

# TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader  
Water Rights Permitting Team

FROM: Lillian E. Beerman, Ph.D., Project Manager  
Water Rights Permitting Team

DATE: May 10, 2023

SUBJECT: Donald Moffett and Robert Gober  
ADJ 3018  
CN605638626, CN605638634, RN102590007  
Application No. 21-3018A to Amend Certificate of  
Adjudication No. 21-3018  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Bullhead Creek and Cord Spring Draw, Nueces River Basin  
Real County

The application and fees were received on March 28, 2023. Additional information was received on April 12, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 10, 2023. Mailed notice to interjacent water right holders of record in the Nueces River Basin for adding points of diversion is required pursuant to Title 30 Texas Administrative Code § 295.158(c)(3)(D). However, there are no interjacent water right holders.

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

*Lillian E. Beerman, Ph.D.*

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Lillian E. Beerman, Ph.D., 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*  
Erin E. Chancellor, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 10, 2023

Mr. Frank Schalla  
Senior Water Resources Engineer  
Aqua Strategies Inc.  
11929 Fitzhugh Corners  
Dripping Springs, Texas 78620-7862

VIA E-MAIL

RE: Donald Moffett and Robert Gober  
ADJ 3018  
CN605638626, CN605638634, RN102590007  
Application No. 21-3018A to Amend Certificate of Adjudication No. 21-3018  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Bullhead Creek and Cord Spring Draw, Nueces River Basin  
Real County

Dear Mr. Schalla:

This acknowledges receipt, on March 28, 2023, of the referenced application and fees in the amount of \$112.25 (Receipt No. M314490, copy attached).

Additional information was received on April 12, 2023.

The application was declared administratively complete and filed with the Office of the Chief Clerk on May 10, 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 [lillian.beerman@tceq.texas.gov](mailto:lillian.beerman@tceq.texas.gov) or at (512) 239-4019.

Sincerely,

*Lillian E. Beerman, Ph.D.*

Lillian E. Beerman, Ph.D., Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment





29-MAR-23 09:06 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	M314489	10695		BS00102024	29-MAR-23	-\$100.00
	WUP	ADJ2576	032923	N	D3802271		
WATER USE PERMITS		RIVER CITY	VHERNAND	CK			
		PAINT					
	WUP	M314490	2187		BS00102024	29-MAR-23	-\$112.50
	WUP	ADJ213018	032923	N	D3802271		
WATER USE PERMITS		AQUA	VHERNAND	CK			
		STRATEGIES					
		INC					
Total (Fee Code):							-\$212.50
Grand Total:							-\$8,245.00

RECEIVED  
MAR 31 2023  
Water Availability Division

RECEIVED  
MAR 31 2023  
Water Availability Division

## Re: Water Right Amendment Application for WR 21-3018

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Wed 4/12/2023 12:30 PM

To: Frank Schalla [REDACTED]

Frank,  
Confirm receipt.  
Thank you

Lillian E. Beerman, Ph.D.  
Water Rights Permitting Team  
Water Availability Division  
512-239-4019  
lillian.beerman@tceq.texas.gov

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**From:** Frank Schalla <[REDACTED]>

**Sent:** Wednesday, April 12, 2023 11:13 AM

**To:** Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

**Cc:** Brooke McGregor <brooke.mcgregor@tceq.texas.gov>; Tim Osting <[REDACTED]>

**Subject:** RE: Water Right Amendment Application for WR 21-3018

Lillian,

Please find the attached revised portions to the amendment application for COA No. 21-3018, which was originally submitted by email on March 28<sup>th</sup>, 2023. Revised portions include:

- Summary of Request (Statement 1): Is now requesting to correct the watercourse names in the Certificate of Adjudication.
- Map: Revised watercourse name.
- Marshall Criteria (Statement 3): With the request to correct the COA the Marshall Criteria was assumed to now be required. This was not included in the original amendment application.
- Worksheet 3.0 for proposed diversion point No. 3: Revised watercourse name.

Please feel free to reach out to me through email or phone if you have any further questions.

Thank you,  
Frank Schalla  
469.408.5313

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**From:** Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

**Sent:** Tuesday, March 28, 2023 5:15 PM

**To:** Frank Schalla <[REDACTED]>

**Cc:** Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

**Subject:** Re: Water Right Amendment Application for WR 21-3018

Mr. Schalla,

I received Moffett and Gober's Application to amend COA No. 21-3018 and forwarded it to our administrative staff for processing.

Please be assured that I will keep you apprised of its progress.  
If you have any questions or concerns, do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.  
Water Rights Permitting Team  
Water Availability Division  
512-239-4019  
[lillian.beerman@tceq.texas.gov](mailto:lillian.beerman@tceq.texas.gov)

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**From:** Frank Schalla <[REDACTED]>  
**Sent:** Tuesday, March 28, 2023 11:00 AM  
**To:** WRPT <[WRPT@tceq.texas.gov](mailto:WRPT@tceq.texas.gov)>; Lillian Beerman <[Lillian.Beerman@Tceq.Texas.Gov](mailto:Lillian.Beerman@Tceq.Texas.Gov)>  
**Cc:** Tim Osting <[REDACTED]>, Barney Austin <[REDACTED]>, Donald Moffett <[REDACTED]>  
**Subject:** Water Right Amendment Application for WR 21-3018

Hello,

Please find attached the electronic submission of a water right amendment application for certificate of adjudication no. 21-3018, which is being submitted on behalf of the co-applicants, Donald Moffett and Robert Gober. One hard copy and a check for the application fee were mailed to TCEQ today.

Can you please confirm you've received this digital copy?

Please do not hesitate to contact me if you have any questions.

Sincerely,  
Frank Schalla, PE  
Senior Water Resources Engineer  
**AquaStrategies**

[aquastrategies.com](http://aquastrategies.com)  
+1.469.408.5313 (USA)  
+44.7933.245938 (UK)

## **STATEMENT 1**

### **SUPPLEMENTAL ATTACHMENT TO ADMINISTRATIVE INFORMATION REPORT**

#### **SUMMARY OF REQUEST**

Co-applicants Donald Moffett and Robert Gober are seeking amendment to Certificate of Adjudication No. 21-3018 to add two diversion reaches on Bullhead Creek, one diversion point on Cord Spring Draw, and to increase the land authorized to be irrigated from 3.901 to 20.33 acres within Real County.

As part of this amendment TCEQ staff required the co-applicants to request a correction to the watercourse names in the Certificate of Adjudication. The co-applicants request that Bullhead Creek watercourse as described in the Certificate of Adjudication be corrected to Cord Spring Draw watercourse. The co-applicants request that Spring Creek watercourse as described in the Certificate of Adjudication be corrected to Unnamed Tributary of Cord Spring Draw watercourse.

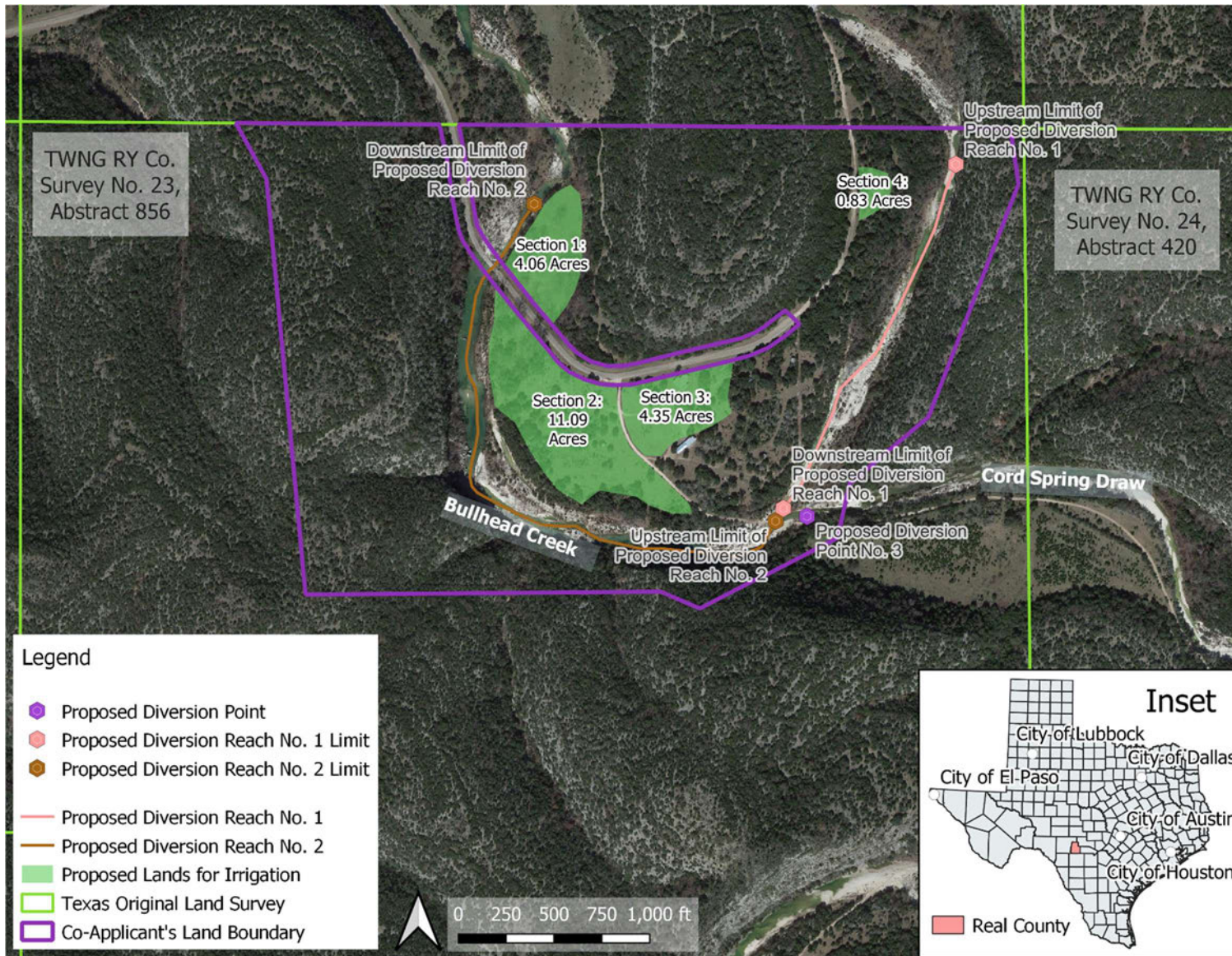
The existing Certificate of Adjudication (COA) authorizes a total diversion of 30 acre-feet of water per year for irrigation of up to 16 acres of land. Co-owners Donald Moffett and Robert Gober's apportioned ownership interest in COA 21-3018 authorizes a diversion of 7.314 acre-feet of water per year for agricultural purposes to irrigate 3.901 acres of land in Real County, Texas. Co-applicant's proposed lands for irrigation are within TWNG RY Co. Survey 23, Abstract 856.

Co-applicants are not requesting to change the type of use, to increase the maximum diversion rate, or to increase the amount of the appropriation of State Water.

**MAP SHOWING PROJECT DETAILS**



**Map #1: Overview of the proposed diversion reach no. 1 and 2, proposed diversion point no. 3, and the proposed lands to be used for irrigation in Real County, Texas.**



### STATEMENT 3

#### SUPPLEMENTAL ATTACHMENT TO WORKSHEET 1.2

##### MARSHALL CRITERIA

- a) Administrative Requirements and Fees. This application meets the administrative requirements for an amendment to a water right. This application includes required items that are listed in the TCEQ Water Rights Permitting Application Administrative Information Checklist.
- b) Beneficial Use. The proposed amendment will be used for irrigation purposes. The use conforms to beneficial use as defined in Texas Water Code (TWC) 11.002(4) and purposes for use defined in TWC 11.023. The proposed amendment is to confirm that use of a portion of water authorized in the existing COA 21-3018 will be used for the same authorized purposes. Proposed use is within TWNG RY Co. Survey 23, Abstract 856, which is authorized in COA 21-3018.
- c) Public Welfare. No effects of the proposed amendment on the public welfare are expected as this water will be put to beneficial use for irrigation purposes, including no effects on the well-being of humans and the environment, as authorized in existing COA 21-3018.
- d) Groundwater Effects. No effects of the proposed amendment on groundwater or groundwater recharge are expected.
- e) State Water Plan. The proposed amendment will address irrigation needs in the existing place of use and do not conflict with the 2021 Region J Water Plan, and do not conflict with the 2022 State Water Plan. For example, projected long term irrigation demands in Region J Real County exceed 250 acre feet per year beginning in 2020. This proposed amendment can meet these projected water demands by clarifying use of approximately 7.314 acre feet per year within Real County that is already authorized under COA 21-3018.
- f) Waste Avoidance. Reasonable diligence will be used to avoid waste by irrigating in the early morning or late evening, and monitoring soil-moisture to determine the amount of water needed for irrigation. A Water Conservation Plan is not required as part of this amendment application.
- g) Impacts on Water Rights or On-stream Environment. The proposed amendment does not request additional water, storage, or rates of diversion. The proposed amendment requests to use existing permitted water under COA 21-3018 in a different location adjacent to the original location, and use is to include protective provisions already included in COA 21-3018. No detrimental impacts to water right holders or to the on-stream environment are expected.

# 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.   3   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** 0.89 cfs (cubic feet per second)  
or        gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / N** Y  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 0.89 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	Proposed
<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): Cord Spring Draw
- b. Zip Code: 78058
- c. Location of point: In the TWNG RY CO Original Survey No. 23, Abstract No. REAL, REAL County, Texas.

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

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

- d. Point is at: Latitude 29.831742 °N, Longitude -99.924996 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): GIS
- 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.

## Mike Vielleux

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**From:** Frank Schalla  
**Sent:** Thursday, March 23, 2023 6:31 AM  
**To:** Mike Vielleux  
**Cc:** Tim Osting  
**Subject:** Mailing of Water Right Amendment Application  
**Attachments:** Amendment Application Package WR21-3018.pdf

RECEIVED  
MAR 31 2023  
Water Availability Division

Hi Mike,

Thanks for offering to mail a hard copy of a water right amendment application to TCEQ. Instructions are below:

- Please mail a hard copy (on decent printer paper) of the entire application to the address below.
  - **Replace PDF pages 8 and 9 with the two original signed/notarized pages.** These originals were mailed out yesterday to our office, so they should arrive early next week (It'll be addressed to me).
- Separately please mail a signed check and a printout of the "Worksheet 8.0 - Calculation of Fees" application page (last page of the attached PDF). I have already asked Elise to cut a check for \$112.50, which will be addressed to TCEQ. You'll have to coordinate with Barney or Tim to get their signature on the check.
  - Somewhere on the check (if there is room, if not on a short note) please include:
    - Applicants: Donald Moffett, Robert Gober
    - Water Right No.: 21-3018

We don't want TCEQ staff to sign for delivery but we do want tracking information on both mailed items. Please bill any shipping expenses/time spent to project 22015 (Jo Jan Van Ranch/Moffett Amendment). Hopefully this won't take too long!

Please also let me know when you've received the original signature pages and are sending off the application. I'll have to coordinate the mailing of the application with the electronic submission as well.

**Address for Application:**

TCEQ  
Water Availability Division, MC-160  
P.O. Box 13087  
Austin, Texas 78711-3087

**Address for payment:**

Texas Commission on Environmental Quality  
Financial Administration Division  
Cashier's Office, MC-214  
P.O. Box 13088  
Austin, TX 78711-3088

Please call myself or Tim if you have any questions or issues. Thanks for your help!

Frank Schalla, PE  
Senior Water Resources Engineer

**AquaStrategies**

[aquastrategies.com](http://aquastrategies.com)

WUP  
Amend

PAY TO THE ORDER  
OF STATE COMPTROLLER  
TCEQ

## WORKSHEET 8.0 CALCULATION OF FEES

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

### 1. NEW APPROPRIATION

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

RECEIVED

MAR 31 2023

Water Availability Division

### 2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
<b>Filing Fee</b>	Amendment: \$100	\$100.00
	OR Sever and Combine: \$100 x _____ of water rights to combine	
<b>Recording Fee</b>		\$12.50
<b>Mailed Notice</b>	Additional notice fee to be determined once application is submitted.	
<b>TOTAL INCLUDED</b>		\$ 112.50

### 3. BED AND BANKS

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

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## TCEQ WATER RIGHTS PERMITTING APPLICATION

### ADMINISTRATIVE INFORMATION CHECKLIST

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

APPLICANT(S): Donald Moffett, Robert Gober

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

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

# ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

New Appropriation of State Water

Amendment to a Water Right \*

Bed and Banks

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

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

Please reference Statement 1, Summary of Request section in the Supplemental Attachment for this requested information.



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

### a. Applicant

Indicate the number of Applicants/Co-Applicants 2  
(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?

Donald Moffett

*(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 : 605638626 (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: Donald Moffett

Title: \_\_\_\_\_

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

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: Donald Moffett

Mailing Address: 419 W 20TH ST

City: NEW YORK State: NY ZIP Code: 10011-2907

Indicate an X next to the type of Applicant:

Individual \_\_\_\_\_ Sole Proprietorship-D.B.A.

Partnership \_\_\_\_\_ Corporation

Trust \_\_\_\_\_ Estate

Federal Government \_\_\_\_\_ State Government

County Government \_\_\_\_\_ City Government

Other Government \_\_\_\_\_ Other \_\_\_\_\_

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: \_\_\_\_\_ SOS Charter (filing) Number: \_\_\_\_\_

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

**a. Applicant**

Indicate the number of Applicants/Co-Applicants 2  
(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?

Robert Gober

*(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 : 605638634 (leave blank if you do not yet have a CN).

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

First/Last Name: Robert Gober

Title: \_\_\_\_\_

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

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

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

Name: Robert Gober

Mailing Address: 419 W 20TH ST

City: NEW YORK State: NY ZIP Code: 10011-2907

Indicate an X next to the type of Applicant:

- Individual
- Partnership
- Trust
- Federal Government
- County Government
- Other Government
- Sole Proprietorship-D.B.A.
- Corporation
- Estate
- State Government
- City Government
- Other \_\_\_\_\_

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: \_\_\_\_\_ SOS Charter (filing) Number: \_\_\_\_\_

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

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

First and Last Name: Frank Schalla

Title: Senior Water Resources Engineer

Organization Name: Aqua Strategies Inc.

Mailing Address: 11929 Fitzhugh Corners

City: Dripping Springs State: TX ZIP Code: 78620

Phone Number: (469) 408-5313

Fax Number: \_\_\_\_\_

E-mail Address: [REDACTED]

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

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

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

First and Last Name: Donald Moffett

Title: \_\_\_\_\_

Organization Name: \_\_\_\_\_

Mailing Address: 419 W 20TH ST

City: NEW YORK State: NY ZIP Code: 10011-2907

Phone Number: (646) 240-7948

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** No

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

Account number: \_\_\_\_\_ Amount past due: \_\_\_\_\_

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

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

Enforcement order number: \_\_\_\_\_ Amount past due: \_\_\_\_\_

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

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

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

[https://www3.twdb.texas.gov/apps/reports/WU/SurveyStatus\\_PriorThreeYears](https://www3.twdb.texas.gov/apps/reports/WU/SurveyStatus_PriorThreeYears)

Applicant has submitted all required TWDB surveys of groundwater and surface water?

**Yes / No** Yes

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

Applicant:

I, Robert Gober

(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: R. Gober  
(Use blue ink)

Date: 3/21/23

Subscribed and Sworn to before me by the said

on this 21 day of March, 2023.

My commission expires on the 24 day of Sept, 2026.

Miguel Madera  
Notary Public

New York  
County, Texas

**MIGUEL MADERA**  
Notary Public - State of New York  
No. 01MA6381057  
Qualified in New York County  
My Commission Expires 09/24/2026

[SEAL]

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

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

Applicant:

I, Donald Moffett

(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: Donald Moffett  
(Use blue ink)

Date: 3/22/23

Subscribed and Sworn to before me by the said

on this 22<sup>nd</sup> day of March, 20 23.

My commission expires on the 7<sup>th</sup> day of November, 20 26.

Notary Public

Brian Ventura

**BRIAN ISAIAS VENTURA**  
Notary Public - State of New York  
No. 01VE6443777  
Qualified in Queens County  
My Commission Expires 11/07/2026

[SEAL]

County, ~~Texas~~ New York, New York

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

## **STATEMENT 1**

### **SUPPLEMENTAL ATTACHMENT TO ADMINISTRATIVE INFORMATION REPORT**

#### **SUMMARY OF REQUEST**

Donald Moffett and Robert Gober are seeking amendment to Certificate of Adjudication No. 21-3018 to add two diversion reaches on Bullhead Creek, one diversion point on Spring Creek, and to increase the land authorized to be irrigated from 3.901 to 20.33 acres within Real County.

The existing Certificate of Adjudication (COA) authorizes a total diversion of 30 acre-feet of water per year from Bullhead Creek and Spring Creek for irrigation of up to 16 acres of land. Co-owners Donald Moffett and Robert Gober's apportioned ownership interest in COA 21-3018 authorizes a diversion of 7.314 acre-feet of water per year for agricultural purposes to irrigate 3.901 acres of land in Real County, Texas. Co-applicant's proposed lands for irrigation are within TWNG RR Co. Survey 23, Abstract 856.

Co-applicants are not requesting to change the type of use, to increase the maximum diversion rate, or to increase the amount of the appropriation of State Water.



# 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](mailto:WRPT@tceq.texas.gov) to schedule a meeting.*

Date of pre-application meeting: 1/31/2023

### 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 N
- b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? Y / N 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: 21-3018

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? Y / N<sup>N</sup>\_\_\_\_\_ (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<sup>N</sup>\_\_\_\_\_

*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<sup>N</sup>\_\_\_\_\_

*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<sup>N</sup>\_\_\_\_\_ *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<sup>Y</sup>\_\_\_\_\_ *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<sup>N</sup>\_\_\_\_\_ *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<sup>N</sup>\_\_\_\_\_ *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<sup>N</sup>\_\_\_\_\_

*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<sup>N</sup>\_\_\_\_\_

*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<sup>N</sup>\_\_\_\_\_

*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<sup>N</sup>\_\_\_\_\_

*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<sup>N</sup>\_\_\_\_\_

*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 proposed amendment will address irrigation needs in the existing place of use and do not conflict with the 2021 Region J Water Plan, and do not conflict with the 2022 State Water Plan. For example, projected long term irrigation demands in Region J Real County exceed 250 acre feet per year beginning in 2020. This proposed amendment can meet these projected water demands by approximately 7.314 acre feet per year within Real County.

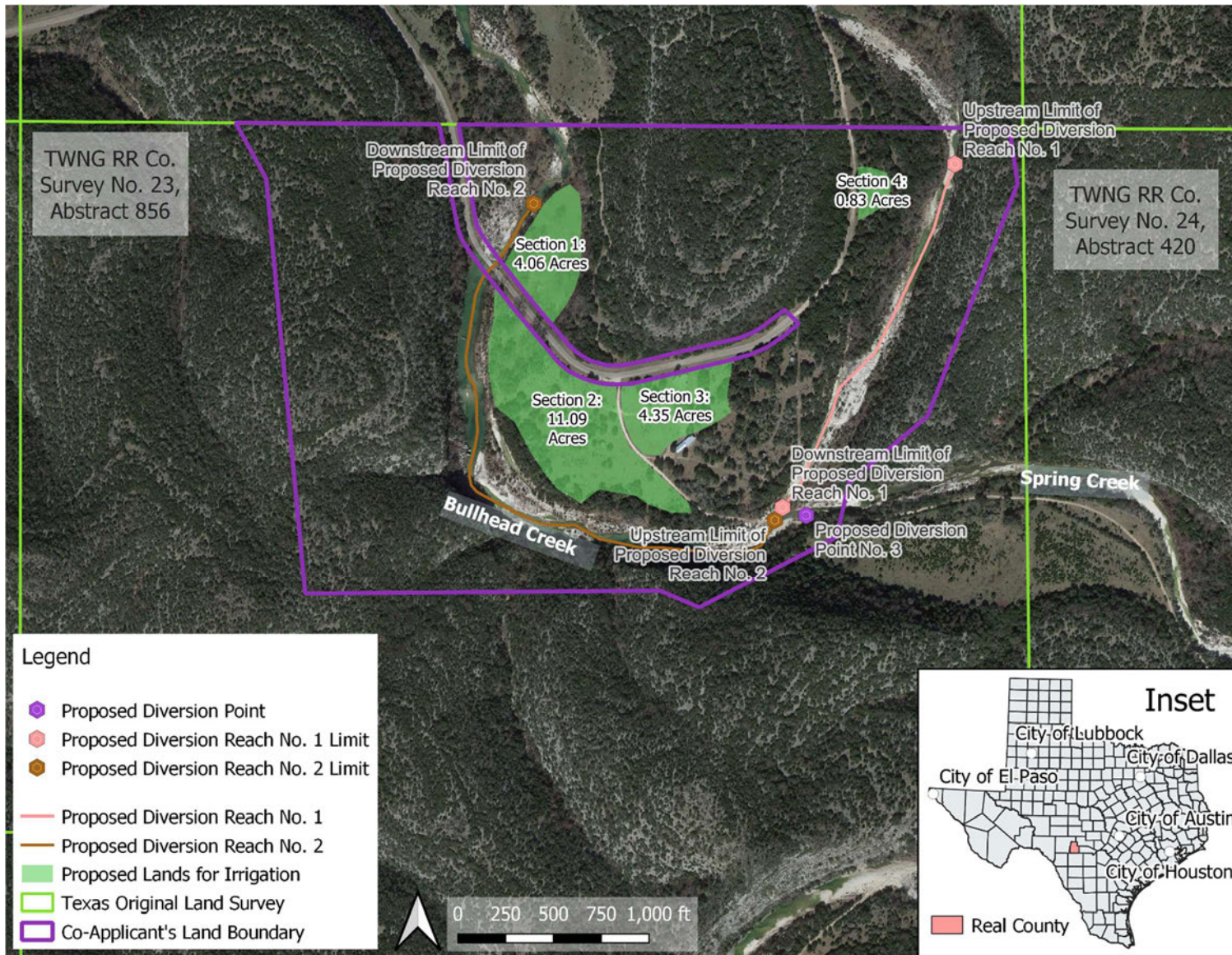
- b. Did the Applicant perform its own Water Availability Analysis? Y / N N

*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

**MAP SHOWING PROJECT DETAILS**

**Map #1: Overview of the proposed diversion reach no. 1 and 2, proposed diversion point no. 3, and the proposed lands to be used for irrigation in Real County, Texas.**



# 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. \_\_\_\_\_.

***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**
7.314	Irrigation	Irrigation	Real County	Real County

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- i. Applicant proposes to irrigate a total of 20.33 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 180.64 acres in Real County, TX.
  - ii. Location of land to be irrigated: In the TWNG RY CO Original Survey No. 23, Abstract No. 856.

***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.



**EXHIBIT 1 - RECORDED DEED FOR DIVERSION POINTS AND IRRIGATED LAND, AND  
LEGAL DESCRIPTION**



Exceptions to Conveyance and Warranty: This conveyance is made and accepted subject and subordinate to (i) rights and claims of adjoining property owners in and to that portion of the Property, if any, which lies inside record title boundary but outside fences, and inside fences but outside record title boundary; (ii) any land lying within the confines of any public or private roadway in which the public or other persons might have acquired an easement or fee simple title by prescription, dedication, way of necessity, implication, estoppel, or otherwise, and subject to the rights of the public or other persons therein; (iii) Terms and conditions of the Water Permit dated March 16, 1918, in favor of M.I. O'Bryant, recorded in Volume 2, Page 232, Deed Records, Real County, Texas; (iv) all leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges and immunities relating thereto; (v) Right-of-Way Deed dated July 22, 1964, in favor of the State of Texas, recorded in Volume 28, Page 78, Deed Records, Real County, Texas; (vi) Right-of-Way Easement dated November 17, 1954, in favor of Kimble Electric Cooperative, Inc., recorded in Volume 30, Page 308, Deed Records, Real County, Texas; (vii) Blanket Telephone Line Right-of-Way Easement dated August 28, 1984, in favor of Southwest Texas Telephone Company, recorded in Volume 66, Page 540, Deed Records, Real County, Texas; (viii) Terms, conditions and stipulations of the Road Access Easement dated June 1, 1991, in favor of Jo Bess Jackson and Joseph Vander Stuken, recorded in Volume 1, Page 407, Easement Records, Real County, Texas; (ix) Affidavit Pertaining to County Road No. 15, recorded in Volume 17, Page 332, Real Property Records, Real County, Texas; (x) Affidavit Pertaining to County Road No. 15, recorded in Volume 17, Page 341, Real Property Records, Real County, Texas; (xi) Affidavit Pertaining to County Road No. 15, recorded in Volume 17, Page 350, Real Property Records, Real County, Texas; (xii) Mineral Deed dated May 21, 1930, in favor of Texas Osage Co-Operative Royalty Pool and Flag Oil Company, recorded in Volume 3, Page 259, Oil and Gas Lease Records, Real County, Texas; (xiii) Mineral Deed dated March 25, 1996, in favor of Karen S. Scheirman, recorded in Volume 35, Page 401, Real Property Records, Real County, Texas; (xiv) Mineral Deed dated March 1, 1996, in favor of Karen S. Scheirman, recorded in Volume 35, Page 405, Real Property Records, Real County, Texas; (xv) Mineral Deed dated January 15, 2001, in favor of David J. Chernicky and Michael L. Ross, recorded in Volume 57, Page 281, Real Property Records, Real County, Texas; (xvi) Mineral Deed dated December 1, 2013, in favor of KSS Energy, LLC, recorded in Volume 73, Page 377, Official Public Records, Real County, Texas; (xvii) Mineral reservation in deed dated November 8, 2007, recorded in Volume 13, Page 396, Official Public Records, Real County, Texas; (xviii) Subject to past and future action of the Cord Spring by means of accretion, avulsion or erosion, which is located on the Southeastern portion of subject property as shown on Survey dated February 10, 2015, prepared by Bengé L. Bushong, RPLS No. 5690; (xix) Overhead electric lines located on the Northern, Southern and Eastern portion of Property and Buried Telephone Line as shown on Survey dated February 10, 2015, prepared by Bengé L. Bushong, RPLS No. 5690; (xx) Portion of the Property lying outside fence, but inside record title, located on the Northern and Southeastern portion of Property as shown on Survey dated February 10, 2015, prepared by Bengé L. Bushong, RPLS No. 5690; (xxi) Bullhead Road located on the Property and subject to the rights of use thereof by the public; and (xxii) Mineral Gift Deed dated January 27, 1984, in favor of Jan Vander Stucken, et al, recorded in Volume 62, Page 223, Deed Records, Real County, Texas (all of the foregoing collectively referred to as the "Permitted Exceptions").

Grantor(s), for the Consideration and subject to the Reservations from Conveyance and the

Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee(s) the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee(s) and Grantee(s)' heirs, successors, and assigns forever. Grantor(s) binds Grantor(s) and Grantor(s)' heirs and successors to warrant and forever defend all and singular the Property to Grantee(s) and Grantee(s)' heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

Grantee(s), by its acceptance hereof, does hereby assume and agree to pay any and all ad valorem taxes and special assessments pertaining to the Property for the calendar year 2018, there having been a proper proration of ad valorem taxes for the current calendar year between Grantor(s) and Grantee, and subsequent years including any "rollback taxes" or subsequent assessments for prior years resulting from Grantee(s)' change in land use, size or ownership resulting after the sale and conveyance of the Property herein.

Executed to be effective on the date set forth above.

**GRANTOR(S):**

**JO-JAN-VAN, LLC, a Texas limited liability company**

By: Jo Bess Jackson  
JO BESS JACKSON, Member and Manager

**JO BESS JACKSON, in her individual capacity**

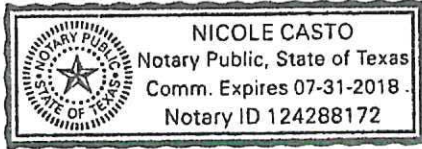
Jo Bess Jackson

ACKNOWLEDGMENT

STATE OF TEXAS §  
COUNTY OF Dallas §

\*

This instrument was acknowledged before me on the 30<sup>th</sup> day of January, 2018, by JO BESS JACKSON, Member and Manager of JO-JAN-VAN, LLC, a Texas limited liability company, for and on behalf of said company.

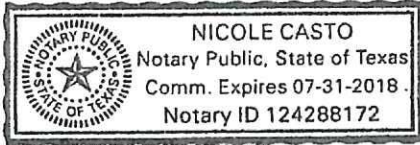


Nicole Casto  
Notary Public, State of Texas

STATE OF TEXAS §  
COUNTY OF Dallas §

\*

This instrument was acknowledged before me on the 30<sup>th</sup> day of January, 2018, by JO BESS JACKSON, in her individual capacity.



Nicole Casto  
Notary Public, State of Texas

Prepared in the office of:  
Braun & Gresham  
P.O. Box 1148  
Dripping Springs, TX 78620

Address for Tax Notices:  
Donald Moffett and Robert Gober  
419 West 20<sup>th</sup> Street New York, New York 10011

After Recording Return to:  
Texas Investors Title  
116 W. Blanco Road, Suite 101  
Boerne, Texas 78006

# Bushong Land Surveying

Land Surveying Across The Lone Star State  
106 Glen Lakes Court • Ingram, Texas 78025  
Phone: 830/367-7302 • Fax: 830/367-7301  
www.bushonglandsurveying.com

Exhibit "A" Book 0101 Page 7411

## DESCRIPTION OF 180.64 ACRES OUT OF SURVEY NO. 23, T.W.N.G. RY. CO., BLOCK 3, REAL COUNTY, TEXAS.

Being 180.64 acres of land, a part of Survey No. 23, T.W.N.G. Ry. Co., Block 3, Abstract No. 856, lying and being situated in Real County, Texas. The said 180.64 acre tract being a part of the lands described as 195.0689 acres in a deed from Girl Scouts - El Camino Council, Inc., a Texas Non-Profit corporation, formerly known as Frontier Girl Scout Council to Jo Bess Jackson dated August 31, 2007 and recorded in Volume 11, Page 455 of the Official Public Records of Real County, Texas. The said 180.64 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 60d nail set in fence and east line of said 195.0689 acre tract, from which a cedar stake found in a large stone mound marking the common corner of Survey Nos. 16, 17, 23, and 24, said Block 3, bears N 89° 54' E, 83.88 feet and a 3-way fence corner post bears N 12° 24' W, 194.73 feet, said cedar stake found in large stone mound also marking the southwest corner of a certain 616.530 acre tract described in a deed from Viola M. Hynd to Richard Holcomb recorded in Volume 50, Page 709 of Deed Records of Real County, Texas, southeast corner of a certain 616.18 acre tract described in a deed from Alton B. Patty, et al to James S. Ernst and Douglas Barclay recorded in Volume 66, Page 328 of the Deed Records of Real County, Texas, and a northwest corner of a certain 1050.06 acre tract, previously surveyed, from which a 3-way fence corner post bears N 0° 34' W, 189.79 feet, a small stone mound bears S 88° 28' W, 53.65 feet, a cedar stake in a stone mound bears N 0° 40' W, 165.39 feet, and a stone mound with capstone marked "north" marking the reference corner called for in said 195.0689 acre tract (called the northwest corner of Survey No. 24) bears N 12° 23' W, 152.60 feet, said cedar stake found in large stone mound being located by Hilmer J. Koch on Real County Rolled Sketch #6 (map #7456) and report on Real County Sketch File #18 (map #35076), Texas General Land Office records, in reference to Cause No. 973, A.B. Patty, et al v. Viola May Hynd, et al and Cause No. 976, William Edmund McCarson, Jr., et al v. A.B. Patty, et al dated June 1, 1964 and recorded in Volume 3, Page 386 of the Civil Minutes Records of Real County, Texas (see Item 7, Page 387);

THENCE S 89° 54' W (basis of bearings - GPS True North) with the common line between said Survey Nos. 17 and 23, said Block 3, and south line of said 616.18 acre tract, unfenced, at 426.85 feet begin fence and continue along or near fence in all a distance of 2806.74 feet to a point in the curved east right-of-way line of R.M. Highway No. 2631 marking a northwest corner of subject tract;

THENCE with the east and north right-of-way line of said highway and east and north lines of a certain 6.20 acre tract described in a Right-of-Way Deed from Frontier Girl Scout Council, et al to The State of Texas dated July 22, 1964 and recorded in Volume 28, Page 78 of the Deed Records of Real County, Texas, as follows:

Along the arc of a curve to the right (long chord bears S 13° 51' E, 132.77 feet) having a central angle of 7° 35', a radius of 1004.93 feet, and a distance along arc of 132.87 feet to a point at the end of said curve;

S 9° 41' E, 403.59 feet; point at the beginning of a curve to the left

Along the arc of said curve to the left (long chord bears S 24° 44' E, 170.41 feet) having a central angle of 29° 45', a radius of 331.97 feet, and a distance along arc of 172.34 feet to a point at the end of said curve;

S 39° 47' E, 628.03 feet to a point at the beginning of a curve to the left;

Along the arc of said curve to the left (long chord bears S 71° 19' E, 347.39 feet) having a central angle of 63° 06', a radius of 331.97 feet, and a distance along arc of 365.59 feet to a point at the end of said curve;

N 77° 09' E, 545.51 feet; point at the beginning of a curve to the left;

Along the arc of said curve to the left (long chord bears N 63° 46' E, 242.22 feet) having a central angle of 26° 47', a radius of 522.92 feet, and a distance along arc of 244.44 feet to a point at the end of said curve;

N 50° 22' E, 100.00 feet to a point marking the northeast corner of said 6.20 acre tract and end of said R.M. Highway No. 2631;

THENCE S 39° 38' E with the east line of said 6.20 acre tract a distance of 100.00 feet to a point marking the southeast corner of said 6.20 acre tract;

THENCE with the south and west right-of-way line of said highway and south and west line of said 6.20 acre tract as follows:

S 50° 22' W, 100.00 feet; point at the beginning of a curve to the right;

Along the arc of said curve to the right (long chord bears S 63° 46' W, 288.54 feet) having a central angle of 26° 47', a radius of 622.92 feet, and a distance along arc of 291.19 feet to a point at the end of said curve;

S 77° 09' W, 545.49 feet; point at the beginning of a curve to the right

Along the arc of said curve to the right (long chord bears N 71° 19' W, 452.04 feet) having a central angle of 63° 06', a radius of 431.97 feet, and a distance along arc of 475.71 feet to a point at the end of said curve;

N 39° 47' W, 628.31 feet; point at the beginning of a curve to the right;

Along the arc of said curve to the right (long chord bears N 24° 44' W, 221.75 feet) having a central angle of 29° 45', a radius of 431.97, and a distance along arc of 224.26 feet to a point at the end of said curve;

N 9° 41' W, 403.23 feet; point at the beginning of a curve to the left;

Along the arc of said curve to the left (long chord bears N 14° 51' W, 151.25 feet) having a central angle of 9° 35', a radius of 904.93 feet, and a distance along arc of 151.42 feet to a point in the common line between said Survey Nos. 17 and 23 marking a northeast corner of subject tract;

THENCE S 89° 54' W with the common line between said Survey Nos. 17 and 23, and south line of said 616.18 acre tract, along or near fence, a distance of 950.62 feet to a point marking the northwest corner of subject tract, from which a rebar 3-way fence corner post in a large rock mound bears S 16° 36' E, 2.16 feet and a stone mound found marking the northwest corner of said Survey No. 23, southwest corner of said 616.18 acre tract, and a northwest corner of said 1050.06 acre tract bears S 89° 54' W, 1237.73 feet, and from said stone mound a 30" Cedar tree bears N 20° 45' W, 5.8 feet and a cedar 3-way fence corner post bears N 26° 39' W, 4.0 feet;

THENCE along or near fence with the common line between said 195.0689 acre tract and said 1050.06 acre tract as follows:

S 16° 36' E, 283.59 feet; point

S 5° 41' E, 2173.37 feet; rebar 2-way fence corner post

N 89° 24' E, 833.31 feet; found 5/8" iron stake

N 89° 25' E, 1029.59 feet; rebar fence angle post

S 66° 46' E, 230.46 feet to a rebar 2-way fence corner post

THENCE with the common line between said 195.0689 acre tract and said 1050.06 acre tract, not with fence, as follows:

N 61° 52' E, 807.01 feet; found 3/4" iron pipe

N 12° 11' E, 299.85 feet; found 5/8" iron stake at the base of a rebar fence angle post

THENCE along or near fence with the common line between said 195.0689 acre tract and said 1050.06 acre tract as follows:

N 49° 21' E, 546.32 feet; found 5/8" iron stake

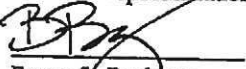
N 18° 04' E, 1107.88 feet; found 5/8" iron stake

N 9° 35' E, 139.76 feet; rebar fence angle post

N 12° 24' W, 299.73 feet to the place of BEGINNING.

THE STATE OF TEXAS  
COUNTY OF KERR

I, **Benge L. Bushong**, a registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional land surveyors in Texas, this is an accurate representation of the property shown hereon. Book 0101 Page 7413

  
Benge L. Bushong  
R.P.L.S. No. 5690  
February 10, 2015  
Job #2944







# 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 N

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

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

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

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

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

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

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

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

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

## WORKSHEET 1.2 NOTICE. “THE MARSHALL CRITERIA”

This worksheet assists the Commission in determining notice required for certain **amendments** that do not already have a specific notice requirement in a rule for that type of amendment, and *that do not change the amount of water to be taken or the diversion rate*. The worksheet provides information that Applicant **is required** to submit for 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: \_\_\_\_\_
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: \_\_\_\_\_.
- c. The impoundment is on-channel \_\_\_\_\_ or off-channel \_\_\_\_\_ (mark one)
  - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / N \_\_\_\_\_
  - 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 \_\_\_\_\_
- d. Is the impoundment structure already constructed? Y / N \_\_\_\_\_
  - i. For already constructed **on-channel** structures:
    1. Date of Construction: \_\_\_\_\_
    2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N \_\_\_\_\_
      - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N \_\_\_\_\_
      - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N \_\_\_\_\_
    3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N \_\_\_\_\_
      - a. If yes, provide the Site No. \_\_\_\_\_ and watershed project name \_\_\_\_\_;
      - b. Authorization to close "ports" in the service spillway requested? Y / N \_\_\_\_\_
  - ii. For **any** proposed new structures or modifications to structures:
    1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? Y / N \_\_\_\_\_  
Provide the date and the name of the Staff Person \_\_\_\_\_
    2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
      - a. No additional dam safety documents required with the Application. Y / N \_\_\_\_\_
      - b. Plans (with engineer's seal) for the structure required. Y / N \_\_\_\_\_
      - c. Engineer's signed and sealed hazard classification required. Y / N \_\_\_\_\_
      - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N \_\_\_\_\_

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

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level:\_\_\_\_\_.
2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option. Applicant has calculated the drainage area. Y/N\_\_\_\_\_ If yes, the drainage area is\_\_\_\_\_sq. miles. (If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

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

- a. On Watercourse (if on-channel) (USGS name):\_\_\_\_\_
- b. Zip Code: \_\_\_\_\_
- c. In the\_\_\_\_\_Original Survey No.\_\_\_\_\_, Abstract No.\_\_\_\_\_, \_\_\_\_\_County, Texas.

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

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

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

Latitude\_\_\_\_\_°N, Longitude\_\_\_\_\_°W.

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

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

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

### 1. Diversion Information (Instructions, Page. 24)

a. This Worksheet is to add new (select 1 of 3 below):

1. \_\_\_ Diversion Point No.
2. 1 Upstream Limit of Diversion Reach No.
3. \_\_\_ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** <sup>0.89</sup> \_\_\_\_\_ cfs (cubic feet per second)  
or \_\_\_\_\_ gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N** Y  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* <sup>0.89</sup> \_\_\_\_\_ 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	Proposed
<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): Bullhead Creek
- b. Zip Code: 78058
- c. Location of point: In the TWNG RY CO Original Survey No. 23, Abstract No. REAL County, Texas.

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

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

- d. Point is at: Latitude 29.836806 °N, Longitude -99.922591 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): GIS
- 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 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. 1 Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** <sup>0.89</sup> \_\_\_\_\_ cfs (cubic feet per second)  
or \_\_\_\_\_ gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N** Y  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* <sup>0.89</sup> \_\_\_\_\_ 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	Proposed
<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): Bullhead Creek
- b. Zip Code: 78058
- c. Location of point: In the TWNG RY CO Original Survey No. 23, Abstract No. \_\_\_\_\_, REAL County, Texas.

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

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

- d. Point is at: Latitude 29.831854 °N, Longitude -99.925386 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): GIS
- 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 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. 2 Upstream Limit of Diversion Reach No.
3. \_\_\_ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** <sup>0.89</sup> \_\_\_\_\_ cfs (cubic feet per second)  
or \_\_\_\_\_ gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N** Y  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* <sup>0.89</sup> \_\_\_\_\_ 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	Proposed
<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): Bullhead Creek
- b. Zip Code: 78058
- c. Location of point: In the TWNG RY CO Original Survey No. 23, Abstract No. \_\_\_\_\_, REAL County, Texas.

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

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

- d. Point is at: Latitude 29.831669 °N, Longitude -99.925514 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): GIS
- 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 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. 2 Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** <sup>0.89</sup> \_\_\_\_\_ cfs (cubic feet per second)  
or \_\_\_\_\_ gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N** Y  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* <sup>0.89</sup> \_\_\_\_\_ 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	Proposed
<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): Bullhead Creek
- b. Zip Code: 78828
- c. Location of point: In the TWNG RY CO Original Survey No. 23, Abstract No. \_\_\_\_\_, REAL County, Texas.

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

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

- d. Point is at: Latitude 29.836189 °N, Longitude -99.929529 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): GIS
- 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 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.   3   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** 0.89 cfs (cubic feet per second) or        gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / N** Y  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 0.89 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	Proposed
<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): Spring Creek
- b. Zip Code: 78058
- c. Location of point: In the TWNG RY CO Original Survey No. 23, Abstract No. \_\_\_\_\_, REAL County, Texas.

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

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

- d. Point is at: Latitude 29.831742 °N, Longitude -99.924996 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): GIS
- 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\_\_\_\_\_.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses \_\_\_\_\_(% or amount) and explain the method of calculation:\_\_\_\_\_
- c. Is the source of the discharged water return flows? Y / N\_\_\_\_\_If yes, provide the following information:
  1. The TPDES Permit Number(s).\_\_\_\_\_ (attach a copy of the **current** TPDES permit(s))
  2. Applicant is the owner/holder of each TPDES permit listed above? Y / N\_\_\_\_\_

*PLEASE NOTE: If Applicant is not the discharger of the return flows, 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\_\_\_\_\_, surface water\_\_\_\_\_?
  5. If any percentage is surface water, provide the base water right number(s)\_\_\_\_\_.
- d. Is the source of the water being discharged groundwater? Y / N\_\_\_ If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped:\_\_\_\_\_
  2. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers\_\_\_\_\_.
  3. Indicate how the groundwater will be conveyed to the stream or reservoir.
  4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.

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

dii. Identify any other source of the water\_\_\_\_\_

# WORKSHEET 4.1

## DISCHARGE POINT INFORMATION

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

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

- a. The amount of water that will be discharged at this point is \_\_\_\_\_ acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of \_\_\_\_\_ cfs or \_\_\_\_\_ gpm.
- c. Name of Watercourse as shown on Official USGS maps: \_\_\_\_\_
- d. Zip Code \_\_\_\_\_
- e. Location of point: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, \_\_\_\_\_ County, Texas.
- f. Point is at:  
Latitude \_\_\_\_\_ °N, Longitude \_\_\_\_\_ °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): \_\_\_\_\_

**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.**

In order to minimize entrainment and impingement of aquatic organisms, all diversion structures that are not already authorized shall include a screen with a mesh size of 0.25 inches or smaller and shall implement a maximum flow velocity of 0.5 feet per second through the screen.

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

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

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

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

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

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

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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 \_\_\_\_\_
  - 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 \_\_\_\_\_.

## STATEMENT 2

### SUPPLEMENTAL ATTACHMENT TO WORKSHEET 5.0

#### 2. NEW APPROPRIATIONS OF WATER (...) AND CHANGES IN DIVERSION POINT(S)

##### D. WATERBODY RECREATIONAL USES

##### ADDENDUM TO WORKSHEET 5.0

1. Photographs of the stream near the upstream and downstream limits of the proposed Diversion Reach No. 1 and 2, and proposed Diversion Point No. 3 are included below and can be seen on Map 1.
2. No new reservoirs are proposed.

**Looking upstream at the upstream limit of proposed Diversion Reach No. 1.**



**Looking downstream at the upstream limit of proposed Diversion Reach No. 1.**



**Looking upstream at the downstream limit of proposed Diversion Reach No. 1.**





**Looking downstream at the downstream limit of proposed Diversion Reach No. 1.**



**Looking upstream at the upstream limit of proposed Diversion Reach no. 2.**



**Looking downstream at the upstream limit of proposed Diversion Reach no. 2.**



**Looking upstream at the downstream limit of proposed Diversion Reach no. 2.**



**Looking downstream at the downstream limit of the proposed Diversion Reach No. 2.**



**Proposed diversion point number 3.**



**Looking upstream on Spring Creek towards proposed diversion point number 3.**



# 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](mailto:wras@tceq.texas.gov). The model plans can also be downloaded from the TCEQ webpage. **Please use the most up-to-date plan documents available on the webpage.***

### 1. Water Conservation Plans

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

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

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

1. \_\_\_\_Municipal Use. See 30 TAC § 288.2. \*\*
2. \_\_\_\_Industrial or Mining Use. See 30 TAC § 288.3.
3. \_\_\_\_Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. \_\_\_\_Wholesale Water Suppliers. See 30 TAC § 288.5. \*\*

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

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

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

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

## 2. Drought Contingency Plans

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

# WORKSHEET 7.0

## ACCOUNTING PLAN INFORMATION WORKSHEET

The following information provides guidance on when an Accounting Plan may be required for certain applications and if so, what information should be provided. An accounting plan can either be very simple such as keeping records of gage flows, discharges, and diversions; or, more complex depending on the requests in the application. Contact the Surface Water Availability Team at 512-239-4600 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 (\$)
<b>Filing Fee</b>	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under <b>Amount (\$)</b> . <u>In Acre-Feet</u> a. Less than 100                      \$100.00 b. 100 - 5,000                         \$250.00 c. 5,001 - 10,000                      \$500.00 d. 10,001 - 250,000                    \$1,000.00 e. More than 250,000                   \$2,000.00	
<b>Recording Fee</b>		\$25.00
<b>Agriculture Use Fee</b>	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
<b>Use Fee</b>	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
<b>Recreational Storage Fee</b>	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
<b>Storage Fee</b>	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
<b>Mailed Notice</b>	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	
<b>TOTAL</b>		\$

### 2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
<b>Filing Fee</b>	Amendment: \$100 <b>OR</b> Sever and Combine: \$100 x _____ of water rights to combine	\$100.00
<b>Recording Fee</b>		\$12.50
<b>Mailed Notice</b>	Additional notice fee to be determined once application is submitted.	
<b>TOTAL INCLUDED</b>		\$ 112.50

### 3. BED AND BANKS

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