

# 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: Sam Sewell, Project Manager  
Water Rights Permitting Team

DATE: August 31, 2021

SUBJECT: Rosemary H. Romero  
ADJ 2001  
CN601566318, RN101462174  
Application No. 18-2001F to Amend Certificate of Adjudication  
No. 18-2001  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Guadalupe River, Guadalupe River Basin  
Kerr County

The application and partial fees were received on March 22, 2021. Additional information and fees were received on June 11 and August 16, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on August 31, 2021. Mailed notice to the co-owners and interjacent water right holders of record in the Guadalupe River Basin is required pursuant to Title 30 Texas Administrative Code § 295.158(c)(3)(C).

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

*Sam Sewell*

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Sam Sewell, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

OCC Mailed Notice Required  YES  NO

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 31, 2021

Mr. Michael Pinckney  
Carollo Engineers, Inc.  
5316 Highway 290 West, Suite 330  
Austin, Tx 78735

**VIA E-MAIL**

RE: Rosemary H. Romero  
ADJ 2001  
CN601566318, RN101462174  
Application No. 18-2001F to Amend Certificate of Adjudication No. 18-2001  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Guadalupe River, Guadalupe River Basin  
Kerr County

Dear Mr. Pinckney:

This acknowledges receipt, on August 16, 2021, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on August 31, 2021. Staff will continue processing the application for consideration by the Executive Director.

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

If you have any questions concerning the application, please contact me at [sam.sewell@tceq.texas.gov](mailto:sam.sewell@tceq.texas.gov) or by phone at (512) 239-4008.

Sincerely,

*Sam Sewell*

Sam Sewell, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

August 16, 2021

Mr. Sam Sewell  
Texas Commission on Environmental Quality  
12100 Park 35 Circle  
Building F, Room 3101  
Austin, Texas 78753

Subject: Rosemary H. Romero. ADJ 2001 CN601566318, RN101462174 Application No. 18-2001F to Amend Certificate of Adjudication No. 18-2001.

Dear Mr. Sewell:

This letter provides the additional information requested in the second Request for Information (RFI) dated July 19, 2021 regarding Rosemary Romero's application to amend Certificate of Adjudication 18-2001.

Item 1 of the RFI requests consent from Riverhill Country Club to enter the easement granted to Riverhill Country Club be provided to the Applicant.

In response to Item #1, please find the attached letter from Riverhill Country Club granting Mrs. Romero access to utilize the easement granted under Riverhill Country Club's general utility easement.

Item 2 of the RFI requests confirmation that the applicant is Rosemary H. Romero as staff noted the previously submitted revised summary listed Riverhill Country Club.

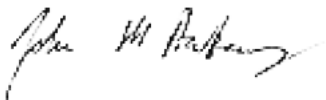
Please find attached a PDF document of the summary request revised to correctly state Mr. Romero as the applicant.

Finally, please also find for TCEQ records, the attached PDF document containing a copy of the Lease Agreement Amendment between Southern Golf Properties and Rosemary H. Romero dated July 15, 2021.

Please let me know if any additional information is needed

Sincerely,

CAROLLO ENGINEERS, INC.



Michael Pinckney P.E.  
Senior Engineer

Author Initials:mp

Enclosures: Consent Letter and Renewed Lease  
Amendment Application 18\_2001\_Summary\_Revised\_06112021

cc: John Junker, Riverhill Country Club

# ADMINISTRATIVE INFORMATION REPORT

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

**\*\*\* Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Staff to discuss Applicant's needs prior to submitting an application. Call the Water Rights Permitting Team to schedule a meeting at (512) 239-4691.**

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

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

New Appropriation of State Water

Amendment to a Water Right \*

Bed and Banks

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

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

Rosemary H. Romero is requesting to amend Water Use Permit No. 2001E as to revise

the location of diversion location 'A' located on the Guadalupe River Latitude 30.018509 N,

Longitude 99.124276 W.

Mrs. Romero is requesting that diversion location 'A' be revised to a point on the south bank of

the Guadalupe River at a point described as Latitude 30.018058 N, Longitude 99.122999 W.

The maximum diversion rate and maximum diversion volume are requested to remain as

previously authorized.

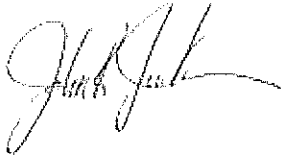
  
RIVERHILL

July 31, 2021

To whom it may concern,

I, John Junker, give consent to Mrs. Rosemary H. Romero to access and utilize general utility easement 15-02945 granted to Riverhill Country Club for the purposes of diverting surface water from the Guadalupe River. My consent will remain effective while Riverhill Country Club maintains a contract to lease water from Mrs. Romero's water right 18-2001.

Sincerely,



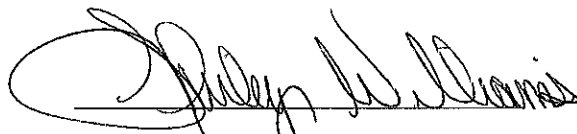
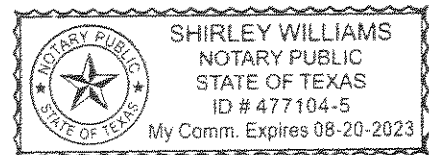
John Junker

State of Texas

County of Johnson

Subscribed and Sworn to (or affirmed) before me

this 12<sup>th</sup> day of August 2021

  
Notary Public

**AMENDMENT TO LEASE**

Date: July 15, 2021

Sent via Email to [REDACTED]

Lease:

Date: July 30, 2011

Lessor: ROSEMARY H. ROMERO

Lessee: SOUTHERN GOLF PROPERTIES

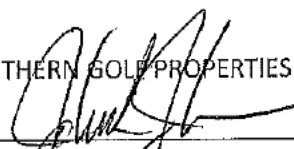
For and in consideration of the mutual covenants herein set forth, the payment of \$7,500.00 to Lessor and the payment of fee to Gary Cochrane of \$450.00, Lessor and Lessee agree to extend the term of the Lease from the end of September, 2020 (current year end of term) to the end of September, 2022, or such earlier date in 2022 on which all of the 30 acre feet per year referenced in the Lease have been diverted and used. The lease shall remain in full force and effect in accordance with its terms, as amended hereby, and is ratified as amended.

Executed in multiple counterparts which when taken together shall be and constitute one document; it being agreed that execution transmitted by electronic means shall be binding on the parties.

\_\_\_\_\_  
ROSEMARY H. ROMERO

Date: \_\_\_\_\_

SOUTHERN GOLF PROPERTIES

BY:   
\_\_\_\_\_  
NAME: JOHN JUNKER  
TITLE: MANAGER  
Date: 7/24/21



## Information About Brokerage Services

Texas law requires all real estate license holders to give the following information about brokerage services to prospective buyers, tenants, sellers and landlords.

11-2-2015



### TYPES OF REAL ESTATE LICENSE HOLDERS:

- A **BROKER** is responsible for all brokerage activities, including acts performed by sales agents sponsored by the broker.
- A **SALES AGENT** must be sponsored by a broker and works with clients on behalf of the broker.

### A BROKER'S MINIMUM DUTIES REQUIRED BY LAW (A client is the person or party that the broker represents):

- Put the interests of the client above all others, including the broker's own interests;
- Inform the client of any material information about the property or transaction received by the broker;
- Answer the client's questions and present any offer to or counter-offer from the client; and
- Treat all parties to a real estate transaction honestly and fairly.

### A LICENSE HOLDER CAN REPRESENT A PARTY IN A REAL ESTATE TRANSACTION:

**AS AGENT FOR OWNER (SELLER/LANDLORD):** The broker becomes the property owner's agent through an agreement with the owner, usually in a written listing to sell or property management agreement. An owner's agent must perform the broker's minimum duties above and must inform the owner of any material information about the property or transaction known by the agent, including information disclosed to the agent or subagent by the buyer or buyer's agent.

**AS AGENT FOR BUYER/TENANT:** The broker becomes the buyer/tenant's agent by agreeing to represent the buyer, usually through a written representation agreement. A buyer's agent must perform the broker's minimum duties above and must inform the buyer of any material information about the property or transaction known by the agent, including information disclosed to the agent by the seller or seller's agent.

**AS AGENT FOR BOTH - INTERMEDIARY:** To act as an intermediary between the parties the broker must first obtain the written agreement of *each party* to the transaction. The written agreement must state who will pay the broker and, in conspicuous bold or underlined print, set forth the broker's obligations as an intermediary. A broker who acts as an intermediary:

- Must treat all parties to the transaction impartially and fairly;
- May, with the parties' written consent, appoint a different license holder associated with the broker to each party (owner and buyer) to communicate with, provide opinions and advice to, and carry out the instructions of each party to the transaction.
- Must not, unless specifically authorized in writing to do so by the party, disclose:
  - that the owner will accept a price less than the written asking price;
  - that the buyer/tenant will pay a price greater than the price submitted in a written offer; and
  - any confidential information or any other information that a party specifically instructs the broker in writing not to disclose, unless required to do so by law.

**AS SUBAGENT:** A license holder acts as a subagent when aiding a buyer in a transaction without an agreement to represent the buyer. A subagent can assist the buyer but does not represent the buyer and must place the interests of the owner first.

### TO AVOID DISPUTES, ALL AGREEMENTS BETWEEN YOU AND A BROKER SHOULD BE IN WRITING AND CLEARLY ESTABLISH:

- The broker's duties and responsibilities to you, and your obligations under the representation agreement.
- Who will pay the broker for services provided to you, when payment will be made and how the payment will be calculated.

**LICENSE HOLDER CONTACT INFORMATION:** This notice is being provided for information purposes. It does not create an obligation for you to use the broker's services. Please acknowledge receipt of this notice below and retain a copy for your records.

Gary E. Cochrane	295800		830-459-8808
Licensed Broker/Broker Firm Name or Primary Assumed Business Name	License No.	Email	Phone
Gary E. Cochrane	295800		830-459-8808
Designated Broker of Firm	License No.	Email	Phone
Licensed Supervisor of Sales Agent/Associate	License No.	Email	Phone
Sales Agent/Associate's Name	License No.	Email	Phone

Buyer/Tenant/Seller/Landlord Initials

Date

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 19, 2021

Mr. Michael Pinckney  
Carollo Engineers, Inc.  
5316 Highway 290 West, Suite 330  
Austin, Tx 78735

**VIA EMAIL**

RE: Rosemary H. Romero  
ADJ 2001  
CN601566318, RN101462174  
Application No. 18-2001F to Amend Certificate of Adjudication No. 18-2001  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Camp Meeting Creek, Guadalupe River Basin  
Kerr County

Dear Mr. Pinckney:

This acknowledges receipt on June 11, 2021 of additional information and fees in the amount of \$2.94 (Receipt No. M119505B, copy attached).

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

1. Provide consent from the entity that the Easement was granted to for the property where the diversion point is located.

Staff notes the *General Utility Easement* submitted on June 11, 2021 is not in the name of the applicant; therefore, proper consent must be provided.

2. Confirm the applicant is Rosemary H. Romero. Staff notes the applicant's name listed in the revised summary submitted on June 11, 2021 is Riverhill Country Club.

Please provide the requested information by August 18, 2021 or the application may be returned pursuant to Title 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via email at [sam.sewell@tceq.texas.gov](mailto:sam.sewell@tceq.texas.gov) or by telephone at (512) 239-4008.

Sincerely,

*Samuel Sewell*

Sam Sewell, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment





23-JUN-21 12:05 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
NOTICE FEES-WUP- WATER USE PERM	PTGU	M119505A	1060122		BS00087470	23-JUN-21	-\$2.94
	PTGU	ADJ182000	062321	N	D1803642		
NOTICE FEES WUP WATER USE PERMITS		CAROLLO ENGINEERS INC	RHDAVIS	CK			
	PTGU	M119505B	1060122		BS00087470	23-JUN-21	-\$2.94
	PTGU	ADJ182001	062321	N	D1803642		
NOTICE FEES WUP WATER USE PERMITS		CAROLLO ENGINEERS INC	RHDAVIS	CK			
Total (Fee Code):							-\$5.88

RECEIVED  
JUN 24 2021  
Water Availability Division

June 11, 2021

Mr. Sam Sewell  
Texas Commission on Environmental Quality  
12100 Park 35 Circle  
Building F, Room 3101  
Austin, Texas 78753

Subject: Rosemary H. Romero. ADJ 2001 CN601566318, RN101462174 Application No. 18-2001F to Amend Certificate of Adjudication No. 18-2001.

Dear Mr. Sewell:

This letter provides the additional information requested in the Request for Information (RFI) dated May 19, 2021 regarding Rosemary Romero's application to amend Certificate of Adjudication 18-2001. The additional fees requested have been sent under a separate letter.

Item 1 of the RFI requests "[clarification] of the coordinates of the requested diversion point."

In response to Item #1, The requested diversion coordinates are Latitude 30.018058 N, Longitude 99.122999 W as provided in Worksheet 3.0 and accompanied mapping. The summary statement from Page 2 of the application package has been revised and is included as an attachment.

Item 2 of the RFI requests a copy of the current Lease Agreement between Southern Golf Properties and Rosemary H. Romero evidencing authorization to access/utilize the proposed diversion point.

Please find attached a PDF document containing a scan of the Lease Agreement Amendment between Southern Golf Properties and Rosemary H. Romero dated July 30, 2020.

Item 3 of the RFI requests "...recorded copy of the deed(s) for the property where the proposed diversion point is located" or proper consent pursuant to Title 30 TAC §295.10.

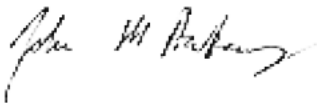
Please find in response to Item 3, a general utility easement granting Riverhill Country Club Inc. utility easement access to the requested diversion point.

Finally, Item 4 requests additional fees of \$2.94 for required notice. A check for \$2.94 has been sent to TCEQ under a separate letter referencing this water right application.

Please let me know if any additional information is needed

Sincerely,

CAROLLO ENGINEERS, INC.



Michael Pinckney P.E.  
Senior Engineer

AuthorInitials:mp

Mr. Sewell  
TCEQ  
June 11, 2021

Page 2

Enclosures: Amendment Application 18\_2001\_Summary\_Revised\_06112021  
2020 Lease Extension  
15-02945 General Utility Easement

cc: John Junker, Riverhill Country Club

# ADMINISTRATIVE INFORMATION REPORT

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

**\*\*\* Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Staff to discuss Applicant's needs prior to submitting an application. Call the Water Rights Permitting Team to schedule a meeting at (512) 239-4691.**

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

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

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Bed and Banks

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

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the location of diversion location 'A' located on the Guadalupe River Latitude 30.018509 N,

Longitude 99.124276 W.

Mrs. Romero is requesting that diversion location 'A' be revised to a point on the south bank of

the Guadalupe River at a point described as Latitude 30.018058 N, Longitude 99.122999 W.

The maximum diversion rate and maximum diversion volume are requested to remain as

previously authorized.

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

**GENERAL UTILITY EASEMENT  
(Tuscany Land, Ltd.)**

**THE STATE OF TEXAS    §  
                                          §        **KNOW ALL MEN BY THESE PRESENTS**  
COUNTY OF KERR       §**

That Tuscany Land, Ltd., a Texas Limited Partnership, owner of the real property described herein and hereinafter referred to as "Grantor", whose address is P.O. Box 293565, Kerrville, Texas 78029-3565, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, paid by the City of Kerrville, Texas, 701 Main Street, Kerrville, Texas, 78028, hereinafter called "Grantee", the receipt and sufficiency of which is hereby acknowledged, has granted, sold, and conveyed, and by these presents does hereby grant, sell, and convey unto Grantee, its successors and assigns, a general utility easement for public water and wastewater utility purposes, including the right of ingress, egress, and regress therein, to erect, construct, reconstruct, install, place, repair, operate, use, inspect, modify, remove, replace, resize, and maintain water and wastewater lines, together with all lines, pipes, conduits, and other facilities, equipment, improvements, and appurtenances (collectively referred to herein as the "Lines") used in connection with such public utilities as deemed necessary thereby by Grantee over, along, across, under, into, and through the following described property of the Grantor:

**A twenty foot (20') wide general utility easement, consisting of an approximate 0.27 acre or 1176.1 square feet, tract of land out of that called 55.89 acre tract conveyed to Tuscany Land, Ltd., by instrument recorded in Volume 1454, Pages 5-9 of the Official Public Records of Kerr County, Texas; situated in the Nathaniel Hoyt Survey No. 147, Abstract 178, within the City of Kerrville, Kerr County, Texas, and as more particularly described and depicted in Exhibits A and B, attached hereto and made a part hereof for all purposes (the "Easement").**

In addition, Grantor grants Grantee a variable width construction easement ("Construction Easement") adjacent to and running the length of the Easement for the sole purpose of constructing, installing, and thereafter and from time-to-time, maintaining the Lines, which will be conducted by Grantee, Riverhills Country Club, Inc., or their agents or representatives. Prior to entry onto Grantor's property and the commencement of any such work, Grantee or Riverhills Country Club, Inc. shall provide Grantor with notice of any such work, the scope, and the timeline.

The Easement and Construction Easement are subject to the following terms and provisions:

1. The grant of the Easement is subject to the following specific reservations and exceptions:

(A) Grantor reserves the right to include the Easement for purposes of calculating impervious cover requirements, setback requirements, or such other requirements that may be imposed in the development or redevelopment of Grantor's adjacent lands; and

(B) The Easement is granted subject to all recorded easements, rights of way, and other documents of record and all zoning and other municipal ordinances and regulations.

2. Grantee shall have the right to do whatever may be requisite for the enjoyment of the rights herein granted, including the right to clear the Easement and Construction Easement of brush and timber, and the right of egress from and ingress to the Easement and the Construction Easement. However, Grantee will make commercially reasonable efforts to ensure that damage to Grantor's future improvements within the Easement or Construction Easement, as permitted herein, and/or any adjacent land of Grantor used to access the Easement is minimized and that no damage occurs to any future improvement on Grantor's adjacent land. Grantee will at all times, after performing any work in connection with the Easement or the Lines therein, restore the area within the Easement, Construction Easement, and any land used to access same to the condition in which the same was found before any such damage occurred.
3. Grantor shall have the right to fully use and enjoy the Easement and Construction Easement for any purpose which shall not interfere with the rights herein granted to Grantee. Without limitation, such uses by Grantor include installation, maintenance, repair, and replacement of paved parking (asphalt or concrete) within the Easement. Grantor agrees not to interfere with Grantee's ability to use or maintain the Easement or Construction Easement for any of the authorized purposes provided for herein. Interference includes but is not limited to physically modifying the Easement and Construction Easement such as altering topography, installing fences, structures, rockeries, walls, or similar improvements which would prevent or limit access to the Easement or Construction Easement; planting of difficult to restore landscaping; piling or the storage of dirt, trash, garbage, debris, or other materials. Grantor, upon the receipt of written notice from the Grantee, shall remove any cited interference from the Easement or Construction Easement which prevents proper use of said easements for the purposes intended herein. Grantee may grant written permission to the Grantor to physically modify the Easement or Construction Easement upon receipt of written request.
4. Grantee, its successors, and assigns shall enjoy the rights, benefits, and privileges herein conveyed until relinquished and released by written instrument executed by the Grantee.

TO HAVE AND TO HOLD the above described easements, together with all the rights and appurtenances thereto in anywise belonging unto the said public generally for the purposes hereinabove recited.

WITNESS THE EXECUTION HEREOF on this 24<sup>th</sup> day of APRIL, 2015.

**(signatures begin on next page)**



**GRANTOR**  
**TUSCANY LAND LTD.**

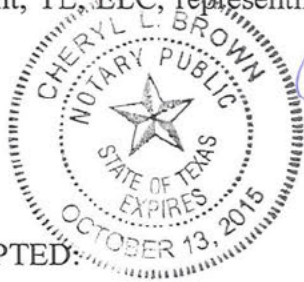
BY: TL LLC, General Partner

By: Robert Keeble  
Robert Keeble, President

**Acknowledgment**

**THE STATE OF TEXAS** §  
§  
**COUNTY OF KERR** §

This instrument was acknowledged before me on the 24th day of April, 2015, by Robert Keeble, President, TL, LLC, representing and acting as the General Partner of Tuscany Land, Ltd.



Cheryl Brown  
Notary Public, State of Texas

APPROVED AND ACCEPTED:  
Todd Parton  
Todd Parton, City Manager  
City of Kerrville, Texas

**AFTER RECORDING RETURN TO:**  
**Office of City Secretary** ✓  
**City of Kerrville, Texas**  
**701 Main Street**  
**Kerrville, Texas 78028**

T:\Legal\PUBLIC WORKS\Prop transaction\Tuscany\WL\_RHCC\_Tuscany Land, LTD\_012515.docx

FIELD NOTES DESCRIPTION FOR A TWENTY FT. WIDE WATER LINE  
EASEMENT UPON, OVER AND ACROSS THE TUSCANY LAND, LTD  
LAND ALONG STATE HIGHWAY NO. 173 IN THE CITY OF KERRVILLE,  
KERR COUNTY, TEXAS

Being all of a certain twenty (20) ft. wide strip, tract or parcel of land containing 0.27 acre, more or less, out of John Southmayd Survey No. 148, Abstract No. 288 in the City of Kerrville, Kerr County, Texas; part of a certain 55.89 acre tract conveyed as TRACT I from Robert L. Keeble and Stacie H. Keeble to Tuscany Land, LTD by a Warranty Deed executed the 25<sup>th</sup> day of July, 2005 and recorded in Volume 1454 at Page 5 of the Real Property Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron stake set in the west line of said 55.89 acre tract and northeast line of a certain 8.40 acre tract conveyed from Riverhill Club & Estates, Ltd. to the Kerrville Municipal Utility District by a Warranty Deed executed the 3<sup>rd</sup> day of September, 1975 and recorded in Volume 185 at Page 185 of the Deed Records of Kerr County, Texas for the south corner of the herein described tract; which point bears 459.56 ft. N44°47'06"W from the southwest corner of 55.89 acre tract;

THENCE, with the common line between said 55.89 and 8.40 acre tracts N44°47'06"W, 21.03 ft. to a ½" iron stake set for the west corner of the herein described tract;

THENCE, upon, over and across said 55.89 acre tract, all calls to set ½" iron stakes: N67°10'09"E, 2.11 ft.; N61°08'09"E, 166.66 ft.; N54°27'33"E, 180.91 ft.; N52°22'47"E, 160.48 ft.; and N47°48'49"E, 92.52 ft. to an unmarked point in its east line for the north corner of the herein described tract;


THENCE, with the east line of said 55.89 acre tract S22°53'35"E, 21.19 ft. to an unmarked point for the east corner of the herein described tract;

THENCE, upon, over and across said 55.89 acre tract, all calls to set ½" iron stakes: S47°48'49"W, 86.32 ft.; S52°22'47"W, 161.64 ft.; S54°27'33"W, 182.44 ft.; and S61°08'09"W, 164.15 ft. to the PLACE OF BEGINNING.

I hereby certify that these field notes and accompanying plat are accurate representations of the property shown and described hereon as determined by a survey made on the ground under my direction and supervision, except no survey was made to reestablish Patent Survey lines or corners; and that all property corners are as shown. (Bearing basis = True north based on GPS observations)

Dates Surveyed: August 28, 2014  
October 13, 2014

Dated this 13<sup>th</sup> day of October, 2014

  
Lee C. Voelkel  
Registered Professional Land Surveyor No. 3909  
County Surveyor for Kerr County, Texas





SURVEY PLAT FOR 0.27 ACRE OF LAND, MORE OR LESS, OUT OF JOHN SOUTHMAYD SURVEY NO. 148, ABSTRACT NO. 288 IN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; PART OF A CERTAIN 55.89 ACRE TRACT CONVEYED AS TRACT I FROM ROBERT L. KEEBLE AND STACIE H. KEEBLE TO TUSCANY LAND, LTD BY WARRANTY DEED EXECUTED THE 25<sup>TH</sup> DAY OF JULY, 2005 AND RECORDED IN VOLUME 1454 AT PAGE 5 OF THE REAL PROPERTY RECORDS OF KERR COUNTY, TEXAS



I hereby certify that this plat and accompanying field notes description are accurate representations of the property shown and described hereon as determined by a survey made on the ground under my direction and supervision, except no survey was made to reestablish Patent Survey lines or corners; and that all property corners are as shown.

(Bearing basis = True north based on GPS observations)

Date Surveyed: August 28, 2014  
October 13, 2014

Dated this 14th day of October, 2014

*Lee C. Voelkel*

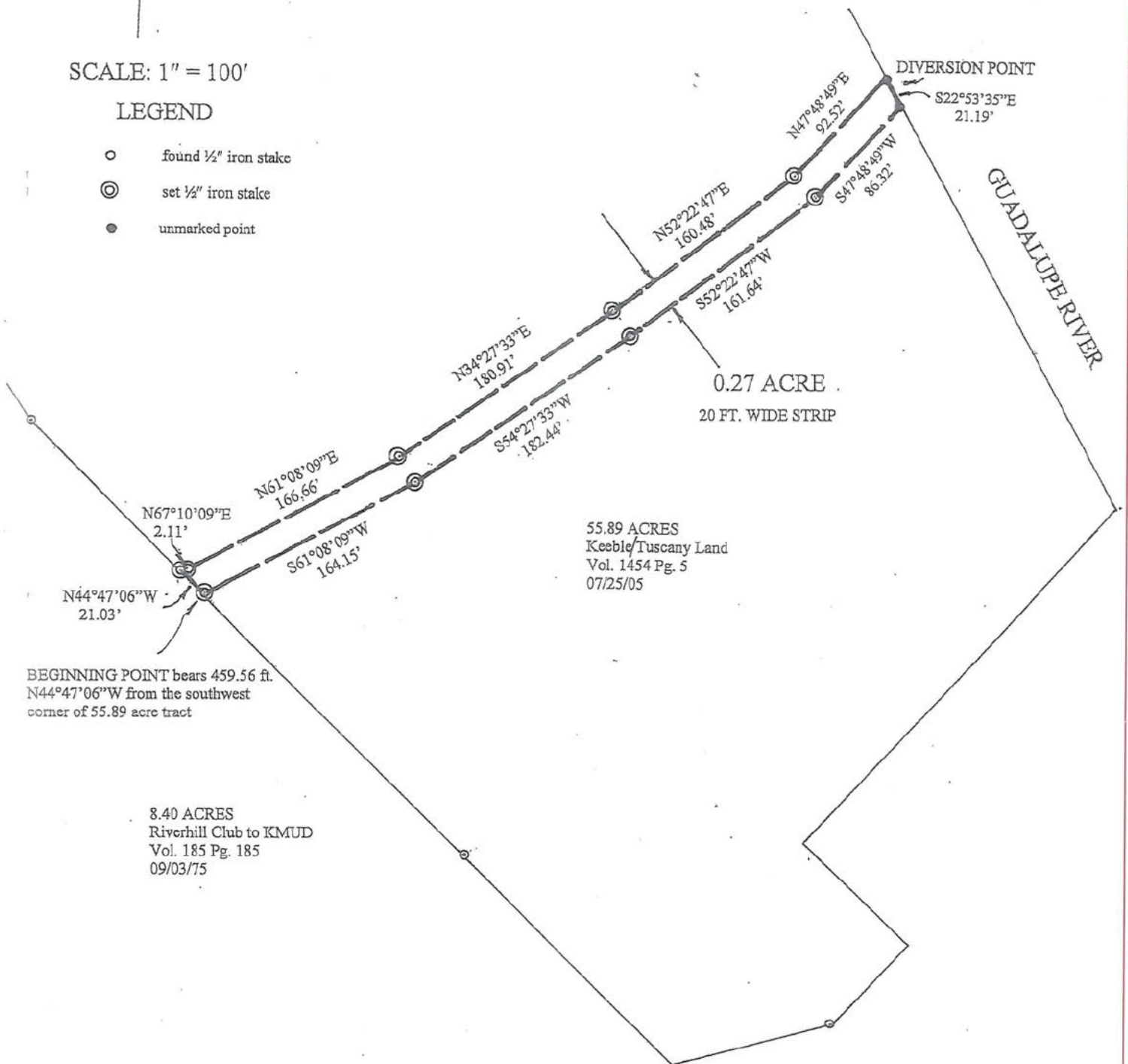
Lee C. Voelkel  
Registered Professional Land Surveyor No. 3909  
County Surveyor for Kerr County, Texas



SCALE: 1" = 100'

LEGEND

- found 1/2" iron stake
- ⊙ set 1/2" iron stake
- unmarked point



BEGINNING POINT bears 459.56 ft. N44°47'06"W from the southwest corner of 55.89 acre tract

8.40 ACRES  
Riverhill Club to KMUD  
Vol. 185 Pg. 185  
09/03/75

55.89 ACRES  
Keeble/Tuscany Land  
Vol. 1454 Pg. 5  
07/25/05



FILED AND RECORDED  
At 9:38 o'clock A M  
STATE OF TEXAS  
COUNTY OF KERR

May 7, 2015

I hereby certify that this instrument was filed in the numbered sequence on the date and time stamped above by me and was duly recorded in the Official Public Records of Kerr County Texas.

Rebecca Bolin County Clerk

M. [Signature] Deputy

**AMENDMENT TO LEASE**

Date: July 30, 2020

Lease:

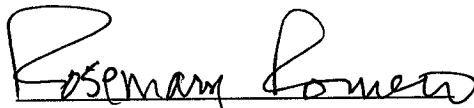
Date: July 30, 2011

Lessor: ROSEMARY H. ROMERO

Lessee: SOUTHERN GOLF PROPERTIES

For and in consideration of the mutual covenants herein set forth, the payment of \$7,500.00 to Lessor and the payment of fee to Gary Cochrane of \$450.00, Lessor and Lessee agree to extend the term of the Lease from the end of September, 2020 (current year end of term) to the end of September, 2021, or such earlier date in 2021 on which all of the 30 acre feet per year referenced in the Lease have been diverted and used. The lease shall remain in full force and effect in accordance with its terms, as amended hereby, and is ratified as amended.

Executed in multiple counterparts which when taken together shall be and constitute one document; it being agreed that execution transmitted by electronic means shall be binding on the parties.

  
ROSEMARY H. ROMERO

SOUTHERN GOLF PROPERTIES

BY:

  
NAME: JOHN JUNKER  
TITLE: MANAGER

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 19, 2021

Mr. Michael Pinckney  
Carollo Engineers, Inc.  
5316 Highway 290 West, Suite 330  
Austin, Tx 78735

**VIA-EMAIL**

RE: Rosemary H. Romero  
ADJ 2001  
CN601566318, RN101462174  
Application No. 18-2001F to Amend Certificate of Adjudication No. 18-2001  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Camp Meeting Creek, Guadalupe River Basin  
Kerr County

Dear Mr. Pinckney:

This acknowledges receipt on March 22, 2021 of the referenced application and partial fees in the amount of \$112.50 (Receipt No. M115157, copy attached).

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

1. Clarify the coordinates of the requested diversion point. Staff notes that the application summary on page 2 includes coordinates that do not match the coordinates provided on Worksheet 3.0 *Diversion Point Information*.
2. Provide a copy of the current lease agreement between Southern Golf Properties and Rosemary H. Romero evidencing authorization to access/utilize the proposed diversion point.
3. Provide a recorded copy of the deed(s) for the property where the proposed diversion point is located. The deed should include the legal description of the land (metes and bounds). Please note that the application must be in the name(s) of all landowners as shown on the deeds; otherwise, proper consent of the application must be provided pursuant to Title 30 Texas Administrative Code (TAC) § 295.10.

Mr. Michael Pinckney  
Application No. 18-2001F  
May 19, 2021  
Page 2 of 2

4. Before the application can be declared administratively complete, remit fees in the amount of \$2.94 as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality

Filing Fee (amendment)	\$	100.00
Recording Fee	\$	12.50
Notice Fee (\$2.94 x 1 Water Right Holder)	\$	2.94
<u>TOTAL FEES</u>	<u>\$</u>	<u>115.44</u>
<u>FEES RECEIVED</u>	<u>\$</u>	<u>112.50</u>
BALANCE DUE	\$	2.94

Please provide the requested information and fees by June 18, 2021 or the application may be returned pursuant to Title 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via email at [sam.sewell@tceq.texas.gov](mailto:sam.sewell@tceq.texas.gov) or by telephone at (512) 239-4008.

Sincerely,

*Sam Sewell*

Sam Sewell, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment



TCEQ 23-MAR-21 03:13 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	M115156	23120		BS00086342	23-MAR-21	-\$112.50
	WUP	141872	032321	N	D1802870		
WATER USE PERMITS		TRIPLE M CATTLE CO	VHERNAND	CK			
	WUP	M115157	1059597		BS00086342	23-MAR-21	-\$112.50
	WUP	182001	032321	N	D1802870		
WATER USE PERMITS		CAROLLO	VHERNAND	CK			
	WUP	M115158	1059596		BS00086342	23-MAR-21	-\$112.50
	WUP	182000	032321	N	D1802870		
WATER USE PERMITS		CAROLLO	VHERNAND	CK			
Total (Fee Code):							-\$337.50
Grand Total:							-\$769.11

RECEIVED  
MAR 25 2021  
Water Availability Division

March 19, 2021

TCEQ Central Office (MC 160)  
Water Rights Permitting and Availability Section  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

**RECEIVED**

**MAR 22 2021**


**Water Availability Division**

Re: Application to Amend Certificate of Adjudication 18-2001

Dear Sir or Madam:

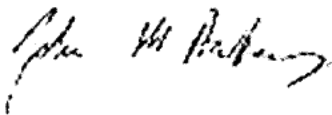
Rosemary Romero, at the request of Riverhill Country Club, formally submits this application to amend Certificate of Adjudication 18-2001 (Application) to the Texas Commission on Environmental Quality (TCEQ) for review and consideration. The Application has been uploaded to the TCEQ's FTP site and an email of its filing has been provided to [WRPT@tceq.texas.gov](mailto:WRPT@tceq.texas.gov). One hard copy of the Application, along with a check for \$112.50 is enclosed.

The purpose of the Application is to amend the diversion point authorized in 18-2001E described as the diversion point located at Latitude 30.018509 N Longitude 99.124276W also being the north corner of J.A. Southmayd Section No. 148, Abstract 288. The application does not contemplate an additional consumptive use of state water or an increased rate or period of diversion and the proposed amendment will not harm any other existing water right.

If you have any questions or concerns please contact me at (512) 427-8154 or at 

Sincerely,

CAROLLO ENGINEERS, INC.



Michael Pinckney  
Senior Engineer

AuthorInitials:mp

Enclosures: Water Right Amendment Application Package for 18-2001  
Check for Water Right Amendment Application Fee

cc: John Junker with Riverhill County Club





# 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): Rosemary H. Romero

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

Y/N

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

Y/N

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

**For Commission Use Only:**

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

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

# ADMINISTRATIVE INFORMATION REPORT

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

**\*\*\* Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Staff to discuss Applicant's needs prior to submitting an application. Call the Water Rights Permitting Team to schedule a meeting at (512) 239-4691.**

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

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

- New Appropriation of State Water
- Amendment to a Water Right \*
- Bed and Banks

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

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

Riverhill Country Club is requesting to amend Water Use Permit No. 2001E as to revise

the location of diversion location 'A' located on the Guadalupe River Latitude 30.018509 N,

Longitude 99.124276 W. River Hill is requesting that diversion location 'A' be revised to a point

on the south bank of the Guadalupe River at a point described as Latitude 30.017625 N,

Longitude 99.123807 W. The maximum diversion rate and maximum diversion volume are

requested to remain as previously authorized.

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

### a. Applicant

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

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

Rosemary H. Romero

*(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: 601566318 (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:

Title:

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

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

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

Name:

Mailing Address:

City:

State:

ZIP Code:

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: \_\_\_\_\_

### 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: Michael Pinckney

Title: Lead Engineer

Organization Name: Carollo Engineers, Inc.

Mailing Address: 5316 Highway 290 West S

City: Austin

State: Texas

ZIP Code: 78735

Phone No.: 512-427-8154

Extension:

Fax No.:

E-mail Address:



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

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

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

First and Last Name:

Title:

Organization Name:

Mailing Address:

City:

State:

ZIP Code:

Phone No.:

Extension:

Fax No.:

E-mail Address:

## 5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

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

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

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

Account number:

Amount past due:

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

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

Enforcement order number:

Amount past due:

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

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

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

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Rosemary H. Romero Owner  
(Typed or printed name) (Title)

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

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

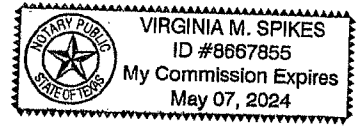
Signature: Rosemary H. Romero Date: 2-24-21  
(Use blue ink)

Subscribed and Sworn to before me by the said  
on this 24<sup>th</sup> day of February, 2021.  
My commission expires on the 7<sup>th</sup> day of May, 2024.

Virginia M. Spikes  
Notary Public

[SEAL]

Kerr  
County, Texas



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

# TECHNICAL INFORMATION REPORT

## WATER RIGHTS PERMITTING

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

**Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4691 to schedule a meeting.** Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N N (If yes, date : \_\_\_\_\_).

### **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? N/A Y / 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. See instructions page. 6.*

Water Right (Certificate or Permit) number you are requesting to amend: 18-2001

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

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

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

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

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

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

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

*If yes, submit:*

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

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

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

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

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

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

**Additionally, all amendments require:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Worksheets and information:*

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

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

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

The applicant is located within the Region J Planning Group. This application is

---

not inconsistent with the 2016 Regional Water Plan and the 2017 State Water Plan as

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water use permit 18-2001 is an existing water supply source included in the plan.

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

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

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

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

### 1. New Authorizations (Instructions, Page. 16)

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

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

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

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

1. Location Information Regarding the Lands to be Irrigated

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

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

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

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

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

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

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

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

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- i) Applicant proposes to irrigate a total of \_\_\_\_\_ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of \_\_\_\_\_ acres in \_\_\_\_\_ County, TX.

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

***A copy of the deed(s) describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds. If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other legal right for Applicant to use the land described.***

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

- c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
- d. See Worksheet 1.2, Marshall Criteria, and submit if required.
- e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

# WORKSHEET 1.1

## INTERBASIN TRANSFERS, TWC § 11.085

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

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

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

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

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

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

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

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

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

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

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

## WORKSHEET 1.2 NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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



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

## WORKSHEET 2.0 Impoundment/Dam Information

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

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

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

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

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

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

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

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

- a. On Watercourse (if on-channel) (USGS name):\_\_\_\_\_
- b. Zip Code: \_\_\_\_\_
- c. In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, \_\_\_\_\_ County, Texas.  
**\* A copy of the deed(s) with the recording information from the county records must be submitted describing the tract(s) that include the structure and all lands to be inundated.**  
**\*\*If the Applicant is not currently the sole owner of the land on which the structure is or will be built and sole owner of all lands to be inundated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.**
- d. A point on the centerline of the dam (on-channel) or anywhere within the impoundment (off-channel) is:  
Latitude \_\_\_\_\_°N, Longitude \_\_\_\_\_°W.  
**\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places**
- di. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):\_\_\_\_\_
- dii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. **Y / N**

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

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

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

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

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

1.         <sup>1</sup> 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**         <sup>2,23</sup> cfs (cubic feet per second) or         <sup>1,000</sup> 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>24</sup>          cfs or         <sup>1,000</sup> 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
X	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

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

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

If yes, the drainage area is          sq. miles.

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

## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Guadalupe River
- b. Zip Code: 78028
- c. Location of point: In the J A Southmayd Original Survey No. 265, Abstract No. 288, Kerr 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 30 018058°N, Longitude 99 122989°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. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 4.0 DISCHARGE INFORMATION

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

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

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

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

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

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
4. The percentage of return flows from groundwater \_\_\_\_\_, surface water \_\_\_\_\_?
5. If any percentage is surface water, provide the base water right number(s) \_\_\_\_\_.

c. Is the source of the water being discharged groundwater? **Y / N**      If yes, provide the following information:

1. Source aquifer(s) from which water will be pumped: \_\_\_\_\_
2. Any 24 hour pump test for the well if one has been conducted. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers \_\_\_\_\_.
3. Indicate how the groundwater will be conveyed to the stream or reservoir.
4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.

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

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

## WORKSHEET 4.1 DISCHARGE POINT INFORMATION

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

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

- a. The amount of water that will be discharged at this point is \_\_\_\_\_ acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of \_\_\_\_\_ cfs or \_\_\_\_\_ gpm.
- c. Name of Watercourse as shown on Official USGS maps: \_\_\_\_\_
- d. Zip Code: 78028
- f. Location of point: In the <sup>J A Southmayd</sup> \_\_\_\_\_ Original Survey No. <sup>265</sup> \_\_\_\_\_, Abstract No. <sup>288</sup> \_\_\_\_\_, <sup>Kerr</sup> \_\_\_\_\_ County, Texas.
- g. Point is at:  
Latitude \_\_\_\_\_°N, Longitude \_\_\_\_\_°W.  
***\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- h. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): \_\_\_\_\_

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

## WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

This worksheet is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for: requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. **Instructions, Page 28.**

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

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

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

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

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

c. Waterbody aesthetics

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



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

d. Waterbody Recreational Uses

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

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

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

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

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

For all bed and banks applications:

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

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

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

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

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

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

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

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

# WORKSHEET 6.0

## Water Conservation/Drought Contingency Plans

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

**Instructions, Page 31.**

*The TCEQ has developed guidance and model plans to help applicants prepare plans. Applicants may use the model plan with pertinent information filled in. For assistance submitting a plan call the Resource Protection Team (Water Conservation staff) at 512-239-4691, or e-mail [wras@tceq.texas.gov](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 512-239-4691 for information about accounting plan requirements, if any, for your application. **Instructions, Page 34.**

### 1. Is Accounting Plan Required

Accounting Plans are generally required:

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

### 2. Accounting Plan Requirements

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

## WORKSHEET 8.0 CALCULATION OF FEES

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

### I. NEW APPROPRIATION

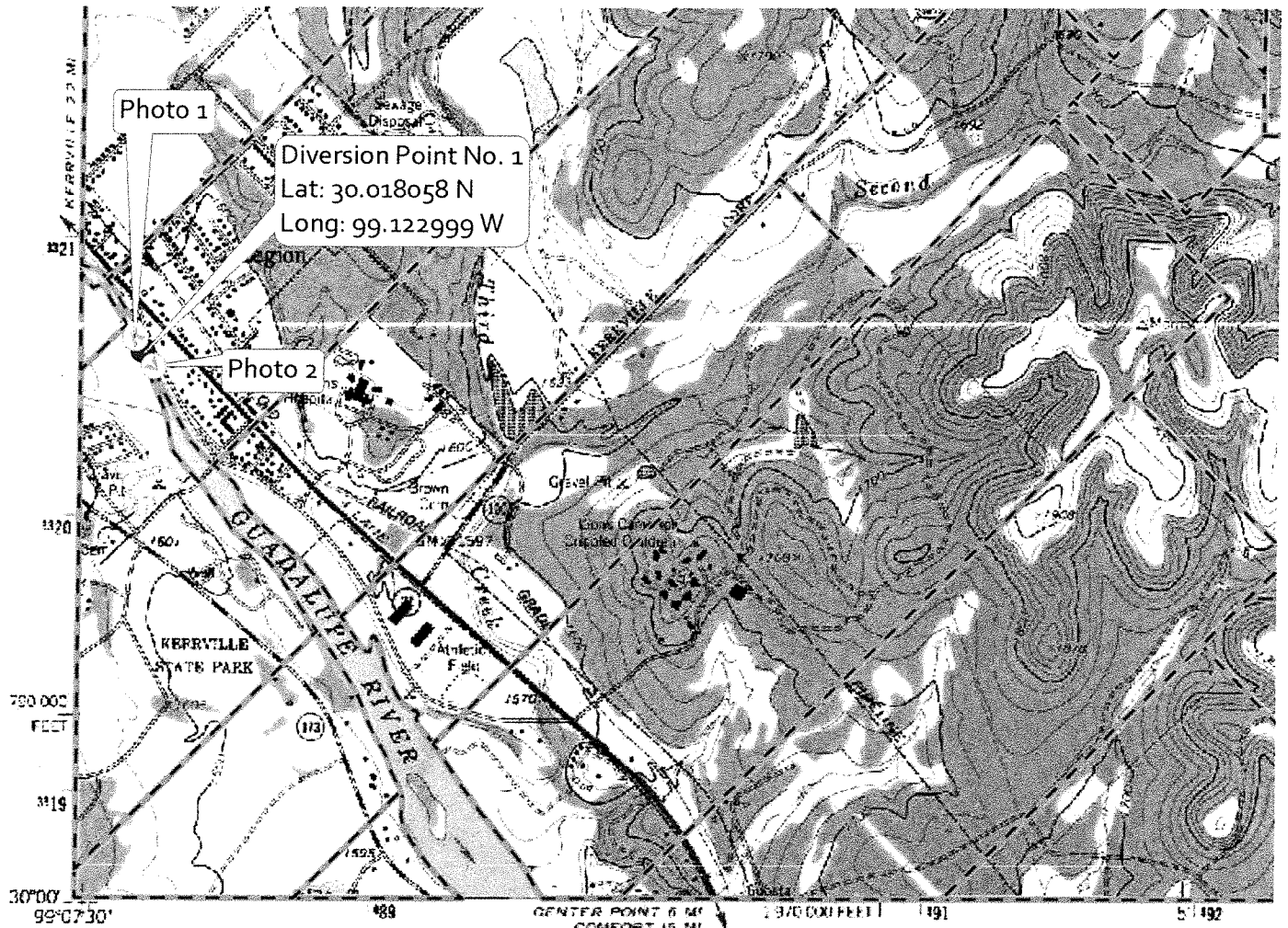
	Description	Amount (\$)
<b>Filing Fee</b>	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under <b>Amount (\$)</b> .  <u>In Acre-Feet</u> a. Less than 100                      \$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) 239-4691.	
<b>TOTAL</b>		\$

### 2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
<b>Filing Fee</b>	Amendment: \$100 OR 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>		\$



(ALL GREEN)  
1961-1966

Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

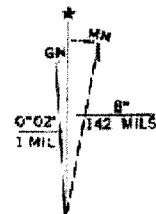
Topography by photogrammetric methods from aerial photographs taken 1962 and 1963. Field checked 1964

Polyconic projection. 10,000-foot grid ticks based on Texas coordinate system, south central zone. 1000-meter Universal Transverse Mercator grid ticks, zone 14, shown in blue 1927 North American Datum. To place on the predicted North American Datum 1983 move the projection lines 18 meters south and 31 meters east as shown by dashed corner ticks

Fine red dashed lines indicate selected fence lines

Red tint indicates areas in which only landmark buildings are shown

There may be private inholdings within the boundaries of the National or State reservations shown on this map

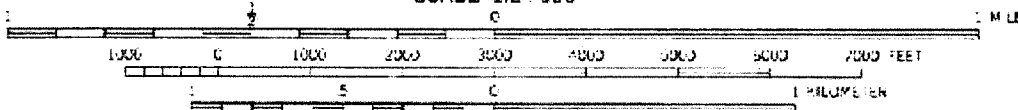


UTM GRID AND 1982 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

Revisions shown in purple and woodland compiled from aerial photographs taken 1979 and other sources. This information not field checked. Map edited 1982

Purple tint indicates extension of urban areas

SCALE 1:24,000



CONTOUR INTERVAL 20 FEET  
NATIONAL GEODETIC VERTICAL DATUM OF 1929

FEB 25 1983

LEGION, TEX.  
N3000-W9900/7.5

2440

1964  
PHOTOREVISED 1982  
DMA 6144 II SE-SERIES Y882

## Addendum to Worksheet 5.0

Map Number 1: Diversion Point #1 looking upstream





Map Number 2: Diversion Point #1 looking downstream



**Measures the applicant will take to avoid impingement and entrainment of aquatic organisms.**

New diversion structures constructed within the requested diversion reaches will be designed and constructed with screens and low intake velocity intakes to avoid impingement and entrainment of aquatic organisms.