

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Natalia Ponebshek, Project Manager
Water Rights Permitting Team

DATE: February 15, 2022

SUBJECT: City of San Marcos
WRTP 13776
CN600521272, RN111314795
Application No. 13776 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Sessom Creek, Guadalupe River Basin
Hays County

The application and partial fees were received on August 13, 2021. Additional information and fees were received on October 28, November 2, and December 17, 2021 and January 26, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on February 15, 2022. Limited mailed notice to downstream water right holders of record in the Guadalupe River Basin is required pursuant to Title 30 Texas Administrative Code § 295.154.

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

Natalia Ponebshek

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

OCC Mailed Notice Required **YES** **NO**

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 15, 2021

Ms. Melani Howard
Habitat Conservation Plan Manager
CIP/Engineering
401 E. Hopkins St.
San Marcos, TX 78666

VIA E-MAIL

RE: City of San Marcos
WRTP 13776
CN600521272, RN111314795
Application No. 13776 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Sessom Creek, Guadalupe River Basin
Hays County

Dear Ms. Howard:

This acknowledges receipt, on January 26, 2022, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on February 15, 2022. Staff will continue processing the application for consideration by the Executive Director.

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

If you have any questions concerning the application, please contact me via email at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality

Natalia Ponebshek

From: Howard, Melani <[REDACTED]>
Sent: Thursday, February 10, 2022 11:15 AM
To: Natalia Ponebshek
Subject: Re: [EXTERNAL] RE: [EXTERNAL] City of San Marcos App No. 13776 RFI 2

Thank you Natalia

Sent from my iPhone

On Feb 10, 2022, at 11:08, Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov> wrote:

Hello,

I am preparing this application to go administratively complete.

Thank you,

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

From: Howard, Melani <[REDACTED]>
Sent: Wednesday, February 9, 2022 4:24 PM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Subject: RE: [EXTERNAL] City of San Marcos App No. 13776 RFI 2

Good afternoon Natalia: I am checking on the status of this permit application.

Thank you,



Melani Howard

Habitat Conservation Plan Manager | CIP/Engineering
401 E Hopkins, San Marcos, TX 78666
512-395-5942

Please take a moment to complete the City of San Marcos [Customer Satisfaction Survey](#).

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Monday, January 24, 2022 5:04 PM
To: Howard, Melani <MHoward@sanmarcostx.gov>
Subject: [EXTERNAL] City of San Marcos App No. 13776 RFI 2

Please find the attached request for information for the abovementioned application. A response is due by February 23, 2022.

Thank you,

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

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious .

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Report Phishing button above if you think this email is malicious .

Natalia Ponebshek

From: Howard, Melani <[REDACTED]>
Sent: Wednesday, January 26, 2022 4:20 PM
To: Natalia Ponebshek
Subject: RE: [EXTERNAL] City of San Marcos App No. 13776 RFI 2
Attachments: City_of_San_Marcos_13776_RFI_3_1.24.2022.pdf

Good afternoon Natalia: The attached letter and map have been reviewed and the project engineer concurs that the location of the proposed diversion point as shown on the attached map is accurate for the Sessom Creek restoration project.

Thank you,



Melani Howard

Habitat Conservation Plan Manager | CIP/Engineering
401 E Hopkins, San Marcos, TX 78666
512-395-5942

Please take a moment to complete the City of San Marcos [Customer Satisfaction Survey](#).

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Monday, January 24, 2022 5:04 PM
To: Howard, Melani <[REDACTED]>
Subject: [EXTERNAL] City of San Marcos App No. 13776 RFI 2

Please find the attached request for information for the abovementioned application. A response is due by February 23, 2022.

Thank you,

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

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Natalia Ponebshek

From: Natalia Ponebshek
Sent: Monday, January 24, 2022 5:04 PM
To: Howard, Melani
Subject: City of San Marcos App No. 13776 RFI 2
Attachments: City_of_San_Marcos_13776_RFI_3_1.24.2022.pdf

Please find the attached request for information for the abovementioned application. A response is due by February 23, 2022.

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

January 24, 2022

Ms. Melani Howard
Habitat Conservation Plan Manager
CIP/Engineering
401 E. Hopkins St.
San Marcos, TX 78666

VIA E-MAIL

RE: City of San Marcos
WRTP 13776
CN600521272, RN111314795
Application No. 13776 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Sessom Creek, Guadalupe River Basin
Hays County

Dear Ms. Howard:

This acknowledges receipt, on December 17, 2021, of additional information.

Before the application can be declared administratively complete, confirm the location of the proposed diversion point shown on the attached map.

Please provide the requested information by February 23, 2022, or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

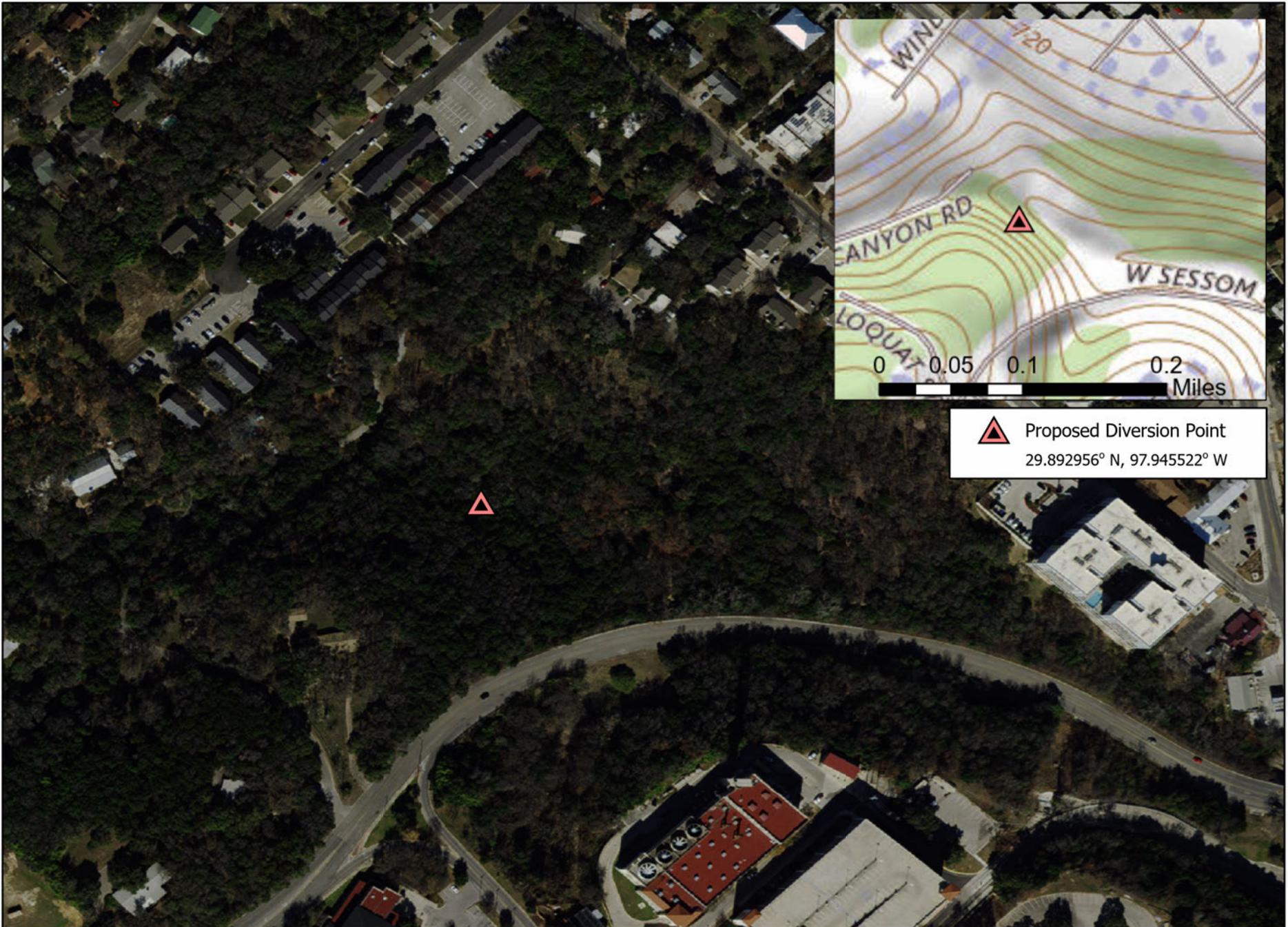
Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality

Attachment

City of San Marcos Application WRTP 13776



This map was generated by the Water Availability Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Water Availability Division at (512)239-4600.



Natalia Ponebshek

From: Howard, Melani <[REDACTED]>
Sent: Friday, December 17, 2021 10:16 AM
To: Natalia Ponebshek
Subject: RE: [EXTERNAL] City of San Marcos App No. 13776 RFI 2
Attachments: City_of_San_Marcos_13776_RFI_2_Sent_12.14.2021 (location revised).pdf

Hi Natalia: attached is a map with a more accurate location.



Melani Howard

Habitat Conservation Plan Manager | CIP/Engineering
401 E Hopkins, San Marcos, TX 78666
512-395-5942

Please take a moment to complete the City of San Marcos [Customer Satisfaction Survey](#).

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Tuesday, December 14, 2021 11:55 AM
To: Howard, Melani <[REDACTED]>
Subject: [EXTERNAL] City of San Marcos App No. 13776 RFI 2

Please find the attached request for information for the abovementioned application. A response is due by January 13, 2022.

Thank you,

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

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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

December 14, 2021

Ms. Melani Howard
Habitat Conservation Plan Manager
401 E. Hopkins St.
San Marcos, TX 78666

VIA E-MAIL

RE: City of San Marcos
WRTP 13776
CN600521272, RN111314795
Application No. 13776 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Sessom Creek, Guadalupe River Basin
Hays County

Dear Ms. Howard:

This acknowledges receipt, on October 28 and November 2, 2021, of additional information and fees in the amount of \$65.80 (Receipt No. M205033, copy attached).

Before the application can be declared administratively complete, confirm the location of the proposed diversion point shown on the attached map.

Please provide the requested information by January 13, 2022 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

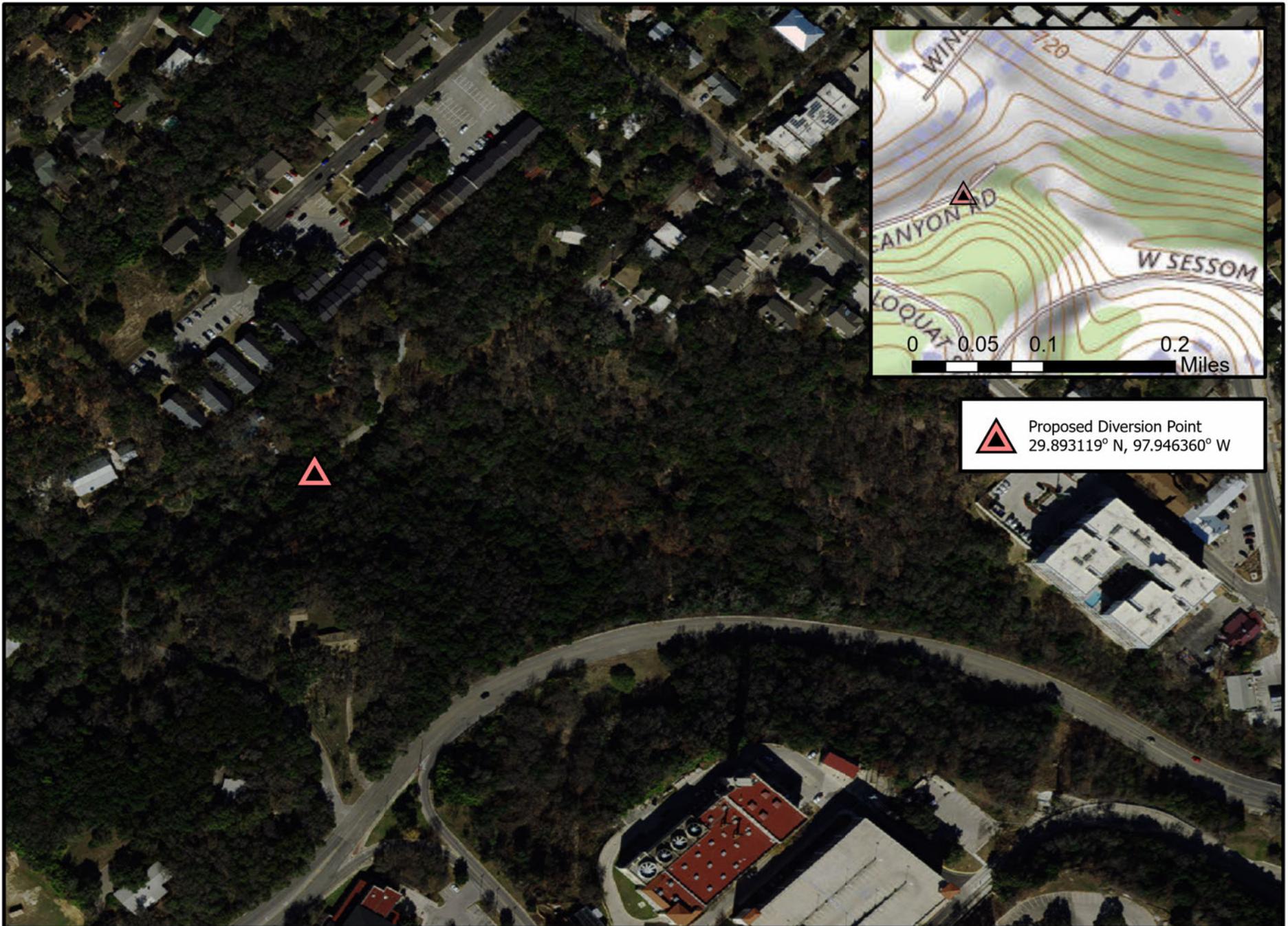
Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality

Attachments

City of San Marcos Application WRTP 13776



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0 0.05 0.1 Miles



Basis2 Receipt Report by Endorsement Number

NOV-30-21 10:58 AM

Acct. #: WUP

Account Name: WATER USE PERMITS

<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
	M205033	13776	SAN MARCOS, CITY OF	CK	76924		BS00090461	23-NOV-21	\$65.80

Natalia Ponebshek

From: Natalia Ponebshek
Sent: Tuesday, December 14, 2021 11:55 AM
To: Howard, Melani
Subject: City of San Marcos App No. 13776 RFI 2
Attachments: City_of_San_Marcos_13776_RFI_2_Sent_12.14.2021.pdf

Please find the attached request for information for the abovementioned application. A response is due by January 13, 2022.

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

December 14, 2021

Ms. Melani Howard
Habitat Conservation Plan Manager
401 E. Hopkins St.
San Marcos, TX 78666

VIA E-MAIL

RE: City of San Marcos
WRTP 13776
CN600521272, RN111314795
Application No. 13776 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Sessom Creek, Guadalupe River Basin
Hays County

Dear Ms. Howard:

This acknowledges receipt, on October 28 and November 2, 2021, of additional information and fees in the amount of \$65.80 (Receipt No. M205033, copy attached).

Before the application can be declared administratively complete, confirm the location of the proposed diversion point shown on the attached map.

Please provide the requested information by January 13, 2022 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

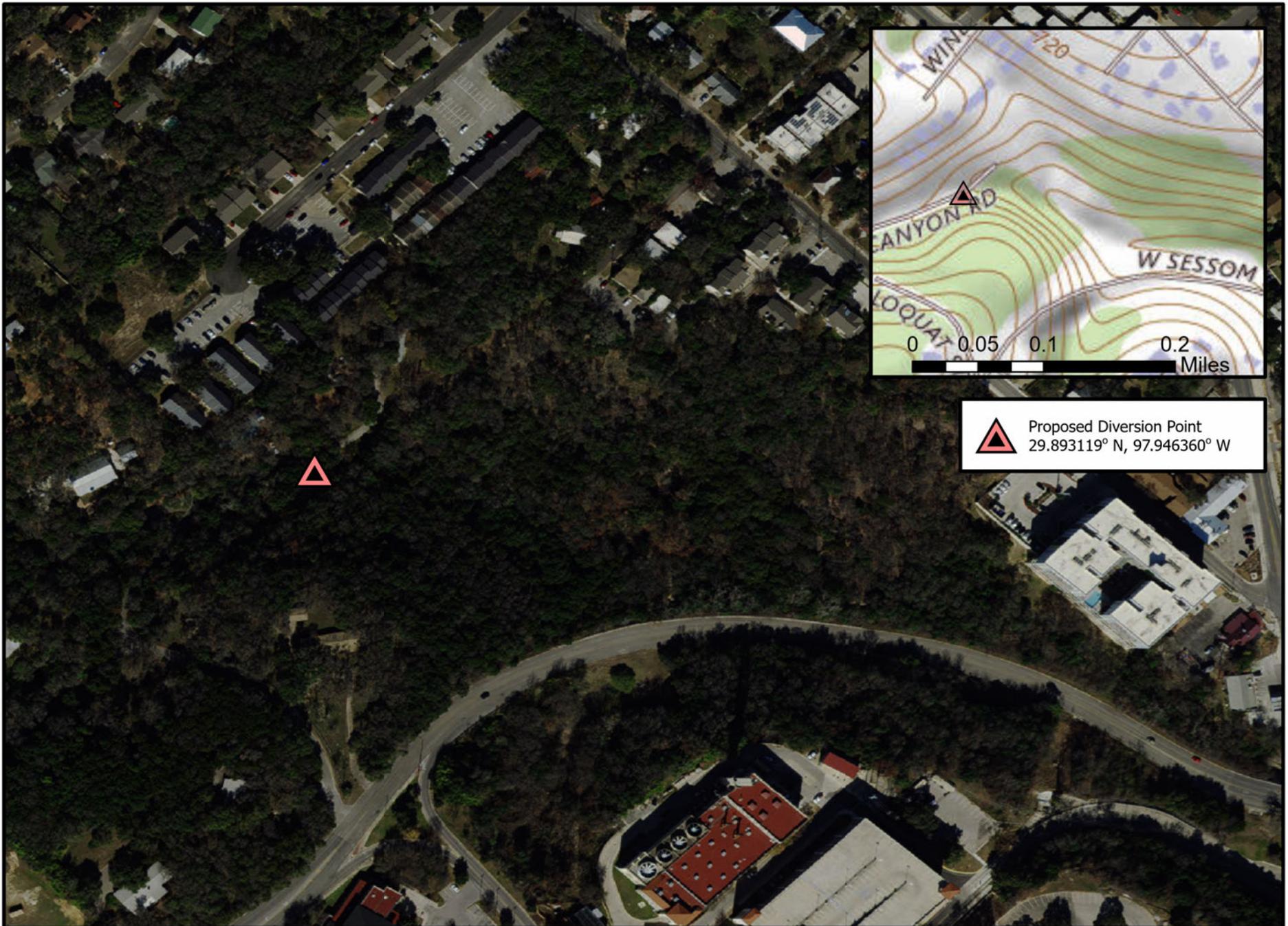
Sincerely,

Natalia Ponebshek

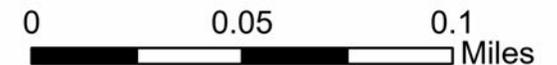
Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality

Attachments

City of San Marcos Application WRTP 13776



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Basis2 Receipt Report by Endorsement Number

NOV-30-21 10:58 AM

Acct. #: WUP

Account Name: WATER USE PERMITS

<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
	M205033	13776	SAN MARCOS, CITY OF	CK	76924		BS00090461	23-NOV-21	\$65.80



Basis2 Receipt Report by Endorsement Number

NOV-30-21 10:58 AM

Acct. #: WUP

Account Name: WATER USE PERMITS

<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
	M205033	13776	SAN MARCOS, CITY OF	CK	76924		BS00090461	23-NOV-21	\$65.80

Natalia Ponebshek

From: Howard, Melani <[REDACTED]>
Sent: Friday, November 19, 2021 9:05 AM
To: Natalia Ponebshek
Subject: City of San Marcos App No. 13776 RFI Follow Up
Attachments: App No 13776_65.00.pdf

Good morning Natalia: the attached is going out in the mail today to the address you provided below.

Thank you,



Melani Howard

Habitat Conservation Plan Manager | CIP/Engineering
401 E Hopkins, San Marcos, TX 78666
512-395-5942

Please take a moment to complete the City of San Marcos [Customer Satisfaction Survey](#).

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Tuesday, November 16, 2021 4:31 PM
To: Howard, Melani [REDACTED]
Subject: RE: [EXTERNAL] City of San Marcos App No. 13776 RFI Follow Up

Hello Ms. Howard,

At this time, your RFI responses are being reviewed internally. I am still pending receipt of the \$65.00 check. If you have not submitted it yet, you can submit it to the address at the bottom of the RFI, and make sure you list out your application and use MC 160 as our mail code. Sometimes there is can be a delay in the cashier's office, please let me know if you have already submitted the check.

Thank you,

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

From: Howard, Melani [REDACTED]
Sent: Friday, November 12, 2021 3:32 PM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Subject: RE: [EXTERNAL] City of San Marcos App No. 13776 RFI Follow Up

Good afternoon Natalia: I wanted to verify that the only item you are missing is a \$65.00 check for the remainder of the permit fee.

Thank you,



Melani Howard

Habitat Conservation Plan Manager | CIP/Engineering
401 E Hopkins, San Marcos, TX 78666
512-395-5942

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Wednesday, October 20, 2021 4:00 PM
To: Howard, Melani [REDACTED]
Subject: [EXTERNAL] City of San Marcos App No. 13776 RFI Follow Up

Please find the attached request for information follow up for the abovementioned application. A response is due by November 19, 2021.

Thank you,

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

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Natalia Ponebshek

From: Howard, Melani [REDACTED] >
Sent: Tuesday, November 2, 2021 12:43 PM
To: Natalia Ponebshek
Subject: RE: [EXTERNAL] City of San Marcos App No. 13776 RFI Follow Up

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Natalia:

I used the construction contractor's exact diversion point description from yesterday's phone call and calculated the degree decimals:

29.893119 N
97.946360 W

In addition, the following method will be used to calculate the volume and rate of diversion:

Cross-section area = depth x width

Velocity = distance/time

Flow = cross-section x velocity

Calculations will be based on:

- plastic material and a roughness coefficient of 150
- cofferdam gravity-fed system
- 12-inch diameter pipe
- 1320 feet from the discharge point (total project length)
- 32 foot drop in elevation
- Flow velocity of 11.07 ft/s
- Flow discharge of 8.7 cfs

The check will be ready this Friday – to what address should I mail the check?

Thank you,



Melani Howard

Habitat Conservation Plan Manager | CIP/Engineering
401 E Hopkins, San Marcos, TX 78666
512-395-5942

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Wednesday, October 20, 2021 4:00 PM
To: Howard, Melani [REDACTED]
Subject: [EXTERNAL] City of San Marcos App No. 13776 RFI Follow Up

Please find the attached request for information follow up for the abovementioned application. A response is due by November 19, 2021.

Thank you,

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

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious .

Natalia Ponebshek

From: Howard, Melani [REDACTED] >
Sent: Thursday, October 28, 2021 9:21 AM
To: Natalia Ponebshek
Cc: Condor, Shaun
Subject: City of San Marcos App No. 13776 RFI
Attachments: City_of_San_Marcos_13776_RFI_#1_Sent_9.14.2021.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Natalia: per the attached request for information to complete the permit application, please see the below email from the construction contractor regarding the method of temporary water diversion.

Also, we confirm that Melani Howard will be the contact for this permit.

Finally, a check request for \$65.80 has been submitted, so I should be able to mail the check to you next week.

Thank you,



Melani Howard

Habitat Conservation Plan Manager | CIP/Engineering
401 E Hopkins, San Marcos, TX 78666
512-395-5942

From: Diego Ratchford [REDACTED]
Sent: Wednesday, October 27, 2021 5:22 PM
To: Condor, Shaun [REDACTED]
Cc: Howard, Melani [REDACTED]
Subject: RE: [EXTERNAL] City of San Marcos App No. 13776 RFI

Good Afternoon Melani,

We will measure the diverted water with a "float method," below a quick explanation.

Cross-Section area = depth x width

Velocity = distance / time

Flow = cross-section X velocity

My observation of this creek has been primarily of dry conditions; I have provided options for deviating the creek flow per the City of San Marcos specification.

- Calculations based on plastic material and a roughness coefficient of 150

Option 1:

- Cofferdam gravity-fed system
- 8-inch diameter pipe
- 500 ft or less from the discharge point.

- 15 ft drop in elevation
- flow velocity of 9.62 ft/s
- flow discharge 3.36 c ft/s

Option 2:

- Cofferdam gravity-fed system
- 12-inch diameter pipe
- 500 ft or less from the discharge point.
- 15 ft drop in elevation
- the flow velocity of 12.42 ft/s
- flow discharge 9.76 c ft/s

Option 3:

- Cofferdam gravity-fed system
- 12-inch diameter pipe
- 1,320 ft from the discharge point (total project length)
- 32 ft drop in elevation
- the flow velocity of 11.07 ft/s
- flow discharge 8.7 c ft/s

Diego Ratchford
Project Manager
Santa Clara Construction, LTD
Ph: 512-250-8310
Cell: 512-470-3325



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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 20, 2021

Mr. Bert Lumbreras, City Manager
City of San Marcos
630 E. Hopkins St.
San Marcos, TX 78666

VIA E-MAIL

RE: City of San Marcos
WRTP 13776
CN600521272, RN111314795
Application No. 13776 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Sessom Creek, Guadalupe River Basin
Hays County

Dear Mr. Lumbreras:

This is a follow-up to our previous letter dated September 14, 2021 (copy attached) requesting additional information and fees for the referenced application. To date, a response has not been received.

Please submit the information requested by November 19, 2021 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

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

Attachment

Natalia Ponebshek

From: Natalia Ponebshek
Sent: Tuesday, September 14, 2021 3:09 PM
To: [REDACTED]
Subject: City of San Marcos App No. 13776 RFI
Attachments: City_of_San_Marcos_13776_RFI_#1_Sent_9.14.2021.pdf; City_of_San_Marcos_13776_Receipt # 1.pdf

Please find the attached request for information for the abovementioned application. A response is due by August 13, 2021

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 14, 2021

Mr. Bert Lumbreras, City Manager
City of San Marcos
630 E. Hopkins St.
San Marcos, TX 78666

VIA E-MAIL

RE: City of San Marcos
WRTP 13776
CN600521272, RN111314795
Application No. 13776 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Sessom Creek, Guadalupe River Basin
Hays County

Dear Mr. Lumbreras:

This acknowledges receipt, on August 13, 2021, of the referenced application and fees in the amount of \$451.25 (Receipt No. M121499, copy attached).

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

A temporary permit may only be issued if there is surplus water available for use on a short-term (temporary or ephemeral) basis in the source supply. During low flow conditions, which occur during a drought or periods of limited rainfall, all water in the basin will be required for existing senior water rights and there is no presumption of any surplus flows. Staff acknowledges the request for a temporary permit to divert water. However, based on the information in the application, there may be additional components of the Restoration Project that would also require a water right.

1. Confirm the location of the diversion point in decimal degrees. Staff notes that the coordinates for the diversion point on the map are in degrees, minutes and seconds. Staff has calculated the coordinates of the diversion point shown on the map to be Latitude 29.893144° N and Longitude 97.945539° W.
2. Provide the diversion rate for water diverted via the berm and pipe and indicate how the diverted water will be measured.
3. Confirm the applicant contact for this application is Ms. Melani Howard, Habitat Conservation Plan Manager.

Mr. Bert Lumbreras
Application No. 13776
September 14, 2021
Page 2 of 2

4. Remit fees in the amount of \$65.80 as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee	\$ 250.00
Recording Fee	\$ 1.25
Use Fee (\$1.00 per acre-foot x 200 acre-feet)	\$ 200.00
<u>Notice Fee (\$0.94 x 70)</u>	<u>\$ 65.80</u>
TOTAL FEES	\$ 517.05
<u>FEES RECEIVED</u>	<u>\$ 451.25</u>
TOTAL FEES DUE	\$ 65.80

Please provide the requested information and fees by October 14, 2021 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

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

Attachment



Basis2 Receipt Report by Endorsement Number

AUG-31-21 03:41 PM

Acct. #: EMG
Paid For
SESSOM CREEK/SAN
MARCOS
RIVER/GUADALUPE

Account Name: TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE
Endors. # Ref #2 Paid In By PayTyp Chk # Card#
M121499 SAN MARCOS, CITY OF CK 73059

Bank Slip Tran.Date Receipt Amnt.
BS00088081 16-AUG-21 \$451.25

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087 MC-160, Austin, Texas 78711-3087

Telephone (512) 239-4600, FAX (512) 239-4770

APPLICATION FOR A TEMPORARY WATER USE PERMIT FOR MORE THAN 10 ACRE-FEET OF WATER, AND/OR FOR A DIVERSION PERIOD LONGER THAN ONE CALENDAR YEAR

This form is for an application for a temporary permit to divert water under Section 11.138, Texas Water Code. Any permit granted from this application may be suspended at any time by the applicable TCEQ Office if it is determined that surplus water is no longer available.

Notice: This form will not be processed until 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.

- 1. Data on Applicant and Project: Social Security or Federal ID No. 74-6002238
A. Name: City of San Marcos
B. Mailing Address: 630 East Hopkins Street San Marcos Texas 78666
C. Telephone Number: 512-393-8136 Fax Number: N/A E-mail Address:
D. Applicant owes fees or penalties? Yes No

If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:

- E. Describe Use of Water Sessom Creek's intermittent flows will be diverted at the most upstream point and sent through a pipe to the most downstream point of the project to prevent sedimentation of the San Marcos Riv
F. Description of Project (TDH Project No. if applicable) attached
G. Highway Designation No. IH-35 County Hays

- 2. Type of Diversion (check one): From Stream From Reservoir
3. Rate of Diversion:
A. Maximum N/A - gravity diversion (no pump) gpm (capacity of pump)

- 4. Amount and Source of Water: 200 ac-ft acre-feet of water within a period of one year (specify term period not to exceed a three year term). The water is to be obtained from Sessom Creek, tributary of the San Marcos River, tributary of N/A, tributary of N/A, Guadalupe River Basin.

- 5. Location of Diversion Point: Provide Latitude and Longitude in decimal degrees to at least six decimal places, and indicate the method used to calculate the diversion point location. At Latitude 29° 53' 34.11 °N, Longitude 97° 56' 48.28 °W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) Sessom Drive(R-O-W) (Highway), located in Zip Code 78666, located 0.88 miles in a NW direction from county courthouse (County Seat), Hays County, and 8.26 miles in a south direction from Kyle, a nearby town shown on County road map. Note: Distance in straight line miles.

Enclose a USGS 7.5 minute topographic map with the diversion point and/or the return water discharge points labeled. Owner's written consent is required for water used from any private reservoir, or private access to diversion point.

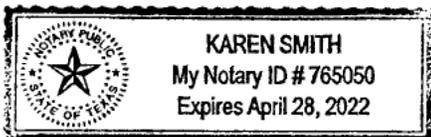
- 6. Access to Diversion Point (check one): Public right-of-way Private property Other (Explain)
7. Fees Enclosed: Filing Recording Use (\$1.00 per ac-ft or fraction thereof) Total
10 ac-ft or less greater than 10 ac-ft
\$ 100.00 \$ 250.00
\$ 1.25 \$ 1.25
\$ \$ 200.00
\$ \$ 451.25
(Note: 1 ac-ft = 325,851 gals. 1 ac-ft = 7758.35 bbls.)

Upon completion of any project for which a temporary water permit is granted, the Permittee is required by law to report the amount of water used. This document must be properly signed and duly notarized before it can be accepted or considered by the Texas Commission on Environmental Quality.

Name (sign) [Signature]

Bert Lumberras, City Manager
Name (print)

Subscribed and sworn to me as being true and correct before me this 5th day of August, 2021



RECEIVED
K. Ann Smith
Notary Public, State of Texas
AUG 13 2021

Water Availability Division

Purpose and Need Description

The purpose of the proposed Project is to restore the stream bed, banks and riparian areas for the benefit of water quality and habitat in Sessom Creek, the Windmill Drive tributary, and the San Marcos River, downstream of the Project. Currently, the reach of Sessom Creek within the Project Area shows erosional down-cutting and bank instability/erosion. The channel is incised and not well connected to its floodplain. The proposed Project will, in general, raise the stream beds to reconnect the reach of Sessom Creek and the Windmill Drive tributary to their natural floodplains and reduce stream velocities during storm events.

Sediment generated from Sessom Creek and its watershed has been documented to impact aquatic habitat within the upper San Marcos River (EAA 2012 and 2017), approximately 0.5 mile downstream of the Project Area. Bank stability will be improved in order to reduce bank erosion and subsequent downstream sedimentation. Adjacent riparian and upland areas will be improved through removal of non-native species and planting of native species. These improvements to the Project Area are anticipated to reduce downstream sediment deposition.

Project Description

The Edwards Aquifer Authority (EAA), in conjunction with the city of San Marcos (COSM, or Applicant), proposes channel restoration and other elements on an approximately 2,460 linear foot (LF) section of Sessom Creek and one of its tributaries (herein after referred to as the Windmill Drive tributary), between North LBJ Drive and Loquat Street, in the city of San Marcos, in Hays County, Texas (herein after referred to as the Restoration Project). Funding for the Restoration Project comes from the EAA Habitat Conservation Plan (HCP), however the Restoration Project will be managed by the COSM through the HCP program.

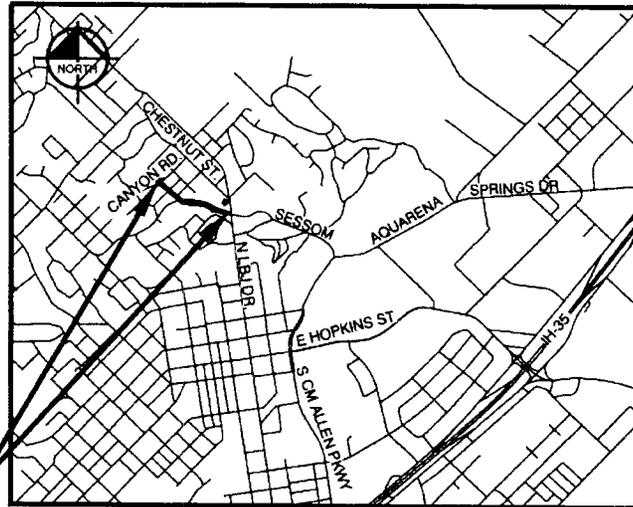
The Restoration Project plans to address downcutting, erosion, and downstream sedimentation along a middle reach of Sessom Creek and the Windmill Drive tributary with the following improvements:

- Raising of channel invert using occasional grade control structures (6 structures) and cross vane structures (20 structures) made of limestone boulders, along with constructed riffles (14 structures) using limestone boulders and cobble, and native fill with a stable surface within some portions of the stream channel.
- Stabilization of banks will be accomplished by installing rock slope protection (2 structures), bank stabilization structures (6 structures), and geolift structures (1 structure). These structures will use engineering techniques such as limestone boulders, and Mechanically Stabilized Earth (MSE) walls.
- In-stream habitat enhancement will include scour pools (24 structures), constructed riffles (14 structures), and plunge pools (1 structure).
- Thalweg realignment will occur at select locations in order to shift the stream further from existing roads, stabilize banks between roads and the stream, and reduce bank erosion.
- Removal of non-native plant species and restoration of native plant species within the adjacent riparian and upland zones.
- Contributing stormwater outlet improvements, including gully control structures (3 structures).
- Water will be diverted at the upstreammost point of the creek project and discharged back into the stream at the lowermost point via a berm and pipe to avoid loss of sediment into the San Marcos River during construction.

CITY OF SAN MARCOS SESSOM CREEK BANK STABILIZATION AND WASTEWATER REPLACEMENT FROM N. LBJ TO CANYON ROAD SEPTEMBER 2020

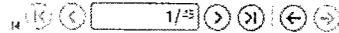
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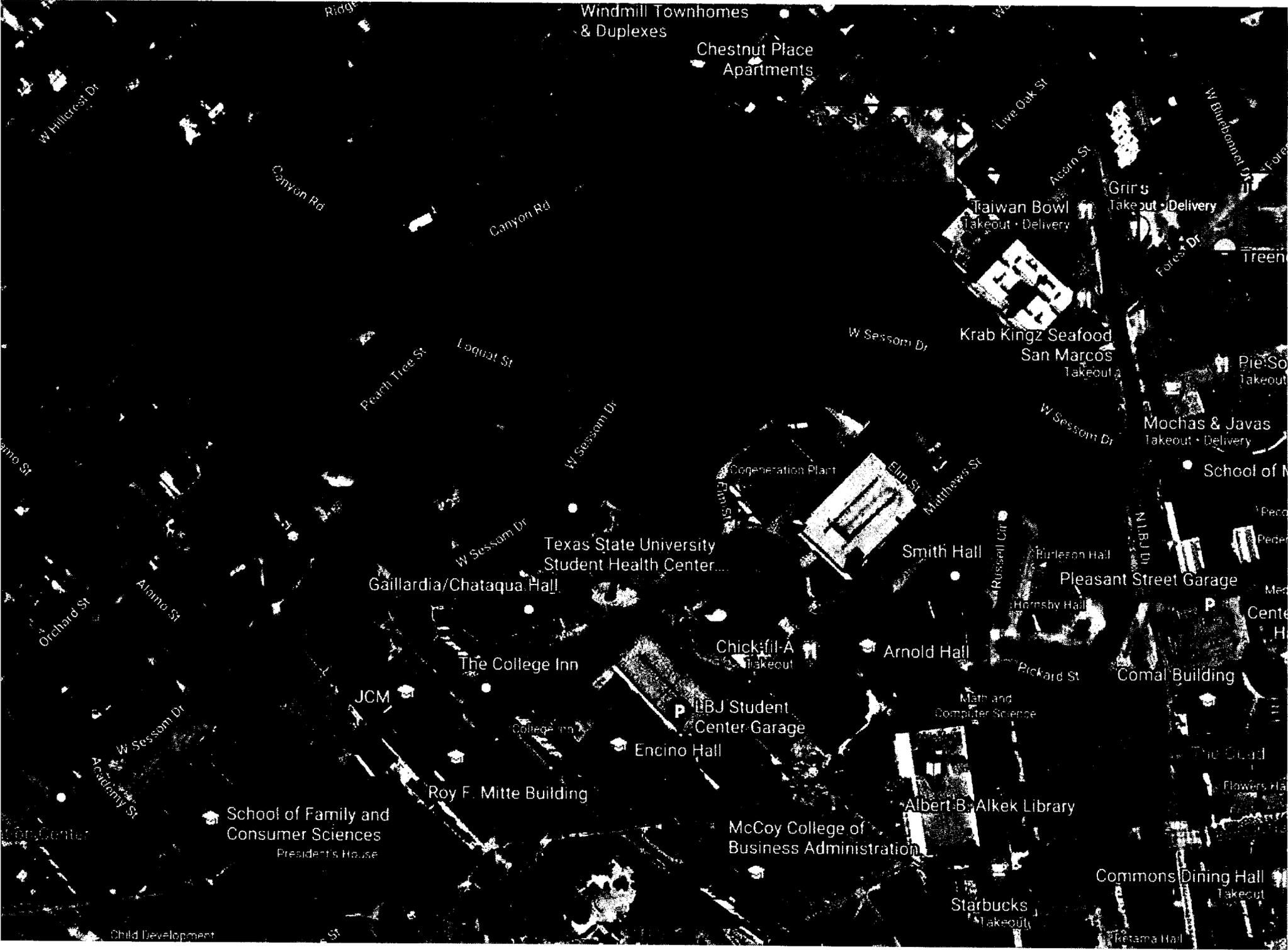


LOCATION MAP

N.T.S.



- G1
- G2
- G3
- G4
- G5
- G6
- G7
- G8
- WATER
- C1
- C2
- C3
- C4
- C5
- C6
- C7
- C8
- C9
- C10
- C11
- C12
- C13
- TRAFFIC
- TCP1
- TCP1A
- TCP2
- TCP3
- TCP4
- TCP5
- TCP6
- TCP7
- TCP8
- TCP9
- TCP10
- TCP11
- TCP12
- TCP13
- TCP14
- TCP15
- TCP16
- TCP17
- TCP18
- TCP19
- TCP20
- TCP21
- TCP22
- TCP23
- STREAM
- S1



Windmill Townhomes & Duplexes

Chestnut Place Apartments

W Hillcrest Dr

Canyon Rd

Canyon Rd

Live Oak St

W Bluebonnet Dr

Taiwan Bowl Takeout • Delivery

Gri's Takeout • Delivery

Peach Tree St

Loquat St

W Sessom Dr

Krab Kingz Seafood San Marcos Takeout

Mochas & Javas Takeout • Delivery

W Sessom Dr

Cogeneration Plant

Smith Hall

School of M

Texas State University Student Health Center... Gaillardia/Chataqua Hall

W Sessom Dr

Smith Hall

Burleson Hall

Pleasant Street Garage

Orchard St

Alamo St

W Sessom Dr

Chick-fil-A Takeout

Arnold Hall

Hornshy Hall

Comal Building

JCM

The College Inn

IBJ Student Center Garage

Encino Hall

Math and Computer Science

Academy St

W Sessom Dr

School of Family and Consumer Sciences President's House

Roy F. Mitte Building

McCoy College of Business Administration

Albert B. Alkek Library

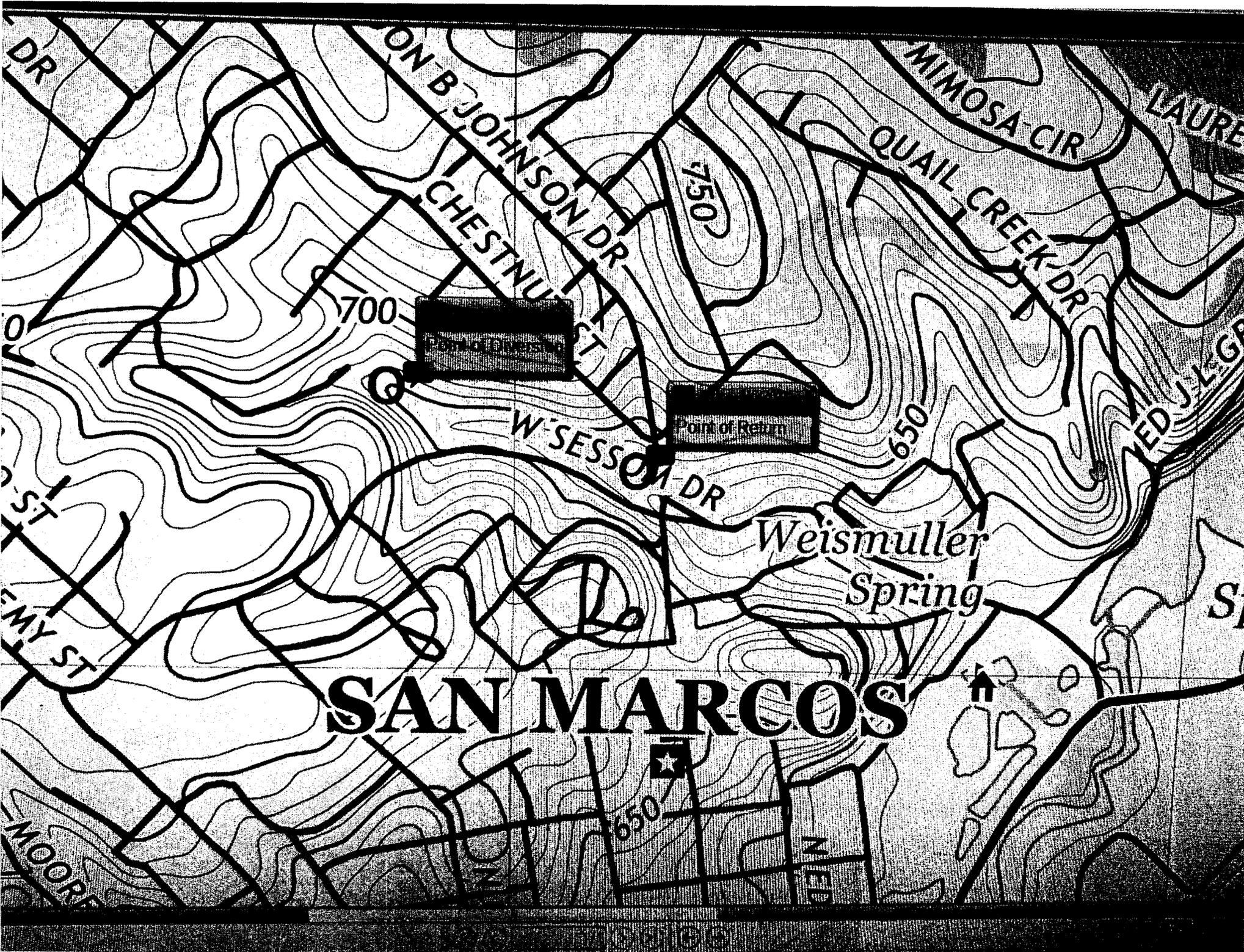
Commons Dining Hall Takeout

Dr. Center

Starbucks Takeout

Child Development

Ketama Hall



Point of Return

Point of Return

Weismuller
Spring

SAN MARCOS

City of San Marcos/City Manager/Signatory Authority

https://library.municode.com/tx/san_marcos/codes/code_of_ordinances?nodeId=PTICH_ARTIVADSE_S4.01CIMA

- **Sec. 2.566. - Authority of city manager—Contracts for expenditures; limitation.**

SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONEMAIL SECTIONCOMPARE VERSIONS

(a)

Except as, otherwise, provided in this subsection, the city manager, or the city manager's designee, is authorized to contract on behalf of the city for the purchase of goods and services without further city council approval for all budgeted items not exceeding \$50,000.00. City manager Bert Lumbreras and his designee(s) are hereby authorized to approve change orders to city contracts involving increases or decreases of \$50,000.00 or less.

(1)

For the duration of the declaration of the local state of disaster related to COVID-19 promulgated by Mayor Jane Hughson on March 15, 2020, and extended for an indefinite period by resolution of the city council adopted on March 17, 2020, the city manager is authorized to contract on behalf of the city for the purchase of goods and services necessary for the preservation of the public health, safety and welfare in relation to COVID-19 for all budgeted items not exceeding \$500,000.00 without further city council approval, provided such purchases are exempt from the competitive bidding or proposal requirements of V.T.C.A., Local Government Code, Ch. 252 or other applicable laws. The city manager shall notify the city council of any and all expenditures made under this subsection within three days of initiating the purchase.

(b)

The city manager is authorized to promulgate purchasing policies and procedures for all purchases made by the city. Through such purchasing policies, the city manager may delegate his general contracting authority for purchases previously approved by the city council. The city manager may amend these policies from time to time. All these policies shall conform to applicable requirements of the Charter, city ordinances and state laws and are subject to review and approval by the city attorney

(c)

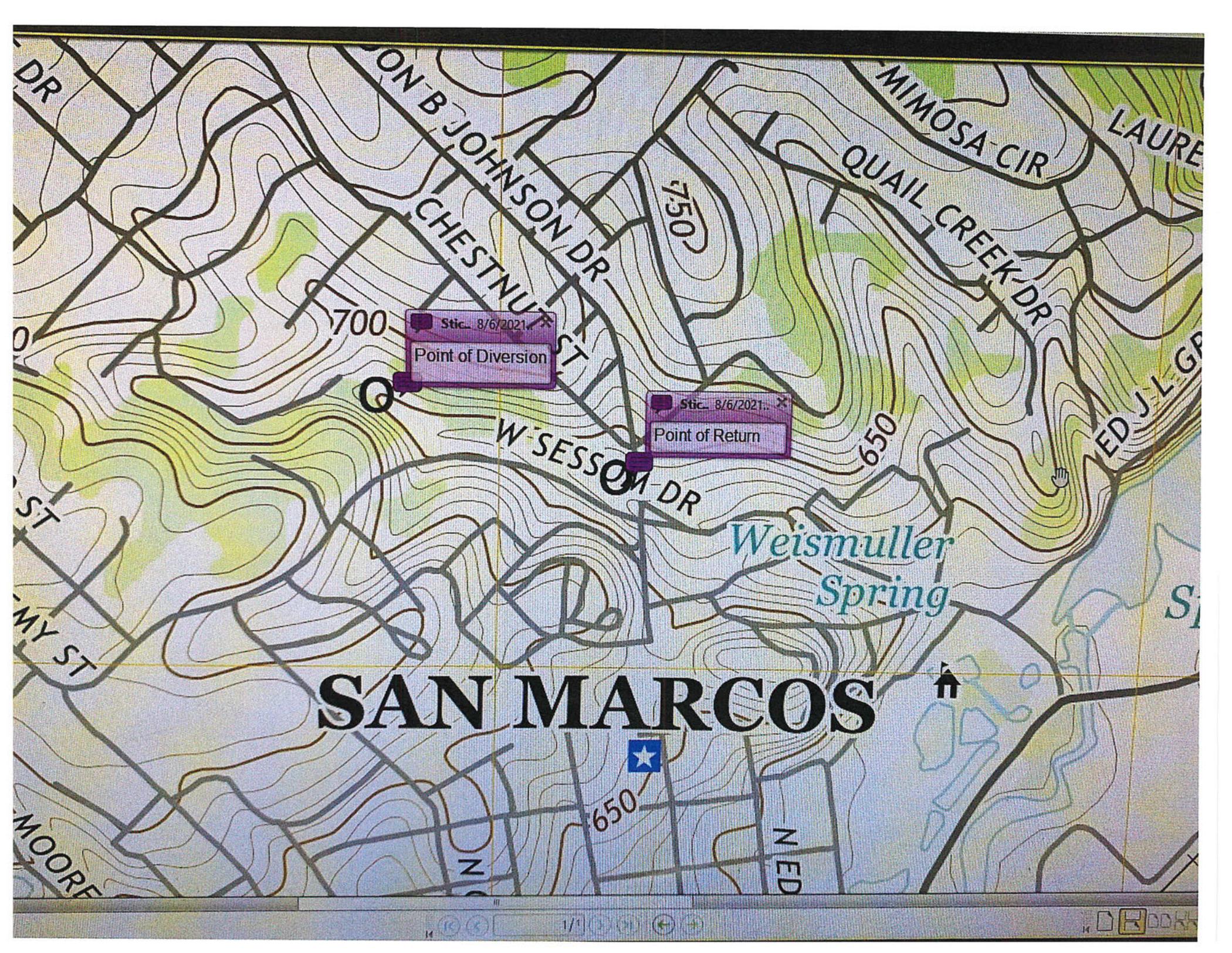
The city manager or designee is authorized to determine the purchase method for goods and services that provides the best value to the city in accordance with state law.

(d)

The city manager is authorized to approve change orders in amounts not to exceed \$100,000.00 each without the approval of the city council when the city manager deems it necessary to amend contracts previously approved by the city council in order to address a public calamity, to preserve

or protect the public health or safety of the city's residents, or because of unforeseen damage to public machinery, equipment or other property. The city manager shall submit a quarterly report to the city council of all change orders in excess of \$25,000.00 each that were administratively approved pursuant to the authority granted in this subsection. The general authority granted by this subsection may be suspended or revoked by adoption of a resolution applicable to a particular individual who holds the position or performs the duties of city manager.

(Code 1970, § 2-9(a), (b); Ord. No. 2002-76, § 1, 11-25-02; Ord. No. 2007-56, § 1, 10-2-07; Ord. No. 2011-11, § 1, 4-5-11; Ord. No. 2011-33, § 1, 8-2-11; Ord. No. 2014-02, § 1, 1-7-14; Ord. No. 2017-53, § 1, 9-19-17; Ord. No. 2018-40, § 1, 10-16-18; Ord. No. 2020-21, § 1, 4-7-20)



Stic. 8/6/2021
Point of Diversion

Stic. 8/6/2021
Point of Return

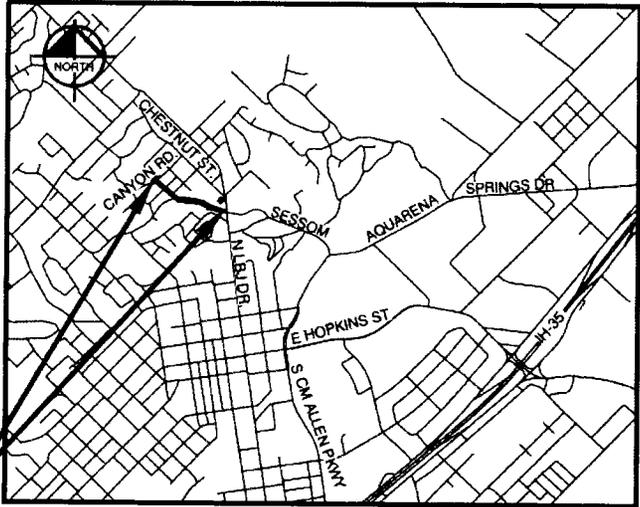
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SAN MARCOS

CITY OF SAN MARCOS
 SESSOM CREEK BANK STABILIZATION
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 FROM N. LBJ TO CANYON ROAD
 SEPTEMBER 2020

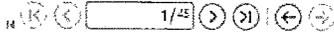
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