

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF PUBLIC MEETING ON AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 18-2026C

Curtis J. and Christina Wheatcraft seek to amend Certificate of Adjudication No. 18-2026 to add mining purposes of use and two diversion points on the Guadalupe River, Guadalupe River Basin in Kerr County. The application does not request a new appropriation of water. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Curtis J. and Christina Wheatcraft, 6133 Highway 27, Center Point, TX 78010, Applicants, have applied to the Texas Commission on Environmental Quality (TCEQ) to amend Certificate of Adjudication No. 18-2026 pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Notice is being mailed to the co-owners of the certificate pursuant to 30 TAC §§ 295.158(c)(2)(B), and to the interjacent water rights holders of record in the Guadalupe River Basin pursuant to 30 TAC § 295.158(c)(3)(D).

A portion of Certificate of Adjudication No. 18-2026 authorizes Curtis J. and Christina Wheatcraft to divert and use not to exceed 153.225 acre-feet of water per year from two points on the Guadalupe River, Guadalupe River Basin, for agricultural purposes to irrigate 53.560 acres of land in Kerr County.

The authorization to divert a 100 acre-foot portion of the authorized water is subject to the maintenance of a Subordination Agreement between Owners and the Guadalupe-Blanco River Authority. Owners submitted evidence of an Upstream Diversion Contract dated November 4, 2020 with the Guadalupe-Blanco River Authority for the 100 acre-foot portion of water.

The authorization to divert 100 acre-feet out of the 153.225 acre-feet of water has a time priority of August 1, 1996 and the authorization to divert the remaining 53.225 acre-feet of water has a time priority of 1961.

Multiple diversion rates are authorized as follows: 49.916 acre-feet of water at a maximum diversion rate of not to exceed 0.7 cfs (300 gpm), 3.309 acre-feet of water at a maximum diversion rate of not to exceed 1.2 cfs (525 gpm), and the 100 acre-foot portion of water that is authorized pursuant to the Upstream Diversion Contract at a maximum diversion rate of not to exceed 0.7 cfs (300 gpm).

Applicants seek to amend their portion of Certificate of Adjudication No. 18-2026 to add mining purposes for use in Kerr County.

Applicants also seek to add two diversion points currently authorized by Certificate of Adjudication No. 18-2024, and located on the Guadalupe River, Guadalupe River Basin at Latitude 29.940994° N, Longitude 99.019453° W, and at Latitude 29.941306° N, Longitude 99.017715° W in Kerr County, Zip Code 78010.

Consent to access the proposed diversion points was provided by Wheatcraft, Inc, Owner of Certificate of Adjudication No. 18-2024.

The application was received on November 3, 2015. Additional information and fees were received on on May 11, June 6 and July 21, 2017, May 21, 2018. The application was declared administratively complete and filed with the Office of the Chief Clerk on June 22, 2018. Additional information was received on August 1, 2019, August 4, and November 13, 2020.

The Executive Director has 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 Upstream Diversion Contract with the Guadalupe Blanco River Authority for 100 acre-feet of the authorized water. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments to the Office of the Chief Clerk at the address below. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the permit application and the Executive Director's recommendations, but the comments and questions submitted orally during the Informal Discussion Period will not be considered by the Commissioners and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period, members of the public may state their formal comments orally into the official record. The Executive Director will subsequently summarize the formal comments and prepare a written response which will be considered by the Commissioners before they reach a decision on the application. The Executive Director's written response will be available to the public online or upon request. The public comment period on this application concludes at the close of the public meeting.

The Public Meeting is to be held:

Thursday, May 13, 2021 at 7:00 PM

Members of the public who would like to ask questions or provide comments during the meeting may access the meeting via webcast by following this link: <https://www.gotomeeting.com/webinar/join-webinar> and entering Webinar ID 191-224-163. It is recommended that you join the webinar and register for the public meeting at least 15 minutes before the meeting begins. You will be given the option to use your computer audio or to use your phone for participating in the webinar.

Those without internet access may call (512) 239-1201 at least one day prior to the meeting for assistance in accessing the meeting and participating telephonically. Members of the public who wish to only listen to the meeting may call, toll free, (631) 992-3221 and enter access code 151-530-099.

Additional information will be available on the agency calendar of events at the following link: <https://www.tceq.texas.gov/agency/decisions/hearings/calendar.html>.

INFORMATION. Citizens are encouraged to submit written comments anytime during the public meeting. Citizens may mail their comments to the Office of the Chief Clerk, TCEQ, Mail

Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or submit them electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 2026 in the search field before the public comment period closes. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at 1-800-687-4040. General information can be found at our Web site at www.tceq.texas.gov. *Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.*

Persons with disabilities who need special accommodations at the public meeting should call the Office of the Chief Clerk at (512) 239-3300 or 1-800-RELAY-TX (TDD) at least five business days prior to the meeting.

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