

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF AN APPLICATION FOR A TEMPORARY WATER USE PERMIT

APPLICATION NO. 13679

Select Energy Services, LLC seeks a temporary water use permit to divert and use not to exceed 387 acre-feet of water within a period of three years from Cibolo Creek, San Antonio River Basin at a maximum diversion rate of 11.64 cfs (5,226 gpm) for mining purposes in Karnes County. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Select Energy Services, LLC, Applicant, 1000 Central Pkwy N, Ste. 270, San Antonio, Texas 78232, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Temporary Water Use Permit pursuant to Texas Water Code § 11.138 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Notice is being mailed to the downstream water right holders of record in the San Antonio River Basin pursuant to Title 30 TAC § 295.154.

Select Energy Services, LLC seeks a temporary water use permit to divert and use not to exceed 387 acre-feet of water within a period of three years from Cibolo Creek, tributary of the San Antonio River, San Antonio River Basin for mining purposes in Karnes County.

Water will be diverted at a maximum diversion rate of 11.64 cfs (5,226 gpm) from a point located Latitude 28.953071 °N, Longitude 97.873229 °W for mining purposes in Karnes County ZIP Code 78144.

The application was received on February 11, 2020. Additional information and fees were received on April 15, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 6, 2020.

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, streamflow restrictions and installing a measuring device for diversions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: [www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/wr-apps-pub-notice](http://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.** Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below, by October 19, 2020. 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 by October 19, 2020. The Executive Director may approve the application unless a written request for a contested case hearing is filed by October 19, 2020.

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 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRTP 13679 in the search field. 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 Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at [www.tceq.texas.gov](http://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>

Issued: September 30, 2020

## Natalia Ponebshek

---

**From:** Danny Stroud <DStroud@selectenergy.com>  
**Sent:** Tuesday, September 22, 2020 8:36 AM  
**To:** Natalia Ponebshek  
**Cc:** Sarah Henderson  
**Subject:** RE: Select Energy Services, LLC Application No. 13679 Draft Permit

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Natalia,

This all looks good on our end to proceed!

Thank you.

Danny Stroud

---

**From:** Natalia Ponebshek [mailto:Natalia.Ponebshek@tceq.texas.gov]  
**Sent:** Friday, September 18, 2020 2:32 PM  
**To:** Danny Stroud <DStroud@selectenergy.com>  
**Cc:** Sarah Henderson <sarah.henderson@tceq.texas.gov>  
**Subject:** Select Energy Services, LLC Application No. 13679 Draft Permit

**External Email:** Use caution with links & attachments. The sender of this email is  
[Natalia.Ponebshek@tceq.texas.gov](mailto:Natalia.Ponebshek@tceq.texas.gov)

Hello,

Please find the attached draft permit for the abovementioned application. Please provide any comments you may have by close of business on October 2, 2020.

Thank you,

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
(512) 239-4641

## **Natalia Ponebshek**

---

**From:** Natalia Ponebshek  
**Sent:** Friday, September 18, 2020 2:32 PM  
**To:** dstroud@selectenergyservices.com  
**Cc:** Sarah Henderson  
**Subject:** Select Energy Services, LLC Application No. 13679 Draft Permit  
**Attachments:** Select Energy Services LLC\_13679\_Drafts.pdf

Hello,

Please find the attached draft permit for the abovementioned application. Please provide any comments you may have by close of business on October 2, 2020.

Thank you,

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
(512) 239-4641

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 18, 2020

Mr. Daniel Stroud  
1000 Central Pkwy N, Ste. 270  
San Antonio, TX 78232

**VIA-EMAIL**

RE: Select Energy Services, LLC  
WRTP 13679  
CN603611161, RN110961984  
Application No. 13679 for a Temporary Water Use Permit  
Texas Water Code § 11.138, Requiring Limited Mailed Notice  
Cibolo Creek, San Antonio River Basin  
Karnes County

Dear Mr. Stroud:

Drafts, subject to revision, of the public notice, proposed Temporary Water Use Permit No. 13679, and the related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the attached drafts. Please review the drafts and contact me no later than October 2, 2020 with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

Please note this application requires a 15-day comment period and once the comment period has closed, the proposed Temporary Water Use Permit No. 13679 may be issued as drafted given no hearing requests are received.

If you have any questions concerning this matter, please contact me via email at [Natalia.Ponebshek@tceq.texas.gov](mailto:Natalia.Ponebshek@tceq.texas.gov) or at (512) 239-4641.

Sincerely,

*Natalia Ponebshek*

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachments

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## TEMPORARY WATER USE PERMIT

PERMIT NO. 13679

TYPE § 11.138

Permittee: Select Energy Services, LLC      Address: 1000 Central Pkwy N, Ste. 270  
San Antonio, Texas 78232

Received: February 11, 2020      Granted:

Watercourse: Cibolo Creek, tributary of the San Antonio River      County: Karnes

Watershed: San Antonio River Basin

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

### FINDINGS OF FACT

1. The application is in proper form and accompanied by all necessary fees.
2. Sufficient water is available at the proposed diversion point to satisfy the requested diversion and use of not to exceed 387 acre-feet of water within a period of three years from a point on Cibolo Creek, tributary of the San Antonio River, San Antonio River Basin for mining purposes in Karnes County.
3. The water will be diverted at a maximum diversion rate of 11.64 cfs (5,226 gpm) from a point located at Latitude 28.953071 ° N, Longitude 97.873229 ° W in Karnes County.
4. Notice of this application was mailed to the downstream water right holders of record.

### CONCLUSIONS OF LAW

- A. Jurisdiction is vested to consider this application under Texas Water Code § 11.138 and Title 30 Texas Administrative Code §§ 295.174 and 297.13.
- B. Applicant has complied with the particular requirements of the Texas Commission on Environmental Quality.
- C. The Executive Director recommends that special conditions be included.

NOW, THEREFORE, Temporary Water Use Permit No. 13679 is issued to Select Energy Services, LLC subject to the following terms and conditions:

1. USE

Permittee is authorized to divert and use not to exceed 387 acre-feet of water within a period of three years from a point on Cibolo Creek, San Antonio River Basin for mining purposes in Karnes County.

2. DIVERSION

Permittee is authorized to divert:

- A. From a point on Cibolo Creek at Latitude 28.953071 °N, Longitude 97.873229 °W in Karnes County.
- B. At a maximum diversion rate of 11.64 cfs (5,226 gpm).

3. SPECIAL CONDITIONS

- A. Diversions shall be restricted based on the following streamflows at USGS Gage No. 08186000 - Cibolo Creek near Falls City, TX, as set forth in Paragraphs 3.B. - 3.G. below.

Season	Hydrologic Condition	Subsistence	Base
Winter	Dry	8 cfs	20 cfs
Winter	Average	N/A	28 cfs
Winter	Wet	N/A	39 cfs
Spring	Dry	8 cfs	16 cfs
Spring	Average	N/A	28 cfs
Spring	Wet	N/A	44 cfs
Summer	Dry	8 cfs	11 cfs
Summer	Average	N/A	20 cfs
Summer	Wet	N/A	37 cfs
Fall	Dry	8 cfs	13 cfs
Fall	Average	N/A	24 cfs
Fall	Wet	N/A	40 cfs

cfs = cubic feet per second

N/A = Not applicable

- B. Seasons are defined as follows: Winter (January through March), Spring (April through June), Summer (July through September), and Fall (October through December).
- C. Permittee shall determine the hydrologic condition for a season once per season. The conditions present on the last day of the month of the preceding season shall be used to determine the hydrologic condition for the following season. Cumulative streamflow at USGS Gage No. 08186000 for the previous twelve-month period, converted to acre-feet, shall determine the hydrologic condition

and the applicable hydrologic condition is based on the following cumulative streamflow values:

Dry	Average	Wet
Less than 35,891 acre-feet	35,891-14,596 acre-feet	Greater than 14,596 acre-feet

**Subsistence Flow Special Conditions and 50% Rule**

- D. Permittee shall not divert water if average streamflow at USGS Gage No. 08186000 - Cibolo Creek near Falls City, TX is less than or equal to the applicable substance flow in Paragraph 3.A. The “average streamflow” at the gage is the average of measured streamflows at the gage for the previous 24 hours.
- E. If streamflow at USGS Gage No. 08186000 - Cibolo Creek near Falls City, TX is greater than the applicable subsistence flow but is less than the applicable base flow, Permittee shall not divert at a rate in excess of 50% of the difference between the average streamflow and the applicable substance flow; provided, however, Permittee is not required to adjust its diversion rate more frequently than once every 24 hours.

**Base Flow Special Condition**

- F. If streamflow at USGS Gage No. 08186000 is greater the applicable base flow value for a season and hydrologic condition, Permittee may divert water unless streamflow at USGS Gage No. 08186000 does falls below the applicable flow value for that hydrologic condition.
- G. Permittee shall maintain records of the cumulative streamflow values at USGS Gage No. 08186000 and the calculated hydrologic condition for each season when diversions occur and make those records available to the South Texas Watermaster upon request.
- H. Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens at the diversion structure.
- I. This temporary water use permit is junior in priority to all existing water rights in the San Antonio River Basin.
- J. Upon diversion and use of the water authorized herein, this temporary water use permit shall expire and be of no further force and effect.
- K. This temporary water use permit shall expire and become null and void three years from the date of issuance with no further Commission action. Permittee also waives the right to notice and hearing on cancellation of this water right.
- L. No diversion of water shall be made when such water is required to satisfy domestic and livestock demands downstream, or when necessary to satisfy senior and superior water rights and instream needs.

- M. Permittee shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- N. Permittee shall allow representatives of the Texas Commission on Environmental Quality reasonable access to the property to inspect the measuring device and records.
- O. Permittee shall contact the South Texas Watermaster prior to diversion of water authorized by this permit.
- P. The issuance of this temporary water use permit does not grant to the permittee the right to use private or public property for diversion of water authorized by this permit. This includes property belonging to but not limited to any individual, partnership, corporation or public entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to make any diversion authorized by this permit.

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

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

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

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

\_\_\_\_\_  
For the Commission

DATE ISSUED:

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF AN APPLICATION FOR A TEMPORARY WATER USE PERMIT

APPLICATION NO. 13679

Select Energy Services, LLC seeks a temporary water use permit to divert and use not to exceed 387 acre-feet of water within a period of three years from Cibolo Creek, San Antonio River Basin at a maximum diversion rate of 11.64 cfs (5,226 gpm) for mining purposes in Karnes County. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Select Energy Services, LLC, Applicant, 1000 Central Pkwy N, Ste. 270, San Antonio, Texas 78232, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Temporary Water Use Permit pursuant to Texas Water Code § 11.138 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Notice is being mailed to the downstream water right holders of record in the San Antonio River Basin pursuant to Title 30 TAC § 295.154.

Select Energy Services, LLC seeks a temporary water use permit to divert and use not to exceed 387 acre-feet of water within a period of three years from Cibolo Creek, tributary of the San Antonio River, San Antonio River Basin for mining purposes in Karnes County.

Water will be diverted at a maximum diversion rate of 11.64 cfs (5,226 gpm) from a point located Latitude 28.953071 °N, Longitude 97.873229 °W for mining purposes in Karnes County ZIP Code 78144.

The application was received on February 11, 2020. Additional information and fees were received on April 15, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 6, 2020.

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, streamflow restrictions and installing a measuring device for diversions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: [www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/wr-apps-pub-notice](http://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.** Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below, by \_\_\_\_\_. 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 by \_\_\_\_\_. The Executive Director may approve the application unless a written request for a contested case hearing is filed by \_\_\_\_\_.

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 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRTP 13679 in the search field. 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 Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at [www.tceq.texas.gov](http://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>

Issued:

# Texas Commission on Environmental Quality

---

## INTEROFFICE MEMORANDUM

To: Natalia Ponebshek, Project Manager      Date: July 8, 2020  
Water Rights Permitting Team

Through: Jason Godeaux, Team Leader  
 Resource Protection Team

From: Kenneth Coonrod, Aquatic Scientist  
 Resource Protection Team

Subject: Select Energy Services, LLC  
WRTP 13679  
CN603611161  
Cibolo Creek, San Antonio River Basin  
Karnes County

Environmental reviews of water right applications are conducted in accordance with applicable provisions of the Texas Water Code (TWC) and the administrative rules of the Texas Commission on Environmental Quality (TCEQ). The provisions applicable to environmental reviews can vary according to the type and the location of the authorization requested.

### **APPLICATION SUMMARY**

Select Energy Services, LLC (Applicant) requests a temporary water use permit to divert a maximum of 387 acre-feet of water within a three-year period from a point on Cibolo Creek, San Antonio River Basin, at a maximum diversion rate of 11.64 cfs (5,226 gpm), for mining purposes in Karnes County.

### **ENVIRONMENTAL ANALYSIS**

On August 8, 2012, the TCEQ adopted environmental flow standards for the Guadalupe, San Antonio, Mission, and Aransas Rivers, and Mission, Copano, Aransas, and San Antonio Bays (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter E). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC § 298.360).

The Applicant is requesting use of surplus water, which would be subject to the adopted standards. This review is conducted in accordance with §11.147(e-3) of the TWC and Title 30 TAC Chapter 298 Subchapter E (Guadalupe, San Antonio, Mission, and Aransas Rivers, and Mission, Copano, Aransas, and San Antonio bays).

In Title 30 TAC § 298.380, environmental flow standards were established at United States Geological Survey (USGS) Gage No. 08186000 – Cibolo Creek near Falls City, TX, and the applicable environmental flow standards are shown in Table 1.

**Table 1. Environmental Flow Standards at USGS Gage No. 08186000 – Cibolo Creek near Falls City, TX.**

<b>Season</b>	<b>Hydrologic Condition</b>	<b>Subsistence</b>	<b>Base</b>
Winter	Dry	8 cfs	20 cfs
Winter	Average	N/A	28 cfs
Winter	Wet	N/A	39 cfs
Spring	Dry	8 cfs	16 cfs
Spring	Average	N/A	28 cfs
Spring	Wet	N/A	44 cfs
Summer	Dry	8 cfs	11 cfs
Summer	Average	N/A	20 cfs
Summer	Wet	N/A	37 cfs
Fall	Dry	8 cfs	13 cfs
Fall	Average	N/A	24 cfs
Fall	Wet	N/A	40 cfs

cfs = cubic feet per second

N/A = not applicable

Base flow standards vary depending on the season and hydrologic condition. Seasons are defined in Title 30 TAC § 298.355 as follows: Winter (January through March), Spring (April through June), Summer (July through September), and Fall (October through December). Hydrologic conditions will be addressed in the water availability analysis for this application.

No special conditions for high flow pulses are required because the proposed maximum diversion rate, 11.64 cfs, is less than 20% of the applicable pulse trigger level requirements of an applicable high flow pulse, as described in Title 30 TAC § 298.385.

Resource Protection staff recommend that diversion of water under this proposed temporary permit should be limited to comply with the applicable environmental flow standards.

### **RECOMMENDATIONS**

Resource Protection staff recommend the following Special Conditions be included in the proposed temporary permit, if granted:

1. Diversions shall be restricted based on the following streamflows at USGS Gage No. 08186000 – Cibolo Creek near Falls City, TX, subject to the requirements of Special Conditions 2-5 below.

<b>Season</b>	<b>Hydrologic Condition</b>	<b>Subsistence</b>	<b>Base</b>
Winter	Dry	8 cfs	20 cfs
Winter	Average	N/A	28 cfs
Winter	Wet	N/A	39 cfs
Spring	Dry	8 cfs	16 cfs
Spring	Average	N/A	28 cfs
Spring	Wet	N/A	44 cfs
Summer	Dry	8 cfs	11 cfs
Summer	Average	N/A	20 cfs
Summer	Wet	N/A	37 cfs
Fall	Dry	8 cfs	13 cfs
Fall	Average	N/A	24 cfs
Fall	Wet	N/A	40 cfs

cfs = cubic feet per second

N/A = not applicable

- Seasons are defined as follows: Winter (January through March), Spring (April through June), Summer (July through September), and Fall (October through December).

**Subsistence Flow Special Conditions and 50% Rule**

- Permittee shall not divert water if average streamflow at USGS Gage No. 08186000 – Cibolo Creek near Falls City, TX is less than or equal to the applicable subsistence flow in Special Condition A. The “average streamflow” at the gage is the average of measured streamflows at the gage for the previous 24 hours.
- If streamflow at USGS Gage No. 08186000 – Cibolo Creek near Falls City, TX is greater than the applicable subsistence flow but is less than the applicable base flow, Permittee shall not divert at a rate in excess of 50% of the difference between the average streamflow and the applicable subsistence flow; provided, however, Permittee is not required to adjust its diversion rate more frequently than once every 24 hours.

**Base Flow Special Condition**

- If streamflow at USGS Gage No. 08186000 is greater than the applicable base flow value for a season and hydrologic condition, Permittee may divert water unless streamflow at USGS Gage No. 08186000 falls below the applicable flow value for that hydrologic condition.

# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

To: Natalia Ponebshek, Project Manager  
Water Rights Permitting Team

Date: July 28, 2020

Through: *KA* Kathy Alexander, Ph.D., Technical Specialist  
Water Availability Division

*CP* Christine Peters, Team Leader  
Surface Water Availability Team

From: Siavash Bassam, Hydrologist  
Surface Water Availability Team

Subject: Select Energy Services, LLC  
WRTP 13679  
CN603611161  
Cibolo Creek, San Antonio River Basin  
Karnes County

### HYDROLOGY REVIEW

#### Application Summary

Select Energy Services, LLC (Applicant) requests a temporary water use permit to divert a maximum of 387 acre-feet of water within a three-year period from a point on Cibolo Creek, San Antonio River Basin, at a maximum diversion rate of 11.64 cfs (5,226 gpm), for mining purposes in Karnes County.

The Application was declared administratively complete on May 6, 2020.

#### Hydrology Review

Pursuant to 30 Texas Administrative Code (TAC) §298 Subchapter E, Resource Protection staff recommends the application be subject to instream flow requirements. Specific instream flow requirements are included in Resource Protection Staff's July 8, 2020 memorandum.

Staff reviewed current conditions in the San Antonio River Basin to determine whether surplus water is available for the request. Staff notes that the most recent Drought Monitor (July 21, 2020) indicates that the portion of Karnes County, where the application is located, is not experiencing any drought conditions.

The application was evaluated in accordance with 30 TAC §298.380(a) to determine whether the new appropriation of water requested in the application would cause or

contribute to an impairment of inflow regimes as described in that subsection. Results of the analysis indicate no impairment of the inflow regime under the rule.

Resource Protection staff's recommended instream flow requirements are implemented through hydrologic conditions. Therefore, staff generated cumulative streamflow using the data at USGS Gage No. 08186000 (Cibolo Creek near Falls City), the measurement point for the instream flow requirements recommended by Resource Protection staff, to calculate hydrologic conditions such that dry conditions occur approximately 25% of the time, average conditions occur approximately 50% of the time, and wet conditions occur approximately 25% of the time:

MEASUREMENT POINT	Cumulative Streamflow (acre-feet)		
	DRY	AVERAGE	WET
Cibolo Creek near Falls City	less than 35,891	35,891 – 144,596	greater than 144,596

The diversion requested in the application is for a short period of time (3 years). The temporary permit will be junior to all existing water rights and subject to suspension if water is needed for those water rights. Staff's opinion is that existing water rights will not be affected by this short-term permit.

In addition, the application is subject to the requirements and orders of the South Texas Watermaster. The Watermaster actively manages water rights on a daily basis and protects senior water rights in times of shortage. Therefore, existing water rights should not be affected by the application.

**Conclusion**

Hydrology staff can support granting the application, provided the permit includes the following special conditions:

1. Permittee shall determine the hydrologic condition for a season once per season. The conditions present on the last day of the month of the preceding season shall be used to determine the hydrologic condition for the following season. Cumulative streamflow at USGS Gage No. 08186000 for the previous twelve-month period, converted to acre-feet, shall determine the hydrologic condition and the applicable hydrologic condition is based on the following cumulative streamflow values:

DRY	AVERAGE	WET
Less than 35,891 acre-feet	35,891 – 144,596 acre-feet	Greater than 144,596 acre-feet

2. Permittee shall maintain records of the cumulative streamflow values at USGS Gage No. 08186000 and the calculated hydrologic condition for each season when diversions occur and make those records available to the South Texas Watermaster upon request.

Note that the application is subject to the requirements and orders of the South Texas Watermaster.

*Siavash Bassam*

---

Siavash Bassam, Hydrologist