

---

**From:** Natalia Ponebshek [<mailto:Natalia.Ponebshek@tceq.texas.gov>]  
**Sent:** Monday, August 2, 2021 10:37 AM  
**To:** Jeff Sammons [REDACTED]  
**Subject:** RE: Zimmerman Living Trust App. No. 13760 ADC

Hello,

This application is still in the technical review stage. Please let me know if you have any further questions.

Thank you,

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
(512) 239-4641

---

**From:** Jeff Sammons <[jeff.sammons@flatrockenergy.net](mailto:jeff.sammons@flatrockenergy.net)>  
**Sent:** Friday, July 30, 2021 11:38 AM  
**To:** Natalia Ponebshek <[Natalia.Ponebshek@tceq.texas.gov](mailto:Natalia.Ponebshek@tceq.texas.gov)>  
**Subject:** RE: Zimmerman Living Trust App. No. 13760 ADC

Good Morning Natalia,

Will you please give me an update on the status of this application?

Thanks,  
Jeff

Jeffrey D. Sammons, P.G.  
Senior Geologist  
Flatrock Engineering and Environmental  
18615 Tuscany Stone, Suite 200  
San Antonio, TX 78258  
Mobile: 281-380-5810  
<http://www.flatrockenergy.net>

---

**From:** Natalia Ponebshek [<mailto:Natalia.Ponebshek@tceq.texas.gov>]  
**Sent:** Friday, May 21, 2021 4:12 PM  
**To:** Jeff Sammons [REDACTED]  
**Subject:** Zimmerman Living Trust App. No. 13760 ADC

Hello,

The abovementioned application is now administratively complete. Please let me know if you have any further questions.

Thank you,

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
(512) 239-4641

**Texas Commission on Environmental Quality  
TELEPHONE MEMO TO THE FILE**

Call to: Mr. Jeffery Sammons	Call from: TECQ Staff Natalia Ponebshek
Date: 9/16/2021	Applicant: (app name and #) Zimmerman Living Trust 13760

*Information for File follows:*

I have verified with the applicant that they intend to have both industrial and mining as purposes of use for this application.

Signed *Natalia Ponebshek*

# TCEQ Interoffice Memorandum

---

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

THRU: Chris Kozlowski, Team Leader  
Water Rights Permitting Team

FROM: Natalia Ponebshek Project Manager  
Water Rights Permitting Team

DATE: May 21, 2021

SUBJECT: Zimmerman Living Trust  
WRPERM 13760  
CN605877919, RN111240677  
Application No. 13760 for a Water Use Permit  
Texas Water Code § 11.042, Requiring Limited Mailed Notice  
Unnamed tributary of Rocky Creek, Lavaca River Basin  
Lavaca County

The application and partial fees were received on April 7, 2021. Additional information and fees were received on May 11, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 21, 2021. Interjacent notice and notice to the TPWD and OPIC is required pursuant to Title 30 Texas Administrative Code §§ 295.161(b) and (c).

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

*Natalia Ponebshek*

---

Natalia Ponebshek, 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 21, 2021

Mr. Jeffery D. Sammons, P.G.  
Flatrock Engineering and Environmental  
18615 Tuscan Stone, Ste. 200  
San Antonio, TX 78258

**VIA E-MAIL**

RE: Zimmerman Living Trust  
WRPERM 13760  
CN605877919, RN111240677  
Application No. 13760 for a Water Use Permit  
Texas Water Code § 11.042, Requiring Limited Mailed Notice  
Unnamed tributary of Rocky Creek, Lavaca River Basin  
Lavaca County

Dear Mr. Sammons:

This acknowledges receipt on May 11, 2021 of the requested additional information and fees in the amount of \$2.13 (Receipt Nos. M117763A and M117763B, copies attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on May 21, 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 the application, please contact me via email at [Natalia.Ponebshek@tceq.texas.gov](mailto:Natalia.Ponebshek@tceq.texas.gov) or by telephone at (512) 239-4641.

Sincerely,

*Natalia Ponebshek*

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment



## Natalia Ponebshek

---

**From:** Jeff Sammons [REDACTED]  
**Sent:** Tuesday, May 11, 2021 11:03 AM  
**To:** Natalia Ponebshek  
**Subject:** RE: Zimmerman Living Trust App No. 13760 RFI  
**Attachments:** FLATROCK RESPONSE to TCEQ 4-30-21 COMMENTS LETTER\_WRPERM 13760.pdf  
  
**Importance:** High

Good Morning Natalia,

Please find attached a copy of our response to your April 30, 2021 letter. A hard copy of this response letter with the required payment of \$2.13 will be submitted via overnight mail for delivery tomorrow. Please let me know if you have any questions.

Thanks,  
Jeff

Jeffrey D. Sammons, P.G.  
Senior Geologist  
Flatrock Engineering and Environmental  
18615 Tuscany Stone, Suite 200  
San Antonio, TX 78258  
Mobile: 281-380-5810  
<http://www.flatrockenergy.net>

---

**From:** Natalia Ponebshek [mailto:Natalia.Ponebshek@tceq.texas.gov]  
**Sent:** Friday, April 30, 2021 4:04 PM  
**To:** Jeff Sammons [REDACTED]  
**Subject:** Zimmerman Living Trust App No. 13760 RFI

Please find the attached request for information for the abovementioned application. A response is due by May 31, 2021

Thank you,

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
(512) 239-4641



May 11, 2021

Ms. Natalia Ponebshek  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
Texas Commission on Environmental Quality  
MC-160  
12100 Park 35 Circle  
Austin, Texas 78753

**RE: Response to April 30, 2021 TCEQ Comment Letter  
Zimmerman Living Trust  
CN605877919, RN111240677  
WRPERM 13760  
Application No. 13760 for a Water Use Permit  
Unnamed Tributary of Rocky Creek, Guadalupe River Basin  
Lavaca County, Texas**

Dear Ms. Ponebshek,

Flatrock Engineering and Environmental (Flatrock) is in receipt of your April 30, 2021 comment letter and is pleased to provide this response and accompanying information in support of the above-referenced water use permit application (Application No. 13760). For convenience and clarity, the four (4) items requested in your letter are listed below **in bold** followed by our responses and supporting documentation.

- 1. Provide additional 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 (Section 4.a. of the Technical Information Report). For examples, see page 15 of the Instructions for Completing the Water Right Permitting Application (Form TCEQ-10214A-inst).**

RESPONSE

This application requests a permit to use the bed and banks of a watercourse (Zimmerman Pond) to convey privately owned groundwater only. Therefore, this request will not affect the regional or state water plans.

- 2. Confirm that the application requests to convey groundwater in the bed and banks of a watercourse. Groundwater will be used as the alternative source of water.**

RESPONSE

Yes, we confirm that this application requests to convey only groundwater in the bed and banks of a watercourse. Groundwater will be used as the alternate source of water. No surface water will be used.

- 3. Provide written evidence that Wilbert W. Zimmerman is authorized to sign the application for Zimmerman Living Trust, pursuant to Title 30 Texas Administrative Code (TAC) §295.14(6) which states:**

**If the applicant is acting as trustee for another, the applicant shall sign as trustee, and in the application shall disclose the nature of the trust agreement and give the name and current address of each trust beneficiary.**

RESPONSE

A copy of the *Certification of Trust for the Zimmerman Living Trust* that shows Wilbert W. Zimmerman is authorized to sign the application (Application No. 13760) on behalf of the Zimmerman Living Trust is provided in Attachment 1 of this response letter.

- 4. Remit fees in the amount of \$2.13 as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.**

<b>Filing Fee (Bed and Banks)</b>	<b>\$ 100.00</b>
<b>Recording Fee</b>	<b>\$ 12.50</b>
<b>Notice Fee (\$0.94 x 2- TPWD and OPIC)</b>	<b>\$ 1.88</b>
<b>TOTAL FEES</b>	<b>\$114.38</b>
<b>FEES RECEIVED</b>	<b>\$112.25</b>
<b>TOTAL FEES DUE</b>	<b>\$ 2.13</b>

RESPONSE

A check payable to the TCEQ in the amount of \$2.13 is provided in Attachment 2 of this response letter.

We hope that you find the provided information satisfactory and responsive to your request. Should you have any additional questions, please contact me via email at [REDACTED] or by telephone at 281-380-5810.

Respectfully,  
**Flatrock Engineering and Environmental**



Jeffrey D. Sammons, P.G.  
Senior Geologist

ATTACHMENTS (2)

Response to April 30, 2021 TCEQ Comment Letter  
Zimmerman Living Trust  
CN605877919, RN111240677  
WRPERM 13760  
Application No. 13760 for a Water Use Permit

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## **ATTACHMENT 1**

**Certification of Trust for the  
Zimmerman Living Trust**  
dated MARCH 25, 2014

This Certification of Trust is signed by all the currently acting Trustees of the Zimmerman Living Trust dated MARCH 25, 2014 who declare:

1. The Settlers are Wilbert W. Zimmerman and Margie Lee Zimmerman. The trust is revocable by the Settlers, acting jointly and not separately.
2. The Trustees of the trust are Wilbert W. Zimmerman and Margie Lee Zimmerman. The signature of one Trustee is sufficient to exercise the powers of the Trustee.
3. The successor Trustees are Timothy Ray Zimmerman and Lee Ann Otto. The signature of one Trustee is sufficient to exercise the powers of the Trustee.
4. The tax identification number of the trust is the Social Security number of either Wilbert W. Zimmerman or Margie Lee Zimmerman.
5. Title to assets held in the trust will be titled as:  
 Wilbert W. Zimmerman and Margie Lee Zimmerman, Trustees of the Zimmerman Living Trust dated MARCH 25, 2014, and any amendments thereto.
6. An alternative description will be effective to title assets in the name of the trust or to designate the trust as a beneficiary if the description includes the name of at least one initial or successor Trustee, any reference indicating that property is being held in a fiduciary capacity; for example, *Trustees of the Zimmerman Living Trust dated* MARCH 25, 2014
7. Excerpts from the trust document that establish the trust, designate the Trustee, and set forth the powers of the Trustee will be provided upon request. The powers of the Trustees include the power to acquire, sell, assign, convey, pledge, encumber, lease, borrow, manage, and deal with real and personal property interests. The Trustee may buy, sell, trade, and otherwise deal in stocks, bonds, investments, companies, mutual funds, common trust funds, commodities, options and other securities of any kind and in any amount, including short sales.
8. The terms of the trust provide that a third party may rely upon this Certification of Trust as evidence of the existence of the trust and is specifically relieved of any obligation to inquire into the terms of this trust or the authority of my Trustee, or to see to the application that my Trustee makes of funds or other property received by my Trustee.
9. The trust has not been revoked, modified, or amended in any way that would cause the representations in this Certification of Trust to be incorrect.

Dated: MARCH 25, 20 14

Wilbert W Zimmerman  
Wilbert W. Zimmerman, Trustee

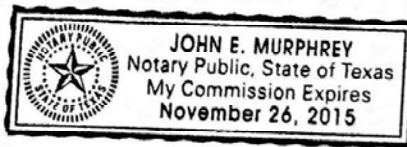
Margie Lee Zimmerman  
Margie Lee Zimmerman, Trustee

STATE OF TEXAS  
COUNTY OF LAVACA

Before me, the undersigned, Notary Public, on this day personally appeared Wilbert W. Zimmerman and Margie Lee Zimmerman, as Trustees, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this day, MARCH 25, 20 14

[Signature]  
Notary Public, State of Texas





13-MAY-21 04:20 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>
NOTICE FEES-WUP- WATER USE PERM	PTGU PTGU	M117763B 13760	1178 051321		BS00087007 D1803330	13-MAY-21	-\$1.88
	NOTICE FEES WUP WATER USE PERMITS	SAMMONS, JEFFREY D	RHDAVIS	CK			
						Total (Fee Code):	-\$1.88

RECEIVED

MAY 17 2021

Water Availability Division





13-MAY-21 04:20 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	M117763A	1178		BS00087007	13-MAY-21	-\$ .25
	WUP	13760	051321	N	D1803330		
	WATER USE PERMITS	SAMMONS, JEFFREY D	RHDAVIS	CK			
						Total (Fee Code):	-\$ .25
						Grand Total:	-\$41,732.15

RECEIVED  
MAY 17 2021  
Water Availability Division

## Natalia Ponebshek

---

**From:** Natalia Ponebshek  
**Sent:** Friday, April 30, 2021 4:04 PM  
**To:** [REDACTED]  
**Subject:** Zimmerman Living Trust App No. 13760 RFI  
**Attachments:** Zimmerman\_Living\_Trust\_13760\_RFI #1\_Sent\_4.30.2021.pdf; Zimmerman\_Living\_Trust\_13760\_Receipt #1.pdf

Please find the attached request for information for the abovementioned application. A response is due by May 31, 2021

Thank you,

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
(512) 239-4641

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 30, 2021

Mr. Jeffery D. Sammons  
Flatrock Engineering and Environmental  
18615 Tuscany Stone, Ste 200  
San Antonio, TX 78258

VIA E-MAIL

RE: Zimmerman Living Trust  
WRPERM 13760  
CN605877919, RN111240677  
Application No. 13760 for a Water Use Permit  
Texas Water Code § 11.042, Requiring Limited Mailed Notice  
Unnamed tributary of Rocky Creek, Guadalupe River Basin  
Lavaca County

Dear Mr. Sammons:

This acknowledges receipt, on April 7, 2021, of the referenced application and fees in the amount of \$112.25 (Receipt No. M115968, copy enclosed).

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

1. Provide additional 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 (Section 4.a. of the *Technical Information Report*). For examples, see page 15 of the Instructions for Completing the Water Right Permitting Application (Form TCEQ-10214A-inst).
2. Confirm that the application requests to convey groundwater in the bed and banks of a watercourse. Groundwater will be used as the alternative source of water.
3. Provide written evidence that Wilbert W. Zimmerman is authorized to sign the application for Zimmerman Living Trust, pursuant to Title 30 Texas Administrative Code (TAC) § 295.14(6) which states:

If the applicant is acting as trustee for another, the applicant shall sign as trustee, and in the application shall disclose the nature of the trust agreement and give the name and current address of each trust beneficiary.

4. Remit fees in the amount of \$2.13 as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee (Bed and Banks)	\$ 100.00
Recording Fee	\$ 12.50
<u>Notice Fee (\$0.94 x 2- TPWD and OPIC)</u>	<u>\$ 1.88</u>
TOTAL FEES	\$ 114.38
<u>FEES RECEIVED</u>	<u>\$ 112.25</u>
TOTAL FEES DUE	\$ 2.13

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • [tceq.texas.gov](http://tceq.texas.gov)

How is our customer service? [tceq.texas.gov/customersurvey](http://tceq.texas.gov/customersurvey)

printed on recycled paper

Mr. Jeffery D. Sammons  
Application No. 13760  
April 30, 2021  
Page 2 of 2

Please provide the requested information and fees by May 31, 2021 or the application may be returned pursuant to 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via e-mail at [Natalia.Ponebshek@tceq.texas.gov](mailto:Natalia.Ponebshek@tceq.texas.gov) or by telephone at (512) 239-4641.

Sincerely,

*Natalia Ponebshek*

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
Texas Commission on Environmental Quality

Attachment



# Basis2 Receipt Report by Endorsement Number

APR-23-21 03:24 PM

Acct. #: WUP

Account Name: WATER USE PERMITS

<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
	M115968		FLATROCK ENGINEERING & ENVIRONMENTAL	CK	15332		BS00086507	07-APR-21	\$112.25

# 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): Zimmerman Living Trust

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

Y/N

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

Y/N

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

**For Commission Use Only:**

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

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

# ADMINISTRATIVE INFORMATION REPORT

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

**\*\*\* Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Staff to discuss Applicant's needs prior to submitting an application. Call the Water Rights Permitting Team to schedule a meeting at (512) 239-4600.**

## 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."

This application is for a bed and banks permit to discharge privately owned groundwater into an on-channel reservoir and then subsequently divert the groundwater from the same on-channel reservoir for use in support of local oil/gas exploration and production operations. Both the reservoir and the water well that will be used to discharge to the reservoir are wholly contained on the same property that the applicant owns.

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

**a. Applicant**

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

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

*(If the Applicant is an entity, the legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal documents forming the entity.)*

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?  
You may search for your CN on the TCEQ website at  
<http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN : \_\_\_\_\_ (leave blank if you do not yet have a CN).

What is the name and title of the person or persons signing the application? Unless an application is signed by an individual applicant, the person or persons must submit written evidence that they meet the signatory requirements in 30 TAC § 295.14.

First/Last Name: **Wilbert W. Zimmerman**  
Title: **Trustee for the Zimmerman Living Trust**

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: **Wilbert W. Zimmerman, Trustee for the Zimmerman Living Trust**  
Mailing Address: **2599 Gonzales County Road**  
City: **Shiner** State: **Texas** ZIP Code: **77984**

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 checked="" type="checkbox"/> Trust   | <input type="checkbox"/> Estate                     |
| <input type="checkbox"/> Federal Government | <input type="checkbox"/> State Government           |
| <input type="checkbox"/> County Government  | <input type="checkbox"/> City Government            |
| <input type="checkbox"/> Other Government   | <input type="checkbox"/> Other _____                |

For Corporations or Limited Partnerships, provide:  
State Franchise Tax ID Number: \_\_\_\_\_ SOS Charter (filing) Number: \_\_\_\_\_



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

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

First and Last Name: Jeffrey D. Sammons

Title: Sr. Geologist / Consultant

Organization Name: Flatrock Engineering and Environmental

Mailing Address: 18615 Tuscan Stone, Suite 200

City: San Antonio

State: TX

ZIP Code: 78258

Phone No.: 281-380-5810

Extension:

Fax No.:

E-mail Address: [REDACTED]

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

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

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

First and Last Name: **Wilbert W. Zimmerman**

Title: **Trustee for the Zimmerman Living Trust**

Organization Name:

Mailing Address: **2599 Gonzales County Road**

City: **Shiner**

State: **TX**

ZIP Code: **77984**

Phone No.: **361-594-2616**

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) 239-4600, prior to submitting your application.

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

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

Account number:

Amount past due:

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

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

Enforcement order number:

Amount past due:

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

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

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

Applicant:

I, Wilbert W. Zimmerman, Trustee for the Zimmerman Living Trust  
(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: Wilbert W Zimmerman Date: 4-6-21  
(Use blue ink)

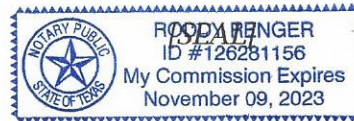
Subscribed and Sworn to before me by the said

on this 6<sup>th</sup> day of April, 2021.

My commission expires on the 9<sup>th</sup> day of November, 2023.

Roddy Renger  
Notary Public

Lavaca  
County, Texas



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

205158 VOL 649 PAGE 85 *done*

**NOTICE OF CONFIDENTIAL RIGHTS**

**IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS:  
YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER**

**WARRANTY DEED**

**STATE OF TEXAS**

**COUNTY OF LAVACA**

That We, WILBERT W. ZIMMERMAN AND MARGIE LEE ZIMMERMAN (husband and wife), of the County of Lavaca and State of Texas, ("Grantors") for valuable consideration to the undersigned which has been paid by the Grantee, named herein, the receipt of which is hereby acknowledged, have GRANTED, SOLD, AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto Wilbert W. Zimmerman and Margie Lee Zimmerman, Trustees and all successors in trust, under ZIMMERMAN LIVING TRUST dated MARCH 25, 2014 and any amendments thereto ("Grantee"), all of the following real property located in Lavaca County, Texas, as described on Exhibit "A" attached hereto.

This conveyance is expressly made subject to any restrictions, reservations, liens, life estates, easements, mineral reservations, rights or interests in waterways and maintenance charges, which may be in force and effect and filed for record in the county where the real property is located. Grantors hereby reserve the rights afforded to the Grantors under the homestead exemption laws pursuant to Chapter 41 of the Texas Property Code and §11.13 of the Texas Tax Code.

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, their successors and assigns forever; and we do hereby bind our heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, their successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

VOL. 649 PAGE 86

**"NO TITLE EXAMINATION OR TAX EXAMINATION WAS REQUESTED IN CONNECTION WITH THE PREPARATION OF THIS DOCUMENT, NOR WAS ANY MADE. THE PREPARER EXPRESSES NO OPINION ON TITLE OR TAXES TO THIS PROPERTY. THIS DEED WAS PREPARED SOLELY BASED ON INFORMATION PROVIDED BY GRANTEE"**

SIGNED this 25 day of MARCH, 2014, at 1:15 P.M.

Wilbert W. Zimmerman  
Wilbert W. Zimmerman

Margie Lee Zimmerman  
Margie Lee Zimmerman

STATE OF TEXAS

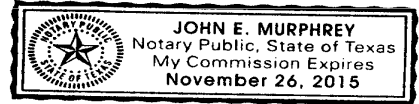
COUNTY OF LAVACA

BEFORE ME, the undersigned authority, on this day personally appeared Wilbert W. Zimmerman and Margie Lee Zimmerman, known to me to be the grantors whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 25 day of MARCH 2014

John E. Murphrey  
Notary Public  
State of Texas

Grantee's address:  
**ZIMMERMAN LIVING TRUST**  
**Wilbert W. Zimmerman and Margie Lee Zimmerman**  
**2573 FM 533**  
**Shiner, TX 77984**



AFTER RECORDING, PLEASE RETURN  
TO GRANTEE AT THE ADDRESS  
SHOWN ABOVE.

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EXHIBIT "A"

All that certain tract or parcel of land lying and being situated in the County of Lavaca, State of Texas, a part of the Byrd Lockhart League, about 21 miles West of Hallettsville, and described as follows; to-wit:

BEGINNING at a stake set for the Northwest corner of a survey for D. Brunkenhoefer, said stake being the Southwest corner of this tract;

THENCE S. 60 E. 916 feet to a stake set for the Southeast corner of this tract;

THENCE N. 30 E. 1840 feet to a stake set for the northeast corner of this tract;

THENCE N. 60 W. 924 feet to a stake set for the Northwest corner of this tract;

THENCE S. 29 3/4 W. 1840 feet to the place of beginning, containing 38.9 acres of land, more or less; and being the same property described in and conveyed by deed dated September 11, 1965 from Robert Stluka, et ux to Wilbert W. Zimmerman et ux, recorded in vol. 234, page 18-20, Deed Records, Lavaca County Texas; to which deed and its record reference is now here made for all pertinent purposes.

205158

FILED FOR RECORD

At 8:05 O'Clock A M

MAY 06 2014

ELIZABETH A. KOUBA, CLERK  
COUNTY COURT LAVACA CO, TEXAS  
By *Barbara Seibel* Deputy

Filed by, paid & return to:  
W. W. Zimmerman  
2573 FM 533  
Shiner, TX 77984

STATE OF TEXAS COUNTY OF LAVACA I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the Volume and Page of the Official Records of Lavaca County, Texas.
MAY 07 2014
ELIZABETH A. KOUBA LAVACA COUNTY CLERK
By <i>Patricia Zabransky</i> Deputy
Vol. <u>649</u> Page <u>85-87</u>
PATRICIA ZABRANSKY



**Property Information (9528)**

Owner Name: ZIMMERMAN LIVING TRUST  
 Doing Business As: Null  
 Property Identification Number: 9528  
 Geo. Identification Number: 4139000  
 Legal Description: A0026 BYRD LOCKHART, ACRES 37.4000  
 State Code: E1  
 Address: 2573 FM 533 TX  
 Taxing Jurisdictions: G143, RD, SS, CAD  
 Appraised Value: N/A  
 Neighborhood: Null  
 Abstract Code: A0026

[Property Detail \(https://propaccess.trueautomation.com/property/9528.html?cid=64&p=9528\)](https://propaccess.trueautomation.com/property/9528.html?cid=64&p=9528)

Zoom In

Map labels include: HEWIG LEROY HERMAN TRUST, DOBSON PATRICIA A LIFE ESTATE, DARILEK RONALD E & FAITH C, SCHLENKER DARRELL JAMES & PATRICIA JEAN FAMILY TWO TRUST, SCHLENKER DEREK ALLEN ETAL, SCHLENKER GARLAND & MICHELLE LIFE ESTATE, ZIMMERMAN LIVING TRUST, MATULA JOHN & SHARON, KOONE JENNIFER DELISE, FLORES TONETTE ELIZABETH, BICKHAM SHERI GAIL, Rocky Creek, County Road 368, County Road 366, County Road 342, County Road 340, County Road 334, N Avenue E.

Scale: 100m / 300ft



# Lavaca CAD

## Property Search Results > 9528 ZIMMERMAN LIVING TRUST for Year 2020

Tax Year:

### Property

#### Account

Property ID:	9528	Legal Description:	A0026 BYRD LOCKHART, ACRES 37.4000
Geographic ID:	4139000	Zoning:	PCT3
Type:	Real	Agent Code:	
Property Use Code:			
Property Use Description:			

#### Location

Address:	2573 FM 533 TX	Mapsco:	122
Neighborhood:		Map ID:	00026-111-0000-09400
Neighborhood CD:			

#### Owner

Name:	ZIMMERMAN LIVING TRUST	Owner ID:	578908
Mailing Address:	C/O WILBERT W & MARGIE LEE ZIMMERMAN, TRS 2573 FM 533 SHINER, TX 77984-5219	% Ownership:	100.0000000000%
		Exemptions:	OTHER, HS

### Values

(+) Improvement Homesite Value:	+	\$197,537	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$19,389	
(+) Land Non-Homesite Value:	+	\$0	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$254,680	\$3,400
(+) Timber Market Valuation:	+	\$0	\$0
-----			
(=) Market Value:	=	\$471,606	
(-) Ag or Timber Use Value Reduction:	-	\$251,280	
-----			
(=) Appraised Value:	=	\$220,326	
(-) HS Cap:	-	\$0	
-----			
(=) Assessed Value:	=	\$220,326	

### Taxing Jurisdiction

Owner: ZIMMERMAN LIVING TRUST  
 % Ownership: 100.0000000000%  
 Total Value: \$471,606

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax	Tax Ceiling
CAD	COUNTY APPRAISAL DISTRICT	0.000000	\$220,326	\$220,326	\$0.00	
G143	LAVACA COUNTY	0.446800	\$220,326	\$220,326	\$614.00	\$598.81
RD	FARM-MKT ROAD	0.121100	\$220,326	\$217,326	\$182.80	\$178.68
SS	SHINER ISD	1.036500	\$220,326	\$185,326	\$1,249.36	\$1,214.12
Total Tax Rate:		1.604400				
					Taxes w/Current Exemptions:	\$2,046.16
					Taxes w/o Exemptions:	\$3,164.49

### Improvement / Building

<b>Improvement #1:</b>	<b>RESIDENTIAL</b>	<b>State Code:</b>	<b>E1</b>	<b>Living Area:</b>	<b>3172.0 sqft</b>	<b>Value: \$164,900</b>
------------------------	--------------------	--------------------	-----------	---------------------	--------------------	-------------------------

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	M4C	BR	1978	1800.0
OP	OPEN PORCH	*		1978	210.0
AGF2	ATTACHED GARAGE FINISHED 2 CAR	*		1978	552.0
MA2	MAIN AREA 2ND FLOOR	M4C		1978	1372.0

WD	WOOD DECK	*	0	480.0
GRM	GAMEROOM	M4C	0	616.0

Improvement #2:	MISC IMPRV	State Code:	E1	Living Area:	sqft	Value:
Value: \$2,829						
Type	Description	Class CD	Exterior Wall	Year Built	SQFT	
SHD	SHED	2G		0	1750.0	
SHD	SHED	3L		0	320.0	
SHD	SHED	3L		0	320.0	
SHD	SHED	3L		0	320.0	
SHD	SHED	3L		0	320.0	

Improvement #3:	MISC IMPRV	State Code:	E1	Living Area:	sqft	Value:
Value: \$29,808						
Type	Description	Class CD	Exterior Wall	Year Built	SQFT	
MPB	MULTI-PURPOSE BUILDING	2A		2015	2000.0	
PC	PATIO COVER	*		2015	100.0	

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	HS	HS	2.0000	87120.00	0.00	0.00	\$19,389	\$0
2	RN2	RN2	18.4000	801504.00	0.00	0.00	\$132,376	\$1,564
3	RN1	RN1	17.0000	740520.00	0.00	0.00	\$122,304	\$1,836

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$197,537	\$274,069	3,400	220,326	\$0	\$220,326
2019	\$200,572	\$180,182	3,434	218,374	\$3,668	\$214,706
2018	\$177,697	\$180,182	3,009	195,074	\$0	\$195,074
2017	\$180,052	\$180,182	2,938	197,358	\$0	\$197,358
2016	\$182,408	\$180,176	2,938	199,714	\$0	\$199,714
2015	\$142,901	\$175,176	3,009	155,278	\$0	\$155,278
2014	\$142,997	\$156,407	3,009	154,370	\$0	\$154,370
2013	\$136,672	\$156,407	2,974	148,010	\$0	\$148,010
2012	\$136,672	\$156,407	2,938	147,974	\$0	\$147,974
2011	\$130,500	\$143,130	2,938	141,092	\$0	\$141,092
2010	\$128,580	\$143,130	2,832	139,066	\$0	\$139,066
2009	\$128,580	\$127,796	2,832	138,246	\$0	\$138,246
2008	\$128,580	\$127,800	2,900	138,320	\$0	\$138,320
2007	\$120,790	\$97,850	2,900	128,930	\$0	\$128,930

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	5/6/2014	WD	WARRANTY DEEDS	ZIMMERMAN WILBERT W &	ZIMMERMAN LIVING TRUST	649	085	

Tax Due

Property Tax Information as of 03/16/2021

Amount Due if Paid on:  -

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due
------	---------------------	---------------	----------	-----------------	--------------	-------------------------------	---------------	------------

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

Questions Please Call (361) 798-4396

## 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 / N No (If yes, date : NA).

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

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

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y / N No
- b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? Y / N No (If yes, indicate the Certificate or Permit number: NA)

*If Applicant answered yes to (a) or (b) above, does Applicant also wish to be considered for a term permit pursuant to TWC § 11.1381? Y / N No*

- c. Applicant requests to extend an existing Term authorization or to make the right permanent? Y / N No (If yes, indicate the Term Certificate or Permit number: NA)

*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: NA

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? **Y / N** No (if yes, complete chart below):

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

a. Applicant requests an amendment to an existing water right to increase the amount of the appropriation of State Water (diversion and/or impoundment)? **Y / N** No

*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** No

*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** No

*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** No

*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** No

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

- f. Other - Applicant requests to change any provision of an authorization not mentioned above? **Y / N** No *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/N** No

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

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

- b. Applicant requests to convey water imported into the state from a source located wholly outside the state using the bed and banks of a watercourse? TWC § 11.042(a-1). **Y / N** No

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

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

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

- d. Applicant requests to convey Applicant's own return flows derived from surface water using the bed and banks of a watercourse? TWC § 11.042(c). **Y / N** No

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

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

- e. Applicant requests to convey water from any other source, other than (a)-(d) above, using the bed and banks of a watercourse? TWC § 11.042(c). **Y / N** No

*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”:

Not Applicable - This Application is for a Bed and Banks Permit to discharge and subsequently divert

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privately owned groundwater from an on-channel reservoir only.

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- b. Did the Applicant perform its own Water Availability Analysis? Y / N No

*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 Yes

Coordinate System: GCS WGS 1984  
 Datum: WGS 1984  
 Units: Degree

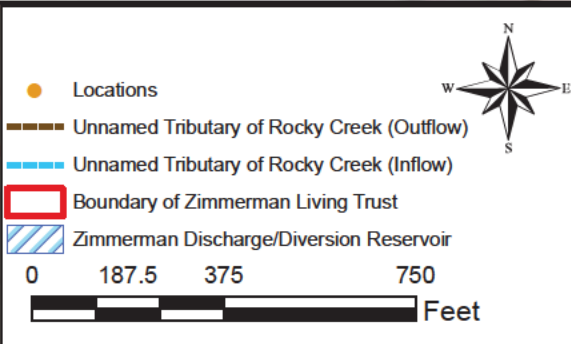
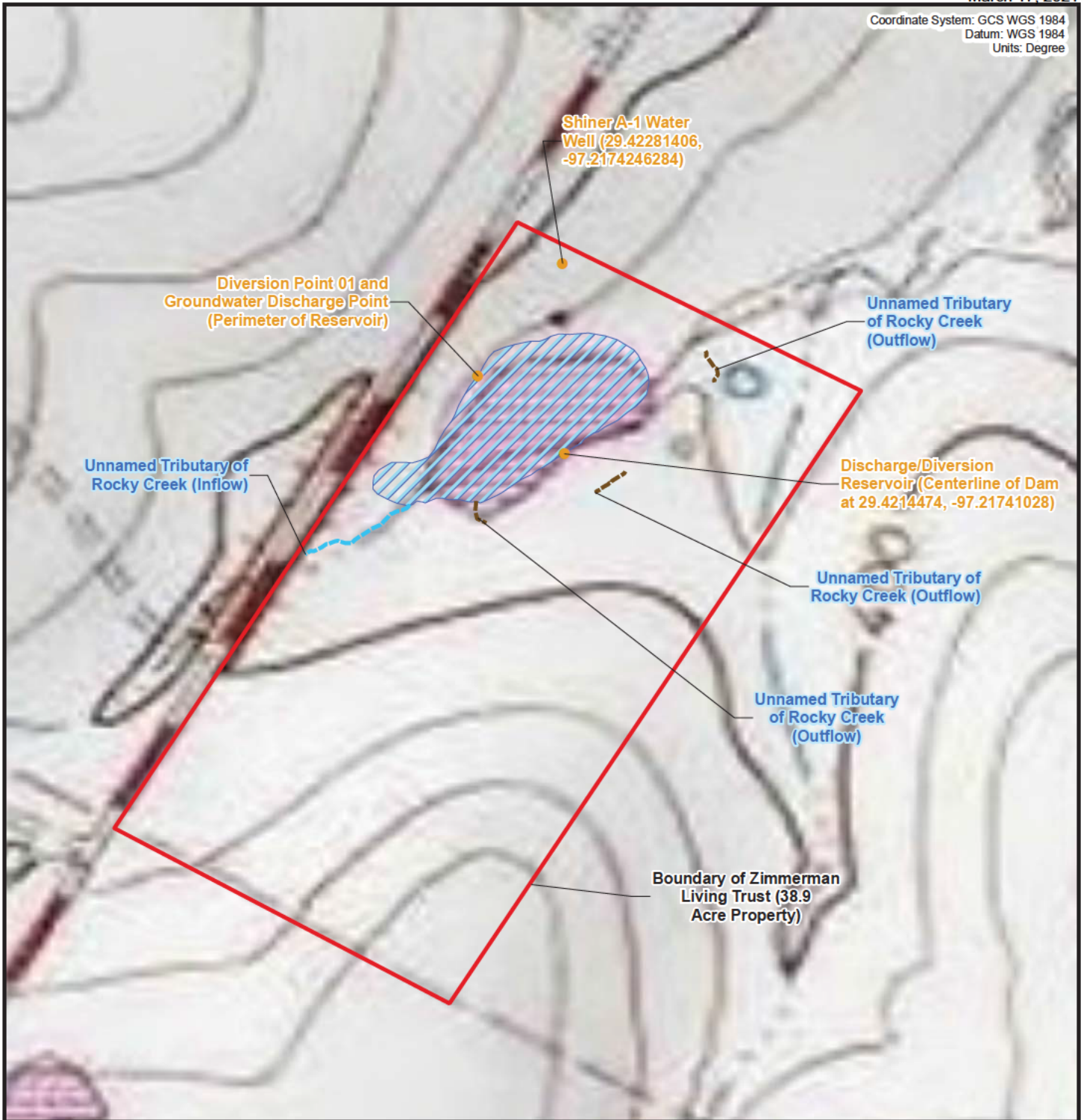


Figure 1  
 Zimmerman Bed & Banks Permit Application  
 Lavaca County, Texas

Prepared for: Mara hon Oil Company  
 Prepared By: Wemicke Date: 3/17/2021  
 Document Path: D:\Work\Marsh\Shiner Pond\GIS\gisp\gpa\gpa1\_B&B.mxd



Coordinate System: GCS WGS 1984  
 Datum: WGS 1984  
 Units: Degree

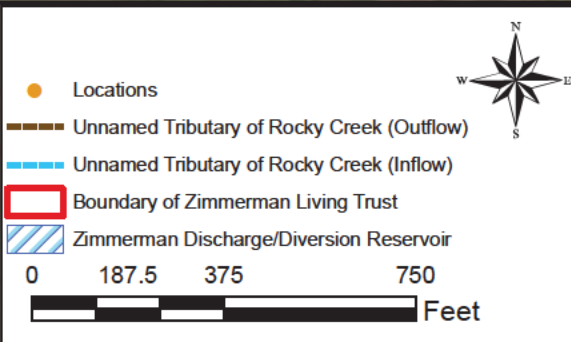


Figure 1  
 Zimmerman Bed & Banks Permit Application  
 Lavaca County, Texas

Prepared for: Mara hon Oil Company

Prepared By: Wemicke

Date: 3/17/2021

Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community  
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Document Path: D:\Work\Marshon\Shiner Pond\GIS\gpl\gpl\_gm2.mxd



## 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-foot) <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>
353	Groundwater	Industrial - O/G Production	Lavaca County

353 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 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 \_\_\_\_\_ 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-foot)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
NA				

\*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 \_\_\_\_\_ 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 No

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

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

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

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

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

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

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

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

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

## WORKSHEET 2.0 Impoundment/Dam Information

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

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

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

- a. Official USGS name of reservoir, if applicable: NA - Private Reservoir on unnamed tributary of Rocky Creek
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 14.67 acre-feet.
- c. The impoundment is on-channel X or off-channel \_\_\_\_\_ (mark one)
  - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / N No
  - 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 Yes
- d. Is the impoundment structure already constructed? Y / N Yes
  - i. For already constructed **on-channel** structures:
    1. Date of Construction: January 2013
    2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N Yes
      - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N No
      - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N No
    3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N No
      - a. If yes, provide the Site No. \_\_\_\_\_ and watershed project name \_\_\_\_\_;
      - b. Authorization to close "ports" in the service spillway requested? Y / N
  - ii. For **any** proposed new structures or modifications to structures:
    1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? Y / N NA  
Provide the date and the name of the Staff Person \_\_\_\_\_
    2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
      - a. No additional dam safety documents required with the Application. Y / N NA
      - b. Plans (with engineer's seal) for the structure required. Y / N NA
      - c. Engineer's signed and sealed hazard classification required. Y / N NA
      - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N NA

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 NA

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: 3.26 acres.
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 No  
If yes, the drainage area is \_\_\_\_\_ sq. miles.  
(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

## 2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): Unnamed tributary of Rocky Creek
- b. Zip Code: 77984
- c. In the Byrd Lockhart League Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_,  
Lavaca 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 29.4214474 °N, Longitude -97.21741028 °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): GIS Mapping Program
- dii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N Yes - See Figures 1 & 2



## 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. 01 Diversion Point No.
2.      Upstream Limit of Diversion Reach No.
3.      Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 8.42 cfs (cubic feet per second)  
 or 3,780 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / N No  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*      cfs or      gpm

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

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

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

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

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

Applicant has calculated the drainage area. Y / N No

If yes, the drainage area is      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): Private Reservoir on unnamed tributary of Rocky Creek
- b. Zip Code: 77984
- c. Location of point: In the Byrd Lockhart League Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, Lavaca 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 SEE BELOW\* °N, Longitude SEE BELOW\* °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): GIS Mapping Program
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

\*The diversion of groundwater will occur from along the perimeter of a private reservoir with a point on the centerline of the reservoir's dam being at 29.4214474, -97.21741028 (Diversion Point 01). See Figures 1 & 2.



## WORKSHEET 4.0 DISCHARGE INFORMATION

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

- a. The purpose of use for the water being discharged will be Industrial.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses 1.34 % and explain the method of calculation: See Attached Water Loss Calculations

Is the source of the discharged water return flows? Y / N No If yes, provide the following information:

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

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

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
  4. The percentage of return flows from groundwater NA, surface water NA?
  5. If any percentage is surface water, provide the base water right number(s) NA.
- c. Is the source of the water being discharged groundwater? Y / N Yes If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped: Gulf Coast
  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/gwdbrpt.asp>. Additionally, provide well numbers or identifiers Shiner A-1, State Well Report Tracking No. 309819
  3. Indicate how the groundwater will be conveyed to the stream or reservoir.  
By aboveground poly pipe and/or lay flat hose
  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.  
Lavaca County is not located within a GCD. No water well permit is required.
- ci. Is the source of the water being discharged a surface water supply contract? Y / N No  
If yes, provide the signed contract(s).
- cii. Identify any other source of the water No other source.

## WATER LOSS CALCULATIONS

### Zimmerman Bed & Banks Permit Application Lavaca County, Texas

This application is only for the discharge and subsequent diversion of groundwater from an on-channel pond located in western Lavaca County, Texas. Annual volume losses resulting from this activity are expected to occur primarily as a result of evaporation.

To calculate the percentage of losses from the on-channel pond due to evaporation, the following formulas were utilized:

---

**Surface Area of Pond x Annual Net Mean Evaporation for Location of Pond = Annual Net Mean Evaporation from Pond**

Where:            **Surface Area of Pond** = 3.26 acres or 142,006 square feet

**Annual Net Mean Evaporation for Location of Pond<sup>1</sup>** = Sum of Monthly Net Mean Evaporation Rates for Location of Pond = 17.69 inches or 1.47 feet (see Notes and attached table)

CALCULATION:

(142,006 square feet x 1.47 feet) = **208,749 cubic feet or 1,561,551 gallons or 4.79 acre-feet**

---

**(Annual Net Mean Evaporation from Pond / Total Annual Volume of GW to be Discharged to Pond) x 100 = Annual Net Percent Loss Due to Evaporation**

Where:            **Annual Net Mean Evaporation from Pond** = 4.79 acre-feet (from above calculation)

**Total Annual Volume of GW Discharged to Pond** = 358 acre-feet (see application)

CALCULATION:

(4.79 acre-feet / 358 acre-feet) x 100 = **1.34%**

---

**NOTES:**

<sup>1</sup> The **Annual Net Mean Evaporation for Location of Pond** was calculated by summing the monthly net mean evaporation rates for January through December obtained from the Texas Water Development Board (TWDB) for the quadrangle in which the on-channel pond is located (Quadrangle 810). This TWDB data can be obtained from <https://waterdatafortexas.org/lake-evaporation-rainfall> and is summarized in the attached table. Based on this calculation and the monthly net mean evaporation data obtained from the TWDB, the annual net mean evaporation rate for Quadrangle 810 was determined to be 17.69 inches.

According to information contained on the above-referenced TWDB web page, the TWDB "compiles and provides monthly and annual precipitation and gross lake evaporation rates to support water resources planning in the state. The data are provide here as gridded one-degree latitude by one-degree longitude quadrangles that cover Texas. The gross lake evaporation rate is defined as water loss caused by evaporation from the lake surface, while net lake evaporation rate is defined as the gross rate minus the precipitation rate over the lake surface. Precipitation data are available from 1940 through 2019 while gross lake evaporation data are available from 1954 through 2019."

**Table 1**  
Quad 810  
Net Evap Mean  
(January 1955 through December 2019)

<b>Month</b>	<b>Net Evap Mean* (inches)</b>
JAN	-0.03
FEB	0.29
MAR	1.53
APR	1.43
MAY	0.59
JUN	2.46
JUL	4.94
AUG	4.13
SEP	1.34
OCT	0.56
NOV	0.42
DEC	0.03
<b>TOTAL</b>	<b>17.69</b>

\*Source: TWDB

## 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 358 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 1 cfs or 450 gpm.
- c. Name of Watercourse as shown on Official USGS maps: Private Reservoir on unnamed tributary of Rocky Creek
- d. Zip Code 77984
- f. Location of point: In the Byrd Lockhart League Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, Lavaca County, Texas.
- g. Point is at:  
Latitude SEE BELOW\* °N, Longitude SEE BELOW\* °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): GIS Mapping Program

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

\*The discharge of groundwater will occur along the perimeter of a private reservoir with a point on the centerline of the reservoir's dam being at 29.4214474, -97.21741028 (Groundwater Discharge Point).  
See Figures 1 & 2.

## 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.**

Measures to include the use of mesh screens on diversion pump intakes will be taken by the applicants

to ensure that the proposed diversions will not impinge or entrain aquatic organisms.

### 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

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

Other, specify: \_\_\_\_\_

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the map submitted with the application indicating the location of the photograph and the direction of the shot.
2. 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.  
 See response to this item (3.a.i) provided in the red box at the bottom of this page.
- b. For all alternate source applications:

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

Water Well Sample ID: Shiner 1H WSW (See attached Eurofins Analytical Report, Job ID: 560-92883-1)

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L	40	40	1	Grab	2/26/2021 @ 1415
Chloride, mg/L	64	64	1	Grab	2/26/2021 @ 1415
Total Dissolved Solids, mg/L	530	530	1	Grab	2/26/2021 @ 1415
pH, standard units	6.89	6.89	1	Grab	2/26/2021 @ 1415
Temperature*, degrees Celsius	24.6	24.6	1	Grab	2/26/2021 @ 1415

\* 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 520 feet and the name of the aquifer from which water is withdrawn Gulf Coast Aquifer.

3.a.i. The application only requests to discharge and subsequently divert groundwater from an on-channel reservoir. The amount of water diverted from the reservoir will not exceed the amount of water discharged into the reservoir, less losses, therefore there should be no changes to downstream instream flows or freshwater inflows.





# Environment Testing America

## ANALYTICAL REPORT

Eurofins Xenco, Corpus Christi  
1733 N. Padre Island Drive  
Corpus Christi, TX 78408  
Tel: (361)289-2471

Laboratory Job ID: 560-92883-1  
Client Project/Site: Shiner 1H WSW

For:  
Weston Solutions, Inc.  
5301 Southwest Parkway  
Suite 450  
Austin, Texas 78735

Attn: Ms. Nancy L. Koch

Authorized for release by:  
3/4/2021 5:11:35 PM

Jodi Allen, Project Manager I  
(713)690-4444



### LINKS

Review your project  
results through  
**TotalAccess**

Have a Question?



Visit us at:  
[www.eurofinsus.com/Env](http://www.eurofinsus.com/Env)

*The test results in this report meet all 2003 NELAC, 2009 TNI, and 2016 TNI requirements for accredited parameters, exceptions are noted in this report. This report may not be reproduced except in full, and with written approval from the laboratory. For questions please contact the Project Manager at the e-mail address or telephone number listed on this page.*

*This report has been electronically signed and authorized by the signatory. Electronic signature is intended to be the legally binding equivalent of a traditionally handwritten signature.*

*Results relate only to the items tested and the sample(s) as received by the laboratory.*

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## Definitions/Glossary

Client: Weston Solutions, Inc.  
 Project/Site: Shiner 1H WSW

Job ID: 560-92883-1

### Glossary

Abbreviation	These commonly used abbreviations may or may not be present in this report.
α	Listed under the "D" column to designate that the result is reported on a dry weight basis
%R	Percent Recovery
CFL	Contains Free Liquid
CFU	Colony Forming Unit
CNF	Contains No Free Liquid
DER	Duplicate Error Ratio (normalized absolute difference)
Dil Fac	Dilution Factor
DL	Detection Limit (DoD/DOE)
DL, RA, RE, IN	Indicates a Dilution, Re-analysis, Re-extraction, or additional Initial metals/anion analysis of the sample
DLC	Decision Level Concentration (Radiochemistry)
EDL	Estimated Detection Limit (Dioxin)
LOD	Limit of Detection (DoD/DOE)
LOQ	Limit of Quantitation (DoD/DOE)
MCL	EPA recommended "Maximum Contaminant Level"
MDA	Minimum Detectable Activity (Radiochemistry)
MDC	Minimum Detectable Concentration (Radiochemistry)
MDL	Method Detection Limit
ML	Minimum Level (Dioxin)
MPN	Most Probable Number
MQL	Method Quantitation Limit
NC	Not Calculated
ND	Not Detected at the reporting limit (or MDL or EDL if shown)
NEG	Negative / Absent
POS	Positive / Present
PQL	Practical Quantitation Limit
PRES	Presumptive
QC	Quality Control
RER	Relative Error Ratio (Radiochemistry)
RL	Reporting Limit or Requested Limit (Radiochemistry)
RPD	Relative Percent Difference, a measure of the relative difference between two points
TEF	Toxicity Equivalent Factor (Dioxin)
TEQ	Toxicity Equivalent Quotient (Dioxin)
TNTC	Too Numerous To Count



# Case Narrative

Client: Weston Solutions, Inc.  
Project/Site: Shiner 1H WSW

Job ID: 560-92883-1

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**Job ID: 560-92883-1**

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**Laboratory: Eurofins Xenco, Corpus Christi**

**Narrative**

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**Job Narrative  
560-92883-1**

**Comments**

No additional comments.

**Receipt**

The sample was received on 2/27/2021 1:00 PM. Unless otherwise noted below, the sample arrived in good condition, and where required, properly preserved and on ice. The temperature of the cooler at receipt was 2.0° C.

**General Chemistry**

Method 300.0: The following samples were diluted due to the nature of the sample matrix: Shiner 1H WSW (560-92883-1), (560-92883-B-1 MS) and (560-92883-B-1 MSD). Elevated reporting limits (RLs) are provided.

No additional analytical or quality issues were noted, other than those described above or in the Definitions/Glossary page.



## Detection Summary

Client: Weston Solutions, Inc.  
Project/Site: Shiner 1H WSW

Job ID: 560-92883-1

**Client Sample ID: Shiner 1H WSW**

**Lab Sample ID: 560-92883-1**

Analyte	Result	Qualifier	RL	MDL	Unit	Dil Fac	D	Method	Prep Type
Chloride	64		5.0	0.96	mg/L	5		300.0	Total/NA
Sulfate	40		5.0	1.9	mg/L	5		300.0	Total/NA
Total Dissolved Solids	530		10	10	mg/L	1		SM 2540C	Total/NA

This Detection Summary does not include radiochemical test results.

Eurofins Xenco, Corpus Christi



### Client Sample Results

Client: Weston Solutions, Inc.  
 Project/Site: Shiner 1H WSW

Client Sample ID: Shiner 1H WSW

Lab Sample ID: 560-92883-1

Date Collected: 02/26/21 14:15

Matrix: Water

Date Received: 02/27/21 13:00

**General Chemistry**

Analyte	Result	Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
Chloride	64		5.0	0.96	mg/L			03/02/21 22:14	5
Sulfate	40		5.0	1.9	mg/L			03/02/21 22:14	5
Analyte	Result	Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
Total Dissolved Solids	530		10	10	mg/L			03/03/21 15:40	1

*Handwritten:* 3/5/21

### QC Sample Results

Client: Weston Solutions, Inc.  
 Project/Site: Shiner 1H WSW

Job ID: 560-92883-1

#### Method: 300.0 - Anions, Ion Chromatography

Lab Sample ID: MB 560-183245/3  
 Matrix: Water  
 Analysis Batch: 183245

Client Sample ID: Method Blank  
 Prep Type: Total/NA

Analyte	MB Result	MB Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
Chloride	ND		1.0	0.19	mg/L			03/02/21 13:11	1
Sulfate	ND		1.0	0.38	mg/L			03/02/21 13:11	1

Lab Sample ID: LCS 560-183245/4  
 Matrix: Water  
 Analysis Batch: 183245

Client Sample ID: Lab Control Sample  
 Prep Type: Total/NA

Analyte	Spike Added	LCS Result	LCS Qualifier	Unit	D	%Rec	%Rec. Limits
Chloride	10.0	10.3		mg/L		103	90 - 110
Sulfate	20.0	19.9		mg/L		100	90 - 110

Lab Sample ID: 560-92883-1 MS  
 Matrix: Water  
 Analysis Batch: 183245

Client Sample ID: Shiner 1H WSW  
 Prep Type: Total/NA

Analyte	Sample Result	Sample Qualifier	Spike Added	MS Result	MS Qualifier	Unit	D	%Rec	%Rec. Limits
Chloride	64		50.0	112		mg/L		95	80 - 120
Sulfate	40		100	147		mg/L		106	80 - 120

Lab Sample ID: 560-92883-1 MSD  
 Matrix: Water  
 Analysis Batch: 183245

Client Sample ID: Shiner 1H WSW  
 Prep Type: Total/NA

Analyte	Sample Result	Sample Qualifier	Spike Added	MSD Result	MSD Qualifier	Unit	D	%Rec	%Rec. Limits	RPD	Limit
Chloride	64		50.0	111		mg/L		95	80 - 120	0	20
Sulfate	40		100	133		mg/L		93	80 - 120	9	20

#### Method: SM 2540C - Solids, Total Dissolved (TDS)

Lab Sample ID: MB 560-183263/1  
 Matrix: Water  
 Analysis Batch: 183263

Client Sample ID: Method Blank  
 Prep Type: Total/NA

Analyte	MB Result	MB Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
Total Dissolved Solids	ND		10	10	mg/L			03/03/21 15:40	1

Lab Sample ID: LCS 560-183263/2  
 Matrix: Water  
 Analysis Batch: 183263

Client Sample ID: Lab Control Sample  
 Prep Type: Total/NA

Analyte	Spike Added	LCS Result	LCS Qualifier	Unit	D	%Rec	%Rec. Limits
Total Dissolved Solids	2250	2080		mg/L		92	90 - 110

## QC Association Summary

Client: Weston Solutions, Inc.  
Project/Site: Shiner 1H WSW

Job ID: 560-92883-1

### General Chemistry

#### Analysis Batch: 183245

Lab Sample ID	Client Sample ID	Prep Type	Matrix	Method	Prep Batch
560-92883-1	Shiner 1H WSW	Total/NA	Water	300.0	
MB 560-183245/3	Method Blank	Total/NA	Water	300.0	
LCS 560-183245/4	Lab Control Sample	Total/NA	Water	300.0	
560-92883-1 MS	Shiner 1H WSW	Total/NA	Water	300.0	
560-92883-1 MSD	Shiner 1H WSW	Total/NA	Water	300.0	

#### Analysis Batch: 183263

Lab Sample ID	Client Sample ID	Prep Type	Matrix	Method	Prep Batch
560-92883-1	Shiner 1H WSW	Total/NA	Water	SM 2540C	
MB 560-183263/1	Method Blank	Total/NA	Water	SM 2540C	
LCS 560-183263/2	Lab Control Sample	Total/NA	Water	SM 2540C	



## Accreditation/Certification Summary

Client: Weston Solutions, Inc.  
Project/Site: Shiner 1H WSW

Job ID: 560-92883-1

### Laboratory: Eurofins Xenco, Corpus Christi

All accreditations/certifications held by this laboratory are listed. Not all accreditations/certifications are applicable to this report.

Authority	Program	Identification Number	Expiration Date
Louisiana	NELAP	05094	06-30-21
Oklahoma	State	2020-006	08-31-21
Texas	NELAP	T104704210-19-23	03-31-21
USDA	US Federal Programs	P330-18-00314	10-31-21



## Method Summary

Client: Weston Solutions, Inc.  
Project/Site: Shiner 1H WSW

Job ID: 560-92883-1

Method	Method Description	Protocol	Laboratory
300.0	Anions, Ion Chromatography	MCAWW	TAL CC
SM 2540C	Solids, Total Dissolved (TDS)	SM	TAL CC

**Protocol References:**

MCAWW = "Methods For Chemical Analysis Of Water And Wastes", EPA-600/4-79-020, March 1983 And Subsequent Revisions.

SM = "Standard Methods For The Examination Of Water And Wastewater"

**Laboratory References:**

TAL CC = Eurofins Xenco, Corpus Christi, 1733 N. Padre Island Drive, Corpus Christi, TX 78408, TEL (361)289-2471



## Sample Summary

Client: Weston Solutions, Inc.  
Project/Site: Shiner 1H WSW

Job ID: 560-92883-1

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Lab Sample ID	Client Sample ID	Matrix	Collected	Received	Asset ID
560-92883-1	Shiner 1H WSW	Water	02/26/21 14:15	02/27/21 13:00	

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- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12



### Login Sample Receipt Checklist

Client: Weston Solutions, Inc.

Job Number: 560-92883-1

**Login Number: 92883**

**List Source: Eurofins TestAmerica, Corpus Christi**

**List Number: 1**

**Creator: Tuley, Amy E**

Question	Answer	Comment
Radioactivity wasn't checked or is <=/ background as measured by a survey meter.	N/A	
The cooler's custody seal, if present, is intact.	True	
Sample custody seals, if present, are intact.	True	
The cooler or samples do not appear to have been compromised or tampered with.	True	
Samples were received on ice.	True	
Cooler Temperature is acceptable.	True	
Cooler Temperature is recorded.	True	
COC is present.	True	
COC is filled out in ink and legible.	True	
COC is filled out with all pertinent information.	True	
Is the Field Sampler's name present on COC?	True	
There are no discrepancies between the containers received and the COC.	True	
Samples are received within Holding Time (excluding tests with immediate HTs)	True	
Sample containers have leg ble labels.	True	
Containers are not broken or leaking.	True	
Sample collection date/times are provided.	True	
Appropriate sample containers are used.	True	
Sample bottles are completely filled.	True	
Sample Preservation Verified.	True	
There is sufficient vol. for all requested analyses, incl. any requested MS/MSDs	True	
Containers requiring zero headspace have no headspace or bubble is <6mm (1/4").	True	
Multiphasic samples are not present.	True	
Samples do not require splitting or compositing.	True	
Residual Chlorine Checked.	N/A	Check done at department level as required.

