TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Sarah Henderson, Project Manager
Water Rights Permitting Team

DATE: December 14, 2021

SUBJECT: BASF Corporation
ADJ 4345
CN600124895, RN106845522
Application No. 12-4345B to Amend Certificate of Adjudication No. 12-4345
Texas Water Code §§ 11.122, 11.085 & 11.042, Requiring Limited Mailed Notice
Manos Creek, Oyster Creek, Buffalo Camp Bayou, and the Brazos River, Brazos River Basin and San Jacinto-Brazos Coastal Basin
McLennan and Brazoria counties

The application and partial fees were received on October 11, 2021. Additional fees were received on December 6, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on December 14, 2021. Mailed notice to the interjacent and downstream water right holders in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin is required pursuant to Title 30 Texas Administrative Code §§ 295.158(c)(3)(D) and 295.161(a)&(c).

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

Sarah E Henderson
_____
Sarah Henderson, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required X YES □NO

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 14, 2021

Ms. Yasuko Dodd **VIA E-MAIL**
BASF Corporation
602 Copper Road
Freeport, Texas 77541

RE: BASF Corporation
ADJ 4345
CN600124895, RN106845522
Application No. 12-4345B to Amend Certificate of Adjudication No. 12-4345
Texas Water Code §§ 11.122, 11.085 & 11.042, Requiring Limited Mailed Notice
Manos Creek, Oyster Creek, Buffalo Camp Bayou and the Brazos River, Brazos River Basin and San Jacinto- Brazos Coastal Basin
McLennan and Brazoria counties

Dear Ms. Dodd:

This acknowledges receipt, on December 6, 2021, of additional fees in the amount of $72.38 (Receipt No. M206253, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on December 14, 2021. Staff will continue processing the application for consideration by the Executive Director.

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

If you have any questions concerning this matter please contact me via email at sarah.henderson@tceq.texas.gov or by telephone at (512) 239-2535.

Sincerely,

Sarah E Henderson

Sarah Henderson, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment

TCEQ 07-DEC-21 02:57 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

Fee Description	Fee Code / Account# / Account Name	Ref#1 / Ref#2 / Paid In By	Check Number / Card Auth. / User Data	CC Type / Tran Code / Rec Code	Slip Key / Document#	Tran Date	Tran Amount
WTR USE PERMITS	WUP	M206253	2176		BS00090873	07-DEC-21	-$72.38
	WUP	ADJ4345	120721	N	D2801068		
	WATER USE PERMITS	AQUA STRATEGIES INC	JARIVERA	CK			

S. Henderson

Total (Fee Code): -$72.38

Grand Total: -$2,459.63

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 24, 2021

VIA E-MAIL

Ms. Yasuko Dodd
BASF Corporation
602 Copper Road
Freeport, Texas 77541

RE: BASF Corporation
ADJ 4345
CN600124895, RN106845522
Application No. 12-4345B to Amend Certificate of Adjudication No. 12-4345
Texas Water Code §§ 11.122, 11.085 & 11.042, Requiring Limited Mailed Notice
Manos Creek, Oyster Creek, Buffalo Camp Bayou, and the Brazos River, Brazos River Basin
McLennan and Brazoria counties

Dear Ms. Dodd:

This acknowledges receipt, on October 11, 2021, of the referenced application and fees in the amount of $112.50 (Receipt No. M201241, copy attached).

Before the application can be declared administratively complete, additional fees are required. Remit fees in the amount of **$72.38** as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (Amendment)	$ 100.00
Recording Fee	$ 12.50
Notice Fee ($0.94 x 77 WR holders)	$ 72.38
Total Fees	$ 184.88
Fees Received	$ 112.50
Fees Due	**$ 72.38**

Please provide the requested fees by December 27, 2021, or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

Be aware that the amendment request to add uses to Certificate of Adjudication No. 12-4345 may result in annual Water Use Assessment Fees (WUF). For more detailed information on these fees, see the attached *Water Use Assessment Fee: The Annual Fee Associated with Water Rights Permits* fact sheet or contact the Water Quality Monitoring & Assessment Section at (512) 239-3838.

If you have any questions concerning this matter, please contact me via email at sarah.henderson@tceq.texas.gov or by telephone at (512) 239-2535.

Sincerely,

Sarah E Henderson

Sarah Henderson, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachments

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

TCEQ 12-OCT-21 07:37 AM

Fee Description	Fee Code / Account# / Account Name	Ref#1 / Ref#2 / Paid In By	Check Number / Card Auth. / User Data	CC Type / Tran Code / Rec Code	Slip Key / Document#	Tran Date	Tran Amount
WTR USE PERMITS	WUP	M201241	2172		BS00089313	12-OCT-21	-$112.50
	WUP	ADJ124345A	101121	N	D2800265		
	WATER USE PERMITS	AQUA STRATEGIES INC	JARIVERA	CK			
				Total (Fee Code):			-$112.50
				Grand Total:			-$2,938.20

Water Use Assessment Fee (WUF)
Frequently Asked Questions

What Is This Fee?

The Water Use Assessment Fee is a fee that is assessed annually on applicable water rights permits. Texas Water Code, §26.0135 & 26.0291 authorizes the TCEQ to establish fees to recover the reasonable costs of water quality assessment programs from wastewater and water right permit holders. TCEQ rules, Title 30 Texas Administrative Code (TAC), §21.1-21.4, set out the methodology for assessing water use fees, described below.

Why are you billed?

If you hold a water right and do not fall under an exemption, then you are subject to the Water Use Assessment Fee. Unless the water right is amended to fall under an exemption, you will be billed for this water right on an annual basis.

Amendments can also make a water right that was not previously billed now billable. If you have not been billed in the past but are now receiving a WUF invoice, this is most likely because your water right has been amended and is now considered billable.

If the water under your water right is being sold to a wastewater treatment plant that pays the Consolidated Water Quality Fee, and you can provide proof of these sales, please contact us using the information at the end of this document.

What are reasons for exemption?

Exemptions are listed in 30 TAC, § 21.3(c). Exemptions from the Water Use Assessment Fee include: municipal or industrial water rights directly associated with a facility that is assessed a Consolidated Water Quality Fee; agriculture (irrigation) water rights; non-priority hydroelectric water rights for a facility with a capacity of less than 2 megawatts; consumptive authorization less than 250 acre-feet; and non-consumptive authorization less than 2,500 acre-feet.

How Is the Fee Assessed?

Fees are based on the authorized annual use, not actual use. The total fee is the sum of the separate fees for each authorized water use in each of the following categories for each permit.

The fee rate of **$0.385** per acre-foot per year applies to authorized consumptive use (municipal, industrial, or mining purposes) if the specified limit is more than 250 acre-feet per year.

The fee rate of **$0.021** per acre-foot per year applies to authorized non-consumptive use (including hydroelectric and some recreation) if the specified limit is more than 2,500 acre-feet per year.

The maximum water use fee for a single permit is $123,420, which may be adjusted annually using the latest Consumer Price Index.

How are Diversion Amounts Distributed Among Uses?

For permits with multiple uses that do not specify the amount per use, the total authorized amount is divided equally among all uses.

Example: 10,000 ac-ft for irrigation, municipal, industrial, and mining
10,000/4 = 2,500 ac-ft per use
Irrigation is exempt; municipal not billed because wastewater treatment plant that uses the water pays the Consolidated Water Quality Fee; industrial billed $962.50 for 2,500 ac-ft; mining billed $962.50 for 2,500 ac-ft.

Why do I have Multiple Invoice Numbers?

Multiple invoice numbers are generated when the water right has multiple uses such as municipal (code 1), industrial (code 2), and mining (code 4). The bill is divided by use for accounting purposes.

What If I Have More Than One Account?

You may send all your payments in one envelope, but please enclose a separate check for each coupon. Do not send a check for the total amount. If the number of checks does not equal the number of coupons, the agency will be unable to determine which accounts to credit. Also, TCEQ will not be able to process your transactions by the automated process, and your account may not be credited in time to avoid late fees.

Where Do I Get More Information?

For copies of the fee rules (30 TAC, §21.1-21.4), refer to the TCEQ rules from the Texas Administrative Code on the Secretary of State's web site at www.sos.state.tx.us. To learn more about the fee, please visit:
http://www.tceq.state.tx.us/agency/drought/waterfees.html.

For billing and account balance information, call the TCEQ's Financial Administration Division, Revenue Section at (512) 239-0369.

If you have any questions about the Water Use Assessment Fee or the rates for your water right, contact the Water Quality Monitoring & Assessment Section at (512) 239-3838, or via email at wateruse@tceq.texas.gov, or write to:

Texas Commission on Environmental Quality
Water Quality Monitoring & Assessment, MC 234
Water Use Fees
P.O. Box 13087
Austin, TX 78711-3087

Sarah Henderson

From: Sarah Henderson
Sent: Wednesday, November 24, 2021 1:17 PM
To: [redacted]
Subject: BASF Corporation ADJ No. 12-4345B
Attachments: BASF_12_4345B_RFI_24Nov2021.pdf

Ms. Dodd,

Please find the attached request for additional fees regarding the referenced water use amendment application. A response is requested by December 27, 2021.

Thank you,
Sarah

Sarah Henderson
Water Rights Permitting Team
Water Availability Division
Texas Commission on Environmental Quality
P.O. Box 13087/MC-160
Austin, TX 78711-3087
(P) 512.239.2535
(F) 512.239.4770

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 24, 2021

Ms. Yasuko Dodd **VIA E-MAIL**
BASF Corporation
602 Copper Road
Freeport, Texas 77541

RE: BASF Corporation
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CN600124895, RN106845522
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Sarah E Henderson

Sarah Henderson, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

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TCEQ 12-OCT-21 07:37 AM

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Texas Commission on Environmental Quality
Water Quality Monitoring & Assessment, MC 234
Water Use Fees
P.O. Box 13087
Austin, TX 78711-3087

Bickerstaff
Heath Delgado Acosta LLP

October 4, 2021

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

Re: BASF Corporation's Application to Amend Certificate of Adjudication No. 12-4345A; (CN: 600124895)

Dear Sir:

The BASF Corporation (BASF) is pleased to submit its Application for Amend Certificate of Adjudication No. 12-4345A (Application) to the Texas Commission on Environmental Quality (TCEQ) for review and consideration. The Application has been uploaded to the TCEQ's FTP site and an email of its filing has been provided to WRPT@tceq.texas.gov. One hard copy of the Application, along with a check for $112.50, is enclosed.

The Application seeks authorization to use the bed and banks of Manos Creek, Brazos River, Oyster Creek, and Buffalo Camp Bayou to transport water from Lake Creek Reservoir to Brazoria County. The Application requests the addition of a diversion reach in Brazoria County, and additional diversion points. Finally, the Application seeks authorization to use the 8,996 acre-feet of water that BASF is already authorized to divert from the Brazos River under Certificate of Adjudication No. 12-4345 prior to its discharge into the Lake Creek Reservoir for the uses already authorized.

If you have any questions or concerns, please contact me at (512) 472-8021 or at [redacted] or Tim Osting or Frank Schalla at (512) 826-2604 or at [redacted] or [redacted]

Respectfully submitted,

Bickerstaff Heath Delgado Acosta LLP
3711 S. MoPac, Building One, Suite 300
Austin, TX 78746
[redacted]
Phone: (512) 472-8021
Fax: (512) 320-5638

By: Emily W. Rogers
Emily W. Rogers
State Bar No. 24002863
ATTORNEYS FOR BASF CORPORATION

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): BASF Corporation

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

Y/N		Y/N	
Y	**Administrative Information Report**	Y	**Worksheet 3.0**
N	Additional Co-Applicant Information	Y	Additional W.S 3.0 for each Point
N	Additional Co-Applicant Signature Pages	N	Recorded Deeds for Diversion Points
Y	Written Evidence of Signature Authority	Y	Consent For Diversion Access
Y	**Technical Information Report**	Y	**Worksheet 4.0**
N	USGS Map (or equivalent)	N	TPDES Permit(s)
Y	Map Showing Project Details	N	WWTP Discharge Data
N	Original Photographs	N	24-hour Pump Test
N	Water Availability Analysis	N	Groundwater Well Permit
Y	**Worksheet 1.0**	N	Signed Water Supply Contract
N	Recorded Deeds for Irrigated Land	Y	**Worksheet 4.1**
N	Consent For Irrigation Land	Y	**Worksheet 5.0**
Y	**Worksheet 1.1**	Y	Addendum to Worksheet 5.0
N	Addendum to Worksheet 1.1	Y	**Worksheet 6.0**
Y	**Worksheet 1.2**	Y	Water Conservation Plan(s)
Y	Addendum to Worksheet 1.2	N	Drought Contingency Plan(s)
N	**Worksheet 2.0**	N	Documentation of Adoption
N	Additional W.S 2.0 for Each Reservoir	Y	**Worksheet 7.0**
N	Dam Safety Documents	Y	Accounting Plan
N	Notice(s) to Governing Bodies	Y	**Worksheet 8.0**
N	Recorded Deeds for Inundated Land	Y	Fees
N	Consent For Inundation Land		

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) 239-4600.**

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

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

_____New Appropriation of State Water

X____Amendment to a Water Right *

X____ Bed and Banks

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

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

Please reference Statement 1, Summary of Request section in the Supplemental Attachment

for this requested information.

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

Indicate the number of Applicants/Co-Applicants 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?

BASF Corporation

(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 : 600124895 (leave blank if you do not yet have a CN).

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

First/Last Name: Christopher Witte

Title: Senior Vice President

Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application? Yes - see Exhibit 3

What is the applicant's mailing address as recognized by the US Postal Service (USPS)? You may verify the address on the USPS website at https://tools.usps.com/go/ZipLookupAction!input.action.

Name:

Mailing Address: 602 Copper Road

City: Freeport State: Texas ZIP Code: 77541

Indicate an X next to the type of Applicant:

___Individual	___Sole Proprietorship-D.B.A.
___Partnership	X Corporation
___Trust	___Estate
___Federal Government	___State Government
___County Government	___City Government
___Other Government	___Other_____

For Corporations or Limited Partnerships, provide:
State Franchise Tax ID Number: 11610908094 SOS Charter (filing) Number: 4205406

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: Yasuko Dodd

Title: Sr. EHS Specialist

Organization Name: BASF Corporation

Mailing Address: 602 Copper Road

City: Freeport State: TX ZIP Code: 77541

Phone No.: 979-415-6952 Extension:

Fax No.: 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:

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

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

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

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

   Account number: Amount past due:

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

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

   Enforcement order number: Amount past due:

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

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

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

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Christopher P. Witte, Senior Vice President
(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: Christopher P. Witte Date: 10/4/2021
(Use blue ink)

Subscribed and Sworn to before me by the said

on this 4th day of October, 20 21.

My commission expires on the 11th day of February, 20 23.

Jennifer Cary

Notary Public Jennifer Cary *[SEAL]*

Brazoria
County, Texas

JENNIFER CARY
My Notary ID # 8061740
Expires February 11, 2023

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

TECHNICAL INFORMATION REPORT
WATER RIGHTS PERMITTING

This Report is required for applications for new or amended water rights. Based on the Applicant's responses below, Applicant 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) 239-4600 to schedule a meeting. Applicant attended a pre-application meeting with TCEQ Staff for this Application? **Y / N** Y (If yes, date : 12/8/2020 and 4/15/2021).

1. New or Additional Appropriations of State Water. Texas Water Code (TWC) § 11.121 (Instructions, Page. 12)

State Water is: *The water of the ordinary flow, underflow, and tides of every flowing river, natural stream, and lake, and of every bay or arm of the Gulf of Mexico, and the storm water, floodwater, and rainwater of every river, natural stream, canyon, ravine, depression, and watershed in the state. TWC § 11.021.*

a. Applicant requests a new appropriation (diversion or impoundment) of State Water? **Y / N** N

b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? **Y / N** N (If yes, indicate the Certificate or Permit number:)

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

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: 12-4345A

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

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

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

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

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

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

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

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

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

- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)
- **Worksheet 5.0 – Environmental Information** (Required for <u>any</u> new diversion points that are not already authorized in a water right)

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

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

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

Additionally, all amendments require:

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

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

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

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** 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** 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** 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** Y

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":

Please reference Statement 2 in the Supplemental Attachement for this requested information.

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

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

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

WORKSHEET 1.0
Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

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

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

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

a. Location Information Regarding the Lands to be Irrigated

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

ii) Location of land to be irrigated: In the_____Original Survey No. _____, Abstract No._____.

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

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

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

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

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
10,000	Agricultural, domestic, municipal, industrial, recreational	Clarify that BASF is authorized to use the 8,996 acre-feet diverted from the Brazos River for agricultural, domestic, municipal, industrial, and recreational prior to discharge into Lake Creek Reservoir	McLennan County	McLennan County, Falls County, Limestone County within Brazos Basin, Robertson County, Brazoria County

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

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

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

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

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

ii. Location of land to be irrigated: In the_____Original Survey No. _____, Abstract No._____.

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

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

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

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

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

WORKSHEET 1.1
INTERBASIN TRANSFERS, TWC § 11.085

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

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

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

a. Provide the Basin of Origin. Brazos River Basin

b. Provide the quantity of water to be transferred (acre-feet). 10,000

c. Provide the Basin(s) and count(y/ies) where use will occur in the space below:

San Jacinto - Brazos Coastal Basin, Brazoria County

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

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

a. The proposed transfer, which in combination with any existing transfers, totals less than 3,000 acre-feet of water per annum from the same water right. **Y/N** N

b. The proposed transfer is from a basin to an adjoining coastal basin? **Y/N** Y

c. The proposed transfer from the part of the geographic area of a county or municipality, or the part of the retail service area of a retail public utility as defined by Section 13.002, that is within the basin of origin for use in that part of the geographic area of the county or municipality, or that contiguous part of the retail service area of the utility, not within the basin of origin? **Y/N** N

d. The proposed transfer is for water that is imported from a source located wholly outside the boundaries of Texas, except water that is imported from a source located in the United Mexican States? **Y/N** N

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

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

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

b. a statement of each general category of proposed use of the water to be transferred and a detailed description of the proposed uses and users under each category;

c. the cost of diverting, conveying, distributing, and supplying the water to, and treating the water for, the proposed users (example - expert plans and/or reports documents may be provided to show the cost);

d. describe the need for the water in the basin of origin and in the proposed receiving basin based on the period for which the water supply is requested, but not to exceed 50 years (the need can be identified in the most recently approved regional water plans. The state and regional water plans are available for download at this website: (http://www.twdb.texas.gov/waterplanning/swp/index.asp);

e. address the factors identified in the applicable most recently approved regional water plans which address the following:

(i) the availability of feasible and practicable alternative supplies in the receiving basin to the water proposed for transfer;
(ii) the amount and purposes of use in the receiving basin for which water is needed;

(iii) proposed methods and efforts by the receiving basin to avoid waste and implement water conservation and drought contingency measures;

(iv) proposed methods and efforts by the receiving basin to put the water proposed for transfer to beneficial use;

(v) the projected economic impact that is reasonably expected to occur in each basin as a result of the transfer; and

(vi) the projected impacts of the proposed transfer that are reasonably expected to occur on existing water rights, instream uses, water quality, aquatic and riparian habitat, and bays and estuaries that must be assessed under Sections 11.147, 11.150, and 11.152 in each basin *(if applicable)*. If the water sought to be transferred is currently authorized to be used under an existing permit, certified filing, or certificate of adjudication, such impacts shall only be considered in relation to that portion of the permit, certified filing, or certificate of adjudication proposed for transfer and shall be based on historical uses of the permit, certified filing, or certificate of adjudication for which amendment is sought;

f. proposed mitigation or compensation, if any, to the basin of origin by the applicant; and

g. the continued need to use the water for the purposes authorized under the existing Permit, Certified Filing, or Certificate of Adjudication, if an amendment to an existing water right is sought.

WORKSHEET 1.2
NOTICE. "THE MARSHALL CRITERIA"

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

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

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

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

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

a. Administrative Requirements and Fees. Confirm whether application meets the administrative requirements for an amendment to a water use permit pursuant to TWC Chapter 11 and Title 30 Texas Administrative Code (TAC) Chapters 281, 295, and 297. An amendment application should include, but is not limited to, a sworn application, maps, completed conservation plan, fees, etc.

b. Beneficial Use. Discuss how proposed amendment is a beneficial use of the water as defined in TWC § 11.002 and listed in TWC § 11.023. Identify the specific proposed use of the water (e.g., road construction, hydrostatic testing, etc.) for which the amendment is requested.

c. Public Welfare. Explain how proposed amendment is not detrimental to the public welfare. Consider any public welfare matters that might be relevant to a decision on the application. Examples could include concerns related to the well-being of humans and the environment.

d. Groundwater Effects. Discuss effects of proposed amendment on groundwater or groundwater recharge.

e. State Water Plan. Describe how proposed amendment addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement. The state and regional water plans are available for download at: http://www.twdb.texas.gov/waterplanning/swp/index.asp.

f. Waste Avoidance. Provide evidence that reasonable diligence will be used to avoid waste and achieve water conservation as defined in TWC § 11.002. Examples of evidence could include, but are not limited to, a water conservation plan or, if required, a drought contingency plan, meeting the requirements of 30 TAC Chapter 288.

g. Impacts on Water Rights or On-stream Environment. Explain how proposed amendment will not impact other water right holders or the on-stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

WORKSHEET 2.0
Impoundment/Dam Information

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

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

1. Storage Information (Instructions, Page. 21)

a. Official USGS name of reservoir, if applicable:_____

b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level:_____.

c. The impoundment is on-channel_____or off-channel_____(mark one)

i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? **Y / N**_____
ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? **Y / N**__

d. Is the impoundment structure already constructed? **Y / N**____

i. For already constructed **on-channel** structures:

1. Date of Construction:_____

2. Was it constructed to be an exempt structure under TWC § 11.142? **Y / N**___
   a. If Yes, is Applicant requesting to proceed under TWC § 11.143? **Y / N**____
   b. If No, has the structure been issued a notice of violation by TCEQ? **Y / N**_____

3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? **Y / N**___
   a. If yes, provide the Site No._____and watershed project name_____;
   b. Authorization to close "ports" in the service spillway requested? **Y / N**___

ii. For **any** proposed new structures or modifications to structures:

1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application.* Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? **Y / N**_____ Provide the date and the name of the Staff Person_____

2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
   a. No additional dam safety documents required with the Application. **Y / N**_____
   b. Plans (with engineer's seal) for the structure required. **Y / N**_____
   c. Engineer's signed and sealed hazard classification required. **Y / N**_____
   d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. **Y / N**___

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

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level:_____.

2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option.
Applicant has calculated the drainage area. **Y/N**_____
If yes, the drainage area is_____sq. miles.
(*If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).*

2. Structure Location (Instructions, Page. 23)

a. On Watercourse (if on-channel) (USGS name):_____

b. Zip Code: _____

c. In the_____Original Survey No._____, Abstract No._____, _____County, Texas.

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

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

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

Latitude_____°N, Longitude_____°W.

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

di. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):_____

dii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. **Y / N**_____

WORKSHEET 3.0
DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

1. ____Diversion Point No.
2. 3___Upstream Limit of Diversion Reach No.
3. ____Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 455 _____cfs (cubic feet per second) or_____gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N** Y_____
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 630 _____cfs or_____gpm

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

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

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

Check one		**Write: Existing or Proposed**
X	Directly from stream	proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

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

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

If yes, the drainage area is_____sq. miles.
(*If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application*)

2. Diversion Location (Instructions, Page 25)

a. On watercourse (USGS name): Brazos River

b. Zip Code: 77583

c. Location of point: In the Andrew Robinson Original Survey No. _____, Abstract No. 125, Brazoria County, Texas.

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

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

d. Point is at:

Latitude 29.349369 °N, Longitude -95.582431 °W.

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

e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): GIS

f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.

g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

See Statement 4 in the Supplemental Attachment for the Plan of Diversion.

WORKSHEET 3.0
DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

1. ____Diversion Point No.
2. ____Upstream Limit of Diversion Reach No.
3. 3___Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 455 cfs (cubic feet per second)
or_____gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N** Y
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 630 cfs or_____gpm

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

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

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

Check one		**Write: Existing or Proposed**
x	Directly from stream	proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

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

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

If yes, the drainage area is_____sq. miles.
(*If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application*)

2. Diversion Location (Instructions, Page 25)

a. On watercourse (USGS name): Brazos River

b. Zip Code: 77541

c. Location of point: In the James P.Caldwell Original Survey No._____, Abstract No. 167, Brazoria 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 28.878315 °N, Longitude -95.379111 °W.

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

e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): GIS

f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.

g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

See Statement 4 in the Supplemental Attachment for the Plan of Diversion.

WORKSHEET 3.0
DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

1. 4 Diversion Point No.
2. ____Upstream Limit of Diversion Reach No.
3. ____Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 455 cfs (cubic feet per second) or_____gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N** Y
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 630 cfs or_____gpm

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

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

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

Check one		**Write: Existing or Proposed**
X	Directly from stream	Existing
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

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

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

If yes, the drainage area is_____sq. miles.
(*If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application*)

2. Diversion Location (Instructions, Page 25)

a. On watercourse (USGS name): Brazos River

b. Zip Code: 77515

c. Location of point: In the William Parker Original Survey No. _____, Abstract No. 104, Brazoria County, Texas.

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

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

d. Point is at:

Latitude 29.243419 °N, Longitude -95.561908 °W.

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

e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): GIS

f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.

g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

See Statement 4 in the Supplemental Attachment for the Plan of Diversion.

WORKSHEET 3.0
DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

1. 5 Diversion Point No.
2. ____Upstream Limit of Diversion Reach No.
3. ____Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 455 cfs (cubic feet per second) or_____gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N** Y
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 630 cfs or_____gpm

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

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

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

Check one		**Write: Existing or Proposed**
X	Directly from stream	Existing
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

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

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

If yes, the drainage area is_____sq. miles.
(*If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application*)

2. Diversion Location (Instructions, Page 25)

a. On watercourse (USGS name): Brazos River

b. Zip Code: 77566

c. Location of point: In the Stephen F. Austin Original Survey No. _____, Abstract No. 19, Brazoria County, Texas.

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

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

d. Point is at:

Latitude 29.052718 °N, Longitude -95.552379 °W.

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

e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): GIS

f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.

g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

See Statement 4 in the Supplemental Attachment for the Plan of Diversion.

WORKSHEET 3.0
DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

1. 6 Diversion Point No.
2. ____Upstream Limit of Diversion Reach No.
3. ____Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 455 cfs (cubic feet per second) or_____gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N** Y
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 740 cfs or_____gpm

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

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

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

Check one		**Write: Existing or Proposed**
	Directly from stream	
X	From an on-channel reservoir	Existing
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

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

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

If yes, the drainage area is_____sq. miles.
(*If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application*)

2. Diversion Location (Instructions, Page 25)

a. On watercourse (USGS name): Oyster Creek (Reservoir)

b. Zip Code: 77566

c. Location of point: In the Jared E. Grace Original Survey No. _____, Abstract No. 66, Brazoria County, Texas.

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

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

d. Point is at:

Latitude 29.053604 °N, Longitude -95.464108 °W.

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

e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): GIS

f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.

g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

See Statement 4 in the Supplemental Attachment for the Plan of Diversion.

WORKSHEET 3.0
DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

1. 7 Diversion Point No.
2. ____Upstream Limit of Diversion Reach No.
3. ____Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 300 cfs (cubic feet per second) or_____gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N** Y
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 300 cfs or_____gpm

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

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

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

Check one		**Write: Existing or Proposed**
	Directly from stream	
X	From an on-channel reservoir	Existing
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

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

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

If yes, the drainage area is_____sq. miles.
(*If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application*)

2. Diversion Location (Instructions, Page 25)

a. On watercourse (USGS name): Buffalo Camp Bayou (Reservoir)

b. Zip Code: 77566

c. Location of point: In the Stephen F. Austin Original Survey No. _____, Abstract No. 19, Brazoria County, Texas.

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

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

d. Point is at:
Latitude 29.043875 °N, Longitude -95.473319 °W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places

e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): GIS

f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.

g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

See Statement 4 in the Supplemental Attachment for 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 Agricultural, domestic, municipal, industrial, recreational.

b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses 0 % and explain the method of calculation: Channel loss is negligible in less than one mile of Manos Creek between the discharge point and confluence with Brazos River.

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

1. The TPDES Permit Number(s)._____(attach a copy of the **current** TPDES permit(s))

2. Applicant is the owner/holder of each TPDES permit listed above? **Y / N**_____

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

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").

4. The percentage of return flows from groundwater_____, surface water_____?

5. If any percentage is surface water, provide the base water right number(s)_____.

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

1. Source aquifer(s) from which water will be pumped:_____

2. Any 24 hour pump test for the well if one has been conducted. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See http://www.twdb.texas.gov/groundwater/data/gwdbrpt.asp. Additionally, provide well numbers or identifiers_____.

3. Indicate how the groundwater will be conveyed to the stream or reservoir.

4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.

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

cii. Identify any other source of the water Surface water discharged from Lake Creek Reservoir

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 10,000 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 455 cfs or _____ gpm.

c. Name of Watercourse as shown on Official USGS maps: Manos Creek

d. Zip Code 76682

f. Location of point: In the Jose David Sanchez Original Survey No. _____, Abstract No. 36, McLennan County, Texas.

g. Point is at:

Latitude 31.454651 °N, Longitude -96.984967 °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): GIS

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

See discharge point number 10 in the Supplemental Maps.

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 Agricultural, domestic, municipal, industrial, recreational.

b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses 0.73 % and explain the method of calculation: See Statement 5 in the Supplemental Attachment

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

1. The TPDES Permit Number(s)._____(attach a copy of the **current** TPDES permit(s))

2. Applicant is the owner/holder of each TPDES permit listed above? **Y / N**_____

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

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").

4. The percentage of return flows from groundwater_____, surface water_____?

5. If any percentage is surface water, provide the base water right number(s)_____.

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

1. Source aquifer(s) from which water will be pumped:_____

2. Any 24 hour pump test for the well if one has been conducted. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See http://www.twdb.texas.gov/groundwater/data/gwdbrpt.asp. Additionally, provide well numbers or identifiers_____.

3. Indicate how the groundwater will be conveyed to the stream or reservoir.

4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.

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

cii. Identify any other source of the water Surface water discharged from Lake Creek Reservoir

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 10,000 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 455 cfs or _____ gpm.

c. Name of Watercourse as shown on Official USGS maps: Oyster Creek

d. Zip Code 77515

f. Location of point: In the William Parker Original Survey No. _____, Abstract No. 104, Brazoria County, Texas.

g. Point is at:

Latitude 29.246483 °N, Longitude -95.529982 °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): GIS

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

See discharge point number 8 in the Supplemental Maps.

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 Agricultural, domestic, municipal, industrial, recreational.

b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses 0.10 % and explain the method of calculation: See Statement 5 in the Supplemental Attachment

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

1. The TPDES Permit Number(s)._____(attach a copy of the **current** TPDES permit(s))

2. Applicant is the owner/holder of each TPDES permit listed above? **Y / N**_____

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

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").

4. The percentage of return flows from groundwater_____, surface water_____?

5. If any percentage is surface water, provide the base water right number(s)_____.

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

1. Source aquifer(s) from which water will be pumped:_____

2. Any 24 hour pump test for the well if one has been conducted. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See http://www.twdb.texas.gov/groundwater/data/gwdbrpt.asp. Additionally, provide well numbers or identifiers_____.

3. Indicate how the groundwater will be conveyed to the stream or reservoir.

4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.

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

cii. Identify any other source of the water Surface water discharged from Lake Creek Reservoir

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 10,000 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 300 cfs or _____ gpm.

c. Name of Watercourse as shown on Official USGS maps: Buffalo Camp Bayou

d. Zip Code 77566

f. Location of point: In the Stephen F. Austin Original Survey No. _____, Abstract No. 19, Brazoria County, Texas.

g. Point is at:

Latitude 29.071123 °N, Longitude -95.511886 °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): GIS

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

See discharge point number 9 in the Supplemental Maps.

WORKSHEET 5.0
ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 29.**

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

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

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

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

a. Identify the appropriate description of the water body.

☒ Stream

☐ Reservoir

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

☐ Other, specify: _____

b. Flow characteristics

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

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

☐ Intermittent with Perennial Pools – enduring pools

☒ Perennial – normally flowing

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

☒ USGS flow records

☐ Historical observation by adjacent landowners

☐ Personal observation

☐ Other, specify: _____

c. Waterbody aesthetics

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

☐ Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional

☒ Natural Area: trees and/or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored

☐ Common Setting: not offensive; developed but uncluttered; water may be colored or turbid

☐ Offensive: stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

d. Waterbody Recreational Uses

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

☒ Primary contact recreation (swimming or direct contact with water)

☐ Secondary contact recreation (fishing, canoeing, or limited contact with water)

☐ Non-contact recreation

Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0: See Statement 6 in the Supplemental Attachment.

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. If the application includes a proposed reservoir, also include:

   i. A brief description of the area that will be inundated by the reservoir.

   ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.

   iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

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

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

a. For all bed and banks applications: See Statement 6 in the Supplemental Attachment for this assessment.

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

b. For all alternate source applications:

i. If the alternate source is treated return flows, provide the TPDES permit number N/A

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

TCEQ Station 16355 Brazos River near FM1462

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L	50.3	175.9	146	TCEQ CRP	2000-2020
Chloride, mg/L	81.1	515.5	147	TCEQ CRP	2000-2020
Total Dissolved Solids, mg/L	370	752	87	TCEQ CRP	2006-2020
pH, standard units	7.9	8.7	189	TCEQ CRP	2000-2020
Temperature*, degrees Celsius	23.6	33.1	212	TCEQ CRP	2000-2020

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

iii. If groundwater will be used, provide the depth of the well N/A and the name of the aquifer from which water is withdrawn _____.

3.b.ii. Supplemental statement: As authorized by numerous existing state water rights permits, surface water transmitted using the bed and banks of the Brazos River between McLennan County and Brazoria County is frequently diverted within Diversion Reach No. 3 at existing diversion points. For over 50 prior years, that water is discharged into and transmitted along the same waterbodies as described in this application's Plan of Diversion (see Supplemental Attachment Statement 4).

WORKSHEET 6.0
Water Conservation/Drought Contingency Plans

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

The TCEQ has developed guidance and model plans to help applicants prepare plans. Applicants may use the model plan with pertinent information filled in. For assistance submitting a plan call the Resource Protection Team (Water Conservation staff) at 512-239-4600, or e-mail wras@tceq.texas.gov. 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. Y____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 / NN___

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** Y

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** N

WORKSHEET 7.0
ACCOUNTING PLAN INFORMATION WORKSHEET

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

See Statement 7 in the Supplemental Attachment for the Accounting Plan.

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 thereservoir; and
   10. Calculation of the amount of drawdown resulting from diversion by junior rights or diversions of other water discharged into and then stored in the reservoir.

WORKSHEET 8.0
CALCULATION OF FEES

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

1. NEW APPROPRIATION

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

2. AMENDMENT *OR* SEVER AND COMBINE

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

3. BED AND BANKS

	Description	Amount ($)
Filing Fee		$100.00
Recording Fee		$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
	TOTAL INCLUDED	$ 112.50

STATEMENT 1

SUPPLEMENTAL ATTACHMENT TO ADMINISTRATIVE INFORMATION REPORT

SUMMARY OF REQUEST

BASF Corporation is seeking amendment to water right 12-4345A to add a place of use in Limestone County, Falls County, Robertson County, and Brazoria County, along with authorization to use the bed and banks of Manos Creek, Brazos River, Oyster Creek, Buffalo Camp Bayou, and existing tributaries and canals to transport released water from Lake Creek Reservoir to a Brazos River diversion reach and point of use in Brazoria County.

The existing water right authorizes a diversion of 8,996 acre-feet of water per annum from the Brazos River into Lake Creek Reservoir for subsequent diversion and use. In addition to this authorization, the applicant is seeking authorization to divert and use the 8,996 acre-feet for agricultural, domestic, municipal, industrial, and recreational purposes prior to discharge of that water into the Lake Creek Reservoir for impoundment. No additional appropriation of State Water is being requested as part of this permit language amendment request. Diversion from the Brazos River would be at the existing diversion point and at the existing diversion rate, and the use prior to discharge into Lake Creek Reservoir would not exceed the existing authorized amount of 8,996 acre-feet, and total water right use will not exceed the existing authorized amount of 10,000 acre-feet. Please reference the Plan of Diversion below for a more detailed explanation of this amendment's proposed plan of diversion, including the proposed diversion reach, existing diversion points, existing discharge points, and the transport of waters using the bed and banks of Manos Creek, Brazos River, Oyster Creek, Buffalo Camp Bayou, and existing tributaries and canals. Water diverted from the proposed diversion reach on the Brazos River will be diverted into Harris Reservoir and Brazoria Reservoir.

An Interbasin Transfer is also requested to transfer authorized water from the Brazos River Basin into the San Jacinto – Brazos Coastal Basin. These two adjoining coastal basins are exempt from additional requirements according to TWC 11.085(v). No request for Interbasin Transfer within Limestone County is necessary; water used inside Limestone County will be distributed inside the Brazos River basin.

In the future, the proposed bed and banks authorization may be used for municipal and or agricultural purposes through one or more Water Supply Contracts. The required municipal and or agricultural water conservation plan and drought contingency plan will be deferred until the future use is initiated.

STATEMENT 2

SUPPLEMENTAL ATTACHMENT TO TECHNICAL INFORMATION REPORT

ADDENDUM REGARDING THE STATE AND REGIONAL WATER PLANS

The proposed amendment and proposed bed and banks authorization will address agricultural, domestic, municipal, and industrial needs in the proposed places of use and do not conflict with the 2021 Region G and Region H Water Plan, and do not conflict with the 2022 State Water Plan. For example, projected long term manufacturing needs in Region H Brazoria County exceed 20,000 acre feet per year beginning in 2020. Projected long-term irrigation needs in Region G Robertson County exceed 17,000 acre-feet per year beginning in 2040. Projected long-term municipal needs in Region G Limestone County (Brazos Basin) exceed 600 acre-feet per year beginning in 2020. Projected long-term municipal and manufacturing needs in Region G McLennan County (Brazos Basin) exceed 900 and 500 acre-feet per year, respectively, beginning in 2020. This proposed amendment can reduce projected water needs by approximately 10,000 acre feet per year within McLennan County, Falls County, Limestone County, Robertson County, and Brazoria County.

STATEMENT 3

SUPPLEMENTAL ATTACHMENT TO WORKSHEET 1.2

MARSHALL CRITERIA

a) Administrative Requirements and Fees. This application meets the administrative requirements for an amendment to a water use permit and a bed and banks authorization. This application includes required items that are listed in the TCEQ Water Rights Permitting Application Administrative Information Checklist.

b) Beneficial Use. The proposed amendment and proposed bed and banks authorization will be used for industrial purposes related to the production of industrial materials, and other uses authorized by the permit. The proposed uses conform to beneficial use as defined in Texas Water Code (TWC) 11.002(4) and purposes for use defined in TWC 11.023. In the future, the proposed bed and banks authorization and permit language amendment is anticipated to be used for municipal, agricultural, domestic, and recreational purposes through one or more Water Supply Contracts, if applicable. In addition, the applicant is seeking authorization to divert and use the 8,996 acre-feet for agricultural, domestic, municipal, industrial, and recreational purposes prior to discharge of that water into the Lake Creek Reservoir for impoundment; this results in greater efficiency by reducing redundant pumping, and also increases beneficial use of water by reducing potential for evaporation inside the lake.

c) Public Welfare. No effects of the proposed amendment or bed and banks authorization on the public welfare are expected as this water will be put to beneficial use for industrial and municipal purposes, including no effects on the well-being of humans and the environment.

d) Groundwater Effects. No effects of proposed amendment or bed and banks authorization on groundwater or groundwater recharge are expected.

e) State Water Plan. The proposed amendment and proposed bed and banks authorization will address agricultural, domestic, municipal, and industrial needs in the proposed places of use and do not conflict with the 2021 Region G and Region H Water Plan, and do not conflict with the 2022 State Water Plan. For example, projected long term manufacturing needs in Region H Brazoria County exceed 20,000 acre feet per year beginning in 2020. Projected long-term irrigation needs in Region G Robertson County exceed 17,000 acre-feet per year beginning in 2040. Projected long-term municipal needs in Region G Limestone County (Brazos Basin) exceed 600 acre-feet per year beginning in 2020. Projected long-term municipal and manufacturing needs in Region G McLennan County (Brazos Basin) exceed 900 and 500 acre-feet per year, respectively, beginning in 2020. These plans contemplate the purchase and relocation of water rights to meet water supply demands, and the sale of raw water under water rights to meet demands. This proposed amendment can reduce projected water needs by approximately 10,000 acre feet per year within McLennan County, Falls County, Limestone County within the Brazos Basin, Robertson County, and Brazoria County.

f) Waste Avoidance. A Water Conservation Plan is included describing monitoring and conservation practices that include quantified conservation goals that are applicable to beneficial uses permitted by this proposed water right amendment. For uses that require it, a drought contingency plan will be provided upon commencement of that use. The proposed amendment reduces potential evaporation and reduces electrical power requirement by eliminating redundant pumping.

g) Impacts on Water Rights or On-stream Environment. The proposed amendment and bed and banks authorization do not request additional water, storage or rates of diversion. The proposed amendment requests to use existing permitted water in a different location as coordinated with the watermaster using metering and accounting for losses in an accounting plan. No detrimental impacts to water right holders, Lake Creek Reservoir, or to the on-stream environment are expected.

STATEMENT 4

SUPPLEMENTAL ATTACHMENT TO WORKSHEET 3.0

PLAN OF DIVERSION

Authorized water from Certificate of Adjudication number 12-4345A will be released from Lake Creek Reservoir at existing discharge point number 10 (see Map 2) to transport downstream using the bed and banks of Manos Creek and the Brazos River to downstream diversion reach number 3 (see Maps No. 1, 2 and 3). Diversion reach number 3 has an upstream limit at the location of the USGS 08116650 Brazos River near Rosharon, TX streamgage (see Map No. 4) and a downstream limit at the mouth of the Brazos River at the Gulf of Mexico (See Map No. 7). Channel losses and travel time along Manos Creek and the Brazos River are fully described and accounted for in the accounting plan (see STATEMENT 7).

Through an existing site services agreement with Dow, BASF has the legal ability to divert into the Dow system[1] at two existing diversion points within the proposed diversion reach number 3. Water will be diverted into Harris Reservoir at diversion point number 4 (see Map No. 5) and diverted into Brazoria Reservoir at diversion point number 5 (see Map No. 6).

Authorized water will then be discharged from Harris Reservoir into Oyster Creek at discharge point number 8 (see Map No. 5), and from Brazoria Reservoir into Buffalo Camp Bayou at discharge point number 9 (see Map No. 6). Authorized water discharged into Oyster Creek from Harris Reservoir will be transported downstream using the bed and banks of Oyster Creek to the existing downstream diversion point number 6 (see Map No. 5 and 6). Authorized water discharged into Buffalo Camp Bayou from Brazoria Reservoir will be transported downstream using the bed and banks of Buffalo Camp Bayou to the existing downstream diversion point number 7 (see Map No. 6).

Authorized water will then be diverted from Oyster Creek into a canal, located at diversion point number 6, and diverted from Buffalo Camp Bayou into the same canal, located at diversion point number 7 (see Map No. 6). Authorized water diverted into the canal will then be transported downstream for BASF Corporation's beneficial use.

Attached as Exhibit 1 is Dow Chemical Company's Letter of Consent regarding the use of the Dow system including Dow's existing and future facilities to divert, store, discharge, and deliver water under Certificate of Adjudication Nos. 12-4345 and 12-4345A.

[1] The Dow system is primarily authorized under Certificate of Adjudication 12-5328 with amendments.

STATEMENT 5

SUPPLEMENTAL ATTACHMENT TO WORKSHEET 4.0

b. Provide the amount of water that will be lost (…) and explain the method of calculation

Calculated channel loss in Oyster Creek, from discharge point number 8 to diversion point number 6, a National Hydrography Dataset (NHD) flowline river mile length of 26.4 miles, is 0.73%.

Calculated channel losses in Buffalo Camp Bayou, from discharge point number 9 to diversion point number 7, a NHD flowline river mile length of 3.6 miles, is 0.10%.

Fifty percent of authorized water released from Lake Creek Reservoir for use in Brazoria County is expected to be transported through Oyster Creek and fifty percent through Buffalo Camp Bayou.

Channel loss values were calculated from NHD river mile lengths and a channel loss rate of 0.0278% per mile. The channel loss rate of 0.0278% per mile was calculated from the incremental loss value of 1.58% for the adjacent Brazos River for the Rosharon gage to Gulf of Mexico reach (Brazos River Authority Water Management Plan, Section 4, Table 4.7, https://brazos.org/About-Us/Water-Supply/SysOps). USDA SSURGO data near the Brazos River indicates the Unified Soil Classification System and AASHTO soil classifications are predominantly clay and silty soils (CL and CH, and A-4) with 0 to 1 percent slopes; these local soil and topography characteristics are comparable to adjacent Oyster Creek and Buffalo Camp Bayou. Because local topography and soil characteristics are similar, the channel loss rate expected in the Brazos River reach is used for the expected channel loss rate in Oyster Creek and Buffalo Camp Bayou.

STATEMENT 6

SUPPLEMENTAL ATTACHMENT TO WORKSHEET 5.0

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

D. WATERBODY RECREATIONAL USES

ADDENDUM TO WORKSHEET 5.0

1. Photographs of the stream near the Upstream Limit of Diversion Reach No. 3 (see Supplemental Map 4) are included below. No new diversion point is proposed at this time. Additional information will be submitted at such time an additional diversion point within this diversion reach becomes associated with this permit.
2. No new reservoirs are proposed at this time.

Photo 1 – Brazos River near Rosharon, downstream of FM 1462, looking downstream.

Photo 2 – Brazos River near Rosharon, downstream of FM 1462, looking upstream.

3. ALTERNATIVE SOURCES OF WATER AND/OR BED AND BANKS APPLICATIONS

a. 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

The proposed bed and banks authorization to transport released water from Lake Creek Reservoir is not expected to affect the flows remaining in Manos Creek, Brazos River, Oyster Creek, or Buffalo Camp Bayou to meet instream uses and freshwater inflow requirements. The amount of water transported using the proposed bed and banks authorization, and subsequently diverted within the requested diversion reach or at any of the existing diversion points, will not exceed the amount of authorized water released, less losses, from Lake Creek Reservoir. Therefore, there should be no changes to downstream instream flows or freshwater inflows in Manos Creek, Brazos River, Oyster Creek or Buffalo Camp Bayou.

More information on the calculation of the channel loss factor and travel time can be viewed in the STATEMENT 5: SUPPLEMENTAL ATTACHEMENT TO WORKSHEET 4.0 and STATEMENT 7: SUPPLEMENTAL ATTACHMENT TO WORKSHEET 7.0 - ACCOUNTING PLAN.

STATEMENT 7

SUPPLEMENTAL ATTACHMENT TO WORKSHEET 7.0

ACCOUNTING PLAN

Certificate of Adjudication number 12-4345A authorizes BASF Corporation to divert and use up to 10,000 acre-feet of water per year at a maximum diversion rate of 455 cfs from Lake Creek Reservoir. Additionally, it authorizes BASF Corporation to divert 8,996 acre-feet of water per year at a maximum diversion rate of 45 cfs from the Brazos River into Lake Creek Reservoir for subsequent diversion and use. The priority date for the diversion of 8,996 acre-feet of water per year, and diversion and use of 10,000 acre-feet of water per year is March 6, 1951.

This Accounting Plan will be used to track Lake Creek Reservoir released water, and the transport of released water using the bed and banks of Manos Creek and the Brazos River, including channel losses and travel time, downstream to multiple diversion locations within diversion reach number 3. The Accounting Plan spreadsheet included within the application package will be used to record and account for Lake Creek Reservoir average daily releases, travel time, channel losses, water available for diversion at diversion points within the proposed diversion reach, and the amount of water diverted. The Accounting Plan spreadsheet will also be used to summarize reservoir releases and diversions in a monthly and annual format. Four potential diversion locations within the diversion reach, with corresponding cumulative channel losses and travel times, are provided in the Accounting Plan spreadsheet: Upstream limit of diversion reach number 3, existing diversion point at Harris Reservoir, existing diversion point at Brazoria Reservoir, and the downstream limit of diversion reach number 3.

All Lake Creek Reservoir released water and diversions from BASF Corporation owned and operated diversion points will be recorded using a measuring device which accounts for the quantity of water released within an accuracy of plus or minus 5.0%. Some existing authorized diversion points within diversion reach 3 that are included in the Accounting Plan are owned and operated by another entity, as detailed in the Letter of Consent (see Exhibit 1).

Calculated cumulative channel losses from Lake Creek Reservoir to the upstream or downstream limits of the proposed diversion reach range from 8.15 to 9.60%, respectively. Cumulative travel time from Lake Creek Reservoir to the upstream or downstream limit of the proposed diversion reach range from 8.60 to 10.07 days, respectively. Cumulative channel loss values and cumulative travel time values used for this accounting plan are derived from the incremental loss and incremental travel time values in the Brazos River Authority (BRA) Water Management Plan (Section 4, Table 4.7, https://brazos.org/About-Us/Water-Supply/SysOps). To estimate a channel loss and travel time value for a length of river that is shorter than a BRA reach, reach values were proportionately adjusted using National Hydrology Dataset (NHD) flowline river mile lengths. Additionally, the NHD river mile length from the "Rosharon gage to Harris Reservoir Diversion" reach was altered to remove a closed Oxbow Lake currently included in the NHD flowline length. Table 1 below lists calculated cumulative channel loss and cumulative travel time values used in the Accounting Plan spreadsheet.

Table 1. Accounting Plan calculated cumulative travel times and cumulative channel loss values.

Brazos River Authority Reach	Subreach	Brazos River Authority Incremental Travel Time (days)	Brazos River Authority Incremental Channel Loss (%)	National Hydrography Dataset Incremental Length[1] (river miles)	Subreach Incremental Travel Time (days)	Subreach Incremental Losses (%)	Cumulative Travel Time from Lake Creek Reservoir (days)	Cumulative Channel Loss Factor from Lake Creek Reservoir (%)
Waco gage to Highbank gage	Waco gage to Brazos/Manos Creek confluence (Lake Creek Reservoir)	1.39	0.94	13.09	0.32	0.22	-	-
	Brazos/Manos Creek confluence (Lake Creek Reservoir) to Highbank gage			43.38	1.07	0.72	1.07	0.72%
Highbank gage to Brazos/Little confluence	-	0.90	0.61	-	-	-	1.97	1.33%
Brazos/Little confluence to Bryan gage	-	0.80	0.86	-	-	-	2.77	2.17%
Bryan gage to Brazos/Yegua confluence	-	0.99	1.06	-	-	-	3.76	3.21%
Brazos/Yegua confluence to Brazos/Navasota confluence	-	0.43	0.46	-	-	-	4.19	3.66%
Brazos/Navasota confluence to Hempstead gage	-	0.87	0.93	-	-	-	5.06	4.55%
Hempstead gage to Richmond gage	-	2.62	2.82	-	-	-	7.68	7.24%
Richmond gage to Rosharon gage	-	0.92	0.98	-	-	-	8.60	8.15%
Rosharon gage to Gulf of Mexico	Rosharon gage to Harris Reservoir Diversion	1.47	1.58	11.23	0.29	0.31	8.89	8.44%
	Harris Reservoir Diversion to Brazoria Reservoir Diversion			21.59	0.56	0.60	9.45	8.99%
	Brazoria Reservoir Diversion to Gulf of Mexico			24.01	0.62	0.67	10.07	9.60%

[1] The National Hydrography Dataset (NHD) length from the "Rosharon gage to Harris Reservoir Diversion" reach was altered to remove a closed Oxbow Lake included in the NHD flowline length.

Through the Letter of Consent (Exhibit 1), water diverted from diversion points number 4 and 5 will be fully controlled by a private entity. This entity has an existing and approved Accounting Plan for diversions from existing diversion points into Harris Reservoir and Brazoria Reservoir, as well as the subsequent discharges and diversions into and from Oyster Creek and Buffalo Camp Bayou. This entities' Accounting Plan is not discussed herein.

The following Tables and corresponding column fields in the Accounting Plan spreadsheet are detailed as follows:

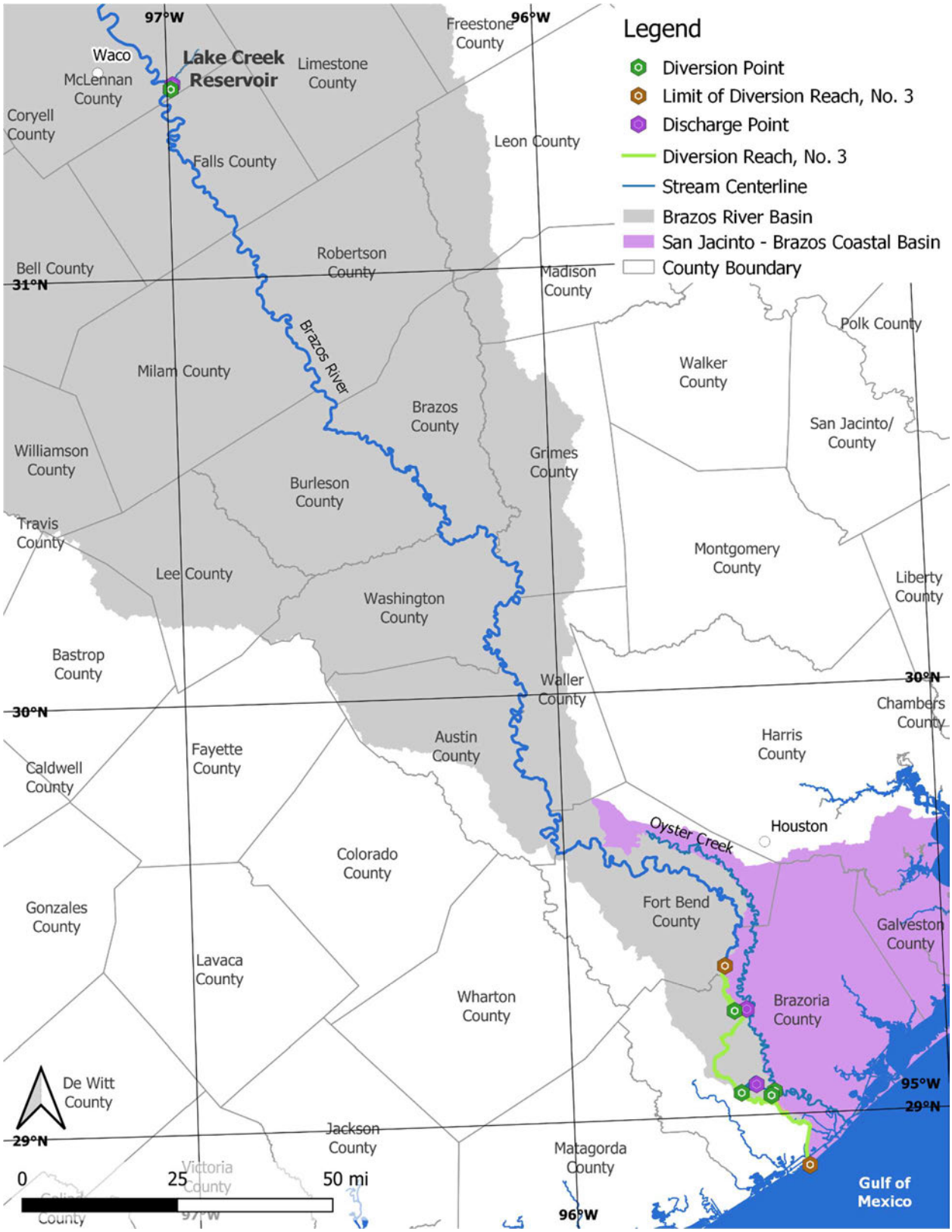
- **DIVERSION Table.** List of four diversion points within diversion reach number 3 and corresponding cumulative channel loss and travel time values. User will reference this table to populate ACCOUNTING Table columns A3, A4, and A5 based on selected diversion point.
    - **AA1: Diversion points within diversion reach.** A list of the diversion points where diversions within diversion reach number 3 will occur.
    - **AA2: Cumulative Channel Losses from Lake Creek Reservoir, percent.** The cumulative channel losses, in percent, from Lake Creek Reservoir to identified diversion point in column AA1.
    - **AA3: Cumulative Travel Time from Lake Creek Reservoir, days.** The travel time from Lake Creek Reservoir, in days, to the identified diversion point in column AA1.
- **ACCOUNTING Table.** Columns used to track and account for water released from Lake Creek Reservoir and subsequently diverted from a diversion point within diversion reach number 3.
    - **A1: Date.** Dates in the current accounting year, including travel time lag from previous year.
    - **A2: Month.** Month of the date in column A1.
    - **A3: Diversion Point.** Identified point of diversion within diversion reach number 3, referenced from column AA1. The Accounting Plan spreadsheet user will input this column value.
    - **A4: Cumulative Channel Loss from Lake Creek Reservoir to diversion point, percent.** The cumulative channel loss value, expressed in percent, according to the diversion point (column A3; column AA1) and corresponding channel loss value (column AA2). The Accounting Plan spreadsheet user will input this column value.
    - **A5: Cumulative Travel Time from Lake Creek Reservoir to diversion point, days.** The estimated travel time, rounded to the nearest day to align with the daily accounting timestep, according to the diversion point (column AA1) and corresponding travel time value (column AA3). The Accounting Plan spreadsheet user will input this column value.
    - **A6: Lake Creek Reservoir Daily Average Release, in cubic feet per second.** For each day when releases from Lake Creek Reservoir occur, averaged daily releases, in cubic feet per second, are recorded in this column.

- **A7: Lake Creek Reservoir Release, in acre-feet per day.** Column field A6 converted from cubic feet per second to acre-feet per day using a conversion factor of 1.983.
- **A8: Lake Creek Reservoir Release Water Available for diversion at diversion point, cubic feet per second.** This column multiplies the cumulative delivery factor (1- channel loss value; 1 - Column A4), by the Lake Creek Reservoir released water amount (column A6) and then offsets this value by the cumulative number of days of travel (column A5).
- **A9: Lake Creek Reservoir Release Water Available for diversion at diversion point, acre-feet per day.** Column A8 converted from cubic feet per second to acre-feet per day using a conversion factor of 1.983.
- **A10: Daily averaged diversion at diversion point, acre-feet per day.** Recorded daily averaged diversion of water from diversion point. Diversions should not exceed amounts in column A9.

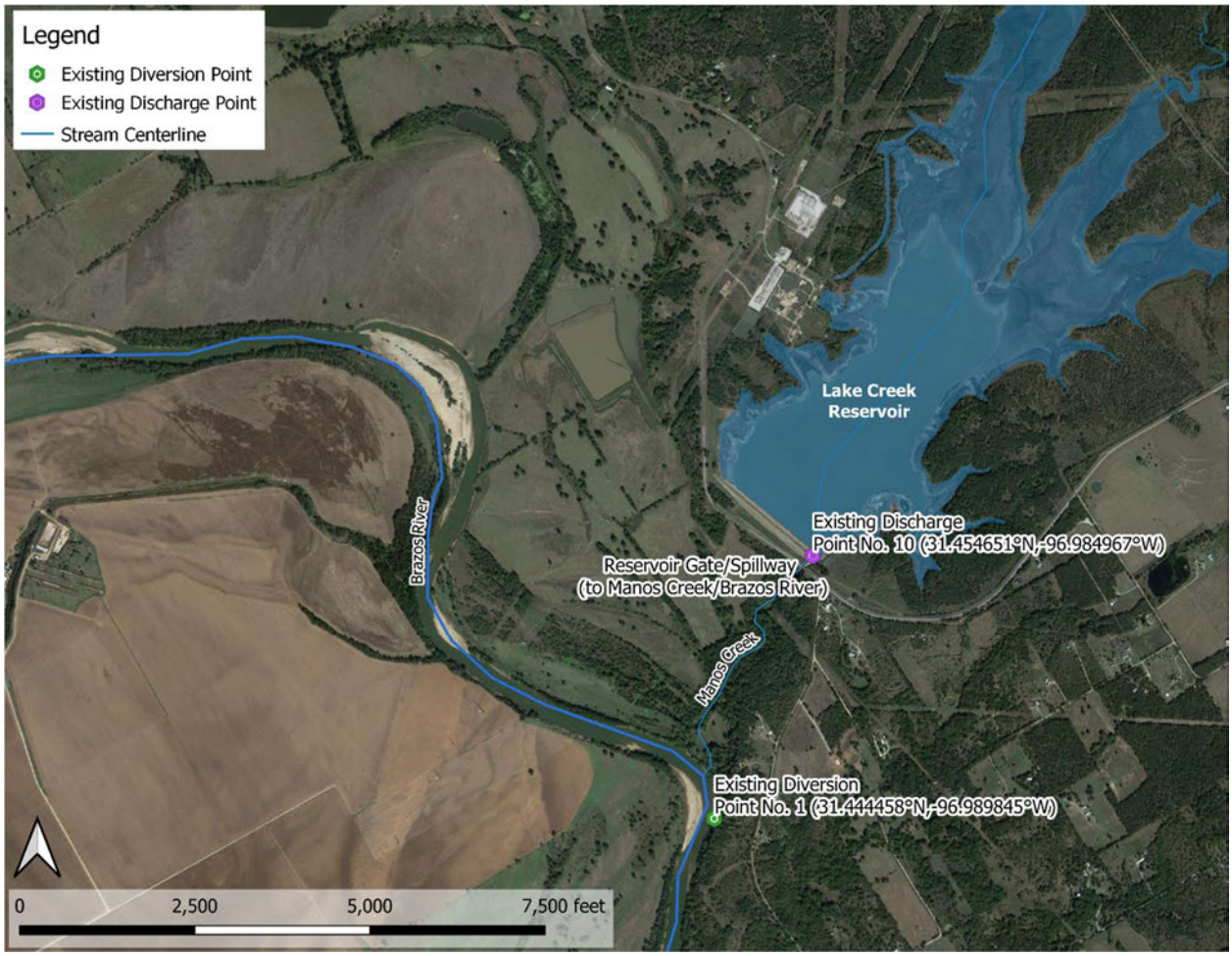
- **SUMMARY Table.** Monthly and annual summary values from ACCOUNTING Table.
  - **B1: Month.** The numerical month and annual value that B columns will be calculated from.
  - **B2: Lake Creek Reservoir Releases, acre-feet.** The amount of Lake Creek Reservoir release water on a monthly and annual basis, calculated from column A6.
  - **B3: Lake Creek Reservoir Release Water Available for Diversion at Diversion Point, acre-feet.** Amount of water available for diversion at diversion point, on a monthly and annual basis, calculated from column A8.
  - **B4: Diversion at diversion point, acre-feet.** The amount of water diverted at diversion point, on a monthly and annual basis, calculated from column A9.

SUPPLEMENTAL MAPS

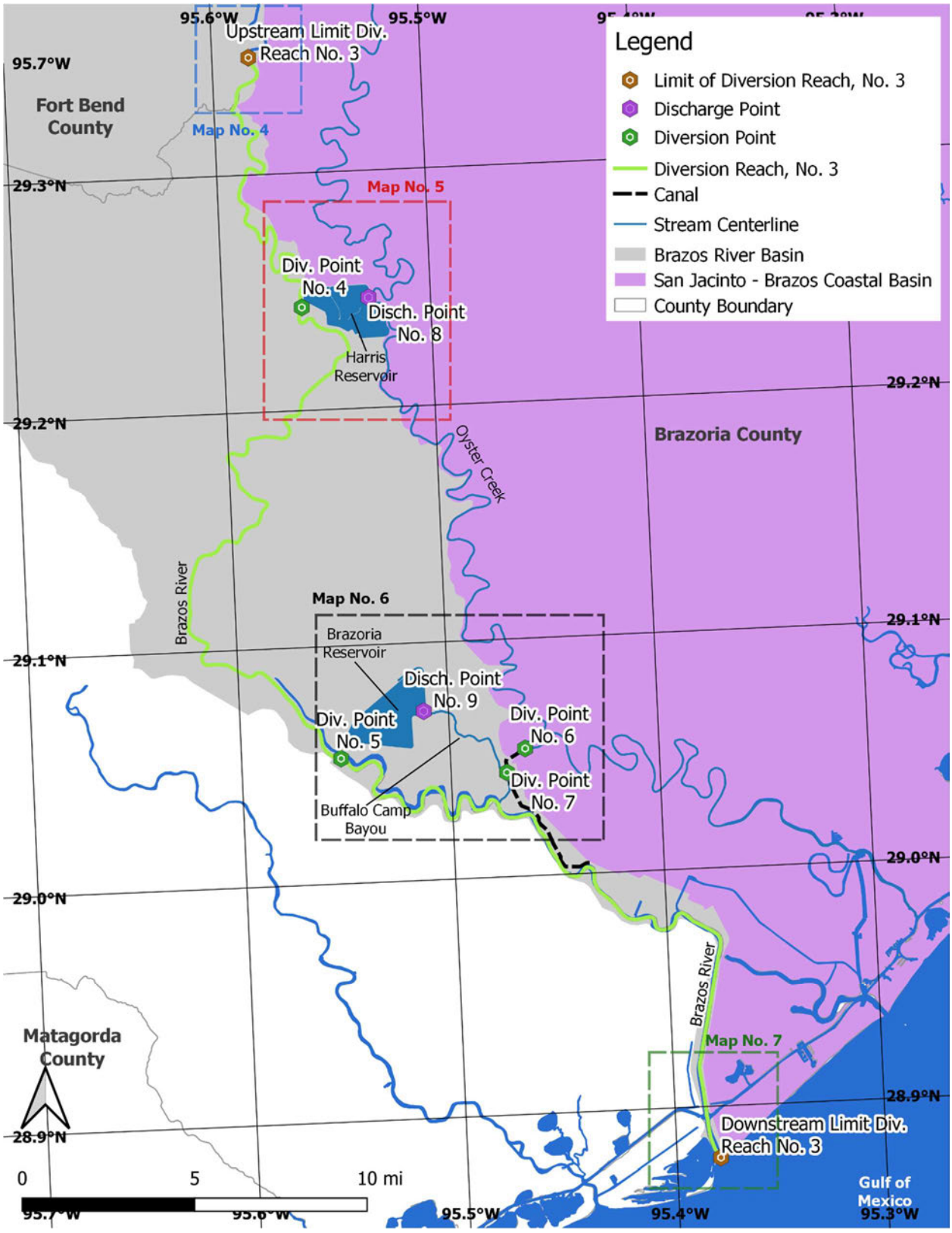
Supplemental Map #1: Overview of Lake Creek Reservoir, proposed diversion reach, existing diversion points, and existing discharge points associated with application.



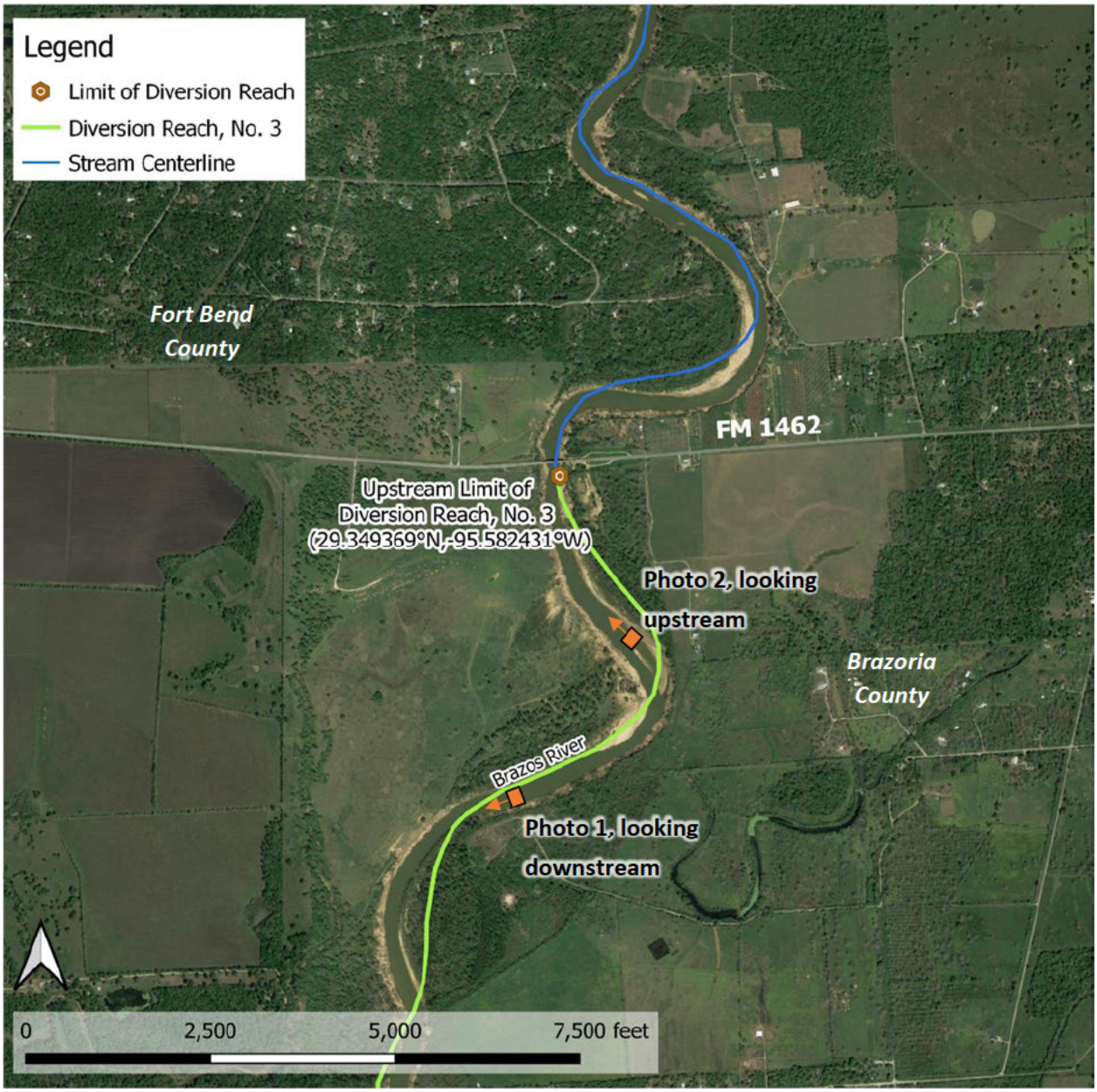
Supplemental Map #2: Location of Lake Creek Reservoir, water rights 12-4345 and 12-4345A, existing diversion point number 1, existing discharge point number 10, in McLennan County in the Brazos River Basin.



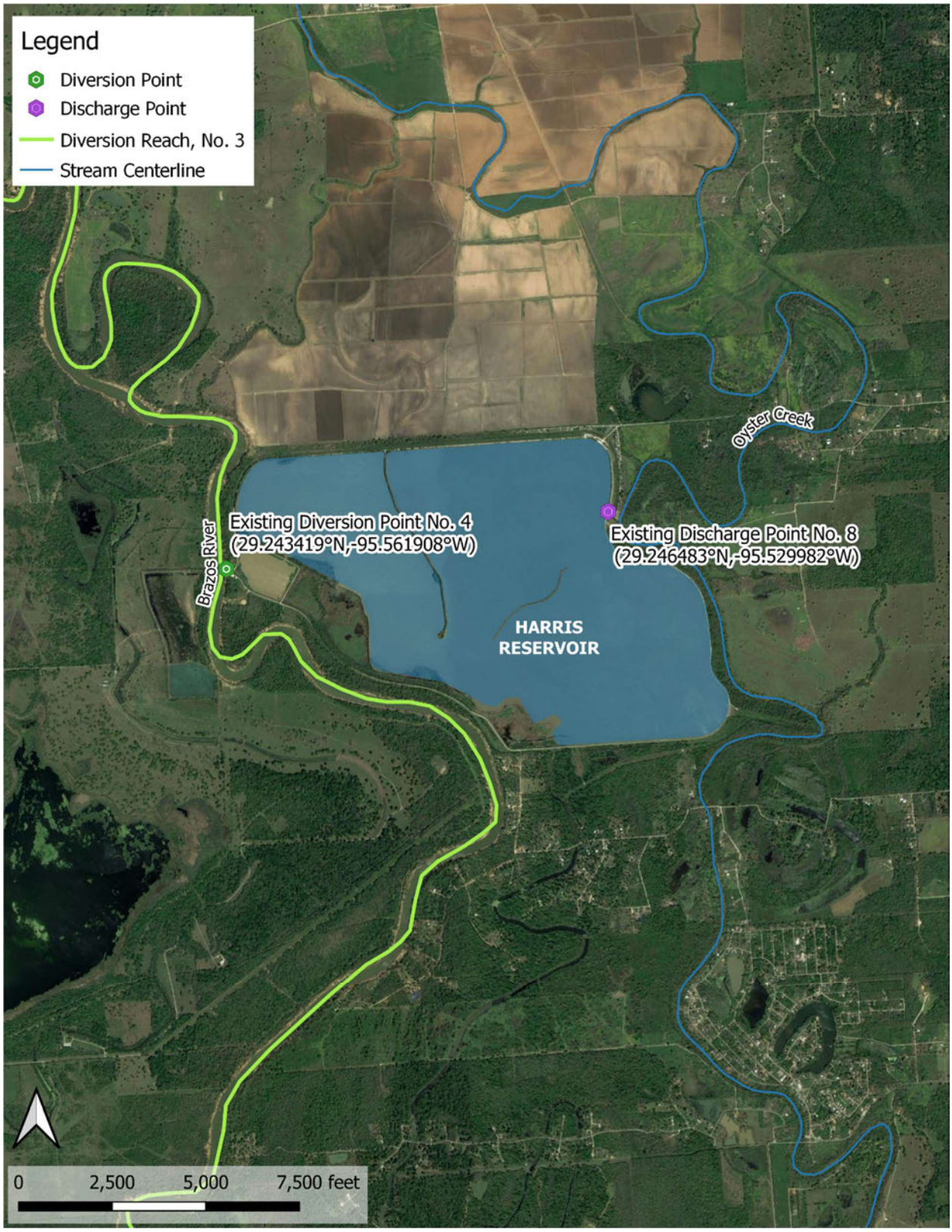
Supplemental Map #3: Overview of proposed diversion reach no. 3, existing diversion points no. 4, 5, 6, 7, and existing discharge points no. 8 and 9. Insets for Supplemental Maps #4 – 7 are also shown.



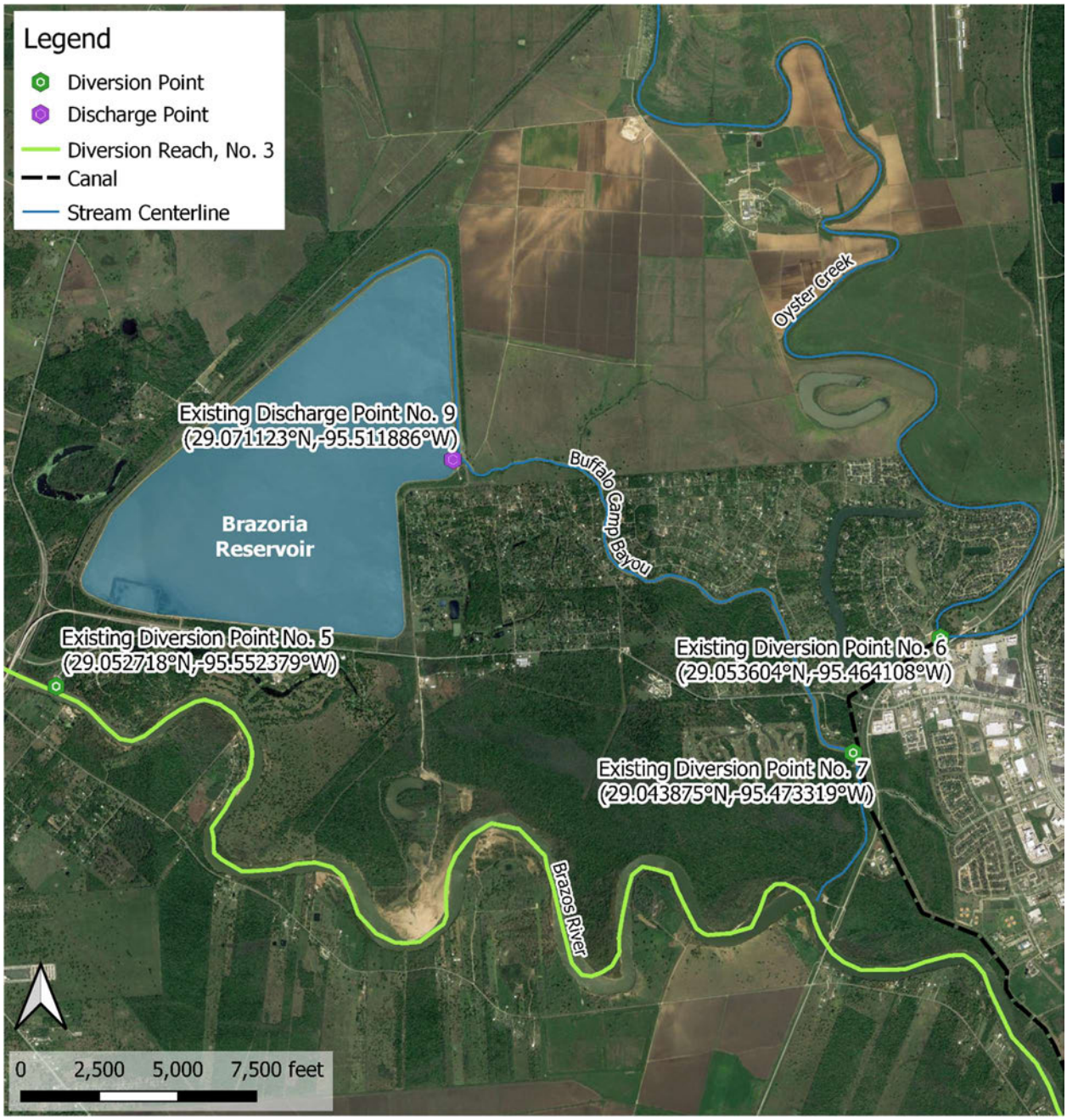
Supplemental Map #4: Proposed upstream limit of diversion reach no. 3.



Supplemental Map #5: Existing diversion point number 4 and existing discharge point number 8.



Supplemental Map #6: Existing diversion points number 5, 6 and 7, and existing discharge point number 9.



Supplemental Map #7: Proposed downstream limit of diversion reach no. 3.

Exhibit 1 – Dow Chemical Company's Letter of Consent

LETTER OF CONSENT

To the Texas Commission on Environmental Quality:

The Dow Chemical Company ("Dow") does hereby consent to BASF Corporation ("BASF") requesting and obtaining TCEQ approval for a Bed and Banks permit that envisions use of Dow's existing and future pumping facilities, as potential diversion points, to divert, store, discharge, and deliver water under Certificate of Adjudication Nos. 12-4345 and 12-4345A from the Brazos River to BASF's facilities in Clute, Texas. Dow's existing facilities currently include the Harris and Brazoria reservoirs, intake facilities, and discharge facilities; facilities on Oyster Creek and Buffalo Camp Bayou; and Dow's canal system.

The proposed diversion at Dow's intake facilities would be contractually facilitated in accordance with and subject to the provisions of Dow's and BASF's Site Services Agreement, dated April 1, 2020 (the "Agreement"). Subject to and in accordance with the provisions of the Agreement, Dow has agreed to deliver BASF's owned, leased, or contracted water to BASF.

Further, Dow consents to the inclusion of Dow's diversion, storage, discharge, and conveyance locations and facilities, as a potential delivery point, in an amendment to Certificate of Adjudication Nos. 12-4345 and 12-4345A.

For the avoidance of doubt, Dow's consent to the conditional use of Dow's facilities as a potential Bed and Banks diversion location for Certificate of Adjudication Nos. 12-4345 and 12-4345A does not grant BASF any legal rights to the use of Dow's assets or water conveyance system beyond the rights expressly provided for in the Agreement or in future contractual agreements.

Fernando Signorini, Gulf Coast V.P. of Operations
The Dow Chemical Company

ACKNOWLEDGEMENT

BASF hereby acknowledges that it is only entitled to use Dow's facilities by agreement with Dow, and that any amendment to Certificate of Adjudication Nos. 12-4345 and 12-4345A will not grant BASF an independent right to use Dow's facilities for the delivery of the water under Certificate of Adjudication Nos. 12-4345 and 12-4345A.

Chris Witte, Senior Vice President
BASF Corporation

Exhibit 2 – Water Conservation Plan

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

Industrial Water Conservation Plan

This form is provided to assist entities in developing a water conservation plan for industrial water use. 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:	Christopher Witte
Address:	602 Copper Road; Freeport, TX 77541
Telephone Number:	(979) 415-6111 Fax: ( )
Form Completed By:	Yasuko Dodd
Title:	Sr. EHS Specialist
Signature:	Christopher P Witte Date: 10/04/2021

A water conservation plan for industrial use must include the following requirements (as detailed in 30 TAC Section 288.3). 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):

   10,000 acre-feet

2. Maximum diversion rate (cfs):

   455 cfs

B. Water Sources

1. Please indicate the maximum or average annual amounts of water currently used and anticipated to be used (in acre-feet) for industrial purposes:

The BASF Freeport Site currently uses multiple existing water sources and source types, and anticipates replacing some future water use with water right no. 12-4345a authorized water. Only water right no. 12-4345a authorized water use is included in this Water Conservation Plan. Anticipated use amount does not include channel losses from Lake Creek reservoir to downstream Brazos River diversion point.

Source	*Water Right No./ Contract(s)*	*Current Use*	*Anticipated Use*
Surface Water	12-4345a	0	10,000
Groundwater	N/A	0	0
Purchased	N/A	0	0
Total	-	0	10,000

2. How was the surface water data and/or groundwater data provided in B(1) obtained?

   Master meter and Customer meter

3. Was purchased water raw or treated?

   N/A

C. Industrial Information

1. Major product(s) or service(s) produced by applicant:

   A variety of organic chemicals, including basic chemicals, raw materials and intermediates used in the manufacturing of Nylon 6, acrylic monomers, alcohols and other specialty chemicals.

2. North American Industry Classification System (NAICS):

   325 – Chemical Manufacturing

II. WATER USE AND CONSERVATION PRACTICES

A. Water Use in Industrial Processes

Authorized water use from water right number 12-4345a has not yet occurred at the BASF Corporation Freeport Site. Water use amount by production type is estimated based on an anticipated use amount of 10,000 acre-feet. Anticipated use amount does not include channel losses from Lake Creek reservoir to downstream Brazos River diversion point.

Production Use	*% Groundwater*	*% Surface Water*	*% Saline Water*	*% Treated Water*	*Water Use (in acre-ft)*
Boiler feed, Incorporated into product, washing, other (DI Water)	0	100	0	0	3,826

Cooling Towers, Once through, processing, washing, transport, other (Clarified River Water)	0	100	0	0	6,174
Sanitary & drinking water	0	0	0	0	0

1. Was fresh water recirculated at this facility? ☒ Yes ☐ No

2. Provide a detailed description of how the water will be utilized in the industrial process.

   At the BASF Corporation Freeport Site, water undergoes various water treatment steps to gain a higher water quality: clarified surface water and DI water. This water is then used in cooling towers for process cooling, steam generation for process heating, process water incorporated into final products, and cleaning/clearing production units.

3. Estimate the quantity of water consumed in production processes and is therefore unavailable for reuse, discharge, or other means of disposal.

   Authorized water use from water right number 12-4345a has not yet occurred at the BASF Corporation Freeport Site. Using existing water consumption amounts from existing water sources, approximately 4,567 acre-feet per year would be consumed in production processes from 10,000 acre-feet of anticipated future water use from water right number 12-4345a.

4. Monthly water consumption for previous year (in acre-feet).

   Authorized water use from water right number 12-4345a has not yet occurred at the BASF Corporation Freeport Site. This table does not represent other existing sources currently being used. Existing water sources are anticipated to be replaced in the future with water use from water right number 12-4345a.

Month	*Diversion Amount*	*% of Water Returned (If Any)*	*Monthly Consumption*
January	0	0	0
February	0	0	0
March	0	0	0
April	0	0	0
May	0	0	0
June	0	0	0
July	0	0	0
August	0	0	0

September	0	0	0
October	0	0	0
November	0	0	0
December	0	0	0
Totals	**0**	**0**	**0**

5. Projected monthly water consumption for next year (in acre-feet).

   Projected monthly water consumption for the next year is based on 10,000 acre-feet of anticipated future water use; actual use and consumption will vary year to year.

Month	*Diversion Amount*	*% of Water Returned (If Any)*	*Monthly Consumption*
January	833.33	54.33%	380.58
February	833.33	54.33%	380.58
March	833.33	54.33%	380.58
April	833.33	54.33%	380.58
May	833.33	54.33%	380.58
June	833.33	54.33%	380.58
July	833.33	54.33%	380.58
August	833.33	54.33%	380.58
September	833.33	54.33%	380.58
October	833.33	54.33%	380.58
November	833.33	54.33%	380.58
December	833.33	54.33%	380.58
Totals	**10,000**	**54.33%**	**4,567**

B. Specific and Quantified Conservation Goal

Water conservation goals for the industrial sector are generally established either for (1) the amount of water recycled, (2) the amount of water reused, or (3) the amount of water not lost or consumed, and therefore is available for return flow.

1. Water conservation goal (water use efficiency measure)

   Type of goal(s):

   Reducing gallons of water consumed per pound of product shipped 0.5% per year.

2. Provide specific, quantified 5-year and 10-year targets for water savings and the basis for development of such goals for this water use/facility.

Based on 25 years of available historical data, using a percent reduction of water consumed per product weight (gallon of water consumed per pound of product shipped) is a reasonable measure for water conservation goal.

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

a. 5-year goal: To reduce gallons of water consumed per pound of product shipped by 2.5%

b. 10-year goal: To reduce gallons of water consumed per pound of product shipped by 4.9%.

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

   BASF Corporation is required to use meters verified by the Brazos Watermaster Program (Watermaster) prior to diversion of water. Further, all diversions of water by BASF Corporation must be metered or otherwise measured within an accuracy of plus or minus five percent and reported to the Watermaster in a timely manner. Metering devices must be tested and calibrated each year with reports of such testing and calibration results.

   At this time meters used to measure diversions and discharges from public watercourses (as noted previously in Section II.2) are owned and operated by a private entity through an existing water supply contract.

4. Provide a description of the leak-detection and repair, and water-loss accounting measures used.

   BASF Corporation produces a Responsible Care Report that documents water use, water use categories, final disposition of water, and evaporative loss of cooling water. Additionally, pressure, water consumption, and storage of water are constantly monitored and inspected.

5. Describe the application of state-of-the-art equipment and/or process modifications used to improve water use efficiency.

   Multiple cooling towers are operated for cooling processes to reduce water needs. Condensate is collected and re-used up to 70%. Production waste water is reused as water supply/feed stock in another business unit. The reverse osmosis reject recovery system has an online flow meter for volume monitoring.

6. Describe any other water conservation practice, method, or technique which the user shows to be appropriate for achieving the stated goal or goals of the water conservation plan:

   The ISO 50001 and 9001 certifications are established at the BASF Corporation Freeport Site. The Freeport Site participates in the BASF Corporation internal wastewater treatment plant benchmark. Local Wastewater Risk Assessments are available for each production unit. Regular internal Responsible Care audits are conducted and regular internal and external ISO audits are conducted.

III. 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.

Exhibit 3 – Written Evidence of Signature Authority

BASF

The Chemical Company

Environment, Health and Safety

September 1, 2010

James L. Bero
Senior Vice President

Christopher P. Witte
BASF Corporation
602 Copper Road
Freeport, TX 77541

Dear Chris:

Thank you for accepting the delegated responsibility to sign and to certify environmental permit applications, reports and other related documents for the facilities of BASF Corporation to which you are assigned.

As you know, care must be taken in completing such applications and reports, since penalties may be imposed for false statements, although penalties are not ordinarily imposed for mistakes made through mere inadvertence. Your plant and site ecology personnel must work closely with you to assure accuracy. In addition, NTU or NOL/R are available for advice and consultation should you wish assistance in completing such documents. Please feel free to call Wayne Enderle or Steve Goldberg at Florham Park with any such questions you may have.

In carrying out your responsibilities, you are covered by the Corporate Compliance Indemnification Policy. Under that policy, the Company provides full indemnification of employee and agents against all expenses (including attorneys' fees), judgments, fines, and reasonable settlements where one has (1) acted in good faith and in a manner he or she believed to be in BASF's best interests; and (2) in a criminal context, where one did not have reasonable cause to believe the challenged conduct was unlawful.

If you have any questions about this Policy, please feel free to call our General Counsel, David Stryker.

Sincerely,

James L. Bero

James L. Bero

Attachment

BASF Corporation
100 Campus Drive
Florham Park, NJ 07932
Tel: (973) 245-6850
Fax: (973) 245-6707

BASF

The Chemical Company

Environmental Permit/Reporting Signature Authorization

Under federal, state, and local environmental laws, which require certification of certain permit applications, reports or other documents, authority may be delegated to a duly authorized representative with responsibilities for that operation.

The managerial position identified below is responsible for environmental activities at the Freeport facility and has responsibility for the overall operation of the site or plant facilities subject to environmental permitting.

Therefore, I, James L. Bero, Senior Vice President, Environment, Health and Safety, do hereby authorize Christopher P. Witte, VP & General Manager to certify any such permit applications, reports, and other required regulatory documents on behalf of BASF Corporation.

This authority shall continue until revoked, modified, or superseded. The person authorized herein shall not further delegate their authority.

James L. Bero

James L. Bero

Senior Vice President, Environment, Health and Safety

Title

September 1, 2010

Date

Concurrence:

Steven J. Goldberg

Steven J. Goldberg (NOL/R)