

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**

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

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

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

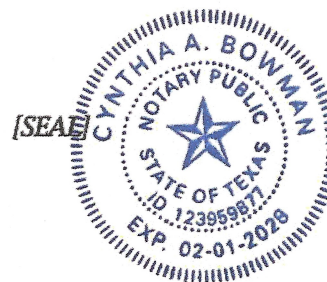
February

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

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).

- 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 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 *

*Exempt diversion rate increase from storage reservoir

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

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

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

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

Applicant has calculated the drainage area. Y / N N

If yes, the drainage area is _____ sq. miles.

(If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application)

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.

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.

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).



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.

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).