

# TCEQ Interoffice Memorandum

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

THRU:  Liliana Delgado, Team Leader  
Water Rights Permitting Team

FROM: Chris Kozlowski, Project Manager  
Water Rights Permitting Team

DATE: September 2, 2016

SUBJECT: Popek & Son  
WRPERM 12496  
CN603599143, RN105852677  
Application No. 12496 for a Water Use Permit  
Texas Water Code §§ 11.121 and 11.042, Requiring Published and Mailed  
Notice  
Drainage Ditch, Brazos-Colorado Coastal Basin  
Matagorda County

The Executive Director received an application from Popek & Son seeking a Water Use Permit pursuant to Texas Water Code §§ 11.042 and 11.121 and Texas Commission on Environmental Quality Rules Title 30 Texas Administrative Code §§ 295.1, *et seq.*

The application was received on September 3, 2009. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on April 8, 2010. Notice of the application was mailed on December 3, 2010 to the water right holders in the Brazos-Colorado Coastal Basin and subsequently published. Three requests for a contested case hearing were received.

Because this application was declared administratively complete after September 1, 1999, the rules in Chapter 55, Subchapter G, Sections 55.250 - 55.256 apply. The Chief Clerk shall mail notice to the applicant, executive director, public interest counsel, and timely hearing requestors not later than 35 days prior to the agenda setting. The Applicant, the public interest counsel, and the executive director shall file a response no later than 23 days before agenda, and the hearing requestors shall reply no later than nine days before agenda.

The application is now technically complete and the staff has recommended that the application be granted based on the analysis in the technical review memos.

Below is the caption for this application:

Consideration of an application by Popek and Son for Water Use Permit No. 12496 seeking authorization to: 1) maintain an existing dam and 4.2 acre-foot-capacity reservoir on an unnamed drainage ditch, tributary of Hardeman Slough, tributary of Caney Creek, Brazos-Colorado Coastal Basin in Matagorda County, Texas and 2) use the bed and banks of the reservoir to convey groundwater for subsequent diversion for

agricultural purposes to irrigate 60 acres out of a 123.08 acre tract in Matagorda County. The Commission will consider all timely filed hearing requests and related responses and replies. (Chris Kozlowski, Dinniah Tadema).



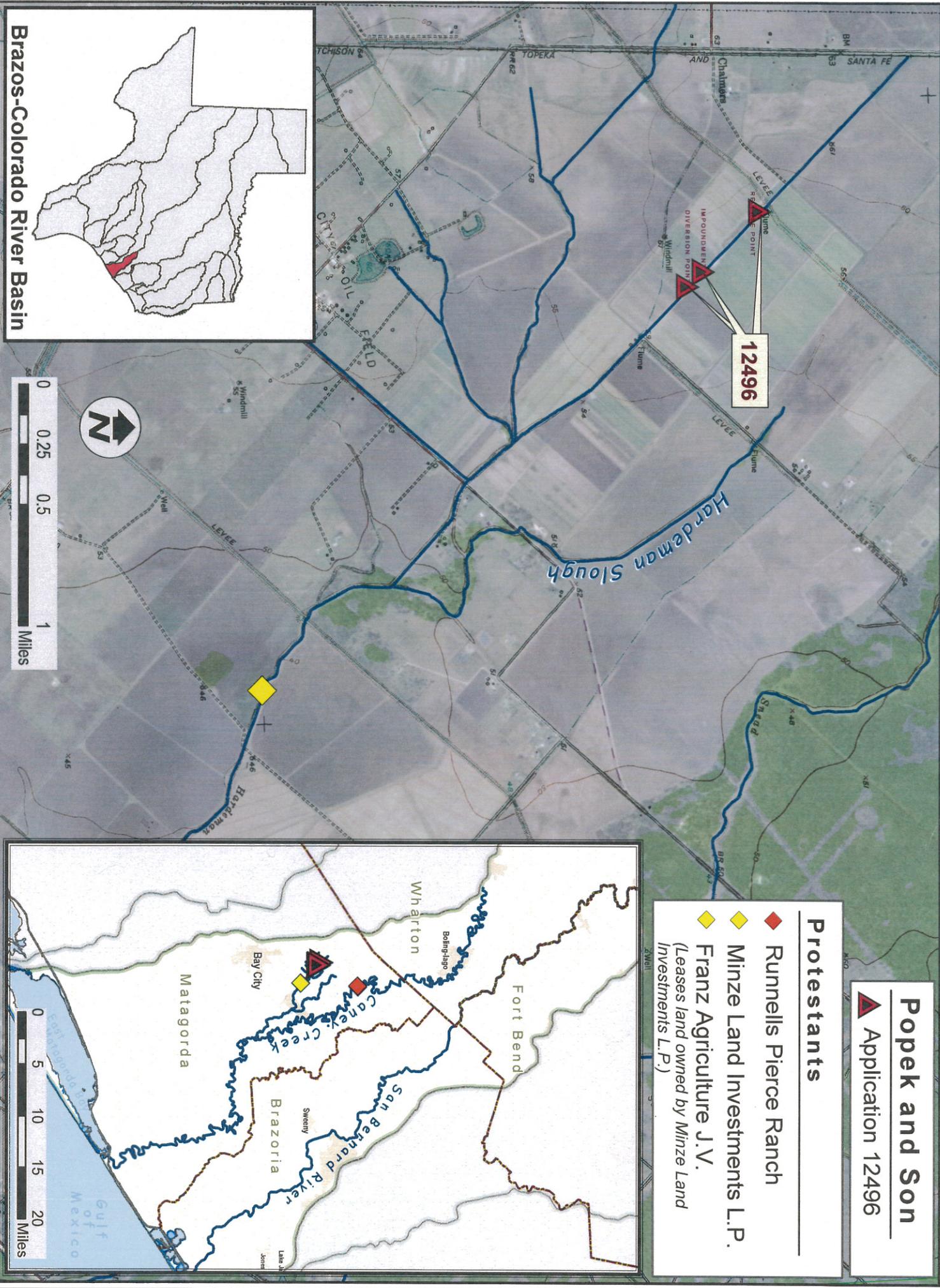
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Chris Kozlowski, Work Leader  
Water Rights Permitting Team

Enclosures

**Popek and Son**  
Application 12496

**Protestants**

- ◆ Runnells Pierce Ranch
- ◆ Minze Land Investments L.P.
- ◆ Franz Agriculture J.V.  
(Leases land owned by Minze Land Investments L.P.)



Brazos-Colorado River Basin

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF WATER RIGHTS APPLICATION

### APPLICATION NO. 12496

Popek and Son has applied for a water use permit to use the bed and banks of an unnamed drainage ditch, tributary of Hardeman Slough, tributary of Caney Creek, Brazos-Colorado Coastal Basin, to convey 200 acre-feet of groundwater per year for subsequent diversion for agricultural purposes in Matagorda County. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Popek and Son, 2501 Marguerite Street, Bay City, Texas 77414, Applicant, seeks a Water Use Permit pursuant to Texas Water Code §§11.121, 11.042 and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) §295.1, *et seq.* Notice is being published and mailed to the water rights holders of record in the Brazos-Colorado Coastal Basin pursuant to 30 TAC §295.151.

Applicant seeks authorization to maintain an existing dam and reservoir on an unnamed drainage ditch, tributary of Hardeman Slough, tributary of Caney Creek, Brazos-Colorado Coastal Basin, for agricultural purposes, and to use the bed and banks of the reservoir to convey 200 acre-feet of groundwater for subsequent diversion for agricultural purposes to irrigate 60 acres out 123.08-acre tract in Matagorda County.

The reservoir has a capacity of 4.2 acre-feet and a surface area of 1.38 acres. A point on the centerline of the dam is N 36.1875 °E, bearing N 70° E, 2,230 feet from the southwest corner of the I & G N RR Co. Original Survey No. 3, Lot 10, Abstract No. 252, in Matagorda County, Texas, also being at Latitude 29.065805°N, Longitude 95.942797°W. Applicant indicates the reservoir is located in zip code 77414.

The Applicant proposes to use groundwater from the Chicot Aquifer to maintain the reservoir at a constant elevation in order to pass inflows of state water.

Groundwater will be discharged into the on-channel reservoir. The Discharge Point is at Latitude 29.073903°N and Longitude 95.951802°W, bearing N 8 °W, 3,465 feet from the southwest corner of the I & G N RR Co. Original Survey No. 3 approximately 5.91 miles northeast of Bay City, in Matagorda County, Texas. Applicant indicates the discharge point is located in zip code 77414.

The diversion point from the on-channel reservoir is located at Latitude 29.068542°N, Longitude 95.945918°W, bearing N 30°E, 2,081 feet from the southwest corner property marker of the I & G N RR Co. Original Survey No. 3, approximately 5.91 miles northeast of Bay City, in Matagorda County. Water will be diverted at a maximum rate of 1.3368 cfs (600 gpm).

Ownership of the lands to be inundated and irrigated is evidenced in a Warranty Deed with Vendor's Lien, Document No. 080671, as recorded in the Official Public Records of Matagorda County, Texas.

The application was received on September 3, 2009. Additional information and fees were received on November 24, December 4, December 15, 2009, February 18, 2010, and March 17, 2010. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on April 8, 2010.

The Executive Director completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions including, but not limited to maintenance of an alternate source of water. The application, technical memoranda, and Executive Director's draft permit are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Bldg. F, Austin, TX 78711-3087.

**PUBLIC COMMENT / PUBLIC MEETING.** Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

**CONTESTED CASE HEARING.** The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general

public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**INFORMATION.** Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Office of Public Assistance at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at [www.tceq.state.tx.us](http://www.tceq.state.tx.us). Si desea información en Español, puede llamar al 1-800-687-4040.

Issued: December 3, 2010

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## WATER USE PERMIT

PERMIT NO. 12496

TYPE §§ 11.121, 11.042

Permittee: Popek and Son

Address: 2501 Marguerite Street  
Bay City, Texas 77414

Filed: April 8, 2010

Granted:

Purpose: Agricultural

County: Matagorda

Watercourse: Unnamed drainage ditch,  
tributary of Hardeman Slough,  
tributary of Caney Creek

Watershed: Brazos-Colorado  
Coastal Basin

WHEREAS, Popek and Son, Applicant, seeks authorization to maintain an existing dam and reservoir on an unnamed drainage ditch, tributary of Hardeman Slough, tributary of Caney Creek, Brazos-Colorado Coastal Basin, for agricultural purposes, and to use the bed and banks of the reservoir to convey 200 acre-feet of groundwater for subsequent diversion for agricultural purposes to irrigate 60 acres out 123.08-acre tract in Matagorda County; and

WHEREAS, the reservoir has a capacity of 4.2 acre-feet and a surface area of 1.38 acres. A point on the centerline of the dam is located N 70° E, 2,230 feet from the southwest corner of the I & G N RR Co. Original Survey No. 3, Lot 10, Abstract No. 252, in Matagorda County, Texas, also being at Latitude 29.069535°N, Longitude 95.946931°W; and

WHEREAS, Applicant has proposed to use groundwater from the Chicot Aquifer to maintain the reservoir at a constant elevation in order to pass inflows of state water; and

WHEREAS, applicant indicates that losses due to evaporation for the reservoir will be a maximum of 2% of the discharge volume; and

WHEREAS, ownership of the lands to be inundated are evidenced in a Warranty Deed with Vendor's Lien, Document No. 080671, as recorded in the Official Public Records of Matagorda County, Texas; and

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

WHEREAS, the Executive Director recommends special conditions be included in the permit; and

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

NOW, THEREFORE, Water Use Permit No. 12496 is issued to Popek and Son, subject to the following terms and conditions:

1. IMPOUNDMENT

Permittee is authorized to maintain an existing dam and reservoir in Matagorda County, 5.91 miles northeast of Bay City. The reservoir is located on an unnamed drainage ditch, tributary of Hardeman Slough, tributary of Caney Creek, Brazos-Colorado Coastal Basin with a capacity of 4.2 acre-feet and a surface area of 1.38 acres. A point on the centerline of the dam is located N 70° E, 2,230 feet from the southwest corner of the I & G N RR Co. Original Survey No. 3, Lot 10, Abstract No. 252, also being at Latitude 29.069535° N, Longitude 95.946931° W.

2. USE

- A: Permittee is authorized to use the bed and banks of the reservoir to convey groundwater.
- B. Permittee is authorized to divert and use groundwater for agricultural purposes to irrigate 60 acres land located in the I & G N RR Co. Survey No. 3, Lot 10, Abstract 252, out of a 123.08-acre tract in Matagorda County.

3. DISCHARGE

Permittee is authorized to discharge groundwater into the reservoir at a point bearing N 8° W, 3,465 feet from the southwest corner of the I & G N RR Co. Original Survey No. 3, Lot 10, Abstract No. 252, also being Latitude 29.073104° N, Longitude 95.950913° W.

4. DIVERSION

Permittee is authorized to divert groundwater from the reservoir at a point bearing N 30° E, 2,081 feet from the southwest corner of the I & G N RR Co. Original Survey No. 3, Lot 10, Abstract No. 252, also being Latitude 29.068542° N, Longitude 95.945918° W at a diversion rate of 1.3368 cfs (600 gpm).

5. PRIORITY

The time priority for this right is April 8, 2010.

6. SPECIAL CONDITIONS

- A. Discharge of commingled groundwater from the reservoir should be of sufficient quality to meet the Surface Water Quality Standards for Segment No. 1305.
- B. Permittee shall implement measures to minimize impacts to aquatic resources due to entrainment or impingement including, but not limited to, the installation of screens at the diversion facilities with a mesh size of no greater than 0.25 inches and a maximum flow-through velocity of 0.5 feet per second.
- C. This permit does not allow Permittee to impound State water. Permittee shall provide and maintain suitable outlets in good working condition in the reservoirs to pass all inflows of state water downstream and maintain the reservoirs full. Upon termination of this permit, Permittee shall activate the outlets such that no State water is impounded in the reservoir.
- D. Permittee shall maintain and operate an alternative source of water with sufficient production to ensure no State water is used. Permittee has identified groundwater from the Chicot Aquifer as the alternative source of water for this project. Permittee shall provide and maintain a record of the amount of groundwater produced and utilized. Permittee shall provide documentation of same for review during normal business hours upon request by either the Executive Director or members of the general public.
- E. This permit is issued contingent upon the Permittee's maintenance of the alternate source of water identified in Paragraph D (above). In the event the well(s) will not be used as the alternate source, Permittee shall immediately cease impoundment of water under this permit and either apply to amend this permit with documentation of the new alternative source of water, or voluntarily forfeit the permit. If Permittee does not amend or forfeit the permit, The Commission shall be notified immediately by the Permittee that the groundwater well(s) will not be used as the alternative source of water for this permit.
- F. Diversion of groundwater shall not occur at rates or in amounts higher than the actual daily amount of groundwater discharged into the unnamed tributary of Hardeman Slough (this is the point of discharge) after accounting for the calculated losses and travel time from the discharge point to the diversion point.
- G. Prior to diversion of the groundwater authorized herein, if sufficiently accurate measuring devices are not available, Permittee shall install and

maintain measuring devices(s), at the discharge point of the water and at any authorized diversion point, capable of measuring within plus or minus 5% accuracy, to record the amount of groundwater discharged into the unnamed tributary of Hardeman Slough and subsequently diverted on a daily basis.

This permit is issued subject to all senior and superior water rights in the Brazos-Colorado Coastal Basin.

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

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

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

\_\_\_\_\_  
For The Commission

ISSUED:

**DRAFT**

# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

**To:** Sonia Crawford, Project Manager **Date:** September 20, 2010  
Water Rights Permitting Team  
Water Rights Permitting & Availability Section

**Through:** *CL* Chris Loft, Team Leader  
*9/21/10* Resource Protection Team  
Water Rights Permitting & Availability Section

*GE* Gregg Easley, Aquatic Scientist  
*9/21/10* Resource Protection Team  
Water Rights Permitting & Availability Section

**From:** Kaci Myrick, Aquatic Scientist  
*KM* Resource Protection Team  
*9/20/10* Water Rights Permitting & Availability Section

**Subject:** Popek and Son  
WRPERM 12496  
CN603599143  
Unnamed tributary of Hardeman Slough  
Brazos-Colorado Coastal Basin  
Matagorda County

Environmental reviews of water right applications are conducted in accordance with §11.042, §11.147, §11.1491, §11.150, and §11.152 of the Texas Water Code and with TCEQ administrative rules which include 30 TAC §297.53 through §297.56. These statutes and rules require the TCEQ to consider the possible impacts of the granting of a water right on fish and wildlife habitat, water quality, and instream uses associated with the affected body of water. Possible impacts to bays and estuaries are also addressed.

### ENVIRONMENTAL ANALYSIS

**Application Summary:** Popek and Son (Applicant) seeks authorization to maintain an existing dam and reservoir, in Matagorda County, on an unnamed tributary of Hardeman Slough, Brazos-Colorado Coastal Basin for agricultural purposes. The reservoir has a storage capacity of 4.2 acre-feet of water and a surface area of 1.38 acres. The Applicant also seeks authorization to use the bed and banks of the unnamed tributary of Hardeman Slough to convey 200 acre-feet of groundwater to a diversion point located approximately 0.51 river miles downstream and to divert at a rate of 1.3368 cfs (600 gpm). The Applicant states that the existing reservoir will be maintained full using groundwater from two wells permitted by the Coastal Plains Groundwater Conservation District, drawing from the Chicot Aquifer.

### INSTREAM USES

**Aquatic and Riparian Habitats:** The project is located in Matagorda County in the Coastal Prairie

region of Texas. This region is mostly level, with elevations ranging from sea level to 70 feet. Soils consist of light-colored, shallow loam and clayey subsoils; some areas, particularly in the coastal marshes, have gray to black, cracking, clayey soils (*Handbook of Texas Online*). Based on photos provided by the Applicant, as well as aerial photography, the Applicant's project is located on a man-made ditch surrounded by agricultural fields. The primary vegetation appears to be composed of grasses and sedges with little woody vegetation.

The Applicant has indicated that they have installed screens with a mesh size of 0.25 inches and have a maximum flow through velocity of 0.5 feet per second as recommended by Resource Protection staff for the prevention of potential entrainment and impingement of aquatic organisms. The maintenance of an existing dam and reservoir with groundwater and the use of the bed and banks to convey groundwater should not cause adverse impacts to the aquatic and riparian habitats of the unnamed tributary of Hardeman Slough.

**Recreational Uses:** There are no known recreational uses of the unnamed tributary of Hardeman Slough at the Applicant's project location. However, maintenance of an existing dam and reservoir with groundwater and the use of the bed and banks to convey groundwater should not cause adverse impacts to recreational uses that may exist.

**Water Quality:** No water quality data was available for the unnamed tributary at the Applicant's project location or for Hardeman Slough. The nearest downstream classified Segment to the Applicant's proposed project is Segment No. 1305, Caney Creek Above Tidal, as listed in the state surface water quality standards (30 TAC 307.10(1) and (3)). The designated uses for Segment No. 1305, as listed in 30 TAC 307.10(1), are contact recreation and high aquatic life. The portion of Segment No. 1305 that is at the confluence with Hardeman Slough is listed on the 303(d) list for elevated bacteria levels and depressed dissolved oxygen in the Texas Water Quality Inventory basin assessment (TCEQ 2008).

The applicant indicates that groundwater from the Chicot Aquifer will be discharged into the unnamed tributary and passed, via the bed and banks, 0.51 miles downstream. Water quality data was provided by the applicant from one of the wells to be used. Table 1 includes values of groundwater quality data and the water quality standards for Segment 1305.

**Table 1 Water quality data from the Applicant's well drawing from the Chicot Aquifer and the WQ standards for Segment 1305**

Parameter (mg/L)	Groundwater chemistry for Applicant's well	WQ standards for Segment 1305
pH	8.1	6.5-9.0
Chloride	110	210
Sulfate	160	75
TDS	838	1000

Based on the water quality data shown above, groundwater from the Chicot Aquifer in this area contains concentrations of sulfate that exceed the allowable water quality standards for Segment No. 1305. Resource Protection staff recommend that the applicant ensure that all discharges of

commingled groundwater are of sufficient quality to meet the Texas Surface Water Quality Standards for Segment No. 1305.

**Bay and Estuary Freshwater Inflows:** Freshwater inflows are critical for maintaining the historical productivity of bays and estuaries along the Gulf Coast. The proposed project site is located within the Coastal Management Boundary and is significantly less than 200 miles from the Gulf Coast. However, the application's request does not meet the requirements to be subject to the State's Coastal Management Program. The maintenance of an existing dam and reservoir with groundwater and the use of the bed and banks to convey groundwater should not cause adverse impacts to the Brazos-Colorado Coastal Basin's estuary system.

#### SUMMARY

Popek and Son (Applicant) seeks authorization to maintain an existing dam and reservoir, in Matagorda County, on an unnamed tributary of Hardeman Slough, Brazos-Colorado Coastal Basin for agricultural purposes. The reservoir has a storage capacity of 4.2 acre-feet of water and a surface area of 1.38 acres. The Applicant also seeks authorization to use the bed and banks of the unnamed tributary of Hardeman Slough to convey 200 acre-feet of groundwater to a diversion point located approximately 0.51 river miles downstream and to divert at a rate of 1.3368 cfs (600 gpm). The Applicant states that the existing reservoir will be maintained full using groundwater from two wells permitted by the Coastal Plains Groundwater Conservation District, drawing from the Chicot Aquifer.

**Resource Protection staff recommend the following special conditions be included in the permit, if granted:**

- 1. Discharge of commingled groundwater from the reservoir should be of sufficient quality to meet the Surface Water Quality Standards for Segment No. 1305.**
- 2. Permittee shall implement measures to minimize impacts to aquatic resources due to entrainment or impingement including, but not limited to, the installation of screens at the diversion facilities with a mesh size of no greater than 0.25 inches and a maximum flow-through velocity of 0.5 feet per second.**

This instream use assessment was conducted using current TCEQ operation procedures and policies and available data and information. Authorizations granted to the permittee by the water rights permit shall comply with all rules of the Texas Commission on Environmental Quality, and other applicable State and Federal authorizations.

#### LITERATURE CITED

*Handbook of Texas Online*, s.v. "Matagorda County" <http://www.tshaonline.org/handbook/online/articles/MM/hcm11.html> (accessed April 5, 2010).

TCEQ. 2008. Texas Water Quality Inventory and 303(d) List. Texas Commission on Environmental Quality.

# Texas Commission on Environmental Quality

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## INTEROFFICE MEMORANDUM

To: Sonia Crawford, Application Manager  
Water Rights Permitting Team

Through: *[Signature]* Kathy Alexander, Technical Specialist  
Water Rights Permitting and Availability Section

*[Signature]* Steve Densmore, Team Leader  
Surface Water Availability & Interstate Compact Team

From: Jessica Hudock, Hydrologist  
Surface Water Availability & Interstate Compacts Team

Subject: Popek and Son  
WRPERM 12496  
CN603599143  
Unnamed tributary of Hardeman Slough  
Brazos-Colorado Coastal Basin  
Matagorda County

July 30, 2010

## WATER AVAILABILITY REVIEW

### Application Summary

Popek and Son (Applicant) seeks authorization to maintain an existing dam and reservoir on an unnamed tributary of Hardeman Slough, Brazos-Colorado River Basin for agricultural purposes. The reservoir has a storage capacity of 4.2 acre-feet of water and a surface area of 1.38 acres. The Applicant also seeks authorization to use the bed and banks of the unnamed tributary of Hardeman Slough to convey 200 acre-feet of groundwater to a diversion point located approximately 0.51 river miles downstream. The Applicant has estimated that conveyance losses will be approximately 2% of the discharged volume with an average estimated travel time of less than 1 day. The Applicant states that all state water will be passed and the existing reservoir will be maintained full using groundwater from 2 wells permitted by the Coastal Plains Groundwater Conservation District, authorized to produce no more than 3600 acre-feet of water from the Chicot Aquifer. The application was declared administratively complete on April 8, 2010.

## Water Availability Review

The application does not request an authorization to use state water, therefore a water availability analysis is not necessary. However, the application must be evaluated to determine if the groundwater source is adequate to compensate for effects on state water and evaporative losses. Based on evaporation data from the Colorado/Brazos-Colorado WAM, Quadrangle 812, staff determined that the average annual evaporation from the reservoir is 2.81 acre-feet per year with annual and monthly maximums of 9.57 acre-feet and 2.45 acre-feet, respectively. The application indicates that the groundwater production from the 2 wells is adequate to compensate for effects on state water and evaporative losses.

Resource Protection staff did not recommend an instream flow requirement, but they did include provisions to protect water quality.

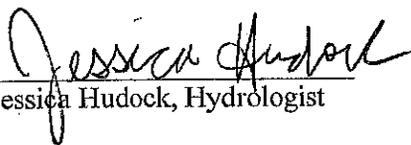
## Conclusion

Hydrology staff can support granting the application provided the permit includes Resource Protection staff's recommendations and the following special conditions:

1. This permit does not allow Permittee to impound State water. Permittee shall provide and maintain suitable outlets in good working condition in the reservoir to pass all inflows of state water downstream and maintain the reservoirs full. Upon termination of this permit, Permittee shall activate the outlets such that no State water is impounded in the reservoir.
2. Permittee shall maintain and operate an alternative source of water with sufficient production to ensure no State water is used. Permittee has identified groundwater from the Chicot Aquifer as the alternative source of water for this project. Permittee shall provide and maintain a record of the amount of groundwater produced and utilized. Permittee shall provide documentation of same for review during normal business hours upon requests by either the Executive Director or members of the general public.
3. This permit is issued contingent upon the Permittee's maintenance of the alternate source of water identified in Paragraph (2) above. In the event the well(s) will not be used as the alternate source, Permittee shall immediately cease impoundment of water under this permit and either apply to amend this permit with documentation of the new alternative source of water, or voluntarily forfeit the permit. If Permittee does not amend or forfeit the permit, the Commission shall be notified immediately by the Permittee that the groundwater well(s) will not be used as the alternative source of water for this permit.
4. Diversion of groundwater shall not occur at rates or in amounts higher than the actual daily amount of groundwater discharged into the unnamed tributary of Hardeman Slough (this is the point of discharge) after accounting for the calculated losses and travel time

from the discharge point to the diversion point.

5. Prior to diversion of the groundwater water authorized herein, if sufficiently accurate measuring devices are not available, Permittee shall install and maintain measuring device(s), at the discharge point of the water and at any authorized diversion point, capable of measuring within plus or minus 5% accuracy, to record the amount of groundwater discharged into the unnamed tributary of Hardeman Slough and subsequently diverted on a daily basis.

  
Jessica Hudock, Hydrologist

# Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

**To:** Michael Gill  
Water Rights Permitting Team

**Date:** July 25, 2013

**Thru:**

**From:** Warren D. Samuelson, P. E., Manager  
Dam Safety Section MC-177

**Subject:** Popek and Son, Application (12496) to maintain an existing reservoir, unnamed tributary of Hardeman Slough, Brazos-Colorado Coastal Basin, Matagorda County.

The applicant seeks authorization to maintain an existing reservoir in Matagorda County. The pond is in a drainage ditch and has a capacity of 4.2 acre-feet and a surface area of 1.38 acres. There is no dam.

This project is exempt from Dam Safety requirements by rule in Chapter 299.

Therefore, there are no dam safety requirements that need to be met.



Warren D. Samuelson, P. E., Manager  
Dam Safety Section

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