

# TCEQ Interoffice Memorandum

---

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

THRU: Chris Kozlowski, Team Leader  
Water Rights Permitting Team

FROM: Sam Sewell, Project Manager  
Water Rights Permitting Team

DATE: October 2, 2020

SUBJECT: Rick Kresta  
WRPERM 13671  
CN605704014, RN110927845  
Application No. 13671 for a Water Use Permit  
Texas Water Code § 11.121, Requiring Mailed and Published Notice  
Post Oak Branch, Lavaca River Basin  
Jackson County

The application was received on January 6, 2020. Additional information and fees were received on January 7, June 2, & 12, August 13, and September 16, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on October 2, 2020. Full basin mailed and published notice to water right holders of record in the Lavaca River Basin pursuant to Title 30 Texas Administrative Code §§ 295.151-153.

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

*Sam Sewell*

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

**OCC Mailed Notice Required**

**YES**

**NO**

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 2, 2020

Mr. Rick Kresta  
PO Box 764  
Edna, TX 77957

VIA E-MAIL

RE: Rick Kresta  
WRPERM 13671  
CN605704014, RN110927845  
Application No. 13671 for a Water Use Permit  
Texas Water Code § 11.121, Requiring Mailed and Published Notice  
Post Oak Branch, Lavaca River Basin  
Jackson County

Mr. Kresta,

This acknowledges receipt, on September 16, 2020, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on October 2, 2020. Staff will continue processing the application for consideration by the Executive Director.

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

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

Sincerely,

*Sam Sewell*

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

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 14, 2020

Mr. Rick Kresta  
PO Box 764  
Edna, TX 77957

**Via E-mail**

RE: Rick Kresta  
WRPERM 13671  
CN605704014, RN110927845  
Application No. 13671 for a Water Use Permit  
Texas Water Code § 11.121, Requiring Mailed and Published Notice  
Post Oak Branch, Lavaca River Basin  
Jackson County

Mr. Kresta,

This acknowledges receipt, on August 13, 2020, of the additional information.

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

1. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms for any new pump or diversion structure.
2. Confirm that the application is consistent with the 2016 Region P Water Plan and the 2017 State Water Plan because there is nothing in the plans that conflict with the application.
3. Confirm that the flow meter used to measure and account for the amount of water diverted from the source of supply is within an accuracy of plus or minus 5.0%.
4. Confirm 5-year and 10-year targets for water use efficiency based on irrigation system using side roll irrigation:

(Examples of Typical Efficiencies for Various Types of Irrigation Systems - Surface: 50-80%;  
Sprinkler: 70-85%)

5-year goal: Target for system efficiency as a percentage - 70%

10-year goal: Target for system efficiency as a percentage - 70%

Please provide the requested information by October 14, 2020 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

Staff notes that additional information may be required prior to completion of technical review.

Mr. Rick Kresta  
Application No. 13671  
September XX, 2020  
Page 2 of 2

If you have questions concerning this application, please contact me via email at [Sam.Sewell@tceq.texas.gov](mailto:Sam.Sewell@tceq.texas.gov) or by phone at (512) 239-4008.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sam Sewell".

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

Texas Commission on Environmental Quality  
Answers to Questions 1-4

Brooke McHegor

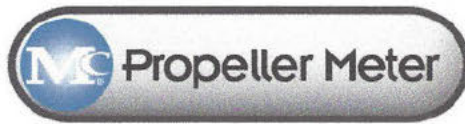
#1 - Water pump inlet has screens/filters

#2 - Yes, it is consistent & has no conflict

#3 - yes it is 100.3% test report  
enclosed

#4 - 70% for 5 yrs is my target

70% for 10 yrs is my target



# CERTIFIED TEST REPORT

CUSTOMER: ABM IRRIGATION  
MODEL NO: MT104  
METER SERIAL NO: 19-07785

## CONFIGURATION

METER INSIDE DIAMETER: 4.026  
METER OUTSIDE DIAMETER: \_\_\_\_\_  
TEST DATE: 9/25/2019  
TEST FACILITY: Volumetric  
IDEAL TEST CONSTANT: 2000

## CALIBRATION DATA

|   | Tested TC | GPM | Accuracy |
|---|-----------|-----|----------|
| 1 | 2006      | 634 | 100.3    |

CERTIFIED BY: Robert Galusha ID#: 176785 PRINT DATE: 9/15/2020

This calibration was performed on a gravimetric or volumetric test facility, traceable to the National Institute of Standards and Technology, USA. The estimated flow measurement uncertainty of the calibration facilities are:  
Gravimetric +/- 0.15% Volumetric +/- 0.5%



3255 WEST STETSON AVENUE  
HEMET, CA 92545 USA

PHONE (951) 652-6811 / FAX (951) 652-3078

WEB SITE: <http://www.mccrometer.com> E-MAIL: \_\_\_\_\_

\*19-07785\*  
19-07785

Printed by Matthew Hintz  
9/15/2020 11:34:14 AM  
Version 1.2 (4/18/2007)

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 14, 2020

Mr. Rick Kresta  
PO Box 764  
Edna, TX 77957

**Via E-mail**

RE: Rick Kresta  
WRPERM 13671  
CN605704014, RN110927845  
Application No. 13671 for a Water Use Permit  
Texas Water Code § 11.121, Requiring Mailed and Published Notice  
Post Oak Branch, Lavaca River Basin  
Jackson County

Mr. Kresta,

This acknowledges receipt, on August 13, 2020, of the additional information.

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

1. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms for any new pump or diversion structure.
2. Confirm that the application is consistent with the 2016 Region P Water Plan and the 2017 State Water Plan because there is nothing in the plans that conflict with the application.
3. Confirm that the flow meter used to measure and account for the amount of water diverted from the source of supply is within an accuracy of plus or minus 5.0%.
4. Confirm 5-year and 10-year targets for water use efficiency based on irrigation system using side roll irrigation:

(Examples of Typical Efficiencies for Various Types of Irrigation Systems - Surface: 50-80%;  
Sprinkler: 70-85%)

5-year goal: Target for system efficiency as a percentage - 70%

10-year goal: Target for system efficiency as a percentage - 70%

Please provide the requested information by October 14, 2020 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

Staff notes that additional information may be required prior to completion of technical review.

Mr. Rick Kresta  
Application No. 13671  
September XX, 2020  
Page 2 of 2

If you have questions concerning this application, please contact me via email at [Sam.Sewell@tceq.texas.gov](mailto:Sam.Sewell@tceq.texas.gov) or by phone at (512) 239-4008.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Sewell". The signature is written in a cursive style with a large initial "S".

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



2020 AUG 13 A 8:30  
RECEIVED  
Water Availability Division

**Place Labels in This Space**

**Options:**  UPS Tracking Label and your address label

Place the Tracking Label to the left of the address label.

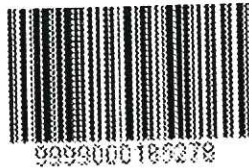
Stamp your UPS Shipper Number or place parcel register tape above the address label.

UPS Air Shipping Document



FROM:  
CARR: United Parcel Service  
TRK#: 127360060797314478  
RCVD: 8/12/2020 1215

CLRK: James Hancock  
TO: SEWELL, SAM  
BDG: F  
PKG: 1  
PCS: 1



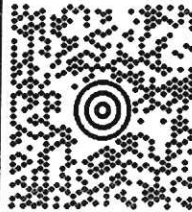
RTE:  
MSC: 160  
**SEWELL, SAM**

RHONDA KRESTA  
361-782-7109  
KRESTA'S BOATS AND MOTORS  
1960 ST. HWY 111  
EDNA TX 77957

0.0 LBS LTR 1 OF 1

RECEIVED  
AUG 13 2020

SHIP TO:  
SAM SEWELL  
512-239-4008  
TEXAS COMMISSION ENVIR QUALITY AVAILABILITY DIVISION  
12100 PARK 35 CIRCLE  
AUSTIN TX 78753



**TX 787 9-72**



**UPS 2ND DAY AIR A.M.**  
TRACKING #: 1Z 736 006 07 9731 4478

**2A**



BILLING: P/P



XOL 20.08.05 NY45 31.0A 07/2020



RECEIVED  
2020 AUG 13 A 8:30  
WATER AVAILABILITY DIV.

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



RECEIVED  
AUG 13 2020  
Water Availability Division

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 22, 2020

Mr. Rick Kresta  
PO Box 764  
Edna, TX 77957

Via E-mail

RE: Rick Kresta  
WRPERM 13671  
CN605704014, RN110927845  
Application No. 13671 for a Water Use Permit  
Texas Water Code § 11.121, Requiring Mailed and Published Notice  
Post Oak Branch, Lavaca River Basin  
Jackson County

Mr. Kresta,

This acknowledges receipt, on June 2, 2020, of additional information and fees in the amount of \$63.44 (Receipt No. M020339, enclosed).

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

1. Confirm the diversion point is located at Latitude 28.965349° N, Longitude -96.625408° W as indicated in the map provided in the RFI Response dated June 2, 2020. Staff recalculated the coordinates based on the map provided.
2. Confirm that the maximum diversion rate from the pump on Post Oak Branch is 423 gpm.
3. Provide information regarding how the application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan (Section 4.a. of the Technical Information Report). Refer to the second example on page 15 from the *Instructions for Completing the Water Right Permitting Application* (Form TCEQ-10214A-inst) for assistance.
4. Provide additional information concerning the submitted water conservation plan for agricultural use to comply with Title 30 Texas Administrative Code § 288.4.
  - A. Verify that the method(s) and/or device(s) used to measure and account for the amount of water diverted from the source of supply, described in Section I.B.2. of the water conservation plan (TCEQ-10238, Page 3), is within an accuracy of plus or minus 5.0%. Staff recognizes that this section of the water conservation plan indicates a flow meter will be used; however, information about the meter's accuracy is not included in this section.
  - B. Provide specific, quantified 5-year and 10-year targets for water savings, represented in acre-feet or in water use efficiency.
5. Provide data or information that supports the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan, evaluates

RECEIVED

AUG 13 2020

Water Availability Division

Mr. Rick Kresta  
Application No. 13671  
July 22, 2020  
Page 2 of 2

conservation as an alternative to the proposed appropriation, and evaluates any other feasible alternative to new water development (TCEQ-10238, Section II, Page 4).

6. Confirm the amount of acreage to be irrigated. Staff notes that the submitted water conservation plan indicates 7 acres to be irrigated; however, the application indicates 6 acres of an 8.01-acre tract.

Please provide the requested information by August 21, 2020 or the application may be returned pursuant to Title 30 TAC § 281.18.

Staff notes that additional information may be required prior to completion of technical review.

If you have questions concerning this application, please contact me via email at [Sam.Sewell@tceq.texas.gov](mailto:Sam.Sewell@tceq.texas.gov) or by phone at (512) 239-4008.

Sincerely,



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

Attachment

---

## Answers 1-6

- # 1.) My GPS shows  $28.965353^{\circ}N$   $96.625438^{\circ}W$
- # 2.) May Rate is 423 gpm.
- # 3) undeveloped Land with no other source of water to irrigate for hay production
- # 4) a) I only irrigate when no adequate rain falls to grow grass for hay.  
b) By saving water we try to irrigate during night time hours to avoid evaporation.  
We will not and have not wasted water, only use what we need to grow grass and harvest hay for our cattle.
- # 5) original permit June 10, 1987. Have been producing hay from this property since then. Have only irrigated during dry times.
- # 6) 7 acres of the B.OI in production

RECEIVED

AUG 13 2020

Water Availability Division

# 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. 28.965353<sup>ON</sup> Diversion Point No.
- 2. \_\_\_\_\_ Upstream Limit of Diversion Reach No.
- 3. 96.625438<sup>ON</sup> Downstream Limit of Diversion Reach No.

*Correction*

b. Maximum Rate of Diversion for **this new point** \_\_\_\_\_ cfs (cubic feet per second) or open flow gpm (gallons per minute)

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

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

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

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

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

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

Applicant has calculated the drainage area. Y/N

If yes, the drainage area is N/A sq. miles.

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

#1

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

- a. On watercourse (USGS name): \_\_\_\_\_
- b. Zip Code: 77957
- c. Location of point: In the Volume 660 Original Survey No. S. Hatch Abstract No. 27, TACKSON County, Texas.

*A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.*

- d. Point is at:  
Latitude 28.965253° N, Longitude 96.625438° W. ← correction  
*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): TCEQ Staff calculated coordinates
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

RECEIVED  
AUG 13 2020  
Water Availability Division

#3

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":

for irrigation purposes (Hay meadow for cattle) undeveloped land with no other source of water to irrigate for hay production

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

RECEIVED

AUG 13 2020

Water Availability Division

116

# WORKSHEET 1.0 Quantity, Purpose and Place of Use

## I. 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)<br><i>(Include losses for Bed and Banks)</i> | State Water Source (River Basin)<br>or<br>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<br><i>*requests to move state water out of basin also require completion of Worksheet 1.1 Interbasin Transfer</i> |
|---|--|------------------------------------|---|
| 18 acre ft  | Post Oak Branch Lavaca River basin   | Irrigate Hay field feed for cattle |   |
|   |  |                                    |   |
|   |  |                                    |   |

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

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

### 1. Location Information Regarding the Lands to be Irrigated

← correction

i) Applicant proposes to irrigate a total of 7 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 8.01 acres in Jackson County, TX.

ii) Location of land to be irrigated: In the Volume 660, pg 532 Original Survey No. S. Hatch, Abstract No. 27.

**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.**

RECEIVED

AUG 13 2020

Water Availability Division



#6

**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** |
|----------------------|----------------------------|-----------------------------|--------------------------|----------------------------|
| 18                   | irrigation                 | irrigation                  | irrigation               | irrigation                 |
|                      |                            |                             |                          |                            |
|                      |                            |                             |                          |                            |

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

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

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

b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:

i) Applicant proposes to irrigate a total of 7 <sup>← correction</sup> 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 8.01 acres in JACKSON County, TX.

ii) Location of land to be irrigated: In the Volume 660, pg 537 Original Survey No. S. Hatch, Abstract No. 27.

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

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

c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.

d. See Worksheet 1.2, Marshall Criteria, and submit if required.

e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

TCEQ  
 06.13.2020  
 Water Availability Division

# ABM Irrigation Systems

P.O. Box 364 / Needville, Texas 77461  
 Phone: (979) 793-4600 / Fax: (979) 793-7500

# 4a

## Invoice

|           |           |
|-----------|-----------|
| Date      | Invoice # |
| 10/8/2019 | 49250     |

|  |
|--|
| Bill To  |
| RICK KRESTA<br>P.O. BOX 308<br>EDNA, TEXAS 77957 |

|  |
|--|
| Ship To  |
| RICK KRESTA<br>1960 STATE HWY 111 S<br>EDNA, TEXAS 77957 |

|             |                |       |           |            |           |         |
|-------------|----------------|-------|-----------|------------|-----------|---------|
| P.O. Number | Terms          | Rep   | Ship Date | Via        | AG Number | Project |
|             | DUE ON RECEIPT | CC/WB | 9/26/2019 | UPS Ground |           |         |

| Quantity | Item Code   | Description               | U/M | Price Each | Amount   |
|----------|-------------|---------------------------|-----|------------|----------|
| 1        | MT104 METER | METER 4" FIXED- ELL TUBE  |     | 1,129.00   | 1,129.00 |
|          | UPS         | SN 19-07785<br>UPS GROUND |     | 56.35      | 56.35    |

pcl  
CR # 1018

**RECEIVED**  
 AUG 13 2020  
 Water Availability Division

THANKS FOR YOUR PHONE ORDER, WE APPRECIATE YOUR BUSINESS!!!

**Total** \$1,185.35

 **McCrometer**

Item#: **MT104**

OD:

Serial#: **19-07785**

ID: **4.026**

Unit Ttl/Rte: **GAL / GPM** Ratio: **2000**

Mount: **Standard** Bearing: **B0610-80-PHA**

Orien: **HORIZONTAL** Reg: **R0100-10-P**

**DANGER**

RECEIVED

AUG 3 2020

Water Availability Division

**DO NOT REMOVE**



GALLONS PER MINUTE

003113

GALLONS X 100

HEMET, CALIFORNIA  
McCROMETER

RECEIVED  
AUG 13 2020  
Water Availability Division

2

DELIVERED  
MCC



RECEIVED  
AUG 13 2020  
Water Availability Division

#5

RECEIVED

AUG 13 2020

Water Availability Division

PERMIT TO  
APPROPRIATE STATE WATER

APPLICATION NO. 5140

PERMIT NO. 5140

TYPE: \$11.121

Permittees: William Kresta and  
wife, Maxine Kresta

Address: P.O. Drawer FF  
Edna, Texas 77957

Filed: June 10, 1987 \*

Granted: September 2, 1987

Purpose: Irrigation

County: Jackson

Watercourse: Post Oak Branch,  
tributary of Dry  
Creek, tributary  
of Lavaca River

Watershed: Lavaca River Basin

WHEREAS, the Texas Water Commission finds that jurisdiction over the application is established; and

WHEREAS, no person protested the granting of this application; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Water Commission in issuing this permit.

NOW, THEREFORE, this permit to appropriate and use State water is issued to William Kresta and wife, Maxine Kresta, subject to the following terms and conditions:

1. USE

Permittees are authorized to directly divert and use not to exceed 9 acre-feet of water per annum from Post Oak Branch to irrigate a 6-acre tract of land in the S. Hatch Survey, Abstract No. 27, approximately 1.5 miles southeast of Edna, Jackson County, Texas, the conveyance of which tract to permittees is recorded in Volume 660, page 532 of the Jackson County Deed Records.

*had no way of measuring acres back then  
The new tractors now have a way of measuring the  
acres*

RECEIVED

AUG 13 2020

Water Availability Division

THE STATE OF TEXAS,  
County of Jackson

I, Martha Knapp, Clerk of the County Court in and for Jackson County, Texas, hereby certify that the foregoing instrument, with its certificate of authentication, was filed for record in my office on the 13th day of October, 1987, at 10:45 o'clock A. M., and duly recorded on the 20th day of October, 1987, at 2:20 o'clock P. M., in Deed \_\_\_\_\_ Records in said county, in Volume 698 Pages 356-358.

Witness my hand and official seal at my office in Edna, Texas, the day and year last above written.

By Dora Gonzales, Deputy  
Dora Gonzales

MARTHA KNAPP, Clerk of the County  
Court of Jackson County, Texas.

143,552

PERMIT TO APPROPRIATE STATE  
WATER

TEXAS WATER COMMISSION

TO

WILLIAM KRESTA, ET UX

9/15/87 Fee:5.00

FILED FOR RECORD THIS THE  
13th day of October A. D.,  
1987 at 10:45 A. M.

MARTHA KNAPP, COUNTY CLERK  
JACKSON COUNTY, TEXAS

BY Dolores Bubela Deputy  
Dolores Bubela

Return:  
William Kresta  
P. O. Drawer FF  
Edna, Texas 77957

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 22, 2020

Mr. Rick Kresta  
PO Box 764  
Edna, TX 77957

**Via E-mail**

RE: Rick Kresta  
WRPERM 13671  
CN605704014, RN110927845  
Application No. 13671 for a Water Use Permit  
Texas Water Code § 11.121, Requiring Mailed and Published Notice  
Post Oak Branch, Lavaca River Basin  
Jackson County

Mr. Kresta,

This acknowledges receipt, on June 2, 2020, of additional information and fees in the amount of \$63.44 (Receipt No. M020339, enclosed).

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

1. Confirm the diversion point is located at Latitude 28.965349° N, Longitude -96.625408° W as indicated in the map provided in the RFI Response dated June 2, 2020. Staff recalculated the coordinates based on the map provided.
2. Confirm that the maximum diversion rate from the pump on Post Oak Branch is 423 gpm.
3. Provide information regarding how the application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan (Section 4.a. of the Technical Information Report). Refer to the second example on page 15 from the *Instructions for Completing the Water Right Permitting Application* (Form TCEQ-10214A-inst) for assistance.
4. Provide additional information concerning the submitted water conservation plan for agricultural use to comply with Title 30 Texas Administrative Code § 288.4.
  - A. Verify that the method(s) and/or device(s) used to measure and account for the amount of water diverted from the source of supply, described in Section I.B.2. of the water conservation plan (TCEQ-10238, Page 3), is within an accuracy of plus or minus 5.0%. Staff recognizes that this section of the water conservation plan indicates a flow meter will be used; however, information about the meter's accuracy is not included in this section.
  - B. Provide specific, quantified 5-year and 10-year targets for water savings, represented in acre-feet or in water use efficiency.
5. Provide data or information that supports the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan, evaluates



Mr. Rick Kresta  
Application No. 13671  
July 22, 2020  
Page 2 of 2

conservation as an alternative to the proposed appropriation, and evaluates any other feasible alternative to new water development (TCEQ-10238, Section II, Page 4).

6. Confirm the amount of acreage to be irrigated. Staff notes that the submitted water conservation plan indicates 7 acres to be irrigated; however, the application indicates 6 acres of an 8.01-acre tract.

Please provide the requested information by August 21, 2020 or the application may be returned pursuant to Title 30 TAC § 281.18.

Staff notes that additional information may be required prior to completion of technical review.

If you have questions concerning this application, please contact me via email at [Sam.Sewell@tceq.texas.gov](mailto:Sam.Sewell@tceq.texas.gov) or by phone at (512) 239-4008.

Sincerely,



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

Attachment

---



08-JUN-20 11:03 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

| <u>Fee Description</u> | <u>Fee Code</u><br><u>Account#</u><br><u>Account Name</u> | <u>Ref#1</u><br><u>Ref#2</u><br><u>Paid In By</u> | <u>Check Number</u><br><u>Card Auth.</u><br><u>User Data</u> | <u>CC Type</u><br><u>Tran Code</u><br><u>Rec Code</u> | <u>Slip Key</u><br><u>Document#</u> | <u>Tran Date</u>  | <u>Tran Amount</u> |
|------------------------|---|---|--|---|-------------------------------------|-------------------|--------------------|
| WTR USE PERMITS        | WUP   | M020339   | 1057   |   | BS00080908                          | 08-JUN-20         | -\$63.44           |
|                        | WUP   | 13671   | 060520   | N   | D0805237                            |                   |                    |
| WATER USE PERMITS      |   | KRESTA,<br>RICHARD K                              | VHERNAND   | CK  |                                     |                   |                    |
|                        |   |   |  |   |                                     | Total (Fee Code): | -\$63.44           |
|                        |   |   |  |   |                                     | Grand Total:      | -\$413.44          |

RECEIVED  
JUN 09 2020  
Water Availability Division

dewitt poth & son  
TOMORROW'S BUSINESS SUPPLIED TODAY

YOAKUM BRANCH WWW.DEWITTPOTH.COM GOLIAD BRANCH  
800-242-0162 866-400-1568  
361-293-7553 Fax Fax 361-645-3968

If there is anything  
else you need please  
let me know before  
our deadline July 15th

Thanks  
Rhonda Kresta

361-782-7109



This envelope is for use with the following services:

UPS Next Day Air®  
UPS Worldwide Express™  
UPS 2nd Day Air®

RECEIVED

2020 JUN 12 A 7:30

WATER AVAILABILITY DIV.

Apply shipping documents on this:

Do not use this envelope for:

UPS Ground  
UPS Standard  
UPS 3 Day Select®  
UPS Worldwide Expedited®

)-PICK-UPS® (1-800-742-5877)  
a drop off location near you.

ress Envelopes may only contain  
and/or electronic media, and must  
velopes containing items other than  
oz. will be billed by weight.

only for documents of no commercial

|   |  |  |     |          |
|---|--|--|-----|----------|
| BROOKE BELICEK<br>361-782-7109<br>KRESTA'S BOATS AND MOTORS<br>1960 ST. HWY 111<br>EDNA TX 77957                                    |  | 0.0 LBS  | LTR | 1 OF 1   |
| <b>SHIP TO:</b><br>SAM SEWELL<br>512-239-4008<br>TEXAS COMMISSION ENVIR QUALITY<br>12100 PARK 35 CIRCLE<br>AUSTIN TX 78753          |  |  |     |          |
|   |  | <b>TX 787 9-72</b><br> |     |          |
| <b>UPS NEXT DAY AIR</b>   |  |  |     |          |
| TRACKING #: 1Z 736 006 01 9547 7343   |  |  |     | <b>1</b> |
|    |  |  |     |          |
| BILLING: P/P  |  |  |     |          |
| <small>XXL 20.06.01 NV45 28.0A 04/2020</small>  |  |  |     |          |

RECEIVED  
JUN 12 2020  
Water Availability Division

RTE:  
MSC: 160  
SEWELL, SAM

Serving you for more than 100 years  
United Parcel Service.



Subject to the rules relating to liability and other terms and/or conditions established by the Convention for the Unification of Certain Rules Relating to International Carriage by Air (the "Warsaw Convention") and/or  
of Goods by Road (the "CMR Convention"). These commodities, technology or software were exported from the U.S. in accordance with the Export Administration Regulations. Diversion contrary to U.S. law prohibited.

010195101 4/14 PAC United Parcel Se

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 9, 2020

Mr. Rick Kresta  
PO Box 764  
Edna, TX 77957

Via E-mail

RE: Rick Kresta  
WRPERM 13671  
CN605704014, RN110927845  
Application No. 13671 for a Water Use Permit  
Texas Water Code § 11.121, Requiring Mailed and Published Notice  
Post Oak Branch, Lavaca River Basin  
Jackson County

Mr. Kresta,

This acknowledges receipt, on May 28, 2020 of the applicant's request for a 30 day extension of time to respond to the Texas Commission on Environmental Quality letter, dated May 1, 2020.

A 30 day extension is granted until July 1, 2020 and after that date the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18. No further extensions will be granted associated with this request for information.

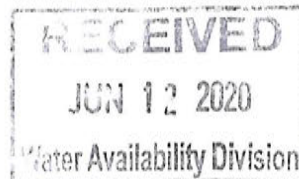
If you have questions concerning this application, please contact me via email at [Sam.Sewell@tceq.texas.gov](mailto:Sam.Sewell@tceq.texas.gov) or by phone at (512) 239-4008.

Sincerely,

A handwritten signature in blue ink that reads "Kim Nygren".

Kim Nygren, Division Director  
Water Availability Division

UAS 6/10/2020  
TCEQ  
12100 Park 35 Circle  
Austin TX 78753



RECEIVED  
2020 JUN 12 A 7:30  
WATER AVAILABILITY DIV.

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



Requested List

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 1, 2020

Mr. Rick Kresta  
PO Box 764  
Edna, TX 77957

David Rose  
fax TRD-5658  
Via E-mail

RE: Rick Kresta  
WRPERM 13671  
CN605704014, RN110927845  
Application No. 13671 for a Water Use Permit  
Texas Water Code § 11.121, Requiring Mailed and Published Notice  
Post Oak Branch, Lavaca River Basin  
Jackson County

TCEQ  
12100 Park 35  
circle  
Austin TX 78753

Mr. Kresta,

This acknowledges receipt, on January 6, 2020, of the referenced application and fees in the amount of \$112.50 (Receipt No. M010235, enclosed).

This area is considered to have limited to no water available for appropriation for either a term or perpetual right. TCEQ would probably be unable to recommend granting the application without an alternate source of water.

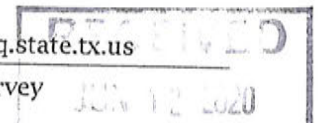
Additional information and fees are required before the application can be declared administratively complete.

- ✓ 1. Confirm that the application is not requesting to amend an existing water right. Commission records do not indicate a current water right on Post Oak Branch.
- ✓ 2. Confirm that the application is requesting a new appropriation of water, and that the application is requesting staff to consider whether a term permit could be issued.
- ✓ 3. Provide a completed Worksheet 3.0 *Diversion Point Information* for the requested diversion point on Post Oak Branch. Staff has calculated coordinates of the diversion point to be Latitude 28.965884° N, Longitude 96.625862° W.
- ✓ 4. Provide an aerial photograph, plat, or map outlining the lands to be irrigated pursuant to Title 30 TAC § 295.32(a)(2). *Hydrione*
- ✓ 5. Confirm that the application is not requesting to convey water. \*Staff notes Worksheet 4.1 is provided in the application submittal; however, based on the application, this worksheet is not necessary. *see 2017 2018*
6. Provide information regarding how the application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan (Section 4.a. of the Technical Information Report). For examples, see page 15 of *Instructions for Completing the Water Right Permitting Application* (Form TCEQ-10214A-inst).

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • [www.tceq.state.tx.us](http://www.tceq.state.tx.us)

How is our customer service? [www.tceq.state.tx.us/goto/customersurvey](http://www.tceq.state.tx.us/goto/customersurvey)

printed on recycled paper



hay for cattle

mailed UPS  
5/29/2020

Texas Commission on Environ Quality

Mr. Sewell

Enclosed Answers

- #1 - We are not
- #2 - Yes
- #3 - Form Included
- #4 - Pic Included
- #5 - We Are not
- #6 - Form Included
- #7 - Cant Print Form **Sorry** Please send Form
- #8 - Enclosed
- #9 - Enclosed
- #10 - Enclosed
- #11 - Enclosed

Thanks  
Rhonda Kresta

mailed  
6/10/2020  
all Documents are  
complete enclosed is  
#7

**ROSE INTERESTS  
105 E. Main  
Edna, Texas 77957  
361/782-5274**

May 29, 2020

Re: Mr. Rick Kresta  
Application No. 13671

To Whom It May Concern:

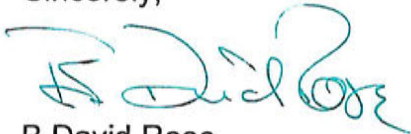
Please find attached a copy of a deed of the subject property purchased by the Estates of my grandparents. This was done by my father, E. T Rose, Jr. in his capacities at shown on the deed.

The property is now owned by myself, B David Rose and my brother, Mark L Rose.

The diversion point is located in Post Oak Branch, as shown on the attached plat.

Mr. Kresta leases this property from us and has our consent to make application for this permit. We also understand that the permit will be owned by Mr. Kresta.

Sincerely,



B David Rose

Enclosures





**Texas Commission on Environmental Quality**  
**Water Availability Division**  
 MC-160, P.O. Box 13087 Austin, Texas 78711-3087  
 Telephone (512) 239-4691, FAX (512) 239-2214

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

This form is provided to assist entities in developing a water conservation plan for individually-operated irrigation systems. If you need assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4691.

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

**Contact Information**

Name: Rick Kresta  
 Address: P.O. Box 764 Edna Tx 77957  
 Telephone Number: (361) 782-8083 Fax: (361) 782-5608  
 Form Completed By: Rick Kresta  
 Title: owner  
 Signature: Rick Kresta Date: 9/31/2010

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

**I. BACKGROUND DATA**

**A. Water Use**

1. Annual diversion appropriated or requested (in acre-feet):

| Type of crop                 | Growing Season (Months) | Acres irrigated/year |
|------------------------------|-------------------------|----------------------|
| Jiggs bermuda                | April-May               | 7 acres              |
|                              |                         |                      |
|                              |                         |                      |
|                              |                         |                      |
| <b>Total acres irrigated</b> |                         |                      |

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

|           |                         |          |          |                            |
|-----------|-------------------------|----------|----------|----------------------------|
| Estimated | January                 | February | March    | April                      |
|           |                         |          |          | 2                          |
|           | May                     | June     | July     | August                     |
|           | 2                       | 2        | 2        | 2                          |
|           | September               | October  | November | December                   |
|           | 2                       | 2        | 2        |                            |
|           | <b>Total All Months</b> |          |          | 16 estimate on monthly use |

3. Are crops rotated seasonally or annually?  Yes  No

If yes, please describe:

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

loam

**B. Irrigation system information**

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

4" honda pump w/5" side roll irrigation  
 when sprinkling 100 gpm. open flow 300 gpm.

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

Flow meter

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

only using when needed

Quantified 5-year and 10-year targets for water savings:

- a. 5-year goal:  
Savings in acre-feet                      or system efficiency as a percentage                      %
- b. 10-year goal:  
Savings in acre-feet                      or system efficiency as a percentage                      %

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

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

Yes                       No

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

C. Conservation practices

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

non leaking main line

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

visible inspection when in use

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

watering during night often

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

we spray for weeds yearly and land has been leveled

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

runoff is back into drainage where we are getting water

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

only watering the hay we harvest on the 7 acres

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

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

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

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

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 9, 2020

Mr. Rick Kresta  
PO Box 764  
Edna, TX 77957

**Via E-mail**

RE: Rick Kresta  
WRPERM 13671  
CN605704014, RN110927845  
Application No. 13671 for a Water Use Permit  
Texas Water Code § 11.121, Requiring Mailed and Published Notice  
Post Oak Branch, Lavaca River Basin  
Jackson County

Mr. Kresta,

This acknowledges receipt, on May 28, 2020 of the applicant's request for a 30 day extension of time to respond to the Texas Commission on Environmental Quality letter, dated May 1, 2020.

A 30 day extension is granted until July 1, 2020 and after that date the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18. No further extensions will be granted associated with this request for information.

If you have questions concerning this application, please contact me via email at [Sam.Sewell@tceq.texas.gov](mailto:Sam.Sewell@tceq.texas.gov) or by phone at (512) 239-4008.

Sincerely,

Kim Nygren, Division Director  
Water Availability Division

**Subject:** water rights

**Date:** Thursday, May 28, 2020 at 9:57:53 AM Central Daylight Time

**From:** Rhonda Kresta

**To:** Sam Sewell

We are waiting on the things needed from the land owner he has been out of the office since he is an older man. He is working on all requested but we dont have it in hand yet. I am requesting an extension on this We sent this in in Jan and finally received back the middle of may and your only giving us until June 1st to get it back to you. It is very difficult to get things done due to all the shut downs and virus. Or can I send you what I have together and when I get the rest from Mr Rose I can send it then. Please let me know I called and left a voice mail message but I havent got a return call back either. Thanks Rhonda Kresta

Rick Kresta  
WRPERM 13671

Visit [ups.com](http://ups.com) or call 1-800-PICK-UPS® (1-800-742-5877) to schedule a pickup or find a drop off location near you.

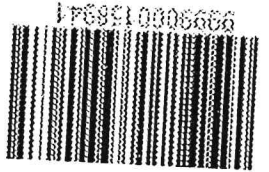
**Domestic Shipments**

- To qualify for the Letter rate, UPS Express Envelopes may only contain correspondence, urgent documents, and/or electronic media, and must weigh 8 oz. or less. UPS Express Envelopes containing items other than those listed or weighing more than 8 oz. will be billed by weight.

International Shipments

FROM: United Parcel Service  
 CARR: 127360064496669321  
 TRK#: 6/1/2020 0923  
 RCD: 6/1/2020 0923

CLRK: CHRIS JACKSON  
 TO: SEWELL, SAM  
 BDG: F  
 PKG:  
 PCS: 1



RTE:  
 MSC: 160  
 SEWELL, SAM

RECEIVED JUN 02 2020

Water Availability Division media ash

RECEIVED JUN 02 2020

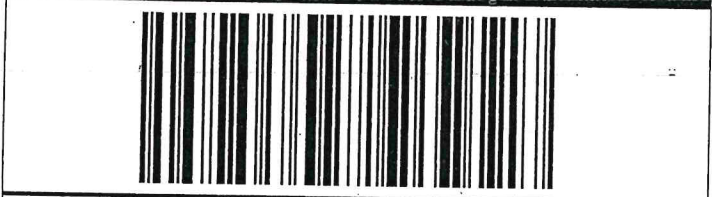
JUN 02 2020

BROOKE BELICER  
 361-782-7109  
 KRESTAS BOATS AND MOTORS  
 1960 ST. HWY 111  
 EDNA TX 77957

SHIP TO:  
 SAM SEWELL  
 512-239-4008  
 TEXAS COMMISSION ENVIR QUALITY  
 12100 PARK 35 CIRCLE  
 AUSTIN TX 78753

TX 787 9-72

UPS NEXT DAY AIR  
 TRACKING #: 1Z 736 006 44 9666 9321  
 1 S



BILLING: P/P

361-782-7109  
 1960 ST. HWY 111  
 EDNA TX 77957

RECEIVED  
 JUN 02 2020  
 80 10 08  
 WATER AVAILABILITY DIV.

Serving you for more than 100 years.  
 United Parcel Service.

International Shipping Notice — Carriage hereunder may be subject to the rules relating to liability and other terms and/or conditions established by the Convention for the Unification of Certain Rules Relating to International Carriage by Air (the "Warsaw Convention") and/or the Convention on the Contract for the International Carriage of Goods by Road (the "CMR Convention"). These commodities, technology or software were exported from the U.S. in accordance with the Export Administration Regulations. Diversion contrary to U.S. law prohibited.



RECEIVED  
 JUN 02 2020  
 WATER AVAILABILITY DIV.

UPS Ground  
 UPS Standard  
 UPS 3 Day Select®  
 UPS Worldwide Expedited®

Do not use this envelope for:

Apply shipping documents on this side.

UPS 2nd Day Air  
 UPS Worldwide Express<sup>SM</sup>  
 UPS Next Day Air



Rhonda Kresta [REDACTED]

**water rights**

Sam Sewell <Sam.Sewell@tceq.texas.gov>  
To: Rhonda Kresta [REDACTED]

Fri, May 29, 2020 at 10:09 AM

Ms. Rhonda Kresta,

I am generating the documents for an extension, if you have official letterhead please send me a request on that attached to an email. If you don't have official letterhead the email you sent me will be fine.

Sincerely,

Sam Sewell

[Quoted text hidden]

RECEIVED  
2020 JUN -2 A 3:43  
WATER AVAILABILITY DIV.

RECEIVED  
JUN 02 2020  
Water Availability Division



Texas Commission on Environ Quality

Mr. Sewell

Enclosed Answers

- #1 - We are not
- #2 - Yes
- #3 - Form Included
- #4 - Pic Included
- #5 - We Are not
- #6 - Form Included
- #7 - Cant Print Form **Sorry** Please send Form
- #8 - Enclosed
- #9 - Enclosed
- #10 - Enclosed
- #11 - Enclosed

Thanks  
Rhonda Kresta

RECEIVED  
2020 JUN -2 A 0:43  
WATER AVAILABILITY DIV.

RECEIVED  
JUN 02 2020  
Water Availability Division

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



RECEIVED  
JUN 02 2020  
Water Availability Division

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 1, 2020

Mr. Rick Kresta  
PO Box 764  
Edna, TX 77957

David Rose 5658  
Fax 781-5658  
Via E-mail

RE: Rick Kresta  
WRPERM 13671  
CN605704014, RN110927845  
Application No. 13671 for a Water Use Permit  
Texas Water Code § 11.121, Requiring Mailed and Published Notice  
Post Oak Branch, Lavaca River Basin  
Jackson County

Mr. Kresta,

This acknowledges receipt, on January 6, 2020, of the referenced application and fees in the amount of \$112.50 (Receipt No. M010235, enclosed).

This area is considered to have limited to no water available for appropriation for either a term or perpetual right. TCEQ would probably be unable to recommend granting the application without an alternate source of water.

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

- ✓ 1. Confirm that the application is not requesting to amend an existing water right. Commission records do not indicate a current water right on Post Oak Branch. *We are not*
- ✓ 2. Confirm that the application is requesting a new appropriation of water, and that the application is requesting staff to consider whether a term permit could be issued. *yes*
- ✓ 3. Provide a completed Worksheet 3.0 *Diversion Point Information* for the requested diversion point on Post Oak Branch. Staff has calculated coordinates of the diversion point to be Latitude 28.965884° N, Longitude 96.625862° W.
- Hydrome* ✓ 4. Provide an aerial photograph, plat, or map outlining the lands to be irrigated pursuant to Title 30 TAC § 295.32(a)(2)
- ✓ 5. Confirm that the application is not requesting to convey water. *\*Staff notes Worksheet 4.1 is provided in the application submittal; however, based on the application, this worksheet is not necessary.* *We are not*
- ✓ 6. Provide information regarding how the application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan (Section 4.a. of the Technical Information Report). For examples, see page 15 of *Instructions for Completing the Water Right Permitting Application* (Form TCEQ-10214A-inst).

P.O. Box 13087 · Austin, Texas 78711-3087 · 512-239-1000 · [www.tceq.state.tx.us](http://www.tceq.state.tx.us)

How is our customer service? [www.tceq.state.tx.us/goto/customersurvey](http://www.tceq.state.tx.us/goto/customersurvey)

printed on recycled paper

RECEIVED

JUN 02 2020

Water Availability Division

7. Provide a completed *System Inventory and Water Conservation Plan for Individually-Operated Irrigation Systems* (Form TCEQ-10238) to comply with Title 30 Texas Administrative Code (TAC) § 288.4.
- \* 8. Provide a recorded copy of the deed(s) for the property where the proposed land to be irrigated is located. The deed should include the legal description of the land (metes and bounds). Please note that the application must be in the name(s) of all landowners as shown on the deeds; otherwise, proper consent of the application must be provided pursuant to Title 30 TAC § 295.32(a)(5).
- \* 9. Provide recorded copies of legal documents establishing ownership of the proposed diversion point, or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion point, pursuant Title 30 TAC §295.10.
- \* 10. Provide a consent agreement from the landowner stating that the landowner recognizes that permit will be owned by the applicant and will not become appurtenant to the land pursuant to Title 30 TAC § 295.32(a)(5).
11. Remit fees in the amount of \$63.44 as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

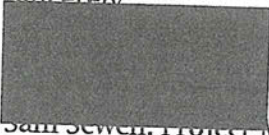
|   |                  |
|---|------------------|
| Filing (<100 acre-feet)                   | \$ 100.00        |
| Recording (\$1.25 x 20 pages)             | \$ 25.00         |
| Use Fee (\$0.50 x 6 acres)                | \$ 3.00          |
| <u>Mailed Notice (Lavaca River Basin)</u> | <u>\$ 47.94</u>  |
| Total Fees                                | \$ 175.94        |
| <u>Fees Received</u>                      | <u>\$ 112.50</u> |
| Fees Due                                  | \$ 63.44         |

Please provide the requested information and fees by June 1, 2020 or the application maybe returned pursuant to Title 30 TAC § 281.18.

Staff notes that additional information may be required prior to completion of technical review.

If you have questions concerning this application, please contact me via email at [Sam.Sewell@tceq.texas.gov](mailto:Sam.Sewell@tceq.texas.gov) or by phone at (512) 239-4008.

Sincerely,



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

512-239-4691

Enclosure

## 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. 28.965884<sup>N</sup> Diversion Point No.
2. \_\_\_\_\_ Upstream Limit of Diversion Reach No.
3. 96.625862<sup>W</sup> Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** \_\_\_\_\_ cfs (cubic feet per second) or open flow gpm (gallons per minute)

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

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

*\*\* 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 |
|-----------|--|-----------------------------|
| ✓         | Directly from stream   | <u>EXISTING</u>             |
|           | From an on-channel reservoir                                     |                             |
|           | From a stream to an on-channel reservoir                         |                             |
|           | Other method (explain fully, use additional sheets if necessary) |                             |

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

Applicant has calculated the drainage area. Y / N

If yes, the drainage area is N/A sq. miles.  
 (If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)

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

- a. On watercourse (USGS name): \_\_\_\_\_
- b. Zip Code: 77957
- c. Location of point: In the Volume 660 Original Survey No. S. Hatch Abstract No. 27, JACKSON County, Texas.

*A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.*

- d. Point is at:  
Latitude 28.965884° N, Longitude 96.625962° W.  
*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): TCEQ Staff calculated coordinates
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

# Untitled Map

HAY FIELD

Legend

Diversion Point  
Ramp



400 ft

Google Earth

© 2020 Google



## WORKSHEET 4.0 DISCHARGE INFORMATION

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

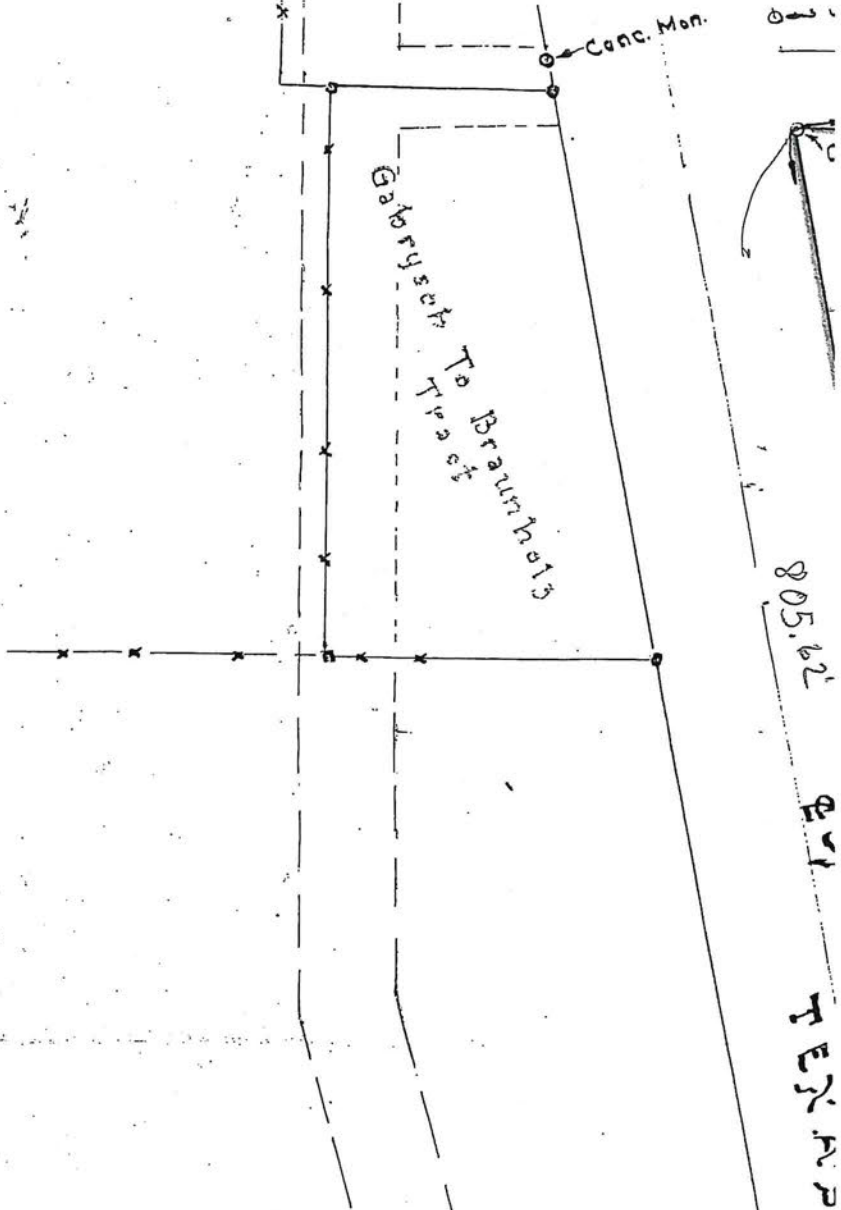
- a. The purpose of use for the water being discharged will be Hay for Cattle.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses \_\_\_\_\_% and explain the method of calculation: N/A

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

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

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

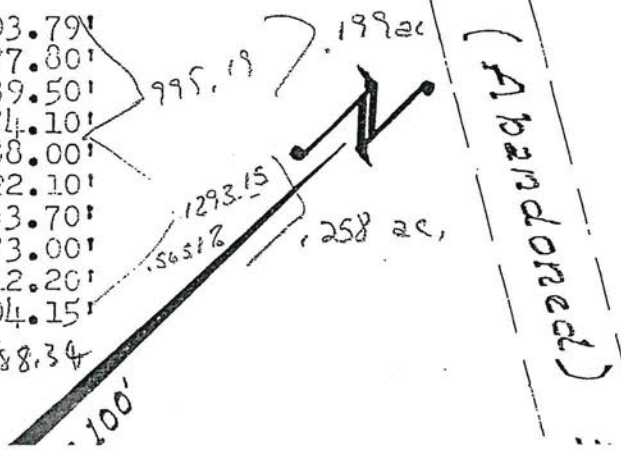
3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
4. The percentage of return flows from groundwater N/A, surface water \_\_\_\_\_?
5. If any percentage is surface water, provide the base water right number(s) \_\_\_\_\_.
- c. Is the source of the water being discharged groundwater? Y /  N      If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped: N/A
2. Any 24 hour pump test for the well if one has been conducted. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers N/A
3. Indicate how the groundwater will be conveyed to the stream or reservoir.
4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.
- ci. Is the source of the water being discharged a surface water supply contract? Y /  N  
If yes, provide the signed contract(s).
- cii. Identify any other source of the water N/A



TABULATION OF IRREGULAR  
 OFFSET LINE RUN, WITH THE MEAN-  
 DEARS THEREOF, ALONG AND NEAR THE  
 THE SOUTHWESTSIDE OF THE CENTER OF  
 OAK BRANCH FROM WHICH LINE THE TRUE  
 POSITION OF CENTER OF OAK BRANCH HAS  
 BEEN DETERMINED AND SHOWN HEREON.

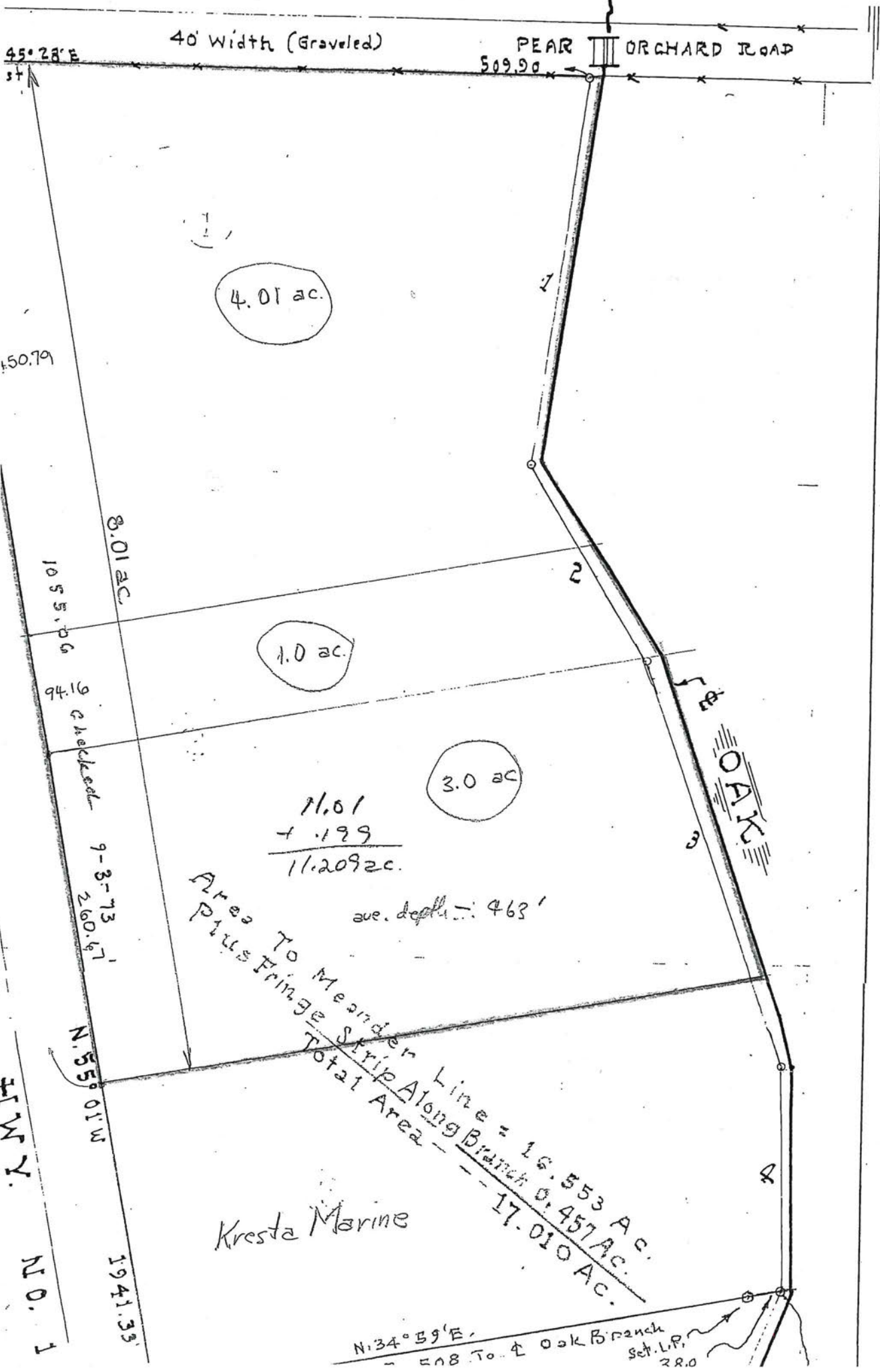
|     |       |    |   |           |
|-----|-------|----|---|-----------|
| 1-  | S.37- | 00 | E | --303.79' |
| 2-  | S75-  | 56 | E | --177.80' |
| 3-  | S.64- | 03 | E | --339.50' |
| 4-  | S.45- | 47 | E | --174.10' |
| 5-  | S.21- | 58 | E | --208.00' |
| 6-  | S.09- | 03 | E | --122.10' |
| 7-  | S.39- | 46 | E | --263.70' |
| 8-  | S.29- | 16 | E | --173.00' |
| 9-  | S.56- | 00 | E | --242.20' |
| 10- | S.23- | 45 | E | --204.15' |

3288.34



Old (Abandoned)





DNA - TEXAS

Scale:

NOTE: The land intended to be specifically covered by this map and of which land a survey upon the ground has been made, lies Northeast of the N. E. line of Highway No. 111, Southeast of the S. E. line Pear Orchard Road and extending to the center of Oak Branch.

Recapitulation of Area covered by Survey:

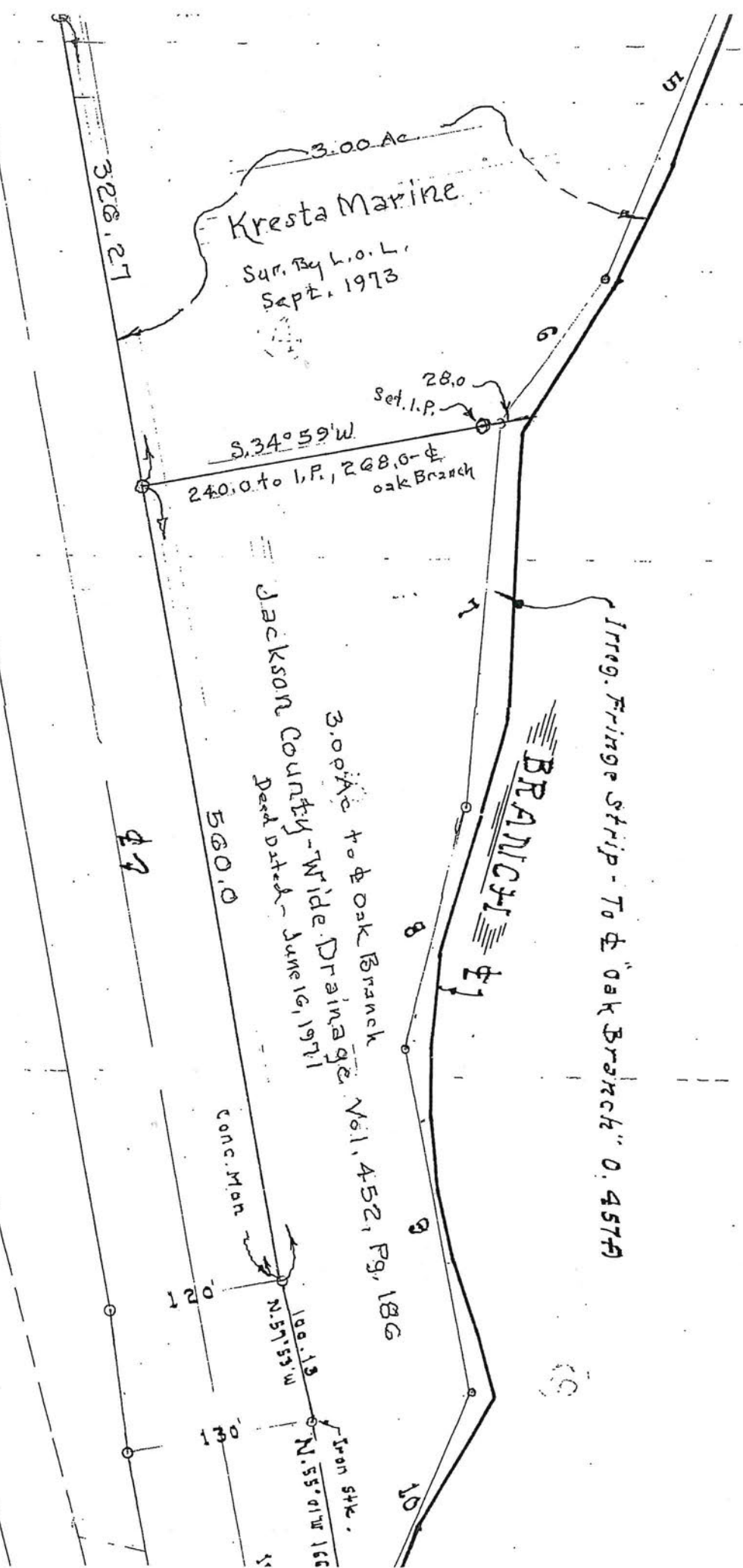
|   |                   |
|---|-------------------|
| Area from Hwy. or road to meander line--                | 16.553 Ac.        |
| Area from meander line to $\frac{1}{2}$ of Oak Branch-- | 0.457 Ac.         |
| <b>TOTAL AREA COVERED BY SURVEY</b>                     | <b>17.010 Ac.</b> |

MAP SHOWING  
A TRACT OF 17.010 ACRES OF  
LAND SITUATED IN THE N. CLAY S  
ABST. NO. 13 AND THE S. HATCH SU  
ABST. NO. 27, BOTH OF JACKSON C  
T E X A S.



I. L. O. La Bauve, Registered  
Surveyor No. 224, State of Texas,

The By calculation line passes thru Point A-B of Meander line



Y, T Y

areby

ROSE INTERESTS  
105 E. Main  
Edna, Texas 77957  
361/782-5274

May 29, 2020

Re: Mr. Rick Kresta  
Application No. 13671

To Whom It May Concern:

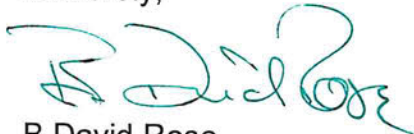
Please find attached a copy of a deed of the subject property purchased by the Estates of my grandparents. This was done by my father, E. T Rose, Jr. in his capacities at shown on the deed.

The property is now owned by myself, B David Rose and my brother, Mark L Rose.

The diversion point is located in Post Oak Branch, as shown on the attached plat.

Mr. Kresta leases this property from us and has our consent to make application for this permit. We also understand that the permit will be owned by Mr. Kresta.

Sincerely,



B David Rose

Enclosures

WARRANTY DEED

THE STATE OF TEXAS    X  
COUNTY OF JACKSON    X

KNOW ALL MEN BY THESE PRESENTS:

That R. R. Serna of the County of Jackson and State of Texas, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars and other valuable consideration to me in hand paid by E. T. Rose, Jr., Individually and as Life Tenant and Independent Executor and Trustee under the Will and of the Estate of E. T. Rose, Deceased and as Independent Executor and Trustee under the Will and of the Estate of Maymie White Rose, Deceased, the receipt of which is hereby acknowledged, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto the said E. T. Rose, Jr., Individually and as Life Tenant and Independent Executor and Trustee under the Will and of the Estate of E. T. Rose, Deceased and as Independent Executor and Trustee under the Will and of the Estate of Maymie White Rose, Deceased, of the County of Jackson and State of Texas, all of the following described real property situated in Jackson County, Texas, to-wit:

TRACT NO. 1:

1.00 acre of land, situated in the S. Hatch Survey, Abstract No. 27, and Nestor Clay Survey, Abstract No. 13, both of Jackson County, Texas. Said 1.00 acre tract being a part of that certain 178.86 acre tract which was conveyed to M. G. and W. C. Simons by A. R. McDowell et ux by Deed dated September 23, 1927 and of record in Vol. 58, Page 263 of the Deed Records of said County and said 1.00 acre tract being also a part of that certain 17.010 acre tract which is shown by map of record in Book No. 4, Page 43 of the Map or Plat Records of said County and the said 1.00 acre tract being by metes and bounds thus described:

BEGINNING at 1/2" iron pipe set on the Northeast boundary line of Texas State Highway No. 111; said 1/2" iron pipe being S 55° 01' E 450.79' from the Northwest corner of original 117.010 acre tract of land. This 1/2" iron pipe is set for the Northwest corner of this 1.00 acres;

THENCE continuing S 55° 01' E measured with the Northeast right of way line of Texas State Highway No. 111 a distance of 94.16' to existing 1/2" iron pipe. Said 1/2" iron pipe is at the Northwest corner of a 3.00 acre tract and at the Southwest corner of this tract;

THENCE N 34° 59' E measured with the Northwest line of a 3.00 acre tract and Southeast line of this tract, at 442.00' pass 1/2" Reference Pipe set on line and continuing a total distance of 480.61' to the center of Post Oak Branch and Southeast corner of this tract and Northeast corner of a 3.00 acre tract of land;

THENCE N 75° 56' W measured with the center line of Post Oak Branch and Northeast line of original 17.010 acre tract of land a distance of 100.80' to the Northeast corner of this 1.00 acres;

THENCE S 34° 59' W, 94.16' Northwest of and parallel to second call, at 38.11' pass 1/2" iron pipe set on line for reference pipe and continuing S 34° 59' W a total distance of 444.61' to the PLACE OF BEGINNING and containing within the above and foregoing metes and bounds 1.00 acre tract of land.

TRACT NO. 2:

4.01 acres of land, more or less, situated in the S. Hatch Survey, Abstract No. 27, and Nestor Clay Survey, Abstract No. 13, both in Jackson County, Texas, said 4.01 acre tract being a part of that certain 178.86 acre tract which was conveyed to M. G. and W. C. Simons by A. R. McDowell, et ux, by Deed dated September 23, 1927 and of record in Volume 58, Page 263 of the Deed Records of Jackson County, Texas, and said 4.01 acre tract being also a part of that certain 17.01 acre tract which is shown by map of record in Book No. 4, Page 43 of the Map or Plat Records of said county, this 4.01 acre tract of land being the Northwest 4.01 acres of said 17.01 acre tract, and being described by metes and bounds as follows, to-wit:

BEGINNING at a post set for the West corner of the above described 17.01 acre tract and also the West corner of this 4.01 acre tract;

450.79 THENCE South 55° 01' East measured with the Northeast right-of-way line of Texas State Highway No. 111 a distance of 45.79 feet to 1/2" iron pipe set for the South corner of this tract and West corner of a 1 acre tract conveyed to R. R. Serna by Deed dated April 21, 1977 and recorded in Volume 551, Pages 239-243 of the Deed Records of Jackson County, Texas;

THENCE North 34°59' East measured with the Northwest line of said 1 acre tract, at 406.5 feet pass 1/2" reference pipe set on line and continuing a total distance of 444.61 feet to the center of Post Oak Branch and East corner of this tract and North corner of said 1 acre tract;

THENCE North 37° West following the center of said Post Oak Branch approximately 77 feet to interior angle point;

THENCE North 75° 56' West along the center line of said Post Oak Branch 303.79 feet to point in the Southeast boundary of a County Road known as Pear Orchard Road for the North corner of this tract;

THENCE South 45° 28' West 517.9 feet along the Southeast boundary of said Pear Orchard Road to PLACE OF BEGINNING, containing 4.01 acres of land, more or less.

TRACT NO. 3:

BEING 3.00 acres of land, situated in the S. Hatch Survey, Abstract No. 27 in Jackson County, Texas. Said 3.00 acre tract being a part of that certain 178.86 acre tract which was conveyed to M. G. and W. C. Simons by A. R. McDowell et ux by deed dated September 23, 1927 and of record in Volume 58, Page 263 of the Deed Records of said County and said 3.00 acre tract being also a part of that certain 17.010 acre tract which is shown by map of record in Book 4, Page No. 43 of the map or plat records of said County and the said 3.00 acre tract being by metes and bounds thus described;

BEGINNING at 1/2" iron pipe set in the Northeast right of way line of Texas State Highway No. 111 and Southwest line of original 17.010 acre tract of land as shown by plat of record in Volume 4, Page 43 of the Plat Records of Jackson County, Texas. This 1/2" iron pipe is S 55° 01' E 805.62' from post at the Northwest corner of said 17.010 acre tract of land. This 1/2" iron pipe is set for the Southwest corner of this 3.00 acre tract of land;

THENCE N 55° 01' W measured with the Northeast right of way line of Texas State Highway No. 111 a distance of 260.67' to 1/2" iron pipe set for the Northwest corner of this 3.00 acres. Said 1/2" iron pipe is S 55° 01' E 544.95' from corner post at the Northwest corner of aforesaid 17.010 acre tract of land;

THENCE N 34° 59' E, at right angle to first call, at 442.00' pass 1/2" iron pipe set on line for reference pipe and continuing a total distance of 480.61' to center line of Oak Branch and Northeast corner of this tract;

THENCE Southeasterly following the center of Oak Branch to the Southeast corner of this 3.00 acres and Northeast corner of a 1.00 acre tract of land;

THENCE S 34° 59' W, 260.67' Southeast of and parallel to Second call, at 32.05' pass 1/2" iron pipe set on line for reference pipe and continuing S 34° 59' W measured with the Northwest line of a 1.00 acre tract of land a total distance of 522.05' to the PLACE OF BEGINNING and containing within the above and foregoing metes and bounds 3.00 acres of land.

The conveyance of the above described land is made subject to the reservation of all minerals in the following deeds from Lillian Simons, et al:

1. Deed from Lillian Simons et al to Oscar A. Serna dated March 7, 1977 and recorded in Volume 549, Page 424-428 of the Deed Records of Jackson County, Texas, conveying Tract No. 3:
2. Deed from Lillian Simons et al to R. R. Serna

- dated April 21, 1977 and recorded in Volume 551, Pages 239-243 of the Deed Records of Jackson County, Texas, conveying Tract No. 1;
3. Deed from Lillian Simons et al to R. R. Serna dated June 16, 1977 and recorded in Volume 557, Pages 202-206 of the Deed Records of Jackson County, Texas, conveying Tract No. 2.

This conveyance is also made subject to the drainage easement in favor of Jackson County County-Wide Drainage District which easement extends along the East side of the above described property.

SUBJECT to the foregoing reservation and exception, TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, his heirs and assigns forever; and I do hereby bind myself, my heirs, executors and administrators to WARRANTY AND FOREVER DEFEND, all and singular the said premises unto the said Grantee, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

DATED this 9 day of June, 1980

R. R. Serna  
R. R. SERNA

THE STATE OF TEXAS X

COUNTY OF JACKSON X

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared R. R. Serna, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 9 day of June, 1980.



W. T. McNEIL  
NOTARY PUBLIC  
JACKSON COUNTY, TEXAS

W. T. McNeil  
Notary Public in and for  
Jackson County, Texas.



#114,412

R. R. SERNA

TO

E. T. ROSE, JR. ET AL

---

WARRANTY DEED

---

6/9/80

Fee: \$9.00

FILED FOR RECORD THIS THE 9th  
day of June A. D., 1980 at  
3:15 P. M.

MARTHA KNAPP, COUNTY CLERK  
JACKSON COUNTY, TEXAS

By *Debbie Goodman*  
Debbie Goodman, Deputy

Return: Rose Office  
112 North Wells  
Edna, Texas 77957

VANCE & MCNEIL  
Box 340  
Edna, Texas 77957

VOL 590 PAGE 865

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 1, 2020

Mr. Rick Kresta  
PO Box 764  
Edna, TX 77957

**Via E-mail**

RE: Rick Kresta  
WRPERM 13671  
CN605704014, RN110927845  
Application No. 13671 for a Water Use Permit  
Texas Water Code § 11.121, Requiring Mailed and Published Notice  
Post Oak Branch, Lavaca River Basin  
Jackson County

Mr. Kresta,

This acknowledges receipt, on January 6, 2020, of the referenced application and fees in the amount of \$112.50 (Receipt No. M010235, enclosed).

This area is considered to have limited to no water available for appropriation for either a term or perpetual right. TCEQ would probably be unable to recommend granting the application without an alternate source of water.

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

1. Confirm that the application is not requesting to amend an existing water right. Commission records do not indicate a current water right on Post Oak Branch.
2. Confirm that the application is requesting a new appropriation of water, and that the application is requesting staff to consider whether a term permit could be issued.
3. Provide a completed Worksheet 3.0 *Diversion Point Information* for the requested diversion point on Post Oak Branch. Staff has calculated coordinates of the diversion point to be Latitude 28.965884° N, Longitude 96.625862° W.
4. Provide an aerial photograph, plat, or map outlining the lands to be irrigated pursuant to Title 30 TAC § 295.32(a)(2)
5. Confirm that the application is not requesting to convey water. Staff notes Worksheet 4.1 is provided in the application submittal; however, based on the application, this worksheet is not necessary.
6. Provide information regarding how the application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan (Section 4.a. of the Technical Information Report). For examples, see page 15 of *Instructions for Completing the Water Right Permitting Application* (Form TCEQ-10214A-inst).

P.O. Box 13087 · Austin, Texas 78711-3087 · 512-239-1000 · [www.tceq.state.tx.us](http://www.tceq.state.tx.us)

---

How is our customer service? [www.tceq.state.tx.us/goto/customersurvey](http://www.tceq.state.tx.us/goto/customersurvey)

printed on recycled paper

Mr. Rick Kresta  
Application No. 13671  
May 1, 2020  
Page 2 of 2

7. Provide a completed *System Inventory and Water Conservation Plan for Individually-Operated Irrigation Systems* (Form TCEQ-10238) to comply with Title 30 Texas Administrative Code (TAC) § 288.4.
8. Provide a recorded copy of the deed(s) for the property where the proposed land to be irrigated is located. The deed should include the legal description of the land (metes and bounds). Please note that the application must be in the name(s) of all landowners as shown on the deeds; otherwise, proper consent of the application must be provided pursuant to Title 30 TAC § 295.32(a)(5).
9. Provide recorded copies of legal documents establishing ownership of the proposed diversion point, or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion point, pursuant Title 30 TAC §295.10.
10. Provide a consent agreement from the landowner stating that the landowner recognizes that permit will be owned by the applicant and will not become appurtenant to the land pursuant to Title 30 TAC § 295.32(a)(5).
11. Remit fees in the amount of **\$63.44** as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

|   |           |               |
|---|-----------|---------------|
| Filing (<100 acre-feet)                   | \$        | 100.00        |
| Recording (\$1.25 x 20 pages)             | \$        | 25.00         |
| Use Fee (\$0.50 x 6 acres)                | \$        | 3.00          |
| <u>Mailed Notice (Lavaca River Basin)</u> | <u>\$</u> | <u>47.94</u>  |
| Total Fees                                | \$        | 175.94        |
| <u>Fees Received</u>                      | <u>\$</u> | <u>112.50</u> |
| <b>Fees Due</b>                           | <b>\$</b> | <b>63.44</b>  |

Please provide the requested information and fees by June 1, 2020 or the application maybe returned pursuant to Title 30 TAC § 281.18.

Staff notes that additional information may be required prior to completion of technical review.

If you have questions concerning this application, please contact me via email at Sam.Sewell@tceq.texas.gov or by phone at (512) 239-4008.

Sincerely,

*Sam Sewell*

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

Enclosure



# Basis2 Receipt Report by Endorsement Number

OCT-02-20 11:18 AM

Acct. #: WUP

Account Name: WATER USE PERMITS

| <u>Paid For</u> | <u>Endors. #</u> | <u>Ref #2</u> | <u>Paid In By</u> | <u>PayTyp</u> | <u>Chk #</u> | <u>Card#</u> | <u>Bank Slip</u> | <u>Tran.Date</u> | <u>Receipt Amnt.</u> |
|-----------------|------------------|---------------|-------------------|---------------|--------------|--------------|------------------|------------------|----------------------|
| AMEND           | M010235          | 1985          | KRESTA, RICK      | CK            | TEMP         |              | BS00077867       | 07-JAN-20        | \$112.50             |


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

|                                    |   |
|------------------------------------|---|
| Call to: TCEQ Staff<br>Bert Galvan | Call from:<br>Mr. Rick Kresta (361) 782-8083  |
| Date:<br>1/7/2020                  | Applicant: Rick Kresta Application for a new water right permit in the Lavaca River Basin |

*Information for File follows:*

Mr. Rick Kresta has a temporary permit No. 1985 with the South Texas Watermaster program and is applying for New water right permit under 11.121 to divert and use 18 acre-feet of water per year from Post Oak Branch in the Lavaca River Basin for agricultural purposes to irrigate leased land in Jackson County.

Signed



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TEMPORARY WATER USE PERMIT

PERMIT NO. 1985

TYPE § 11.138

|              |                   |            |                                |
|--------------|-------------------|------------|--------------------------------|
| Permittee:   | Rick Kresta       | Address:   | P.O. Box 764<br>Edna, TX 77957 |
| Received:    | September 3, 2019 | Issued:    | September 19, 2019             |
| Purpose:     | Irrigation        | County:    | Jackson                        |
| Watercourse: | Post Oak Branch   | Watershed: | Lavaca River Basin             |

WHEREAS, after considering the recommendation of the staff relative to the above identified application, the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. The application is in proper form and accompanied by all necessary fees.
2. Rick Kresta, Applicant, seeks a temporary permit to divert and use not to exceed 9 acre-feet of water within a one-year period from a point on the Post Oak Branch, Lavaca River Basin for irrigation purposes in Jackson County, Texas.
3. Applicant seeks to divert at a maximum diversion rate of 0.9421 cfs (423 gpm).
4. Sufficient water is available to satisfy the request to divert and use not to exceed 9 acre-feet of water within a one-year period from a point on Post Oak Branch.

CONCLUSIONS OF LAW

1. Jurisdiction is vested to consider this application under Section § 11.138 of the Texas Water Code and Sections § 295.174 and § 297.13 of Title 30 Texas Administrative Code.
2. Applicant has complied with the particular requirements of the Texas Commission on Environmental Quality.

NOW, THEREFORE, this Temporary Water Use Permit 1985 is issued to Rick Kresta, subject to the following terms and conditions:

1. USE

Permittee is authorized to divert and use not to exceed 9 acre-feet of water within a one-year period for irrigation purposes in Jackson County, Texas.

2. DIVERSIONS

- A. Permittee is authorized to divert from a point on Post Oak Branch, near the stream crossing of CR 409, located 5 miles west from El Toro, 1 mile south of Edna, Texas, also being 28.965633° N Latitude, 97.626083° W Longitude in Jackson County, Texas.
- B. Permittee is authorized to divert at a maximum diversion rate of 0.9421 cfs (423 gpm).

3. SPECIAL CONDITIONS

- A. This temporary water use permit shall expire and become null and void one year from the date of issuance with no further Commission action. Permittee also waives the right to notice and hearing on cancellation of this water right.
- B. Upon diversion and use of the water authorized herein, this permit shall expire and be of no further force and effect.
- C. Permittee shall contact the South Texas Watermaster prior to diversion of water authorized by this permit.
- D. Permittee shall install a measuring device or utilize a method which accounts for, within five percent (5%) accuracy, the quantity of water diverted from the watercourse. Permittee shall allow representatives of the TCEQ South Texas Watermaster reasonable access to the property to inspect the measuring device.
- E. This temporary water use permit is junior in priority to all existing water rights in the Lavaca River Basin.
- F. No diversion shall be made when such water is required to satisfy domestic and livestock demands, downstream, or when necessary to satisfy senior and superior water rights.

This temporary permit does not vest in its holder a permanent right and shall in no event be construed as a commitment of the Commission to approve or disapprove any other application or request by the permittee.

Permittee agrees to be bound by the terms, conditions, and provisions contained herein, and such agreement is a condition precedent to the granting of this temporary permit.

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

This temporary permit is issued subject to the Rules of the Texas Commission on Environmental Quality and to its right of continuing supervision.



A handwritten signature in black ink, appearing to read "I. Spaeth", is written over a horizontal dashed line.

Iliana Spaeth  
South Texas Watermaster



WM TMP\_South Texas\_APL\_20190919\_Final Action\_1985  
**Texas Commission on Environmental Quality**  
**Investigation Report**

The TCEQ is committed to accessibility. If you need assistance in accessing this document, please contact oce@tceq.texas.gov

**Customer: KRESTA, RICK**  
**Customer Number: CN605704014**

---

**Regulated Entity Name: WRTP STX 1985**  
**Regulated Entity Number: RN110859816**

**Investigation #** 1597921

**Incident Numbers**

**Investigator:** CHASE CARPENTER

**Site Classification**

**Conducted:** 09/03/2019 -- 09/19/2019

**No Industry Code Assigned**

**Program(s):** WATER RIGHTS

**Investigation Type:** Site Assessment File Review

**Location:** Point on Post Oak Branch near the stream crossing of CR 409, 5 miles west of El Toro, TX and 1 mile south of Edna, TX

**Additional ID(s):**

**Address:** ,

**Local Unit:** REGION 13 - SAN ANTONIO

**Activity Type(s):** WMTEMPAPP - WMTEMPAPP -  
Watermaster Temporary Permit  
Application Approved

**Principal(s):**

| Role       | Name        |
|------------|-------------|
| RESPONDENT | RICK KRESTA |

**Contact(s):**

| Role                     | Title | Name              | Phone               |
|--------------------------|-------|-------------------|---------------------|
| REGULATED ENTITY CONTACT |       | MR RICHARD KRESTA | Cell (361) 782-8083 |
| REGULATED ENTITY CONTACT |       | MR RICHARD KRESTA | Cell (361) 782-8083 |

**Other Staff Member(s):**

| Role        | Name           |
|-------------|----------------|
| QA Reviewer | ALISHA MULTER  |
| Supervisor  | ILLIANA SPAETH |

**Associated Check List**

**Checklist Name**  
NON-RIO GRANDE WATERMASTER  
TEMPORARY PERMIT CHECKLIST

**Unit Name**  
TP 1985

**Investigation Comments:**

INTRODUCTION

On September 3, 2019 the Texas Commission on Environmental Quality South Texas Watermaster office received an application for a temporary water use permit from Rick Kresta. A review of the temporary application was completed on September 19, 2019.

GENERAL FACILITY AND PROCESS INFORMATION

Rick Kresta seeks a temporary water use permit to divert a maximum of 9 acre feet of water from a point on the Post Oak Branch, in the Guadalupe River Basin at a maximum diversion rate of 423 gpm, within a one-year period, for irrigation purposes in Jackson County.

BACKGROUND

There were no previous outstanding violations for this entity noted prior to this investigation. The mailing address is PO Box 764, Edna, Texas 77957.

ADDITIONAL INFORMATION

Rick Kresta submitted a completed, signed, and notarized temporary permit application; site maps; and check number 1001 in the amount of \$110.25. The application was approved and Temporary Permit No. 1985 was issued.

No Violations Associated to this Investigation

Signed [Signature]  
Environmental Investigator

Date 9/27/2019

Signed [Signature]  
Supervisor

Date 10/4/2019

Attachments: (in order of final report submittal)

- Enforcement Action Request (EAR)
- Letter to Facility (specify type) : \_\_\_\_\_
- Investigation Report
- Sample Analysis Results
- Manifests
- Notice of Registration
- Maps, Plans, Sketches
- Photographs
- Correspondence from the facility
- Other (specify) : \_\_\_\_\_

Jon Niermann, *Commissioner*  
Emily Lindley, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 19, 2019

CERTIFIED MAIL 91 7199 9991 7039 2356 2463

Rick Kresta  
P.O. Box 764  
Edna, TX 77957

RE: Rick Kresta  
WRTP 1985  
Texas Water Code § 11.138, Not Requiring Notice  
Lavaca River Basin  
Jackson County

Dear Mr. Kresta:

Your recent application to the Texas Commission on Environmental Quality (TCEQ) for a Temporary Water Use Permit, to divert water from Post Oak Branch, Lavaca River Basin, Jackson County, Texas was received by the South Texas Watermaster's office along with the application fees, found to be administratively complete, and is hereby approved.

Temporary Water Use Permit No. 1985 is issued beginning September 19, 2019 for 9 acre-feet for irrigation purposes. A copy of this approval letter must be available upon request at the diversion site.

Before any water is diverted, you must:

- Install a meter with a non-resettable totalizer,
- Arrange for Watermaster staff to inspect and approve the meter,
- Provide the Watermaster's office with the name(s) and phone number(s) of person(s) responsible for diversion requests for this Temporary Water Use Permit, and
- Call in your declaration of intent to divert water to the Watermaster's office at 1-800-733-2733. **Failure to notify the Watermaster's office of your diversion is a violation of the Temporary Water Use Permit requirements and may result in termination of these Temporary Water Use Permits.**

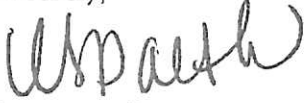
The granting of this Temporary Water Use Permit is subject to all rules and regulations of the TCEQ. The Watermaster may, at her discretion, suspend or terminate this Temporary Water Use Permit because of various climatic conditions or challenges from current water right holders.

**It is recommended that an alternate source of water is secured in the event of diversion suspension.**

Rick Kresta  
Temporary Water Use Permit No. 1985  
Page 2  
September 19, 2019

If you have any questions, please call 1-800-733-2733.

Sincerely,

A handwritten signature in cursive script, appearing to read "Iliana Spaeth".

Iliana Spaeth  
South Texas and Concho Watermaster  
Watermasters Section  
Texas Commission on Environmental Quality

IS/jn

Enclosure

JAN 16 2020

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): Rick Kresta

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
N Additional Co-Applicant Information
N Additional Co-Applicant Signature Pages
N Written Evidence of Signature Authority
Y Technical Information Report
N USGS Map (or equivalent)
Y Map Showing Project Details
N Original Photographs
N Water Availability Analysis
Y Worksheet 1.0
Y Recorded Deeds for Irrigated Land
Y Consent For Irrigation Land
Y Worksheet 1.1
Y Addendum to Worksheet 1.1
Y Worksheet 1.2
N Addendum to Worksheet 1.2
Y 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 Inundation Land

Y/N

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

For Commission Use Only:

Proposed/Current Water Right Number:

Basin: Watermaster area Y/N:

# ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

New Appropriation of State Water

Amendment to a Water Right \*

Bed and Banks

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

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

increase the amount of water being pumped  
AND to change the permit from temporary  
to long term

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

**a. Applicant**

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

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

*(If the Applicant is an entity, the legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal documents forming the entity.)*

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?  
You may search for your CN on the TCEQ website at

<http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN : \_\_\_\_\_ ( leave blank if you do not yet have a CN).

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

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

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

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

Name: Rick Kresta

Mailing Address: Box 764

City: Edna

State: TEXAS

ZIP Code: 77957

Indicate an X next to the type of Applicant:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Sole Proprietorship-D.B.A. |
| <input type="checkbox"/> Partnership           | <input type="checkbox"/> Corporation                |
| <input type="checkbox"/> Trust                 | <input type="checkbox"/> Estate                     |
| <input type="checkbox"/> Federal Government    | <input type="checkbox"/> State Government           |
| <input type="checkbox"/> County Government     | <input type="checkbox"/> City Government            |
| <input type="checkbox"/> Other Government      | <input type="checkbox"/> Other _____                |

For Corporations or Limited Partnerships, provide:

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

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

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

First and Last Name: Rick Kresta  
Title: Owner  
Organization Name: -  
Mailing Address: Box 764  
City: Edna State: Texas ZIP Code: 77957  
Phone No.: 361-782-8083 Cell Extension:  
Fax No.: 361-782-5608 E-mail Address: [REDACTED]



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

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

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

First and Last Name:

Title:

Organization Name:

Mailing Address:

City:

State:

ZIP Code:

Phone No.:

Extension:

Fax No.:

E-mail Address:

N/A

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

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

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

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**

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

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

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

N/A

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

Applicant:

I, Rick Krusta OWNER  
(Typed or printed name) (Title)

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

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

Signature: Rick Krusta Date: 12-5-19  
(Use blue ink)

Subscribed and Sworn to before me by the said

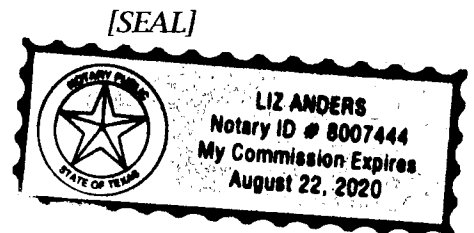
on this 5th day of December, 2019.

My commission expires on the 22 day of August, 2020.

Notary Public

Liz Anders

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

RECEIVED

JAN 6 2020

Water Availability Division

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

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

**I. 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
- 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 (If yes, indicate the Certificate or Permit number: 1985)

*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

- c. Applicant requests to extend an existing Term authorization or to make the right permanent?  Y / N (If yes, indicate the Term Certificate or Permit number: 1985)

*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. Mailed in CK# 1294**
- ✓ • **Maps - See instructions Page. 15.**
- ✓ • **Photographs - See instructions Page. 30.**

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

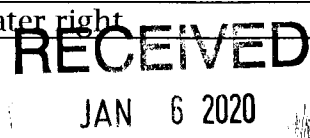
**Additional Documents and Worksheets may be required (see within).**

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

This section should be completed if Applicant owns an existing water right and Applicant requests to amend the water right. *If Applicant is not currently the Owner of Record in the TCEQ Records, Applicant must submit a Change of Ownership Application (TCEQ-10204) prior to submitting the amendment Application or provide consent from the current owner to make the requested amendment. See instructions page. 6.*

Water Right (Certificate or Permit) number you are requesting to amend: 1985

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? Y /  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 Water Availability Division

*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

*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

*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

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

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

*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) 239-4691 to discuss.*

**Additionally, all amendments require:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Worksheets and information:*

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

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

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

for irrigation purposes - (Hay meadow for  
Cattle)

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

**RECEIVED**

JAN 6 2020

Water Availability Division

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

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

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

| Quantity<br>(acre-feet)<br><i>(Include losses for Bed and Banks)</i> | State Water Source (River Basin)<br>or<br>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<br><i>*requests to move state water out of basin also require completion of Worksheet 1.1 Interbasin Transfer</i> |
|--|--|------------------------------------|---|
| 18 acre ft   | Post oak Branch<br>Lavaca River Basin  | Irrigate Hay field feed for cattle |   |
|  |  |                                    |   |
|  |  |                                    |   |

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

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

1. Location Information Regarding the Lands to be Irrigated

i) Applicant proposes to irrigate a total of 6 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 8.01 acres in Garrison County, TX.

ii) Location of land to be irrigated: In the Volume 660, pg 533 Original Survey No. S. Hark, Abstract No. 27.

***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** |
|----------------------|----------------------------|-----------------------------|--------------------------|----------------------------|
| 18                   | irrigation                 | irrigation                  | irrigation               | irrigation                 |
|                      |                            |                             |                          |                            |
|                      |                            |                             |                          |                            |

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:

i) Applicant proposes to irrigate a total of 6 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 8.01 acres in Jackson County, TX.

ii) Location of land to be irrigated: In the Volume 660, pg 531 Original Survey No. S. H. H. H., Abstract No. 27.

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

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

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

# WORKSHEET 1.1

## INTERBASIN TRANSFERS, TWC § 11.085

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

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

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

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

### 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.

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

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

- a. On Watercourse (if on-channel) (USGS name): NA
- b. Zip Code: \_\_\_\_\_
- c. In the NA 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 NA °N, Longitude \_\_\_\_\_ °W.  
**\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places**
- di. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): NA
- dii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N

NA

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

- a. On watercourse (USGS name): \_\_\_\_\_
- b. Zip Code: 77957
- c. Location of point: In the Volume 660 Pg 533 Original Survey No. S. Hatch, Abstract No. 27, Jackson County, Texas.

***A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.***

- d. Point is at:  
Latitude 28° 57.938' °N, Longitude 96° 37.565' °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): GPS
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 4.0 DISCHARGE INFORMATION

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

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

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

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

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

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
  4. The percentage of return flows from groundwater NA, surface water \_\_\_\_\_?
  5. If any percentage is surface water, provide the base water right number(s) \_\_\_\_\_.
- c. Is the source of the water being discharged groundwater? Y /  N      If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped: NA
  2. Any 24 hour pump test for the well if one has been conducted. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers NA.
  3. Indicate how the groundwater will be conveyed to the stream or reservoir.
  4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.
- ci. Is the source of the water being discharged a surface water supply contract? Y /  N  
If yes, provide the signed contract(s).
- cii. Identify any other source of the water NA

# WORKSHEET 4.1

## DISCHARGE POINT INFORMATION

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

### For water discharged at this location provide:

- a. The amount of water that will be discharged at this point is 18 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 423 gpm.
- c. Name of Watercourse as shown on Official USGS maps: Post Oak Branch  
East Ditch
- d. Zip Code: 77957
- f. Location of point: In the \_\_\_\_\_ Original Survey No. S. Hatch, Abstract No. 27, \_\_\_\_\_ Jackson County, Texas.
- g. Point is at:  
Latitude 28.965633 °N, Longitude 97.626083 °W.  
*\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*
- h. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): GPS

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

# WORKSHEET 5.0

## ENVIRONMENTAL INFORMATION

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

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

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

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

NA

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

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

NA

c. Waterbody aesthetics

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



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

d. Waterbody Recreational Uses

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

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

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

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

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

For all bed and banks applications:

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

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

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

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

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

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

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

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

# WORKSHEET 6.0

## Water Conservation/Drought Contingency Plans

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

*The TCEQ has developed guidance and model plans to help applicants prepare plans. Applicants may use the model plan with pertinent information filled in. For assistance submitting a plan call the Resource Protection Team (Water Conservation staff) at 512-239-4691, or e-mail [wras@tceq.texas.gov](mailto:wras@tceq.texas.gov). The model plans can also be downloaded from the TCEQ webpage. Please use the most up-to-date plan documents available on the webpage.*

### 1. Water Conservation Plans

- a. The following applications must include a completed Water Conservation Plan (30 TAC § 295.9) for each use specified in 30 TAC, Chapter 288 (municipal, industrial or mining, agriculture - including irrigation, wholesale):
1. Request for a new appropriation or use of State Water.
  - ② Request to amend water right to increase appropriation of State Water.
  - ③ Request to amend water right to extend a term.
  4. Request to amend water right to change a place of use.  
*\*does not apply to a request to expand irrigation acreage to adjacent tracts.*
  5. Request to amend water right to change the purpose of use.  
*\*applicant need only address new uses.*
  6. Request for bed and banks under TWC § 11.042(c), when the source water is State Water  
*\*including return flows, contract water, or other State Water.*
- b. If Applicant is requesting any authorization in section (1)(a) above, indicate each use for which Applicant is submitting a Water Conservation Plan as an attachment:
1. \_\_\_\_ Municipal Use. See 30 TAC § 288.2. \*\*
  2. \_\_\_\_ Industrial or Mining Use. See 30 TAC § 288.3.
  3.  Agricultural Use, including irrigation. See 30 TAC § 288.4.
  4. \_\_\_\_ Wholesale Water Suppliers. See 30 TAC § 288.5. \*\*

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

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

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

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

## **2. Drought Contingency Plans**

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

# WORKSHEET 7.0

## ACCOUNTING PLAN INFORMATION WORKSHEET

The following information provides guidance on when an Accounting Plan may be required for certain applications and if so, what information should be provided. An accounting plan can either be very simple such as keeping records of gage flows, discharges, and diversions; or, more complex depending on the requests in the application. Contact the Surface Water Availability Team at 512-239-4691 for information about accounting plan requirements, if any, for your application. **Instructions, Page 34.**

### 1. Is Accounting Plan Required

Accounting Plans are generally required:

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

### 2. Accounting Plan Requirements

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

# WORKSHEET 8.0 CALCULATION OF FEES

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

## 1. NEW APPROPRIATION

|                                 | Description  | Amount (\$) |
|---------------------------------|--|-------------|
| <b>Filing Fee</b>               | Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under <b>Amount (\$)</b> .<br><u>In Acre-Feet</u><br>a. Less than 100 \$100.00<br>b. 100 - 5,000 \$250.00<br>c. 5,001 - 10,000 \$500.00<br>d. 10,001 - 250,000 \$1,000.00<br>e. More than 250,000 \$2,000.00 |             |
| <b>Recording Fee</b>            |  | \$25.00     |
| <b>Agriculture Use Fee</b>      | <i>Only for those with an Irrigation Use.</i><br>Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **  |             |
| <b>Use Fee</b>                  | <i>Required for all Use Types, excluding Irrigation Use.</i><br>Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **   |             |
| <b>Recreational Storage Fee</b> | <i>Only for those with Recreational Storage.</i><br>Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.   |             |
| <b>Storage Fee</b>              | <i>Only for those with Storage, excluding Recreational Storage.</i><br>Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.   |             |
| <b>Mailed Notice</b>            | Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4691.  |             |
| <b>TOTAL</b>                    |  | \$          |

## 2. AMENDMENT OR SEVER AND COMBINE

*pd M# 1294 mailed to TCEQ*

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

## 3. BED AND BANKS

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