

TCEQ Interoffice Memorandum

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

Thru: Chris Kozlowski, Team Leader
Water Rights Permitting Team

From: Jenna Rollins, Program Support Coordinator
Water Rights Permitting and Availability Section

Date: July 25, 2025

Subject: San Jacinto River Authority and City of Houston
ADJ 4963
CN600644595, CN600128995, RN103974457
Application No. 10-4963B to Amend Certificate of Adjudication No.
10-4963
Texas Water Code § 11.122, Not Requiring Notice
West Fork San Jacinto River, San Jacinto River Basin
Montgomery County

The referenced application and fees were received on July 17, 2025. The application was declared administratively complete and filed with the Office of the Chief Clerk on July 25, 2025. No notice is required pursuant to Title 30 Texas Administrative Code § 295.158(c)(3)(E).

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



Jenna Rollins, Program Support Coordinator
Water Rights Permitting and Availability Section
Water Availability Division

OCC Mailed Notice Required ☐ YES ☒ NO

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 25, 2025

Mr. Nathan E. Vassar
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Ave., Ste. 1900
Austin, TX 78701-2478

VIA E-MAIL

RE: San Jacinto River Authority and City of Houston
ADJ 4963
CN600644595, CN600128995, RN103974457
Application No. 10-4963B to Amend Certificate of Adjudication No. 10-4963
Texas Water Code § 11.122, Not Requiring Notice
West Fork San Jacinto River, San Jacinto River Basin
Montgomery County

Dear Mr. Vassar:

This acknowledges receipt, on July 17, 2025, of the application, and of fees in the amount of \$112.50 (Receipt No. M559445, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on July 25, 2025. 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.

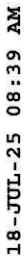
If you have any questions concerning the application, please contact me at jenna.rollins@tceq.texas.gov or by telephone at (512) 239-1845.

Sincerely,

A handwritten signature in black ink that reads "Jenna Rollins". The signature is fluid and cursive, with the first name "Jenna" and last name "Rollins" clearly distinguishable.

Jenna Rollins, Program Support Coordinator
Water Rights Permitting and Availability Section
Water Availability Division

Attachment



18-JUL-25 08:39 AM

18-JUL-25 08:39 AM

Page 6 of 6

July 17, 2025

Mr. Bert Galvan
Manager
Water Rights Permitting and Availability (MC 160)
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

**VIA HAND DELIVERY AND
ELECTRONIC TRANSMISSION**
WRPT@tceq.texas.gov

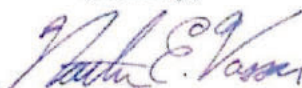
Re: San Jacinto River Authority and City of Houston Joint Application to Amend Certificate of Adjudication No. 10-4963

Dear Mr. Galvan:

Please find enclosed one hard copy of a joint application for an amendment to Certificate of Adjudication No. 10-4963 (the "Application") filed on behalf of the San Jacinto River Authority and the City of Houston, Texas (collectively the "Applicants"). As provided herein, the enclosed Application requests to increase the diversion rate from 700 cubic feet per second ("cfs") to 2,000 cfs. The Application is consistent with discussions held during a June 24, 2025 pre-application meeting with Texas Commission on Environmental Quality staff. A check for the amount of \$112.50 is enclosed as payment for the Application fees.

We look forward to working with you and your staff in processing this amendment application. Should you have any questions, please do not hesitate to contact me at (512) 322-5867 or [REDACTED]

Sincerely,



Nathan Vassar

NEV/yw
Enclosures

cc: *(via electronic mail only)*
Dr. Kathy Alexander, *Texas Commission on Environmental Quality*
Ms. Kim Nygren, *Texas Commission on Environmental Quality*
Mr. Aubrey Spear, *San Jacinto River Authority*
Ms. Amy Sims, *San Jacinto River Authority*
Mr. Ed Shackelford, *San Jacinto River Authority*
Mr. Matt Barrett, *San Jacinto River Authority*
Mr. Bret Raley, *San Jacinto River Authority*
Mr. Phillip Goodwin, *City of Houston*
Ms. Ekaterina Fitos, *City of Houston*
Mr. John-Thomas Foster, *City of Houston*
Ms. Emily Rogers, *Bickerstaff Heath Delgado Acosta, PC*
Ms. Lauren Thomson, *Lloyd Gosselink, Rochelle, and Townsend, PC*

RECEIVED

JUL 17 2025

Water Availability Division

Texas Commission on Environmental Quality
Application to Amend Certificate of Adjudication 10-4963
San Jacinto River Authority and City of Houston



July 2025

Texas Commission on Environmental Quality

Application to Amend Certificate of Adjudication 10-4963

San Jacinto River Authority and City of Houston

Submitted to:

Texas Commission on Environmental Quality
Water Supply Division, Water Rights Permitting (MC-160)
12100 Park 35 Circle
Austin, Texas 78753

Prepared for:

San Jacinto River Authority
1577 Dam Site Road
PO Box 329
Conroe, Texas 77304

Houston Public Works
Attn: Director of Public Works
611 Walker Street, 25th floor
Houston, Texas 77002

With Copies to:

City Attorney, City of Houston
900 Bagby Street, 4th Floor
Houston, Texas 7702

Prepared by:

Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Ave., Suite 1900
Austin, Texas 78701

San Jacinto River Authority and City of Houston
Application to Amend Certificate of Adjudication 10-4963

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TAB 1

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ WATER RIGHTS PERMITTING APPLICATION

ADMINISTRATIVE INFORMATION CHECKLIST

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

APPLICANT(S): San Jacinto River Authority and City of Houston

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

Y/N

Y **Administrative Information Report**

Y Additional Co-Applicant Information

Y Additional Co-Applicant Signature Pages

Y Written Evidence of Signature Authority

Y **Technical Information Report**

Y USGS Map (or equivalent)

Y Map Showing Project Details

N Original Photographs

N Water Availability Analysis

N **Worksheet 1.0**

N Recorded Deeds for Irrigated Land

N Consent for Irrigated Land

N **Worksheet 1.1**

N Addendum to Worksheet 1.1

Y **Worksheet 1.2**

N **Worksheet 2.0**

N Additional W.S. 2.0 for Each Reservoir

N Dam Safety Documents

N Notice(s) to Governing Bodies

N Recorded Deeds for Inundated Land

N Consent for Inundated Land

Y/N

Y **Worksheet 3.0**

N Additional W.S. 3.0 for each Point

N Recorded Deeds for Diversion Points

N Consent for Diversion Access

N **Worksheet 4.0**

N TPDES Permit(s)

N WWTP Discharge Data

N Groundwater Well Permit

N Signed Water Supply Contract

N **Worksheet 4.1**

N **Worksheet 5.0**

N Addendum to Worksheet 5.0

N **Worksheet 6.0**

N Water Conservation Plan(s)

N Drought Contingency Plan(s)

N Documentation of Adoption

N **Worksheet 7.0**

N Accounting Plan

Y **Worksheet 8.0**

Y Fees

Y Public Involvement Plan

ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

☐ New Appropriation of State Water

☒ Amendment to a Water Right *

☐ Bed and Banks

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

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

See Addendum Summary of Request, Tab 4.

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

Indicate the number of Applicants/Co-Applicants 2
(Include a copy of this section for each Co-Applicant, if any)

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

San Jacinto River Authority

(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 : CN600644595 (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: Aubrey Spear

Title: General Manager

Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application? Y/N Yes See Tab 7.

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: San Jacinto River Authority

Mailing Address: P.O. Box 329

City: Conroe State: Texas ZIP Code: 77305

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: N/A SOS Charter (filing) Number: N/A

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

Indicate the number of Applicants/Co-Applicants 2
(Include a copy of this section for each Co-Applicant, if any)

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

City of Houston

(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 : CN600128995 (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: Randy Macchi

Title: Director, Houston Public Works

Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application? Y/N Yes See Tab 8.

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: Houston Public Works

Mailing Address: 611 Walker Street, 25th Floor

City: Houston State: Texas ZIP Code: 77002

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: N/A SOS Charter (filing) Number: N/A

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: Nathan E. Vassar

Title: Principal

Organization Name: Lloyd Gosselink Rochelle & Townsend, P.C.

Mailing Address: 816 Congress Ave., Suite 1900

City: Austin State: Texas ZIP Code: 78701

Phone Number: 512-322-5867

Fax Number: 512-472-0532

E-mail Address: [REDACTED]

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

N/A

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 Number: _____

Fax Number: _____

E-mail Address: _____

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

- a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your application.

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

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

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

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

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

- a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your application.
1. Does Applicant or Co-Applicant owe any fees to the TCEQ? **Yes / No** No
 If **yes**, provide the following information:
 Account number: _____ Amount past due: _____
2. Does Applicant or Co-Applicant owe any penalties to the TCEQ? **Yes / No** No
 If **yes**, please provide the following information:
 Enforcement order number: _____ Amount past due: _____
- b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicant's may check their status with the Comptroller at <https://mycpa.cpa.state.tx.us/coa/>
 Is the Applicant or Co-Applicant in good standing with the Comptroller? **Yes / No** N/A
- c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use – if required. See TWC §16.012(m) and 30 TAC § 297.41(a)(5). Applicants should check survey status on the TWDB website prior to filing:
https://www3.twdb.texas.gov/apps/reports/WU_REP/SurveyStatus_PriorThreeYears
 Applicant has submitted all required TWDB surveys of groundwater and surface water?
Yes / No Yes

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Aubrey Spear

General Manager

(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: *Aubrey Spear*
(Use blue ink)

Date: 6-25-2025

Subscribed and Sworn to before me by the said

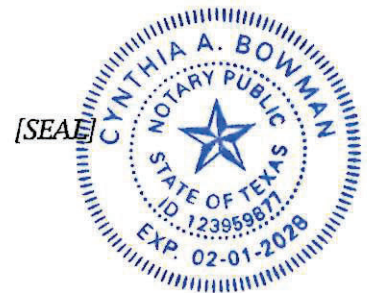
on this 25th day of June, 2025.

My commission expires on the 1st day of February, 2028.

Cynthia A. Bowman

Notary Public

Montgomery
County, Texas



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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Randall V. Macchi Director, Houston Public Works
 (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:

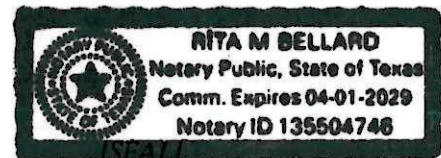
(Use blue ink)

Date: 4/30/2025

Subscribed and Sworn to before me by the said

on this 30th day of June, 2025.My commission expires on the 1st day of April, 2029.

Rita Bellard
 Notary Public



Harris
 County, Texas

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

TAB 2

TECHNICAL INFORMATION REPORT WATER RIGHTS PERMITTING

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

Applicants are REQUIRED to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please contact the Water Availability Division at (512) 239-4600 or WRPT@tceq.texas.gov to schedule a meeting.

Date of pre-application meeting: June 24, 2025

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/A * (If yes, indicate the Certificate or Permit number ADJ 10-4963)

* Exempt existing storage reservoir diversion rate increase under 30 TAC 295.158(c)(3)(E)

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

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

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

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

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

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

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

This section should be completed if Applicant owns an existing water right and Applicant requests to amend the water right. ***If Applicant is not currently the Owner of Record in the TCEQ Records, Applicant must submit a Change of Ownership Application (TCEQ-10204) prior to submitting the amendment Application or provide consent from the current owner to make the requested amendment. If the application does not contain consent from the current owner to make the requested amendment, TCEQ will not begin processing the amendment application until the Change of Ownership has been completed and will consider the Received Date for the application to be the date the Change of Ownership is completed. See instructions page. 6.***

Water Right (Certificate or Permit) number you are requesting to amend: ADJ 10-4963

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/A.

Exempt existing storage reservoir diversion rate increase under 30 TAC 295.158(c)(3)(E)

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)
- **Worksheet 5.0 - Environmental Information** (Required for any new diversion points that are not already authorized in a water right)

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

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

- f. Other - Applicant requests to change any provision of an authorization not mentioned above? Y / N *If yes, call the Water Availability Division at (512) 239-4600 to discuss.*

Additionally, all amendments require:

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

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

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

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":

See Tab 5 Addendum regarding consistency with State and Regional Water Plans.

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

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

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

TAB 3

WORKSHEET 1.0

Quantity, Purpose and Place of Use

N/A

1. New Authorizations (Instructions, Page. 16)

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

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

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

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

a. Location Information Regarding the Lands to be Irrigated

- i) Applicant proposes to irrigate a total of _____ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, TX.
- ii) Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____.

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

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

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

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

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

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

**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:
- 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.
 - 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.

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

WORKSHEET 1.1

INTERBASIN TRANSFERS, TWC § 11.085

N/A

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)

- Provide the Basin of Origin._____
- Provide the quantity of water to be transferred (acre-feet)._____
- 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:

- 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__
- The proposed transfer is from a basin to an adjoining coastal basin? Y/N__
- 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__
- 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":

- the contract price of the water to be transferred (if applicable) (also include a copy of the contract or adopted rate for contract water);
- 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;
- 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"

See Tab 10

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

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

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

1. The "Marshall Criteria" (Instructions, Page. 21)

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

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

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

WORKSHEET 2.0

Impoundment/Dam Information

N/A

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

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

1. Storage Information (Instructions, Page. 21)

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

3. Applicants **shall** give notice by certified mail to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir to be constructed, will be located. (30 TAC § 295.42). Applicant must submit a copy of all the notices and certified mailing cards with this Application. Notices and cards are included? Y / N_____
- iii. Additional information required for **on-channel** storage:
1. Surface area (in acres) of on-channel reservoir at normal maximum operating level:_____.
 2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option. Applicant has calculated the drainage area. Y/N_____ If yes, the drainage area is_____sq. miles.
(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name):_____
- b. Zip Code: _____
- c. In the_____Original Survey No._____, Abstract No._____,
_____County, Texas.

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

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

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

Latitude_____°N, Longitude_____°W.

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

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

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

1. ☐ *** Diversion Point No.** *Application maintaining existing diversion point, but increasing rate of diversion as provided below.
2. ☐ **Upstream Limit of Diversion Reach No.**
3. ☐ **Downstream Limit of Diversion Reach No.**

b. Maximum Rate of Diversion for **this new point** 2,000 cfs (cubic feet per second)
or Approx. 897,662 gpm (gallons per minute)

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

+Applicants will maintain existing diversion points anywhere along the perimeter of Lake Conroe (no new diversion points are proposed under this Application)

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

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

*Exempt diversion rate increase from storage reservoir

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

Check one		Write: Existing or Proposed
☐	Directly from stream	
☒	From an on-channel reservoir	Existing (Lake Conroe)
☐	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) 239-4600, prior to submitting application)

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): West Fork San Jacinto River, Tributary San Jacinto River
- b. Zip Code: 77304,77316,77318,77340,77356,77358
- c. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.

James Edwards Survey, Abstract 189, James Edwards Survey, Abstract 180, Robert Marsh Survey, Abstract 355, James Singleton Survey, Abstract 496

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 30.356918 °N, Longitude 95.564649 °W. (Dam Location)
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): Center Point of the Lake Conroe Dam
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 4.0 DISCHARGE INFORMATION

N/A

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

- a. The purpose of use for the water being discharged will be_____.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses_____ (% or amount) and explain the method of calculation:_____
- c. Is the source of the discharged water return flows? Y / N_____. If yes, provide the following information:
 1. The TPDES Permit Number(s)._____ (attach a copy of the **current** TPDES permit(s))
 2. Applicant is the owner/holder of each TPDES permit listed above? Y / N_____

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

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
 4. The percentage of return flows from groundwater_____, surface water_____?
 5. If any percentage is surface water, provide the base water right number(s)_____.
- d. Is the source of the water being discharged groundwater? Y / N_____. If yes, provide the following information:
 1. Source aquifer(s) from which water will be pumped:_____
 2. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbrrpt.asp>. Additionally, provide well numbers or identifiers_____.
 3. Indicate how the groundwater will be conveyed to the stream or reservoir.
 4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.
 - di. Is the source of the water being discharged a surface water supply contract? Y / N_____. If yes, provide the signed contract(s).
 - dii. Identify any other source of the water_____

WORKSHEET 4.1 DISCHARGE POINT INFORMATION

N/A

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

For water discharged at this location provide:

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

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

WORKSHEET 5.0

ENVIRONMENTAL INFORMATION

N/A

1. Impingement and Entrainment

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

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

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

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

a. Identify the appropriate description of the water body.

☐ Stream

☐ Reservoir

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

☐ Other, specify: _____

b. Flow characteristics

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

☐ Intermittent – dry for at least one week during most years

☐ Intermittent with Perennial Pools – enduring pools

☐ Perennial – normally flowing

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

☐ USGS flow records

☐ Historical observation by adjacent landowners

☐ Personal observation

☐ Other, specify: _____

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

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

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

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

a. For all bed and banks applications:

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

b. For all alternate source applications:

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

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

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

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

- iii. If groundwater will be used, provide the depth of the well_____and the name of the aquifer from which water is withdrawn_____.

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans

N/A

This form is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plans is required and to specify the requirements for plans.
Instructions, Page 31.

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

1. Water Conservation Plans

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

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

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

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

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

- 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

N/A

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

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

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

WORKSHEET 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

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

2. AMENDMENT OR SEVER AND COMBINE

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

3. BED AND BANKS

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

TAB 4

SUMMARY OF REQUEST

Applicants San Jacinto River Authority (the “Authority”) and City of Houston (the “City”) are the co-owners of Certificate of Adjudication No. 10-4963, as amended (“ADJ 10-4963”) in the San Jacinto River Basin. ADJ 10-4963 currently authorizes the Applicants to maintain a dam and reservoir on the West Fork San Jacinto River, Lake Conroe, and to impound not to exceed 430,260 acre-feet of water and to divert and use not to exceed 100,000 acre-feet of water per year at a maximum diversion rate of 700 cubic feet per second (“cfs”) for municipal, industrial, mining, and agricultural purposes within Applicants’ service areas in the San Jacinto River Basin.

By this application, Applicants seek to increase the maximum diversion rate of ADJ 10-4963 from 700 cfs to 2,000 cfs. Applicants do not seek to increase the volume of water authorized for diversion and use pursuant to ADJ 10-4963, nor do Applicants seek to alter the currently authorized diversion location. The increased maximum diversion rate will allow Applicants to divert from Lake Conroe with additional flexibility, accounting for downstream water needs and operational optimization for the lake.

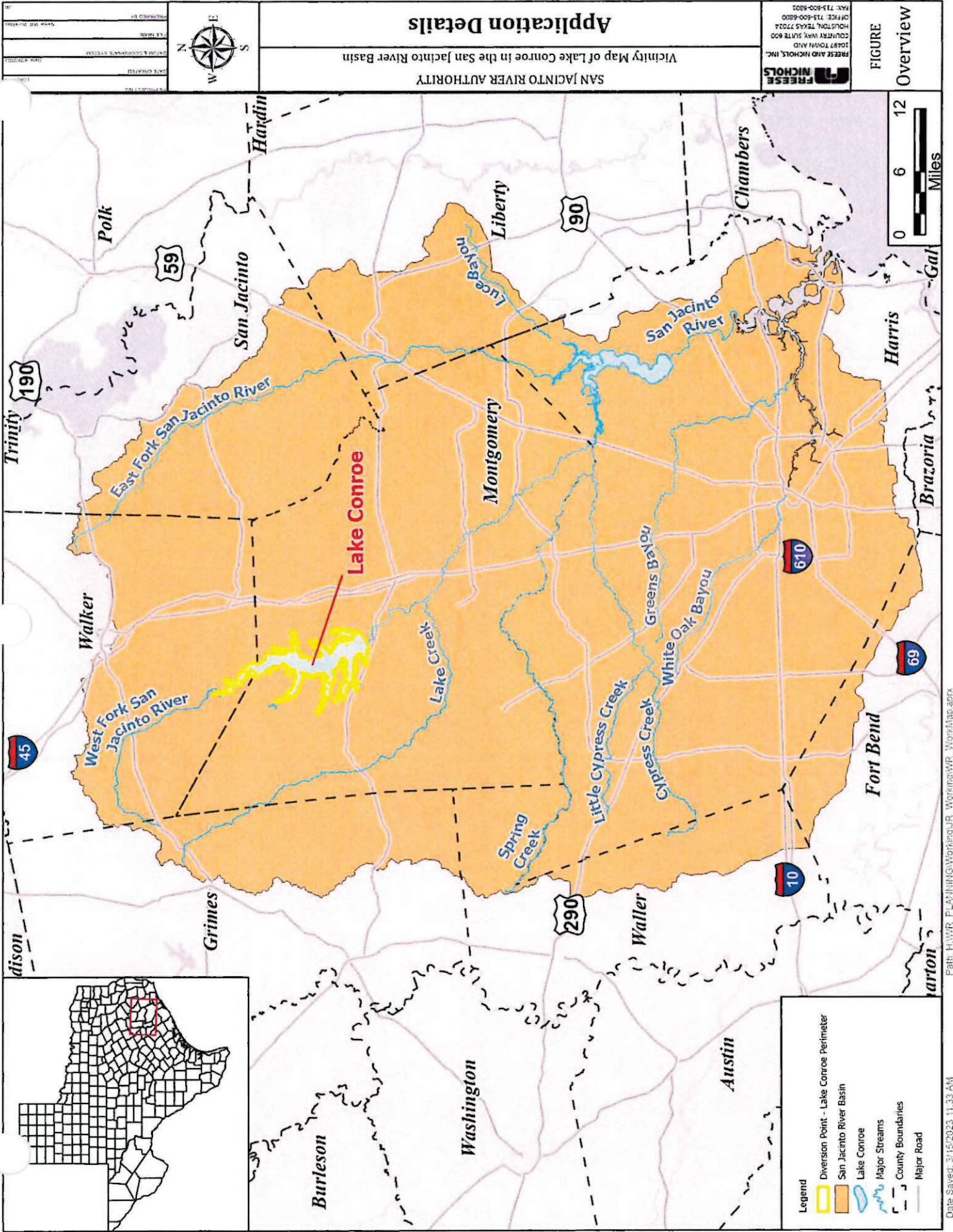
In light of the limited scope of the Application and the provisions of 30 TAC 295.158(c)(3)(E) (“to increase the rate or period for diversion from a storage reservoir”), neither mailed nor published notice should be required. By merely increasing the diversion rate from Lake Conroe — an existing storage reservoir — there is no negative impact on existing water rights holders.

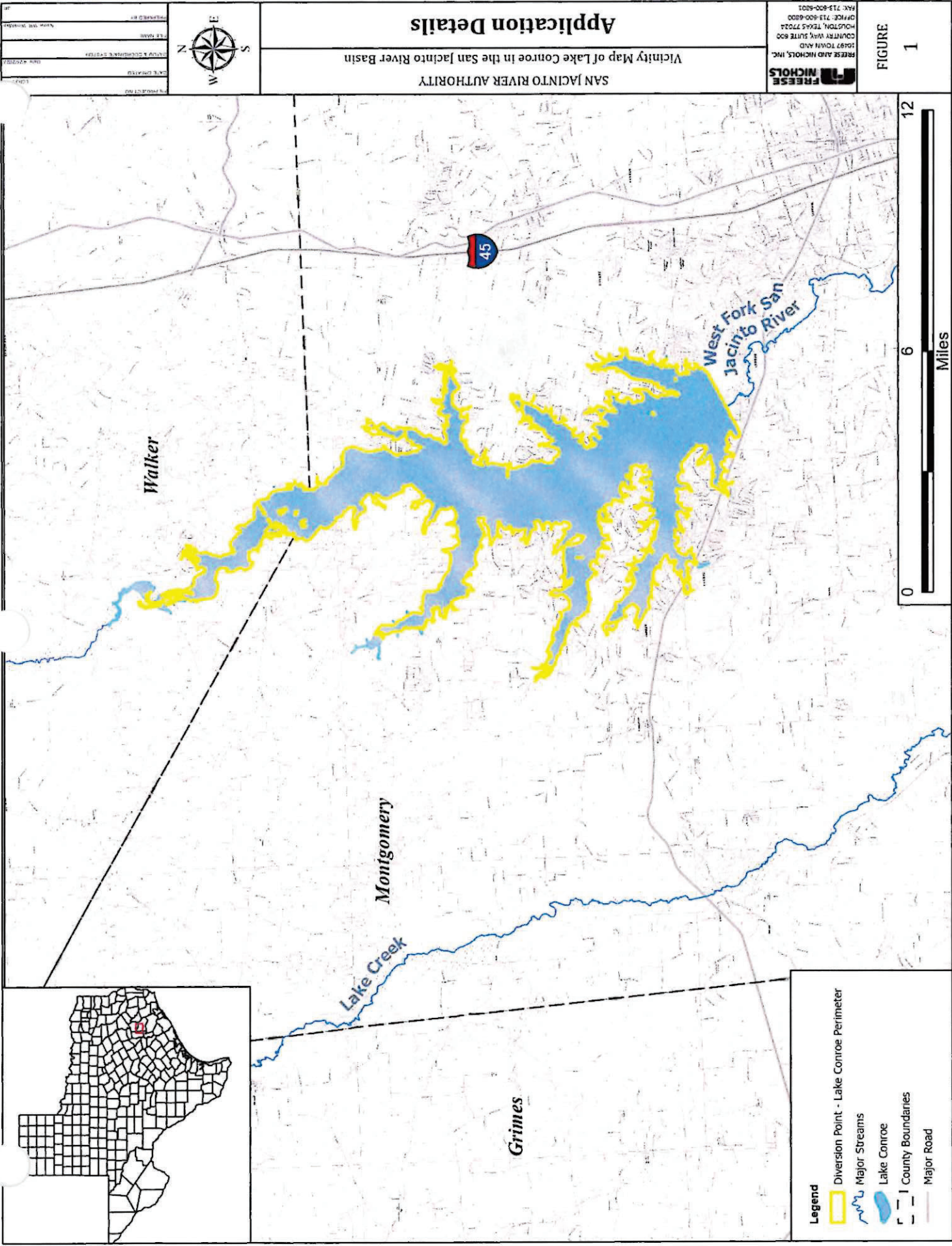
TAB 5

ADDENDUM REGARDING CONSISTENCY WITH STATE AND REGIONAL WATER PLANS

Applicants San Jacinto River Authority (the “Authority”) and City of Houston (the “City”) submit this application (the “Application”) for an increase in the maximum diversion rate authorized under Certificate of Adjudication No. 10-4963, as amended. The Application is consistent with the approved 2021 Region H Water Plan and the 2022 State Water Plan. The Authority and the City will continue existing beneficial uses of water diverted following the approval of the increased diversion rate. As such, this Application — solely tailored to an existing reservoir diversion rate increase — is consistent with the above referenced approved regional and state water plans.

TAB 6





Application Details

Vicinity Map of Lake Conroe in the San Jacinto River Basin

FREESE AND NICHOLS, INC.
10497 TOWN AND
COUNTRY WAY, SUITE 800
HOUSTON, TEXAS 77034
OFFICE: 713-600-6000
FAX: 713-600-6001

FIGURE
1

TAB 7

RESOLUTION NO. 2025-R-13

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN JACINTO RIVER AUTHORITY AUTHORIZING THE FILING OF AN APPLICATION TO AMEND A WATER RIGHT.

WHEREAS, the San Jacinto River Authority (the "Authority"), a conservation and reclamation district, body politic and corporate and a governmental agency of the State of Texas created by special act of the Texas Legislature, is a co-owner of Certificate of Adjudication No. 10-4963, as amended (the "Certificate"), with the City of Houston (the "City"), relative to the impoundment and diversion of water in Lake Conroe; and

WHEREAS, the Certificate currently limits the Authority and the City to a combined maximum diversion rate of permitted water from Lake Conroe of seven hundred (700) cubic feet per second; and

WHEREAS, the Authority and the City seek to further amend the Certificate to increase the combined maximum diversion rate of permitted water from Lake Conroe to up to two thousand (2,000) cubic feet per second by filing an appropriate application to amend the Certificate with the Texas Commission on Environmental Quality (the "TCEQ"); and

WHEREAS, the Authority's Board of Directors deems it necessary and appropriate at this time to authorize the General Manager or his designee to prepare, make, execute, file, prosecute, amend, settle and compromise any and all applications to the TCEQ to amend the Certificate to increase the combined maximum diversion rate of permitted water from Lake Conroe to up to two thousand (2,000) cubic feet per second, and to employ the services of such consultants to assist in the prosecution of such application(s), as deemed to be in the best interest of the Authority.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN JACINTO RIVER AUTHORITY:

Section 1. The General Manager or his designee is hereby authorized and directed on behalf of the Authority to prepare, or cause to be prepared, and to make, execute, file, prosecute, amend, settle, and compromise, as necessary, any and all applications to the TCEQ in order to amend the Certificate to increase the combined maximum diversion rate of permitted water from Lake Conroe to up to two thousand (2,000) cubic feet per second, as deemed necessary and appropriate, and to employ the services of such consultants to assist in the prosecution of such application(s), as deemed to be in the best interest of the Authority.

Section 2. A certified copy of this resolution shall be provided to the TCEQ and to all persons interested in the subject matter hereof.

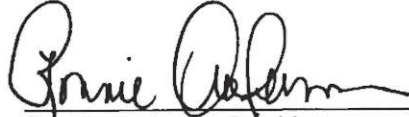
APPROVED AND ADOPTED by the Board of Directors of the San Jacinto River Authority on the 24th day of April, 2025.

ATTEST:



Wil Faubel, Secretary

SAN JACINTO RIVER AUTHORITY



Ronnie Anderson, President



CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

I, the undersigned General Manager of the San Jacinto River Authority (the "Authority"), hereby certify as follows:

1. That I am the duly qualified and acting General Manager of the Authority, and that as such, I have custody of the minutes and records of the Authority.

2. That the Board of Directors of the Authority convened in regular session on April 24, 2025, at the regular meeting place thereof, and the roll was called of the duly constituted officers and members of the Board of Directors, to-wit:

Ronnie Anderson	President
Ed Boulware	Vice-President
Mark Micheletti	Treasurer
William Faubel	Secretary
Ricardo Mora	Secretary Pro-Tempore
Stacey Buick	Director
Stephanie Johnson	Director

and all of said persons were present, except Director(s) Johnson, thus constituting a quorum, whereupon, among other business, the following was transacted at such meeting: a written resolution, captioned as follows:

RESOLUTION NO. 2025-R-13

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN JACINTO RIVER AUTHORITY AUTHORIZING THE FILING OF AN APPLICATION TO AMEND A WATER RIGHT.

was duly introduced for the consideration of the Board of Directors. It was then duly moved and seconded that such Resolution be adopted and, after due discussion, such motion, carrying with it the adoption of such Resolution, prevailed and carried by the following vote:

AYES: 5

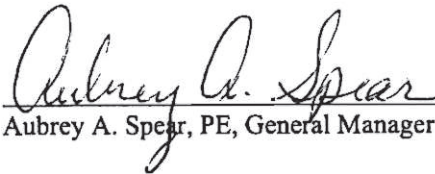
NOES: 1

3. That a true and correct copy of such Resolution adopted at such meeting is attached to and follows this certificate; that such Resolution has been duly recorded in the minutes of the Board of Directors for such meeting; that the persons named in the above and foregoing Paragraph 2. were the duly chosen,

qualified and acting officers and members of the Board of Directors as indicated therein, that each was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of such meeting, and that such Resolution would be introduced and considered for adoption at such meeting, and that each consented in advance, to the holding of such meeting for such purpose; that the canvassing of the officers and members of the Board of Directors present at and absent from such meeting and of the votes of each on such motion, as set forth in the above and foregoing Paragraph 2., is true and correct; that such meeting was open to the public as required by law; and that sufficient and timely notice of the hour, date, place and subject of such meeting was given and posted as required by Chapter 551, Texas Government Code, as amended.

SIGNED AND SEALED the 24th day of April, 2025.




Aubrey A. Spear, PE, General Manager

TAB 8

Agenda - Jan. 28, 2009 Item #

MOTION NO. 2009 0026

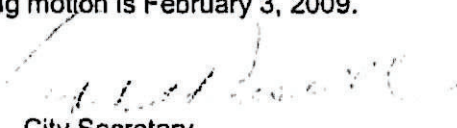
MOTION by Council Member Khan that the recommendation from the Director of the Department of Public Works and Engineering, relative to signing water rights applications on behalf of the City of Houston, be adopted, and in accordance with the State of Texas under 30TAC§295.14, the Director of the Department of Public Works and Engineering is hereby given signatory authority on behalf of the City of Houston and any successor organization of the City of Houston.

Seconded by Council Member Green and carried.

Mayor White, Council Members Lawrence, Johnson,
Clutterbuck, Adams, Sullivan, Khan, Holm, Rodríguez,
Brown, Lovell, Green and Jones voting aye
Nays none
Council Member Noriega absent

PASSED AND ADOPTED this 28th day of January, 2009.

Pursuant to Article VI, Section 6 of the City Charter, the
effective date of the foregoing motion is February 3, 2009.


City Secretary

TAB 9

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 10-4963 OWNERS: San Jacinto River Authority
P. O. Box 329
Conroe, Texas 77305

City of Houston
Attn: Department of Public
Works
P. O. Box 1562
Houston, Texas 77007

Texas Water Development
Board
Water Availability Data &
Studies
P. O. Box 13231, Capitol
Station
Austin, Texas 78711

COUNTIES: Montgomery and Harris

PRIORITY DATES: January 12, 1959
and June 28, 1965

WATERCOURSE: West Fork San Jacinto
River, tributary of the
San Jacinto River

BASIN: San Jacinto River

WHEREAS, by final decree of the 155th Judicial District Court of Waller County, in Cause No. 10,023A, In Re: The Exceptions of the San Jacinto River Authority to the Adjudication of Water Rights in the San Jacinto River Basin dated December 1, 1956, a right was recognized under Permit 1962B authorizing the San Jacinto River Authority, the City of Houston and the Texas Water Development Board to appropriate waters of the State of Texas as set forth below;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the San Jacinto River Basin is issued to the San Jacinto River Authority, the City of Houston and the Texas Water Development Board, subject to the following terms and conditions:

1. IMPOUNDMENT

Owners are authorized to maintain an existing dam and reservoir on the West Fork San Jacinto River (Lake Conroe) and impound therein not to exceed 430,260 acre-feet of water. The dam is located in the James Smith Grant, Abstract 37; the James Edwards Survey, Abstract 189; the James Edwards Survey, Abstract 190; the Robert Marsh Survey, Abstract 355 and the James W. Singleton Survey, Abstract 496, Montgomery County, Texas.

Certificate of Adjudication 10-4963

2. USE

- A. Owners are authorized to divert or release and use not to exceed 100,000 acre-feet of water per annum from the aforesaid Lake Conroe for purposes as follows:

Municipal Purposes - - - - - 66,000 acre-feet

Industrial Purposes - - - - - 28,500 acre-feet

Mining Purposes - - - - - 5,500 acre-feet

- B. Owners are also authorized to use the impounded water for recreation purposes.

3. DIVERSION

- A. Location
At the perimeter of the aforesaid reservoir.
- B. Maximum rate: 700.00 cfs (315,000 gpm).

4. PRIORITY

- A. The time priority of owners' right is January 12, 1959 for the impoundment of 380,430 acre-feet of water and the diversion and use of water for purposes authorized herein.
- B. The time priority of owners' right is June 28, 1965 for the impoundment of the additional 49,830 acre-feet of water.

5. SPECIAL CONDITIONS

- A. Owners are authorized to use the bed and banks of the West Fork San Jacinto River for the purpose of conveying all or any part of the water authorized to be diverted hereunder from the place of impoundment (Lake Conroe) downstream to Lake Houston in Harris County.
- B. Owners shall maintain a suitable outlet in the aforesaid dam authorized herein to allow the free passage of water that the owners are not entitled to divert or impound.
- C. Owners shall install a metering instrument at each diversion point which will automatically record to within five percent of accuracy the total amount of water diverted. Owners shall make daily determinations of water surface elevations in the reservoir by means of a recording gage, set to mean sea level datum, which shall be protected by a well house designed for such purposes. Owners shall also install a recording

Certificate of Adjudication 10-4963

streamflow station, set to mean sea level datum, to measure the inflow from the West Fork San Jacinto River into the reservoir. The Commission shall be furnished complete records of all determinations required herein.

The locations of pertinent features related to this certificate are shown on Pages 5 and 15 of the San Jacinto River Basin Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Water Commission, Austin, Texas.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 155th Judicial District Court of Waller County, Texas, in Cause No. 10,023A, In Re: The Exceptions of the San Jacinto River Authority to the Adjudication of Water Rights in the San Jacinto River Basin dated December 1, 1986 and supersedes all rights of the owner asserted in that cause, provided, however, that no attempt has been made to adjudicate private contractual rights.

This certificate of adjudication is issued subject to senior and superior water rights in the San Jacinto River Basin.

This certificate of adjudication is issued subject to the Rules of the Texas Water Commission and its continuing right of supervision of State water resources consistent with the public policy of the State as set forth in the Texas Water Code.

TEXAS WATER COMMISSION

Paul Hopkins

Paul Hopkins, Chairman

DATE ISSUED:

FEB 25 1987

ATTEST:

Mary Ann Hefner
Mary Ann Hefner, Chief Clerk



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 10-4963A

TYPE 8-11-122

Owners: San Jacinto River Authority

Addresses: P.O. Box 329
Conroe, Texas 77305

City of Houston

P.O. Box 1562
Houston, Texas 77007

Filed: April 29, 2010

Granted: JUL 20 2010

Purpose: Industrial, Agricultural,
Municipal, Mining

Counties: Harris, Montgomery

Watercourse: West Fork San Jacinto,
tributary of San Jacinto River

Watershed: San Jacinto River Basin

WHEREAS, Certificate of Adjudication No. 10-4963 (Certificate) authorizes the San Jacinto River Authority and the City of Houston (Owners) to maintain an existing dam and reservoir (Lake Conroe) on the West Fork San Jacinto River, San Jacinto River Basin and to impound therein not to exceed 430,260 acre-feet of water for recreational purposes in Montgomery County; and

WHEREAS, Owners are also authorized to divert or release and use not to exceed 100,000 acre-feet of water per year from the perimeter of Lake Conroe at a maximum diversion rate of 700 cfs (315,000 gpm) as follows: 66,000 acre-feet for municipal purposes, 28,500 acre-feet for industrial purposes, and 5,500 acre-feet for mining purposes; and

WHEREAS, Owners are also authorized to use the bed and banks of the West Fork San Jacinto River to convey all or any part of the 100,000 acre-feet of water downstream to Lake Houston in Harris County; and

WHEREAS, the priority dates for this right are January 12, 1959 for the impoundment of 380,430 acre-feet of water and the diversion and use of the 100,000 acre-feet of water, and June 28, 1965 for the impoundment of an additional 49,830 acre-feet of water, and

WHEREAS, the Certificate contains Special Conditions; and

WHEREAS, Owners seek an amendment to Certificate of Adjudication No. 10-4963 to add multi-use (municipal, industrial, mining, and agricultural) to the 100,000 acre-feet of water currently authorized for diversion; and

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

WHEREAS, no requests for a contested case hearing were received for this application; and

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 10-4963, designated Certificate of Adjudication No. 10-4963A, is issued to the San Jacinto River Authority and the City of Houston, subject to the following terms and conditions:

1. USE

- A. In lieu of the previous authorization to divert or release and use not to exceed 100,000 acre-feet of water per year for municipal purposes (66,000 acre-feet), industrial purposes (28,500 acre-feet), and mining purposes (5,500 acre-feet), Owners are now authorized to divert or release and use not to exceed 100,000 acre-feet of water per year for municipal, industrial, mining, and agricultural purposes.
- B. Any water diverted or released for agricultural purposes pursuant to Use paragraph 1.A. shall be utilized within the Owners' service areas in the San Jacinto River Basin.
- C. Owners are also authorized to use the impounded water for recreation purposes.

2. CONSERVATION

Owners shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every wholesale water contract entered into, on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water must have water conservation requirements so that each successive wholesale customer in the resale of the water be required to implement water conservation measures.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate No. 10-4963 except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the San Jacinto River Basin.

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

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

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


For the Commission

ISSUED: JUL 20 2010



TAB 10

WORKSHEET 1.2 – MARSHALL CRITERIA
APPLICATION TO AMEND CERTIFICATE OF ADJUDICATION 10-4963A

Co-Applicants San Jacinto River Authority (“SJRA”) and City of Houston (the “City”) (collectively, “Applicants”) provide this Addendum to Worksheet 1.2 addressing each Marshall Criteria to Assist the Texas Commission on Environmental Quality (“TCEQ”) in determining that no notice is required for the Application for Amendment to Certificate of Adjudication 10-4963A (the “Application”). See Tab 9 for a copy of Certificate of Adjudication 10-4963A (“ADJ 10-4963A”). The Application seeks to amend ADJ 10-4963A to increase the diversion rate from an existing reservoir and does not request to change or add diversion points, alter the purpose of use, or increase the amount of water diverted. See Summary of Request, Tab 4.

A. Administrative Requirements and Fees

The Application provides the relevant information to meet the administrative requirements for an amendment to a water use permit, pursuant to Texas Water Code (“TWC”) Chapter 11 and Title 30 of the Texas Administrative Code (“30 TAC”) Chapters 295 and 297. In accordance with 30 TAC §§ 295.131-295.132 and other TCEQ rules relating to fees, the Applicants are submitting payment with the Application as Tab 12.

B. Beneficial Use

TCEQ may grant an application only if “the proposed appropriation...is intended for a beneficial use.” TWC § 11.134(b)(3)(A). “Beneficial use” is defined as the use of water “which is economically necessary for a purpose authorized by [Chapter 11 of the TWC].” TWC § 11.002(4); 30 TAC § 297.1(9). Applicants intend to continue to use water for the previously authorized purposes in ADJ 10-4963A. Applicants do not request a change in purpose of use; thus, TCEQ’s prior determination that the water is appropriated for a beneficial use is applicable to the Application.

C. Public Welfare

The proposed amendment sought by the Application will not negatively impact the public welfare. The TCEQ determined the appropriation was not detrimental to the public welfare when ADJ 10-4963A was issued, and the proposed amendment does not seek any changes that would negatively impact the public welfare. 30 TAC § 297.46 (“The commission may grant an application for a new or amended water right only if it finds that it would not be detrimental to the public welfare.”).

D. Groundwater Effects

The proposed amendment will not adversely impact groundwater resources or groundwater recharge, as the Application seeks to only use surface water already authorized under ADJ 10-4963A. Applicants do not seek to add or change the diversion point or the diversion quantities and will not impact groundwater.

E. State and Regional Water Plans

An appropriation of water must address a water supply need in a manner that is “consistent” with the “state water plan and the relevant approved regional plan.” Texas Water Code § 11.134. The underlying water right, AJD No. 10-4963A, has already been found to be consistent with the applicable State and regional water plans. As this application only seeks an increase in the diversion rate and makes no changes to the volume of water or uses, it is consistent with both the approved 2021 Region H Water Plan and the 2022 State Water Plan.

F. Waste Avoidance

Applicants will continue to use reasonable diligence to avoid waste and achieve water conservation. Although Applicants are not required to provide water conservation plans and drought contingency plans for this Application, copies can be made available, upon request.

G. Impacts on Water Rights or On-Stream Environment

The proposed amendment will not impact other water right holders or the aquatic environment beyond and irrespective of the fact that the permit can be used to its full authorized amount. The Application will not impact other water right holders because it only seeks to release water held in an approved reservoir by Applicants at a higher rate. The Application does not alter the conditions regarding quantity, nor does it seek to change the purpose of use. Further, the Application does not request additional dams, impoundments, or storage. The Application will not adversely impact the environment or other water rights holders because the amendment will not increase the amount appropriated.

H. Conclusion

Based on the information above, the Application does not require notice pursuant to 30 TAC § 295.158(c)(3)(E) (“Applications of the following descriptions may not require additional notice: to increase the rate or period for diversion from a storage reservoir.”). The Applicants seek to amend ADJ 10-4963A to utilize its existing water rights effectively by allowing for a higher diversion rate. The proposed amendment, if granted, will have no impact on other water rights holders. The Application does not seek to change the nature or pattern of use of the existing water right; therefore, notice is not required. 30 TAC § 295.158(c)(3)(E).

TAB 11



Texas Commission on Environmental Quality

Public Involvement Plan Form for Permit and Registration Applications

The Public Involvement Plan is intended to provide applicants and the agency with information about how public outreach will be accomplished for certain types of applications in certain geographical areas of the state. It is intended to apply to new activities; major changes at existing plants, facilities, and processes; and to activities which are likely to have significant interest from the public. This preliminary screening is designed to identify applications that will benefit from an initial assessment of the need for enhanced public outreach.

All applicable sections of this form should be completed and submitted with the permit or registration application. For instructions on how to complete this form, see TCEQ-20960-inst.

Section 1. Preliminary Screening

- ☐ New Permit or Registration Application
☒ New Activity - modification, registration, amendment, facility, etc. (see instructions)

If neither of the above boxes are checked, completion of the form is not required and does not need to be submitted.

Section 2. Secondary Screening

- ☐ Requires public notice,
☒ Considered to have significant public interest, and
☒ Located within any of the following geographical locations:

- Austin
- Dallas
- Fort Worth
- Houston
- San Antonio
- West Texas
- Texas Panhandle
- Along the Texas/Mexico Border
- Other geographical locations should be decided on a case-by-case basis

If all the above boxes are not checked, a Public Involvement Plan is not necessary.
Stop after Section 2 and submit the form.

- ☒ Public Involvement Plan not applicable to this application. Provide brief explanation.

See Addendum to Public Involvement Plan, attached.

Section 3. Application Information

Type of Application (check all that apply):

Air ☐ Initial ☐ Federal ☐ Amendment ☐ Standard Permit ☐ Title V
Waste ☐ Municipal Solid Waste ☐ Industrial and Hazardous Waste ☐ Scrap Tire
☐ Radioactive Material Licensing ☐ Underground Injection Control

Water Quality

☐ Texas Pollutant Discharge Elimination System (TPDES)
☐ Texas Land Application Permit (TLAP)
☐ State Only Concentrated Animal Feeding Operation (CAFO)
☐ Water Treatment Plant Residuals Disposal Permit
☐ Class B Biosolids Land Application Permit
☐ Domestic Septage Land Application Registration

Water Rights New Permit

☐ New Appropriation of Water
☐ New or existing reservoir

Amendment to an Existing Water Right

☐ Add a New Appropriation of Water
☐ Add a New or Existing Reservoir
☐ Major Amendment that could affect other water rights or the environment

Section 4. Plain Language Summary

Provide a brief description of planned activities.

Section 5. Community and Demographic Information

Community information can be found using EPA's EJ Screen, U.S. Census Bureau information, or generally available demographic tools.

Information gathered in this section can assist with the determination of whether alternative language notice is necessary. Please provide the following information.

(City)

(County)

(Census Tract)

Please indicate which of these three is the level used for gathering the following information.

☐

City

☐

County

☐

Census Tract

(a) Percent of people over 25 years of age who at least graduated from high school

(b) Per capita income for population near the specified location

(c) Percent of minority population and percent of population by race within the specified location

(d) Percent of Linguistically Isolated Households by language within the specified location

(e) Languages commonly spoken in area by percentage

(f) Community and/or Stakeholder Groups

(g) Historic public interest or involvement

Section 6. Planned Public Outreach Activities

(a) Is this application subject to the public participation requirements of Title 30 Texas Administrative Code (30 TAC) Chapter 39?

☐ Yes ☐ No

(b) If yes, do you intend at this time to provide public outreach other than what is required by rule?

☐ Yes ☐ No

If Yes, please describe.

If you answered "yes" that this application is subject to 30 TAC Chapter 39,
answering the remaining questions in Section 6 is not required.

(c) Will you provide notice of this application in alternative languages?

☐ Yes ☐ No

Please refer to Section 5. If more than 5% of the population potentially affected by your application is Limited English Proficient, then you are required to provide notice in the alternative language.

If yes, how will you provide notice in alternative languages?

- ☐ Publish in alternative language newspaper
- ☐ Posted on Commissioner's Integrated Database Website
- ☐ Mailed by TCEQ's Office of the Chief Clerk
- ☐ Other (specify)

(d) Is there an opportunity for some type of public meeting, including after notice?

☐ Yes ☐ No

(e) If a public meeting is held, will a translator be provided if requested?

☐ Yes ☐ No

(f) Hard copies of the application will be available at the following (check all that apply):

- ☐ TCEQ Regional Office ☐ TCEQ Central Office
- ☐ Public Place (specify)

Section 7. Voluntary Submittal

For applicants voluntarily providing this Public Involvement Plan, who are not subject to formal public participation requirements.

Will you provide notice of this application, including notice in alternative languages?

☐ Yes ☐ No

What types of notice will be provided?

- ☐ Publish in alternative language newspaper
- ☐ Posted on Commissioner's Integrated Database Website
- ☐ Mailed by TCEQ's Office of the Chief Clerk
- ☐ Other (specify)

Addendum to Public Involvement Plan

The Application does not require notice pursuant to 30 Texas Administrative Code ("TAC") § 295.158(c)(3)(E) ("Applications of the following descriptions may not require additional notice: to increase the rate or period for diversion from a storage reservoir."). The Applicants seek to amend COA 10-4963A to utilize its existing water rights effectively by allowing for a higher diversion rate. The proposed amendment, if granted, will have no impact on other water rights holders. The Application does not seek to change the nature or pattern of use of the existing water right; therefore, notice is not required. 30 TAC § 295.158(c)(3)(E).