

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: October 24, 2023

SUBJECT: Mary Ann Cosper
ADJ 2940
CN602475980, RN103987491
Application No. 12-2940A to Amend Certificate of Adjudication No. 12-2940
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Leon River, Brazos River Basin
Bell County

The application and partial fees were received on May 3, 4, 5, and 11, 2023. Additional information and fees were received on October 4, 6, and 16, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on October 24, 2023. Mailed notice to the interjacent water right holders of record in the Brazos River Basin for changing the diversion point is required pursuant to Title 30 Texas Administrative Code (TAC) § 295.158(c)(3)(C) and no notice is required for adding a place of use pursuant to 30 TAC § 295.158(c)(2)(B).

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*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 24, 2023

Ms. Mary Ann Cospers
4134 Three Forks Road
Belton, TX 76513 -7787

VIA E-MAIL

RE: Mary Ann Cospers
ADJ 2940
CN602475980, RN103987491
Application No. 12-2940A to Amend Certificate of Adjudication No. 12-2940
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Leon River, Brazos River Basin
Bell County

Dear Ms. Cospers:

This acknowledges receipt, on October 4, 2023, of additional fees in the amount of \$47.04 (Receipt No. M400855, copy attached) and, on October 6 and 16, 2023, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on October 24, 2023. 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 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

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

Call to: Mary Ann Cosper	Call from: TECQ Staff Natalia Ponebshek
Date: 10/16/2023	Applicant: (app name and #) Mary Ann Cosper 12-2940A
<i>Information for File follows:</i> Ms. Cosper was contacted to clarify whether the application is requesting to add or change the place of use and diversion point location. Ms. Cosper confirmed that she is planning to change the place of use and diversion point locations, as she no longer owns that property. <i>Natalia Ponebshek</i> 10/16/2023	
Signed	

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 15, 2023

Ms. Mary Ann Cospers
4134 Three Forks Road
Belton, TX 76513

RECEIVED
VIA E-MAIL
OCT 06 2023
Water Availability Division

RE: Mary Ann Cospers
ADJ 2940
CN602475980, RN103987491
Application No. 12-2940A to Amend Certificate of Adjudication No. 12-2940
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Leon River, Brazos River Basin
Bell County

Dear Ms. Cospers:

This acknowledges receipt, on May 3, 2023, of the referenced application and fees in the amount of \$112.50 (Receipt No. M316266, copy attached).

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

1. Provide additional information concerning the submitted water conservation plan for agricultural use to comply with Title 30 Texas Administrative Code (TAC) § 288.4.

Describe the device(s) and/or method(s) used to measure and account for the amount of water diverted from the supply source, and verify the accuracy is within plus or minus 5% (Section I. B. 2. of TCEQ form 10238, page 3).
2. Confirm that the applicant is seeking to add a place of use being a 113.53-acre tract of land located in the Antonio Menchaca Survey, Abstract No. 12 in Bell County.
3. Provide a signed and notarized signature page for the application (Section 6. Signature Page of TCEQ form 10214B, page 7).
4. Provide consent from Mr. Kenneth D. Cospers to allow for diversion from and irrigation on his land. Staff notes Mr. Kenneth D. Cospers is listed as a co-owner of the 113.53-acre tract of land.
5. Remit fees in the amount of **\$47.04** as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee (Amendment)	\$ 100.00
Recording Fee	\$ 12.50
Notice Fee (\$2.94 x 16 WR holders)	\$ 47.04
TOTAL FEES	\$ 159.54
FEES RECEIVED	\$ 112.50
TOTAL FEES DUE	\$ 47.04

*revised
10-02-23*

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5. *If yes, please describe:*

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

7. *sandy loam*

B. Irrigation system information

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

Irrigation meth- rainbird sprinklers, Berkley 4" pump discharge with a 6" suction line, 400 gpm

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

4"McCrometer propeller flow meter , model MF104, with analog display, read-out instaneous & totalizer, accuracy is +or-2% per manufacture

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Water Availability Division

Item # 2

ADMINISTRATIVE INFORMATION REPORT

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

*****Applicants are REQUIRED 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.**

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.*

I CONFIRM this PLACE OF USE: *Maryann Lesher*

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

Water Rights PERMIT # 2940
 seeking RELOCATION to:
 6402 W. FM 436
 BELTON, TX 76513

BANK OF LEON RIVER, BRAZOS BASIN

PLACE OF USE:
 113.53 ac. in the ANTONIO MENCHACA SURVEY
 ABSTRACT # 12, BELL CO. TEXAS

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Water Availability Division

ITOMS
F3

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, KENNETH D. COSPER OWNER
(Typed or printed name) (Title)

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

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

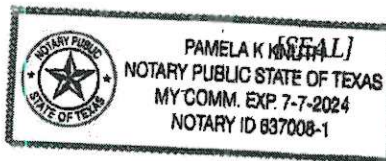
Signature: Kenneth D. Cosper Date: 4-13-23
(Use blue ink)

Subscribed and Sworn to before me by the said

on this 13th day of April, 2023

My commission expires on the 7th day of July, 2024

Notary Public



County, Texas

BELL

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

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OCT 06 2023

Water Availability Division

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, MARY ANN COSPER OWNER
(Typed or printed name) (Title)

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

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

Signature: *Mary Ann Cosper* Date: 4-13-23
(Use blue ink)

Subscribed and Sworn to before me by the said

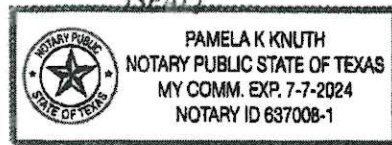
on this 13th day of April, 20 2023

My commission expires on the 7 day of July, 20 24

Notary Public

County, Texas

BELL



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RECEIVED
OCT 06 2023
Water Availability Division

I, KENNETH D. COSPER, JOINT OWNER OF THE PROPERTY PROPOSED FOR
WATER RIGHTS(#2940)
RELOCATION; 113.53 ACRES IN BELL CO, TEXAS, IN THE ANTONIO MENCHACA
SURVEY, ABSTRACT #12.

I GIVE PERMISSION FOR THE WATER RIGHTS TO BE RELOCATION TO THIS
PROPERTY, AND TO DIVERT WATER FROM THE LEON RIVER FOR IRRIGATION ON
THIS LAND.


KENNETH D. COSPER

4-12-2023

REVISED 9-18-2023

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OCT 06 2023
Water Availability Division



04-OCT-23 10:54 AM

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>CC Type</u>	<u>Card Auth.</u>	<u>User Data</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-	PTGU			M400855			8091				N		B500105254		04-OCT-23	-\$47.04
WATER USE PERM	PTGU			ADJ122940			100423						D4800190			
			NOTICE FEES WUP WATER USE	KENNETH D			JARIVERA				CK					
			PERMITS	COSPER LAND												
				AND CATTLE												

Total (Fee Code) : -\$47.04

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OCT 06 2023
Water Availability Division

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OCT 06 2023
Water Availability Division

C
Mary Coper
4134 Three Forks Rd.
Belton, TX 76513

AUSTIN TX 786
RIO GRANDE DISTRICT
2 OCT 2023 PM 5 L



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OCT 06 2023

Water Availability Division

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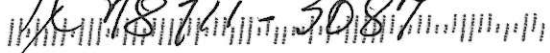
OCT 04 2023

TCEQ MAIL CENT
WT

TCEQ
PO Box 13087

Austin, TX 78711-3087

78711-3087



Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



PAY TO THE ORDER
OF STATE COMPTROLLER
TCEQ

400855 8-43

PTGU

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 15, 2023

Ms. Mary Ann Cospers
4134 Three Forks Road
Belton, TX 76513

VIA E-MAIL

RE: Mary Ann Cospers
ADJ 2940
CN602475980, RN103987491
Application No. 12-2940A to Amend Certificate of Adjudication No. 12-2940
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Leon River, Brazos River Basin
Bell County

Dear Ms. Cospers:

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

1. Provide additional information concerning the submitted water conservation plan for agricultural use to comply with Title 30 Texas Administrative Code (TAC) § 288.4.

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RECEIVED
OCT 06 2023
Water Availability Division

Natalia Ponebshek

From: Natalia Ponebshek
Sent: Monday, September 18, 2023 3:05 PM
To: Kenneth Cospers
Subject: Mary Ann Cospers App No. 12-2940A RFI Extension Letter
Attachments: mary_ann_cospers_12-2940A_RFI_Ext_Sent_9.18.2023.pdf

Good afternoon,

Please find the attached extension letter for the request for information for the abovementioned application. A response is due by October 16, 2023.

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*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 18, 2023

Ms. Mary Ann Cospers
4134 Three Forks Road
Belton, TX 76513-7787

VIA CERTIFIED MAIL AND E-MAIL

RE: Mary Ann Cospers
ADJ 2940
CN602475980, RN103987491
Application No. 12-2940A to Amend Certificate of Adjudication No. 12-2940
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Leon River, Brazos River Basin
Bell County

Dear Ms. Cospers:

This acknowledges receipt, on September 18, 2023, of the applicant's request for an additional extension of time to respond to the Texas Commission on Environmental Quality's request for information, dated August 15, 2023 (Attached).

An extension is granted until October 16, 2023, and after that date the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Bert Galvan".

Bert Galvan, Section Manager
Water Rights Permitting and Availability Section
Water Availability Division

BG/np

Attachments

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 15, 2023

Ms. Mary Ann Cospers
4134 Three Forks Road
Belton, TX 76513

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5. Remit fees in the amount of **\$47.04** as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee (Amendment)	\$ 100.00
Recording Fee	\$ 12.50
<u>Notice Fee (\$2.94 x 16 WR holders)</u>	<u>\$ 47.04</u>
TOTAL FEES	\$ 159.54
<u>FEES RECEIVED</u>	<u>\$ 112.50</u>
TOTAL FEES DUE	\$ 47.04

Ms. Mary Ann Cospers
Application No. 12-2940A
August 15, 2023
Page 2 of 2

Please provide the requested information and fees by September 14, 2023 or the application may be returned pursuant to Title 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via e-mail at 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



05-MAY-23 12:22 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	M316263	6998		BS00102831	05-MAY-23	-\$100.00
	WUP	3575	050523	N	D3802568		
WATER USE PERMITS		CROSBY, TIM/DARINDA	VHERNAND	CK			
	WUP	M316264	164		BS00102831	05-MAY-23	-\$50.00
	WUP	3957	050523	N	D3802568		
WATER USE PERMITS		HAWES, CHRISTOPHER THEODORE (TRUST)	VHERNAND	CK			
	WUP	M316265	218		BS00102831	05-MAY-23	-\$50.00
	WUP	3957	050523	N	D3802568		
WATER USE PERMITS		HAWES IV , HUGHES RUST (TRUST)	VHERNAND	CK			
	WUP	M316266	8037		BS00102831	05-MAY-23	-\$112.50
	WUP	ADJ122940	050523	N	D3802568		
WATER USE PERMITS		COSPER, KENNETH D	VHERNAND	CK			
Total (Fee Code):							-\$312.50

RECEIVED
MAY 08 2023
Water Availability Division

Natalia Ponebshek

From: Natalia Ponebshek
Sent: Monday, September 18, 2023 1:12 PM
To: Mary Ann Cosper
Subject: RE: RFI

Yes. We will be sending you an extension letter along with the RFI.

-----Original Message-----

From: Mary Ann Cosper [REDACTED] >
Sent: Monday, September 18, 2023 12:21 PM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Subject: Re: RFI

Did u receive my request?

Sent from my iPhone

> On Sep 18, 2023, at 9:11 AM, [REDACTED]
>
> Requesting an extension for additional information request that was never received on August 15, 2023, Mary Ann
Cosper
>
> Sent from my iPad

Natalia Ponebshek

From: Natalia Ponebshek
Sent: Tuesday, August 15, 2023 5:56 PM
To: Kenneth Cospers
Cc: Humberto Galvan
Subject: Mary Ann Cospers App No. 12-2940A RFI
Attachments: mary_ann_cospers_12-2940A_RFI_Sent_8.15.2023.pdf

Good afternoon,

Please find the attached request for information for the abovementioned application. A response is due by September 14, 2023.

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*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

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Sincerely,

Natalia Ponebshek

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

Attachment



05-MAY-23 12:22 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

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	WUP	3957	050523	N	D3802568		
WATER USE PERMITS		HAWES, CHRISTOPHER THEODORE (TRUST)	VHERNAND	CK			
	WUP	M316265	218		BS00102831	05-MAY-23	-\$50.00
	WUP	3957	050523	N	D3802568		
WATER USE PERMITS		HAWES IV , HUGHES RUST (TRUST)	VHERNAND	CK			
	WUP	M316266	8037		BS00102831	05-MAY-23	-\$112.50
	WUP	ADJ122940	050523	N	D3802568		
WATER USE PERMITS		COSPER, KENNETH D	VHERNAND	CK			
Total (Fee Code):							-\$312.50

RECEIVED
MAY 08 2023
Water Availability Division

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

Call to: Mary Ann Cosper	Call from: TECQ Staff Natalia Ponebshek
Date: 5/11/2023	Applicant: (app name and #) Mary Ann Cosper 12-2940A
<i>Information for File follows:</i> I called Ms. Cosper to clarify whether she is only adding a diversion point or a diversion reach, as a diversion reach was brought up in the pre-app meeting. Ms. Cosper confirmed that at this time she is only wanting to add one diversion point. No action is needed. <i>Natalia Ponebshek 5/11/2023</i>	
Signed	



05-MAY-23 12:22 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	M316263	6998		BS00102831	05-MAY-23	-\$100.00
	WUP	3575	050523	N	D3802568		
WATER USE PERMITS		CROSBY, TIM/DARINDA	VHERNAND	CK			
	WUP	M316264	164		BS00102831	05-MAY-23	-\$50.00
	WUP	3957	050523	N	D3802568		
WATER USE PERMITS		HAWES, CHRISTOPHER THEODORE (TRUST)	VHERNAND	CK			
	WUP	M316265	218		BS00102831	05-MAY-23	-\$50.00
	WUP	3957	050523	N	D3802568		
WATER USE PERMITS		HAWES IV , HUGHES RUST (TRUST)	VHERNAND	CK			
	WUP	M316266	8037		BS00102831	05-MAY-23	-\$112.50
	WUP	ADJ122940	050523	N	D3802568		
WATER USE PERMITS		COSPER, KENNETH D	VHERNAND	CK			
Total (Fee Code):							-\$312.50

RECEIVED
MAY 08 2023
Water Availability Division

Natalia Ponebshek

From: Mary Ann Cosper [REDACTED] >
Sent: Friday, May 5, 2023 11:08 AM
To: Natalia Ponebshek
Subject: Fwd: scan
Attachments: SKM_C45823050511490.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Pdf file on deed, Cosper, water rights 12-2940
Let me know if received, thanks, Mary Ann Cosper
Sent from my iPhone

Begin forwarded message:

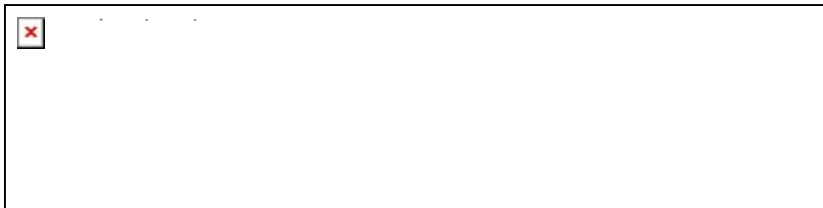
From: The UPS Store #5828 <store5828@theupsstore.com>
Date: May 5, 2023 at 11:03:30 AM CDT
To: [REDACTED]
Subject: scan

Your Team at The UPS Store

2608 N Main St Ste B
Belton, TX 76513-1545

Phone 254-939-6060 **Fax** 254-939-6062

Web <https://www.theupsstore.com/5828>



CONFIDENTIALITY NOTICE: The information contained in and accompanying this communication may be privileged or confidential and is intended solely for the use of the intended recipient (s). If you are not the intended recipient of this communication please delete and destroy all copies immediately.

JRS/mm
GF No. C1983934

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

WARRANTY DEED

Date: October 29, 2019

Grantor: JAMES C. WALLACE, Individually (not joined herein by my spouse as the property described below forms no part of our homestead and is my sole and separate property); and, as Trustee of the Testamentary Trust for the benefit of Robert J. Wallace as set forth in the Last Will and Testament of Virginia A. Wallace
1541 Spinnaker Lane
Azle, Tarrant County, Texas 76020

SHARON E. BREWER, not joined herein by my spouse as the property described below forms no part of our homestead and is my sole and separate property
2028 St. Andrews Drive
Round Rock, Williamson County, Texas 78664

KAREN SCHWANE, not joined herein by my spouse as the property described below forms no part of our homestead and is my sole and separate property
515 SW 24th Street
San Antonio, Bexar County, Texas 78207

MARY K. HARRIS, not joined herein by my spouse as the property described below forms no part of our homestead and is my sole and separate property
1511 Marlandwood Road
Temple, Bell County, Texas 76502

Central Land Title Company
Instrument 4
File # C1983934
35

Grantee: KENNETH D. COSPER and wife, MARY ANN COSPER
6402 West FM 436
Belton, Bell County, Texas 76513-8074

Consideration:

(a) The sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration to GRANTOR paid by GRANTEE, the receipt of which is hereby acknowledged; and

(b) the assumption by GRANTEE of all ad valorem taxes on The Property for 2019 and subsequent years, including subsequent assessments for years prior to 2019 due to a change in land usage or ownership.

Property (including any improvements):

Being a 113.53 acre tract of land in the ANTONIO MENCHACA SURVEY, Abstract No. 12, Bell County, Texas and being a remainder portion of that certain called 140.14 acre tract of land described in a deed to Joseph C. Wallace, et ux, recorded in Volume 1220, Page 99 of the Deed Records of Bell County, Texas. Said 113.53 acre tract being shown on attached plat and more particularly described by metes and bounds in fieldnotes attached hereto as Exhibit "A".

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty: Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens and conveyances, that affect the property; taxes for the current year, the payment of which Grantee assumes.

Grantor, for the consideration, receipt of which is acknowledged, and subject to the reservations from and exceptions to conveyance and warranty, GRANTS, SELLS and CONVEYS to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

As a material part of the Consideration for this deed, Grantor and Grantee agree that Grantee is taking the Property "AS IS" with any and all latent and patent defects and that there is no warranty by Grantor that the Property has a particular financial value or is fit for a particular purpose. Grantee acknowledges and stipulates that Grantee is not relying on any representation, statement, or other assertion with respect to the Property condition but is relying on Grantee's

examination of the Property. Grantee takes the Property with the express understanding and stipulation that there are no express or implied warranties except for limited warranties of title set forth in this deed.

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

Secret Law Firm, PLLC ("SLF") has prepared this instrument but has not closed this transaction. Grantor and Grantee are each responsible for the preparation of any closing documents or contracts of any nature between them, including any documentation required at any date for income tax or other purposes. Any proration of property taxes or other matters is the responsibility of Grantor and Grantee.

By acceptance of this Deed, Grantor and Grantee acknowledge that SLF, (1) has not ordered or examined title to the Property, (2) has made no other independent investigation of the title to the Property but has prepared this Deed based upon information and documents furnished to SLF, (3) has not reviewed a current survey of the Property, and (4) makes no representation or warranty, express or implied, regarding the Property or the validity or quality of its title. Grantor and Grantee are hereby directed to make their own title investigation and are advised of the availability of legal opinions, surveys and of title insurance in the event Grantor or Grantee intends to rely on anything other than his/her own investigation.

James C Wallace

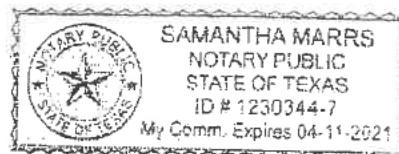
JAMES C. WALLACE, Individually and as Trustee of the Testamentary Trust for the benefit of Robert J. Wallace as set forth in the Last Will and Testament of Virginia A. Wallace

ACKNOWLEDGMENT

This instrument was acknowledged before me on this the 31 day of October, 2019, by JAMES C. WALLACE, Individually and as Trustee of the Testamentary Trust for the benefit of Robert J. Wallace as set forth in the Last Will and Testament of Virginia A. Wallace, in the capacities herein stated and on behalf of said Testamentary Trust.

Samantha Marrs

Notary Public, State of Texas



SHARON E. BREWER

By: James C Wallace
JAMES C. WALLACE, Agent and
Attorney-in-Fact for Sharon E. Brewer

KAREN SCHWANE

By: James C Wallace
JAMES C. WALLACE, Agent and
Attorney-in-Fact for Karen Schwane

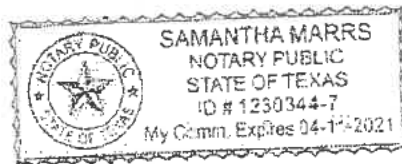
MARY K. HARRIS

By: James C Wallace
JAMES C. WALLACE, Agent and
Attorney-in-Fact for Mary K. Harris

ACKNOWLEDGMENT

This instrument was acknowledged before me on this the 31 day of October, 2019, by JAMES C. WALLACE, Agent and Attorney-in-Fact for Sharon E. Brewer, Karen Schwane and Mary K. Harris, in the capacity herein stated and on behalf of the said Sharon E. Brewer, Karen Schwane, and Mary K. Harris.

Samantha Marris
Notary Public, State of Texas



ACCEPTED BY GRANTEE:

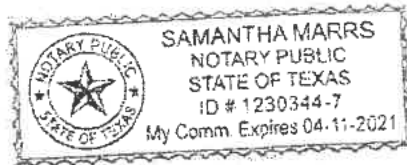
Kenneth D. Cosper
KENNETH D. COSPER

Mary Ann Cosper
MARY ANN COSPER

ACKNOWLEDGMENT

This instrument was acknowledged before me on this the 29 day of October, 2019, by KENNETH D. COSPER and MARY ANN COSPER.

Samantha Marrs
Notary Public, State of Texas



PREPARED IN THE OFFICE OF:
SECRET LAW FIRM
3600 Birdcreek Plaza
Temple, Texas 76502

EXHIBIT "A"

Being a 113.53 acre tract of land in the Antonio Menchaca Survey, Abstract No. 12, Bell County, Texas and being a remainder portion of that certain called 140.14 acre tract of land described in a deed to Joseph C. Wallace, et ux, recorded in Volume 1220, Page 99 of the Deed Records of Bell County, Texas. Said 113.53 acre tract being shown on attached plat and more particularly described by metes and bounds as follows:

BEGINNING at a found concrete highway monument at the southwest corner of above mentioned 140.14 acre tract, same being the southwest corner of a 49.00 acre tract of land to James D. Wade, et ux, recorded in Instrument No. 2018-00022349 of the Official Public Records of Real Property of Bell County, Texas (OPRRPBCT), located in the north right-of-way line of F.M. Highway 436;

THENCE along the west line of said 140.14 acre tract, same being the east line of said 49.00 acre tract, North 19 degrees 24 minutes 16 seconds East, a distance of 2019.86 feet to a found 1/2" iron rod;

THENCE South 81 degrees 37 minutes 46 seconds East, a distance of 70.90 feet to a found 1/2" iron rod at a wood corner post at the southwest corner of a 19.96 acre tract of land to Suzanne-Michelle-Wallace Stadler, et vir, (4617/620-OPRRPBCT);

THENCE South 82 degrees 05 minutes 30 seconds East, a distance of 350.30 feet to a found 1/2" iron rod with cap stamped "CTS4029" at the southeast corner of said 19.96 acre tract;

THENCE along the east line of said 19.96 acre tract, North 19 degrees 47 minutes 59 seconds East, at a distance of 769.35 feet passing a found 1/2" iron rod with cap stamped "CTS4029" for reference, continuing along said course for a total distance of 833.35 feet to the south out-bank of the Leon River;

THENCE along the south out-bank of the Leon River, the following:

- L2 South 29 degrees 56 minutes 12 seconds East, a distance of 67.48 feet;
- L3 South 70 degrees 53 minutes 59 seconds East, a distance of 901.72 feet;
- L4 North 79 degrees 59 minutes 01 seconds East, a distance of 246.74 feet;
- L5 North 26 degrees 06 minutes 34 seconds East, a distance of 358.08 feet;
- L6 North 00 degrees 39 minutes 57 seconds West, a distance of 147.27 feet;
- L7 North 51 degrees 46 minutes 24 seconds East, a distance of 313.96 feet;
- L8 North 39 degrees 47 minutes 46 seconds East, a distance of 374.03 feet;

L9 North 27 degrees 20 minutes 40 seconds East, a distance of 405.30 feet;

L10 North 07 degrees 03 minutes 54 seconds East, a distance of 196.43 feet;

L11 North 61 degrees 32 minutes 21 seconds East, a distance of 317.72 feet;

L12 North 76 degrees 22 minutes 37 seconds East, a distance of 310.00 feet;

L13 South 78 degrees 15 minutes 33 seconds East, a distance of 226.95 feet to the northeast corner of said 140.14 acre tract, same being the northwest corner of a 128.6 acre tract of land designated TRACT NUMBER ONE to Henry C. Wallace, Jr. and Aliceanne Z. Wallace, Trustees (5615/431 OPRRPBCT);

THENCE along an east line of said 140.14 acre tract, same being the west line of said 128.6 acre tract and generally along a fence, South 19 degrees 01 minutes 50 seconds West, at a distance of 50.00 feet passing a set 1/2" iron rod with yellow cap stamped "RPLS 5345" for reference, continuing along said course for a total distance of 3619.50 feet to a set 1/2" iron rod with yellow cap stamped "RPLS 5345" for the northeast corner of a 36.529 acre tract of land to John . Oliver, et ux, (1930/799 DRBCT);

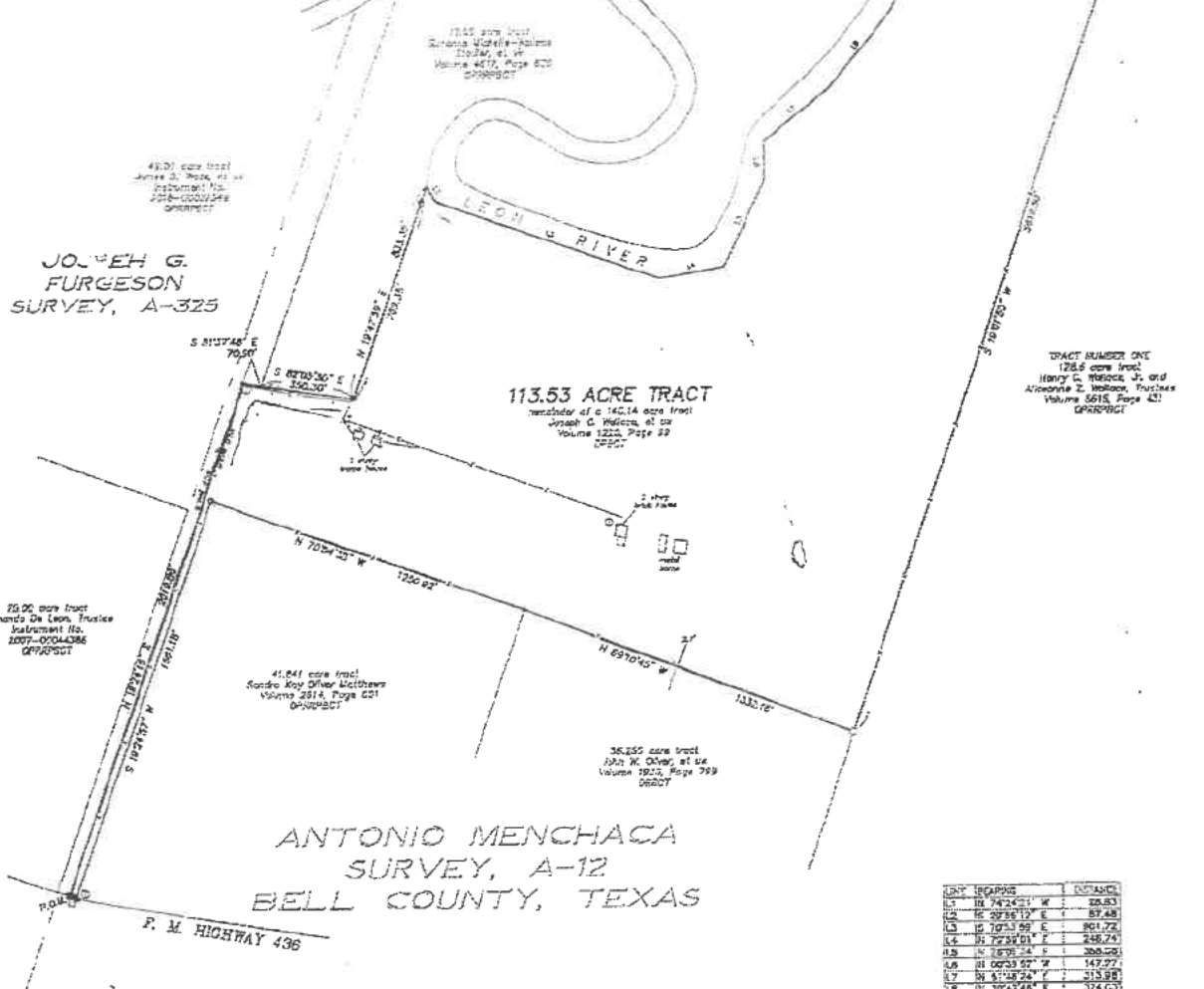
THENCE along a south line of said 140.14 acre tract, same being the north line of said 36.259 acre tract, North 69 degrees 10 minutes 45 seconds West, a distance of 1332.16 feet to a found 1/2" iron rod at a cedar gate post at the northeast corner of a 41.841 acre tract of land to Sandra Kay Oliver Matthews (2614/601 OPRRPBCT);

THENCE along a south line of said 140.14 acre tract, same being the north line of said 41.841 acre tract and generally along a fence, North 70 degrees 54 minutes 38 seconds West, a distance of 1250.92 feet found 1-1/4" iron pipe;

THENCE along an east line of said 140.14 acre tract, same being the west line of said 41.841 acre tract, South 19 degrees 24 minutes 57 seconds West, a distance of 1561.18 feet to a found concrete highway monument, located in the curving north right-of-way line of F.M. Highway 436;

THENCE along north right-of-way line of F.M. Highway 436 and a curve to the right having a chord bearing of North 74 degrees 24 minutes 21 seconds West and a cord distance of 28.83 feet to the POINT OF BEGINNING, containing 113.53 acres of land.

- 1/2" = 100'
- Found 1/2" iron rod
- Found 1-1/2" iron pipe
- Found concrete high-top monument
- Found 1/2" iron rod w/ cap (see sketch of "RIS 424")
- Set 1/2" iron rod w/ cap (see sketch of "RIS 424")
- Unknown utility
- Checkered plastic flag
- 3/8" rebar
- Survey line (assumed)
- Dotted: Dead Boundary of Bell County, Texas
- Dashed: Credit Auto Rights of Bell County of this County, Texas



This survey was prepared without benefit of a title opinion and may not show all matters of record affecting the subject tract. No search of the public record for easements was made by Hughes Surveying.

This plot is to accompany a fieldnote description of the 113.53 acre tract of land shown herein.

All bearings shown herein are referenced to Geodetic North.

I, Dan Randall Hughes, do hereby certify that this plot correctly represents a survey made on the ground under my direction and supervision on May 23, 2019.

Dan Randall Hughes Registered Professional Land Surveyor No. 6345



BOUNDARY SURVEY
 OF A 113.53 ACRE TRACT OF LAND IN THE ANTONIO MENCHACA SURVEY, A-12, BELL COUNTY, TEXAS

Hughes Surveying
 Texas Board of Professional Land Surveying, Firm Number 1028500
 P. O. BOX 1135
 212 N. CENTRAL AVENUE
 CAMERON, TEXAS 76520
 PHONE (254) 697-3648 FAX (254) 697-8776

DATE: 5/23/19
 Proj. No. 6155
 Dm. By LEM
 Scale: 1"=300'
 Dwg. No. C-1271
 SHEET OF

Natalia Ponebshek

From: Kenneth Cospers [REDACTED] >
Sent: Thursday, May 4, 2023 3:48 PM
To: Natalia Ponebshek
Subject: water conservation plan
Attachments: Texas Commission Water Conservation Plan.05042023.pdf

I do not have deed on PDF, I will get that done by Monday, Mary Ann Cospers, #12-2940, Sorry, I am overwhelmed, but I will do my best.



Texas Commission on Environmental Quality

Water Availability Division

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

Telephone (512) 239-4600, FAX (512) 239-2214

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

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

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

Contact Information

Name: MARY ANN COSPER

Address: 4134 THREE FORKS RD

Telephone Number: (254) 4938517 Fax: ()

Form Completed By: MARY ANN COSPER

Title: OWNER

Signature: _____ Date: 05 / 01 / 23

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

I. BACKGROUND DATA

A. Water Use

1. Annual diversion appropriated or requested (in acre feet): **63 ACRE FEET ALLOCATED**

2. In the table below, list the amount of water (in acre feet) that is or will be diverted monthly for irrigation during the year.

January	February	March	April
0	0	0	0
May	June	July	August
0	0	11.78'	11.78'
September	October	November	December
11.78'	0	0	0
			35.34'
Total All Months			

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

COASTAL HAY MARCH TO APRIL 20-40 ACRES

Type of crop	Growing Season (Months)	Acres irrigated/year
coastal hay	march-october	20
Total acres irrigated		20

4. Are crops rotated seasonally or annually? Yes No

5. *If yes, please describe:*
6. *Describe soil type (including permeability characteristics, if applicable).*
7. *sandy loam*

B. Irrigation system information

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

Irrigation meth- rainbird sprinklers, Berkley 4" pump discharge with a 6" suction line, 400 gpm

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

one hour =one 1nch of water applied with a.25% evaporation rate
 400 gpm x 60 minutes=240,000 x 4 settings =960,000 x 4 weeks=
 3840000 gallons divided by 1 acre foot(325,851 gal)= 11.78ft per weeks minus
 .25% =2.945 ft

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

Quantified 5 year and 10 year targets for water savings:

a. 5 year goal:

Savings in acre feet 2 acre ft or system efficiency as a percentage %

b. 10 year goal:

Savings in acre feet 3 acre feet or system efficiency as a percentage %

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

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

2. Yes No

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

C. Conservation practices

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

non leaking pipe

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

HOURLY OBSERVATION OF EQUIPMENT

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

Early morning, lower temperatures, and winds, soil moisture monitoring

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

weed control

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

none expected

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

Completely cleaned out an old .75 acre lake, dredging out silt and removing brush & weeds to capture water runoff from other parts of property in 2022.

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

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

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

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

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

Call to: Mary Ann Cosper	Call from: TECQ Staff Natalia Ponebshek
Date: 5/4/2023	Applicant: (app name and #) Mary Ann Cosper 12-2940A
<i>Information for File follows:</i> I called Ms. Cosper to inform her that the deeds (she provided these with the pre-application documents) and the Water Conservation plan we discussed in the pre-application meeting were not included with the application submittal. She will email these documents to me directly to add to the application file. <i>Natalia Ponebshek 5/4/2023</i>	
Signed	

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): MARY ANN COSPER

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

Y/N

Y **Administrative Information Report**

 Additional Co-Applicant Information

 Additional Co-Applicant Signature Pages

 Written Evidence of Signature Authority

Y **Technical Information Report**

Y USGS Map (or equivalent)

 Map Showing Project Details

 Original Photographs

 Water Availability Analysis

 Worksheet 1.0

 Recorded Deeds for Irrigated Land

 Consent for Irrigated Land

 Worksheet 1.1

 Addendum to Worksheet 1.1

 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 Inundated Land

Y/N

Y **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

 Groundwater Well Permit

 Signed Water Supply Contract

 Worksheet 4.1

Y **Worksheet 5.0**

 Addendum to Worksheet 5.0

Y **Worksheet 6.0**

Y Water Conservation Plan(s)

Y Drought Contingency Plan(s)

 Documentation of Adoption

 Worksheet 7.0

 Accounting Plan

 Worksheet 8.0

 Fees

 Public Involvement Plan

ADMINISTRATIVE INFORMATION REPORT

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

*****Applicants are REQUIRED 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."

SUMMARY OF REQUEST:

AMENDMENT OF WATER RIGHTS #12-2940

TO CHANGE LOCATION AND ADD A DIVERSION POINT

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

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

MARY ANN COSPER

(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: MARY ANN COSPER

Title: OWNER

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

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: MARY ANN COSPER

Mailing Address: 4134 THREE FORKS RD

City: BELTON State: TX ZIP Code: 76513

Indicate an X next to the type of Applicant:

Individual Sole Proprietorship-D.B.A.

Partnership Corporation

Trust Estate

Federal Government State Government

County Government City Government

Other Government Other _____

For Corporations or Limited Partnerships, provide:

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

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

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

First and Last Name: MARY ANN COSPER

Title: OWNER

Organization Name: _____

Mailing Address: 4134 THREE FORKS RD

City: BELTON State: TX ZIP Code: 76513

Phone Number: 254 493 8517

Fax Number: _____

E-mail Address: ██████████

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

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

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

First and Last Name: NA

Title: _____

Organization Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Phone Number: _____

Fax Number: _____

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** N

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** N

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** Y

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). Applicants should check survey status on the TWDB website prior to filing:

https://www3.twdb.texas.gov/apps/reports/WU/SurveyStatus_PriorThreeYears

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

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

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

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

Signature: _____ Date: _____
(Use blue ink)

Subscribed and Sworn to before me by the said

on this _____ day of _____, 20_____.

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

Notary Public

[SEAL]

County, Texas

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

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

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

Applicants are REQUIRED 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 contact the Water Availability Division at (512) 239-4600 or WRPT@tceq.texas.gov to schedule a meeting.

Date of pre-application meeting: 4-20-23

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 Y
- 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 N (If yes, indicate the Certificate or Permit number: _____)

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

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

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

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

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

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

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

This section should be completed if Applicant owns an existing water right and Applicant requests to amend the water right. ***If Applicant is not currently the Owner of Record in the TCEQ Records, Applicant must submit a Change of Ownership Application (TCEQ-10204) prior to submitting the amendment Application or provide consent from the current owner to make the requested amendment. 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: 12-2940

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

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

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

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

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

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

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

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

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

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

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

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

- f. Other - Applicant requests to change any provision of an authorization not mentioned above? Y / N N *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 NA

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

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

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

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

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

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

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

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

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

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

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

Worksheets and information:

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

- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

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

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

THE STATE AND REGIONAL WATER PLANS GENERALLY DO NOT ADDRESS EVERY POSSIBLE CHANGE IN INDIVIDUAL WATER RIGHTS. THE APPLICATION IS CONSISTENT WITH THE 2021 REGION 9 WATER PLAN AND THE 2022 STATE WATER PLAN BECAUSE THERE IS NOTHING IN THE PLANS THAT CONFLICT WITH THE APPLICATION.

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

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

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

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

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

_____ 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 _____ 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. 76513.

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

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

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

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

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

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
63	AGRICULTURAL	AGRICULTURAL	BELL CO BRAZOS	113.53 ACRES

**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 30 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 113.53 acres in _____ County, TX.
 - ii. Location of land to be irrigated: In the ANTONIO MENCHACA Original Survey No. _____, Abstract No. 12.

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 NA

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

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

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

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

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

WORKSHEET 1.2

NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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

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

WORKSHEET 2.0

Impoundment/Dam Information

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

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

1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: NA
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: NA.
- c. The impoundment is on-channel NA or off-channel NA (mark one)
 - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / N NA
 - 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 NA
- d. Is the impoundment structure already constructed? Y / N NA
 - i. For already constructed **on-channel** structures:
 1. Date of Construction: NA
 2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N NA
 - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N NA
 - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N NA
 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N NA
 - a. If yes, provide the Site No. NA and watershed project name NA;
 - b. Authorization to close "ports" in the service spillway requested? Y / N NA
 - 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 NA
 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: NA.
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 NA
If yes, the drainage area is NA 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): NA
- b. Zip Code: NA
- c. In the NA Original Survey No. NA, Abstract No. NA,
NA 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 NA°N, Longitude NA°W.

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

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

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

- a. This Worksheet is to add new (select 1 of 3 below):
1. ___ Diversion Point No.
 2. ___ Upstream Limit of Diversion Reach No.
 3. ___ Downstream Limit of Diversion Reach No.
- b. Maximum Rate of Diversion for **this new point** _____ cfs (cubic feet per second)
or 400 gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? Y / N N
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* _____ cfs or _____ gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? Y / N N

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

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

Check one		Write: Existing or Proposed
<input checked="" type="checkbox"/>	Directly from stream	
<input type="checkbox"/>	From an on-channel reservoir	
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	Other method (explain fully, use additional sheets if necessary)	

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

Applicant has calculated the drainage area. Y / N N

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): BRAZOS BASIN LEON RIVER
- b. Zip Code: 76513
- c. Location of point: In the ANTONIO MENCHACA Original Survey No. --, Abstract No. 12, BELL County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure.

For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at: Latitude 31.022604 °N, Longitude -97.412893 °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): HANDHELD GPS DEVICE
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 4.0 DISCHARGE INFORMATION

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

- a. The purpose of use for the water being discharged will be NA.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses NA (% or amount) and explain the method of calculation: NA
- c. Is the source of the discharged water return flows? **Y / N** NA 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, or the Applicant is not the water right owner of the underlying surface water right, or the Applicant does not have a contract with the discharger, 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, the surface water right holder, or the contract holder, 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.
- d. Is the source of the water being discharged groundwater? **Y / N** NA If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped: NA
 2. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers NA.
 3. Indicate how the groundwater will be conveyed to the stream or reservoir.

NA

 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.

di. Is the source of the water being discharged a surface water supply contract? **Y / N** NA
If yes, provide the signed contract(s).

dii. Identify any other source of the water NA

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 NA 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 NA cfs or _____ gpm.
- c. Name of Watercourse as shown on Official USGS maps: NA
- d. Zip Code NA
- e. Location of point: In the NA Original Survey No. NA, Abstract No. NA, NA County, Texas.
- f. Point is at:
Latitude NA °N, Longitude NA °W.
**Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*
- g. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): NA

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

WORKSHEET 5.0

ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 28.**

USE OF SCREENS FOR SUCTION LINE

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: SIX FEET

Other, specify: NA

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: _____

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

e. 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 maps submitted with the application indicating the location of the photograph and the direction of the shot.
2. If the application includes a proposed reservoir, also include:
 - i. A brief description of the area that will be inundated by the reservoir.
 - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
 - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

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

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

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

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

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

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

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans

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

Instructions, Page 31.

*The TCEQ has developed guidance and model plans to help applicants prepare plans. Applicants may use the model plan with pertinent information filled in. For assistance submitting a plan call the Resource Protection Team (Water Conservation staff) at 512-239-4600, or e-mail wras@tceq.texas.gov. The model plans can also be downloaded from the TCEQ webpage. **Please use the most up-to-date plan documents available on the webpage.***

1. Water Conservation Plans

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

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

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

1. ____Municipal Use. See 30 TAC § 288.2. **
2. ____Industrial or Mining Use. See 30 TAC § 288.3.
3. Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. ____Wholesale Water Suppliers. See 30 TAC § 288.5. **

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

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

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

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

2. Drought Contingency Plans

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

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

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

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

- a. A **text file** that includes:
 1. an introduction explaining the water rights and what they authorize;
 2. an explanation of the fields in the accounting plan spreadsheet including how they are calculated and the source of the data;
 3. for accounting plans that include multiple priority dates and authorizations, a section that discusses how water is accounted for by priority date and which water is subject to a priority call by whom; and
 4. Should provide a summary of all sources of water.
- b. A **spreadsheet** that includes:
 1. Basic daily data such as diversions, deliveries, compliance with any instream flow requirements, return flows discharged and diverted and reservoir content;
 2. Method for accounting for inflows if needed;
 3. Reporting of all water use from all authorizations, both existing and proposed;
 4. An accounting for all sources of water;
 5. An accounting of water by priority date;
 6. For bed and banks applications, the accounting plan must track the discharged water from the point of delivery to the final point of diversion;
 7. Accounting for conveyance losses;
 8. Evaporation losses if the water will be stored in or transported through a reservoir. Include changes in evaporation losses and a method for measuring reservoir content resulting from the discharge of additional water into the reservoir;
 9. An accounting for spills of other water added to the reservoir; and
 10. Calculation of the amount of drawdown resulting from diversion by junior rights or diversions of other water discharged into and then stored in the reservoir.

WORKSHEET 8.0

CALCULATION OF FEES

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

1. NEW APPROPRIATION

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

2. AMENDMENT OR SEVER AND COMBINE

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

3. BED AND BANKS

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

KENNETH COSPER PROPOSED WATER PUMP SITE

Legend

-  All About Respite
-  Feature 1

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