

# TCEQ Interoffice Memorandum

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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: March 1, 2022

SUBJECT: Select Energy Services, LLC  
WRTP 13813  
CN603611161, RN111340204  
Application No. 13813 for a Temporary Water Use Permit  
Texas Water Code §§ 11.138, 11.042, Requiring Limited  
Mailed Notice  
Unnamed Tributaries of Lipan Creek, Nueces River Basin  
Atascosa County

The application and fees were received on September 20, 2021. Additional information was received on January 10 and February 9, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on March 1, 2022. Limited mailed notice to interjacent water right holders of record in the Nueces River Basin is required pursuant to Title 30 Texas Administrative Code § 295.161(b).

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

*Natalia Ponebshek*

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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*

March 1, 2022

Mr. Kirk Kennedy, P.G.  
Kennedy Resource Company  
1443 CR 204  
Burnet, TX 78611

**VIA E-MAIL**

RE: Select Energy Services, LLC  
WRTP 13813  
CN603611161, RN111340204  
Application No. 13813 for a Temporary Water Use Permit  
Texas Water Code §§ 11.138, 11.042, Requiring Limited Mailed Notice  
Unnamed Tributaries of Lipan Creek, Nueces River Basin  
Atascosa County

Dear Mr. Kennedy:

This acknowledges receipt, on January 10 and February 9, 2022, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on March 1, 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](mailto: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

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**From:** Kirk Kennedy [REDACTED] >  
**Sent:** Wednesday, February 9, 2022 9:31 AM  
**To:** Natalia Ponebshek  
**Cc:** Justin Duke  
**Subject:** RE: Select Energy Services, LLC App No. 13813 RFI Extension  
**Attachments:** Add Info for RFI#1 Response-02092022.pdf

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

Natalia,

Please see attached additional information from Select Energy regarding your Request for Information letter dated 2/2/2022 pertaining to the additional information requested as a result of our conference call on 1/21/2022.

If you have any questions, please feel free to give me a call.

Kirk Kennedy, P.G.  
Kennedy Resource Company  
1443 CR 204  
Burnet, Texas 78611  
OFFICE: (512) 843-5109  
CELL: (512) 589-5109  
FAX: (720) 262-7775  
EMAIL: [REDACTED]

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**From:** Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>  
**Sent:** Wednesday, February 2, 2022 11:13 AM  
**To:** Kirk Kennedy [REDACTED]  
**Subject:** Select Energy Services, LLC App No. 13813 RFI Extension

Hello Mr. Kennedy,

Please see the attached letter granting you an extension of time until February 21, 2022 for the RFI response. Please let me know if you have any further questions.

Thank you,

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

**TO:** Texas Commission on Environmental Quality  
P.O. Box 13087, MC-160  
Austin, Texas 78711

**DATE:** February 9, 2022

**SUBJECT:** TCEQ Request for Additional Information Dated 2/2/2022

**APPLICANT:** Select Energy Services. LLC  
WRTP 13813

**ATTN:** Natalia Ponebshek

Dear Natalia,

In response to your letter dated February 2, 2022 requesting additional information rising from questions from the TCEQ staff during our conference call on 1/21/2022, please see the following questions and responses in bold underline:

- (1) Provide observed temperature information for the water pumped from each of the three wells that are planned to be used in the project.

**ANSWER:**

**Each of the wells were operated and the following temperature measurements were observed (in degrees Fahrenheit) as the water was discharged from the well head:**

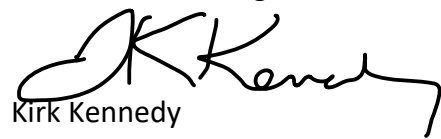
- **Well #1; 148 degrees.**
- **Well #2; 135 degrees.**
- **Well #3; 141 degrees.**

- (2) Provide a clarification statement with regard to measures that will be taken to avoid infringement and entrainment of aquatic organisms when pumping water from the exempt reservoirs.

**ANSWER:**

**¼ inch screens will be used on all pump intakes to avoid infringement and entrainment of aquatic organisms when pumping water from the exempt reservoirs.**

Please feel free to give me a call if you have any questions.



Kirk Kennedy  
Kennedy Resource Company  
1443 CR 204  
Burnet, TX 78611  
(512) 589-5109

## Natalia Ponebshek

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**From:** Natalia Ponebshek  
**Sent:** Wednesday, February 2, 2022 11:13 AM  
**To:** [REDACTED]  
**Subject:** Select Energy Services, LLC App No. 13813 RFI Extension  
**Attachments:** Select\_Energy\_Services\_LLC\_13813\_RFI\_1\_Ext\_signed.pdf; Select\_Energy\_Services\_LLC\_13813\_RFI\_1\_11.2.2021.pdf

Hello Mr. Kennedy,

Please see the attached letter granting you an extension of time until February 21, 2022 for the RFI response. Please let me know if you have any further questions.

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*

February 2, 2022

Mr. Kirk Kennedy, P.G.  
Kennedy Resource Company  
1443 CR 204  
Burnet, TX 78611

**VIA E-MAIL**

RE: Select Energy Services, LLC  
WRTP 13813  
CN603611161, RN111340204  
Application No. 13813 for a Temporary Water Use Permit  
Texas Water Code § 11.138, Requiring Limited Mailed Notice  
Unnamed Tributary of Lipan Creek, Nueces River Basin  
Atascosa County

Dear Mr. Kennedy:

This acknowledges receipt, on January 28, 2022, of the applicant's request for an additional extension of time to respond to the Texas Commission on Environmental Quality's request for information, dated November 2, 2021.

An extension is granted until February 21, 2022, and after that date the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

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

Sincerely,

A handwritten signature in cursive script that reads "J. Brooke McGregor".

Brooke McGregor, Section Manager  
Water Rights Permitting and Availability Section  
Water Availability Division

BM/np

## Natalia Ponebshek

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**From:** Kirk Kennedy <[REDACTED]>  
**Sent:** Friday, January 28, 2022 11:18 AM  
**To:** Natalia Ponebshek  
**Subject:** RE: Accepted: Select Energy Services, LLC App No. 13813 RFI Response

Natalia,

See request below, somehow I addressed it wrong last week.

Thanks

Kirk Kennedy, P.G.

Kennedy Resource Company

[1443 CR 204](#)

[Burnet, Texas 78611](#)

OFFICE: [\(512\) 843-5109](#)

CELL: [\(512\) 589-5109](#)

FAX: [\(720\) 262-7775](#)

----- Original message -----

From: Natalia.Ponebshek@tceq.texas.gov  
Date: 1/21/22 10:47 AM (GMT-06:00)  
To: Kirk Kennedy <[REDACTED]>  
Cc: Justin Duke <[REDACTED]>  
Subject: RE: Accepted: Select Energy Services, LLC App No. 13813 RFI Response

Natalia,

Pursuant to our teams call this morning and the need for the additional information requested by TCEQ staff, we request a 30 day extension of time to address the following two issues noted in the meeting:

(1) Provide observed temperature of the water pumped from each of the three wells that are planned to be used in the project.

(2) Clarification statement with regard to measures that will be taken to avoid infringement and entrainment of aquatic organisms when pumping water from the exempt reservoirs.

Thanks

Kirk Kennedy, P.G.  
Kennedy Resource Company  
1443 CR 204  
Burnet, Texas 78611  
OFFICE: (512) 843-5109  
CELL: (512) 589-5109  
FAX: (720) 262-7775  
EMAIL [REDACTED]

-----Original Appointment-----

From: Kirk Kennedy [REDACTED] >  
Sent: Tuesday, January 18, 2022 12:19 PM  
To: Natalia.Ponebshek@tceq.texas.gov  
Subject: Accepted: Select Energy Services, LLC App No. 13813 RFI Response  
When: Friday, January 21, 2022 10:30 AM-11:00 AM (UTC-06:00) Central Time (US & Canada).  
Where: Microsoft Teams Meeting

When: Jan 21, 2022 10:30:00 AM  
Where: Microsoft Teams Meeting



## Natalia Ponebshek

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**From:** Kirk Kennedy [REDACTED] >  
**Sent:** Monday, January 10, 2022 1:52 PM  
**To:** Natalia Ponebshek  
**Subject:** RE: Select Energy Services, LLC App. No. 13813 RFI Follow Up  
**Attachments:** RFI#1 Response-01102022.pdf; ATTACHMENT 1 - TOM CATTLE COMPANY WELL PERMITS-01102022.pdf; TOM CATTLE WELL #1 WQ SAMPLE TAKEN 12102021.pdf; TOM CATTLE WELL #2 WQ SAMPLE TAKEN 12102021.pdf; TOM CATTLE WELL #3 WQ SAMPLE TAKEN 12102021.pdf

Natalia,

Attached is our response to TCEQ's letter dated December 10, 2021 along with the following attachments, which are further described in our response:

- (1) Attachment 1 – Copies of the existing groundwater permits from the Evergreen Underground Water Conservation District; and
- (2) Separate pdf files documenting recent water quality samples from each of the three wells the project plans to use.

Thanks

Kirk Kennedy, P.G.  
Kennedy Resource Company  
1443 CR 204  
Burnet, Texas 78611  
OFFICE: (512) 843-5109  
CELL: (512) 589-5109  
FAX: (720) 262-7775  
EMAIL: [REDACTED]

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**From:** Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>  
**Sent:** Friday, December 10, 2021 4:10 PM  
**To:** Kirk Kennedy [REDACTED]  
**Subject:** Select Energy Services, LLC App. No. 13813 RFI Follow Up

Please find the attached request for information follow up for the abovementioned application. A response is due by January 10, 2022.

Thank you,

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

**TO:** Texas Commission on Environmental Quality  
P.O. Box 13087, MC-160  
Austin, Texas 78711

**DATE:** January 10, 2022

**SUBJECT:** TCEQ Request for Additional Information Dated 11/2/2021

**APPLICANT:** Select Energy Services. LLC  
WRTP 13813

**ATTN:** Natalia Ponebshek

Dear Natalia,

In response to your letter requesting additional information dated November 2, 2021 and December 10, 2021, please see the following responses in bold underline:

- (1) Confirm the coordinates of the diversion point "Pond #3 (Tom Ranch Lake #2)".

**ANSWER:**

**We concur with the TCEQ's staffs recalculated coordinates, which are restated as follows:**

- **Latitude: 28.705985 N**
- **Longitude: 98.290429 W**

- (2) Provide a copy of any permit from the Evergreen Underground Water Conservation District or documentation that a permit is not required.

**ANSWER:**

**A copy of the permits issued by the Evergreen Underground Water Conservation District showing Tom Cattle Ranch is authorized to use groundwater from the wells described in the water right application are included as Attachment 1.**

- (3) Summit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflows requirements.

**ANSWER:**

**Groundwater from the wells described in the application will be discharged into the ponds and accumulated so that entire division from the ponds for the proposed use will not exceed the amount of groundwater pumped into the ponds. In addition, at the end of each**

groundwater accumulation and diversion cycle, each pond will be refilled to the same capacity as was noted before any groundwater was discharged into each pond. Therefore, unless an inflow event occurs during the period groundwater is being accumulated, but before it is used, no differences in water quantity or water quality will occur downstream of the ponds. In the event there is an inflow event during the period groundwater is being accumulated, but before it is used, which results in any of the ponds spilling, the spill amount will be greater than would have occurred without the groundwater accumulated in the pond because the ponds will have less capacity to store surface water runoff. With regard to water quality, the quality of the groundwater being discharged into the ponds is of reasonable quality (see water quality test results later in this response) and thus will not negatively impact water quality conditions downstream.

(4) Provide the depth of the well and the name of the aquifer from which water will be withdrawn.

**ANSWER:**

**Well #1; Depth = 4,200 feet; Aquifer: Carrizo Wilcox.**

**Well #2; Depth = 4,700 feet; Aquifer: Carrizo Wilcox.**

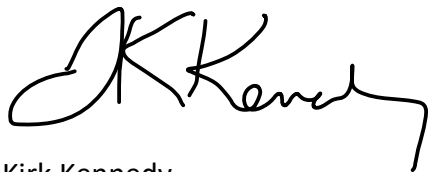
**Well #3; Depth = 5,000 feet; Aquifer: Carrizo Wilcox.**

(5) Provide reasonable current water chemistry information for the groundwater to be discharged.

**ANSWER:**

**Attached is a water quality sample taken from each well on December 10, 2021. Note that the well number (1, 2 or 3) is indicated in the file name of each pdf and is also labeled in the upper area of each water quality result page as follows: WSW1 = well #1; WSW2 = well #2; WSW3 = well #3.**

Please feel free to give me a call if you have any questions.



Kirk Kennedy  
Kennedy Resource Company  
1443 CR 204  
Burnet, TX 78611  
(512) 589-5109



# ATTACHMENT 1 - WELL PERMITS

ISSUED BY EVERGREEN UNDERGROUND WATER CONSERVATION DISTRICT

TO TOM CATTLE COMPANY

Page 1 = Well #1

Page 2 = Well #2

Page 3 = Well #3

EVERGREEN UNDERGROUND WATER CONSERVATION DISTRICT  
WATER WELL PRODUCTION PERMIT

I. INSTRUCTIONS: Complete all questions. Please print or type. An incomplete application is grounds for refusal.

Owner EDMUND TOM Phone 830-256-4834  
Address 5320 Hwy 281 Campbellton, TX 78008  
Operator TOM CATTLE CO. LLC Phone 830-256-4834  
Address 5320 Hwy 281 Campbellton, TX 78008  
Well Location : Latitude 28.714135°N North Longitude 98.276154°W West  
Proposed Well Use:  Domestic  Irrigation  Public Supply  Livestock  
 Industrial  Injection  Other (Please Specify Below)

II. Annual production:

a. Number of contiguous acres owned or leased on which water is to be produced 4.71 acres  
b. Volume of water per acre, per year requested 652,000 gallons 2.0 acre feet  
c. Total annual production requested (a. x b.) 315,360,000 gallons 967.36 acre feet  
800 gpm

III. Production terms and agreement: I agree to abide by the terms of section 5 of the District Rules, the District Management Plan, and orders of the Board of Directors. I agree to report to the District, on or before the 15th day of January of each year, the total volume of water produced in the prior year. I understand that failure to abide by the terms of this permit will result in civil penalties and/or revocation of this permit.

IV. Additional terms, conditions or permit provisions:

Edmund Tom Signature of Landowner or Agent 2/10/12 Date

Permit is Approved For: 315,360,000 Gallons of Water per Year for 5 year(s)

Field Inspection \_\_\_\_\_ Mapped JW

Deposit Received  Check  Check No.  Cash

Date Application Received 2/14/2012

Permit Number PA 00306 / 2/18

This permit shall remain valid until \_\_\_\_\_

Quad. 28-22

This permit is approved, subject to the rules of the Evergreen Underground Water Conservation District

Steve Snider Signature

PRESIDENT Title 2/24/2012 Date

E.U.W.C.D. Well No. 20396

EVERGREEN UNDERGROUND  
WATER  
CONSERVATION DISTRICT  
SINCE 1943 (Revised 12-02)

**EVERGREEN UNDERGROUND WATER CONSERVATION DISTRICT  
WATER WELL PRODUCTION PERMIT**

**I. INSTRUCTIONS:** Complete all questions. Please print or type. An incomplete application is grounds for refusal.

Owner PIONEER NATURAL RESOURCES USA INC. Phone 972-969-5767

Address 5205 N O'CONNOR BLVD STE 200 Irving, TX 75039

Operator SAME AS ABOVE Phone \_\_\_\_\_

Address \_\_\_\_\_

Well Location : Latitude 28°42'38.00" North Longitude 98°16'38.00" West

Proposed Well Use:  Domestic  Irrigation  Public Supply  Livestock  
 Industrial  Injection  Other (Please Specify Below)

**II. Annual production:**

- a. Number of contiguous acres owned or leased on which water is to be produced 1072 acres  
 b. Volume of water per acre, per year requested 325,851 gallons 1072 acre feet  
 c. Total annual production requested (a. x b.) 349,312,272 gallons 1072 acre feet

**III. Production terms and agreement:** I agree to abide by the terms of section 5 of the District Rules, the District Management Plan, and orders of the Board of Directors. I agree to report to the District, on or before the 15 th day of January of each year, the total volume of water produced in the prior year. I understand that failure to abide by the terms of this permit will result in civil penalties and/or revocation of this permit.

**IV. Additional terms, conditions or permit provisions:** \_\_\_\_\_

Wayne A Scott Signature of Landowner or Agent 2-23-12 Date

Permit is Approved For 349,312,272 Gallons of Water per Year for 5 year(s)

Field Inspection JWB RL Mapped KB

Deposit Received  Check 978916 Check No.  Cash

*This permit is approved, subject to the rules of the Evergreen Underground Water Conservation District*

Date Application Received 3-21-2012

Steve Snider Signature

Permit Number PA00315 / 2237

PRESIDENT Title 8/31/2012 Date

This permit shall remain valid until 3/30/2017

Quad. \_\_\_\_\_

E.U.W.C.D. Well No. 20405 / 21785

(Revised 12-02)

28. 7092 2719 - 98. 2885

1000 gpm

EVERGREEN UNDERGROUND WATER CONSERVATION DISTRICT  
WATER WELL PRODUCTION PERMIT

I. INSTRUCTIONS: Complete all questions. Please print or type. An incomplete application is grounds for refusal.

Well Owner TOM CATTLE CO LLC Phone 210-219-7221

Address 5320 US Hwy 281 Campbellton, TX 78008

Operator Tom Cattle Co LLC Phone 210-219-7221

Address 5320 US Hwy 281 Camb, TX 78008

Well Location : Latitude 28 42 33.25 North Longitude 98 17 18.90 West

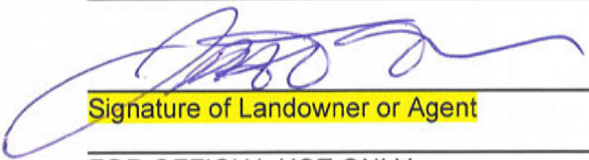
Proposed Well Use:  Domestic  Irrigation  Public Supply  Livestock  
 Industrial  Injection  Other (Please Specify Below)

II. Annual production: Rig Supply, Farm

a. Number of contiguous acres owned or leased on which water is to be produced 3,100 acres  
b. Volume of water per acre, per year requested \_\_\_\_\_ gallons \_\_\_\_\_ acre feet  
c. Total annual production requested (a. x b.) 394,200,000 gallons 75% acre feet  
1209.2 1000 gpm

III. Production terms and agreement: I agree to abide by the terms of section 5 of the District Rules, the District Management Plan, and orders of the Board of Directors. I agree to report to the District, on or before the 15 th day of January of each year, the total volume of water produced in the prior year. I agree that I have the legal authority to produce the groundwater associated with the land surface and that this permit may be amended or revoked, based on the legal transfer of the associated groundwater rights or right to produce groundwater to another person/entity. I agree that the permit may be amended in the future due to enforcement of the adopted desired future conditions of the aquifer and the District's rules. I understand that failure to abide by the terms of this permit will result in civil penalties and/or revocation of this permit.

IV. Additional terms, conditions or permit provisions: \_\_\_\_\_



Signature of Landowner or Agent

8/7/19  
Date

FOR OFFICIAL USE ONLY

Permit is Approved For: 394,200,000 Gallons of Water per Year for 5 year(s)

Field Inspection MP Mapped MP

Deposit Received  Check \_\_\_\_\_ Check No. \_\_\_\_\_ Cash

Date Application Received 8/7/19

Permit Number 2719

This permit shall remain valid until 8/30/24

This permit is approved, subject to the rules of the Evergreen Underground Water Conservation District  
Shirley Shroyer  
Signature

President 8/30/19  
Title Date

Quad. \_\_\_\_\_  
1/10/2022

E.U.W.C.D. Well No. 07615

# DownHole SAT™ Water Analysis Report



## SYSTEM IDENTIFICATION

WSO-STX  
WSW 1  
28.714133, -98.276153

Midland  
Rachael Atuegwu  
12/10/2021

Sample ID: 0  
20218340

Sample Date: 12-10-2021 at 1053  
Report Date: 12-14-2021

## WATER CHEMISTRY

### CATIONS

Calcium(as Ca)	3.65
Magnesium(as Mg)	0.300
Barium(as Ba)	0.0500
Strontium(as Sr)	0.210
Sodium(as Na)	234.18
Iron(as Fe)	0.500
Manganese(as Mn)	0.01000

### ANIONS

Chloride(as Cl)	60.20
Sulfate(as SO <sub>4</sub> )	77.90
Dissolved CO <sub>2</sub> (as CO <sub>2</sub> )	0.00
Bicarbonate(as HCO <sub>3</sub> )	427.00
H <sub>2</sub> S (as H <sub>2</sub> S)	0.00

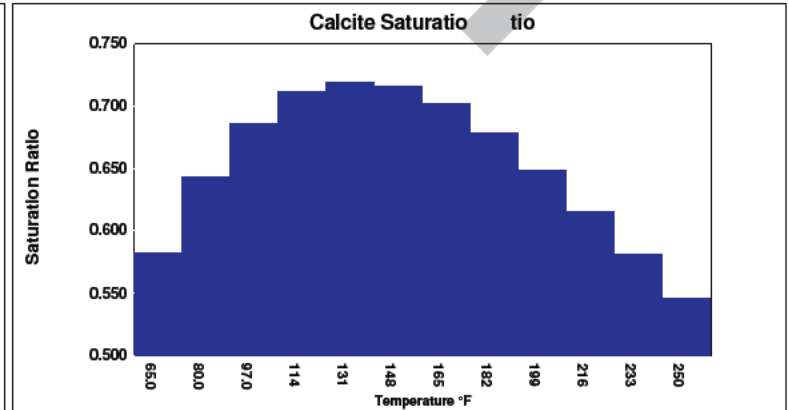
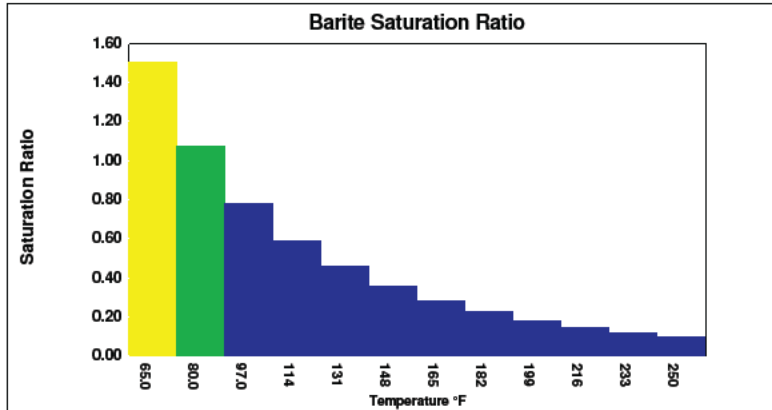
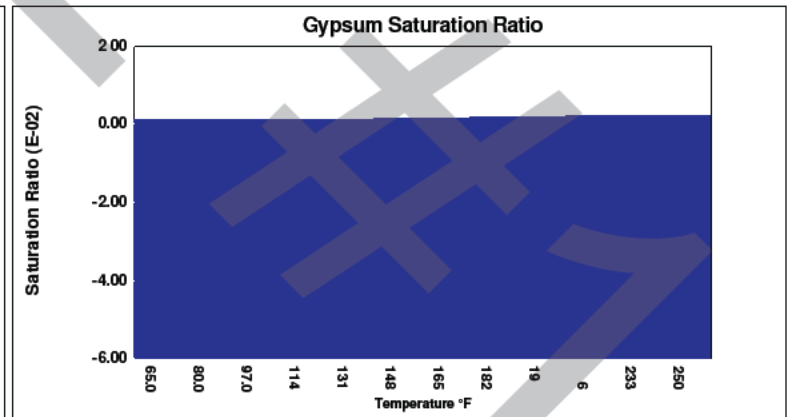
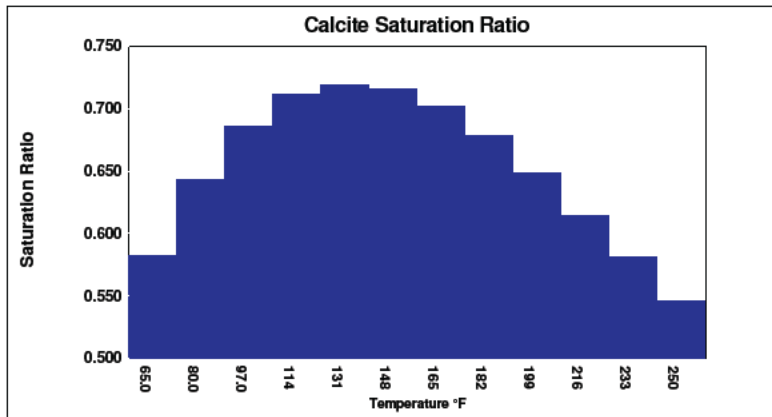
### PARAMETERS

Temperature(°F)	75.00	Sample pH	8.27
Conductivity	941.68	Sp.Gr.(g/mL)	1.00
Resistivity	1062	T.D.S.	809.46

## SCALE AND CORROSION POTENTIAL

Temp. (°F)	Press. (psia)	Calcite CaCO <sub>3</sub>	Anhydrite CaSO <sub>4</sub>	Gypsum CaSO <sub>4</sub> *2H <sub>2</sub> O	Barite BaSO <sub>4</sub>	Celestite SrSO <sub>4</sub>	Siderite FeCO <sub>3</sub>	Mackawenite FeS	CO <sub>2</sub> (mpy)	pCO <sub>2</sub> (atm)								
65.00	50.00	0.582	-0.873	< 0.001	5	00102	-396.09	50	0.00989	0.00343	-28.54	15.12	0.0349	0.00	-0.0219	0.0515	0.00783	
80.00	100.00	0.643	-0.682	< 0.00	57.17	001	-399.82	1.07	0.00202	0.00349	-28.18	26.65	0.0507	0.00	-0.0224	0.0287	0.0157	
97.00	240.00	0.686	-0.555	< 0	-433.71	< 0	-401.34	0.774	-0.00865	0.00365	-27.21	43.68	0.0687	0.00	-0.0234	0.0459	0.0376	
114.00	380.00	0.711	-0.477	< 0	-399.59	0.0010	79.88	0.588	0.0207	0.00390	-25.91	69.09	0.0924	0.00	-0.0240	0.0509	0.0595	
131.00	520.00	0.719	-0.438	< 0.00	358.80	0.00118	350.37	0.4	-0.0355	0.00414	-24.75	103.03	0.121	0.00	-0.0248	0.0446	0.0814	
148.00	660.00	0.715	-0.422	0.00112	89	0.00133	-324.97	6	-0.0536	0.00437	-23.75	140.26	0.147	0.00	-0.0265	0.0420	0.103	
165.00	800.00	0.701	-0.423	0.00145	-27	0.00149	-303.06	281	-0.0756	0.00458	-22.88	172.58	0.164	0.00	-0.0297	0.0474	0.125	
182.00	940.00	0.678	-0.439	0.00196	-228.55	0.00164	-284	0.224	-0.102	0.00478	-22.15	193.03	0.169	0.00	-0.0348	0.0395	0.147	
199.00	1080.00	0.649	-0.463	0.00270	-189.67	0.00180	2	5	0.180	-0.134	0.00495	-21.54	199.84	0.164	0.00	-0.0419	0.0220	0.169
216.00	1220.00	0.615	-0.496	0.00381	-155.65	0.00195	4.98	0.145	-0.175	0.00505	1.19	195.82	0.153	0.00	-0.0508	0.0303	0.191	
233.00	1360.00	0.581	-0.527	0.00550	-125.27	0.0020	243.01	0.118	-0.222	0.00	-20.83	186.57	0.139	0.00	-0.0610	0.0405	0.213	
250.00	1500.00	0.546	-0.562	0.00810	-99.28	0.00223	79	0.0959	-0.278	0	24	167.64	0.120	0.00	-0.0730	0.0510	0.235	
		xSAT	Lbs per 1000 Barrels	xSAT	Lbs per 1000 Barrels	xSAT	Lbs per 1000 Barrels	xSAT	Lbs per 1000 Barrels	xSAT	Lbs per 1000 Barrels	xSAT	Lbs per 1000 Barrels	xSAT	Lbs per 1000 Barrels			

Saturation Ratios (xSAT) are the ratio of ion activity to solubility, e.g.  $\{CO_3\}/K_{sp}$ . pCO<sub>2</sub> (atm) is the partial pressure of CO<sub>2</sub> in the gas phase. Lbs/1000 Barrels scale is the quantity of precipitation (or dissolution) required to instantaneously bring the water to equilibrium.





# DownHole SAT™ Water Analysis Report



## SYSTEM IDENTIFICATION

WSO-STX  
WSW 2  
28.710556, -98.277222

Midland  
Rachael Atuegwu  
12/10/2021

Sample ID: 0  
20218341

Sample Date: 12-10-2021 at 1054  
Report Date: 12-14-2021

## WATER CHEMISTRY

### CATIONS

Calcium(as Ca) 3.85  
Magnesium(as Mg) 0.300  
Barium(as Ba) 0.0400  
Strontium(as Sr) 0.180  
Sodium(as Na) 234.87  
Iron(as Fe) 0.250  
Manganese(as Mn) 0.01000

### ANIONS

Chloride(as Cl) 63.00  
Sulfate(as SO<sub>4</sub>) 92.40  
Dissolved CO<sub>2</sub>(as CO<sub>2</sub>) 0.00  
Bicarbonate(as HCO<sub>3</sub>) 402.60  
H<sub>2</sub>S (as H<sub>2</sub>S) 0.00

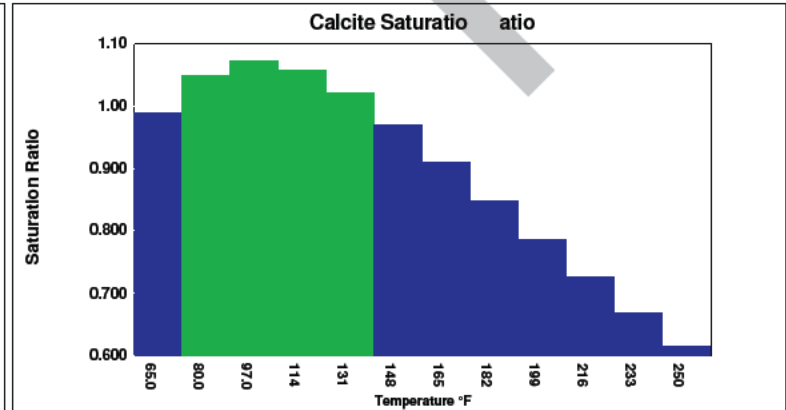
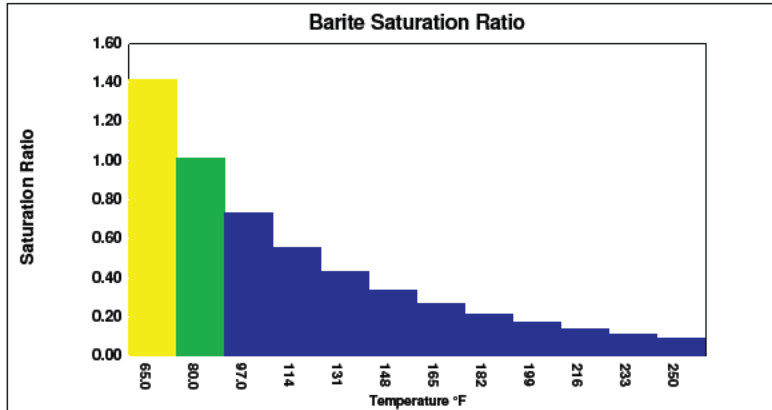
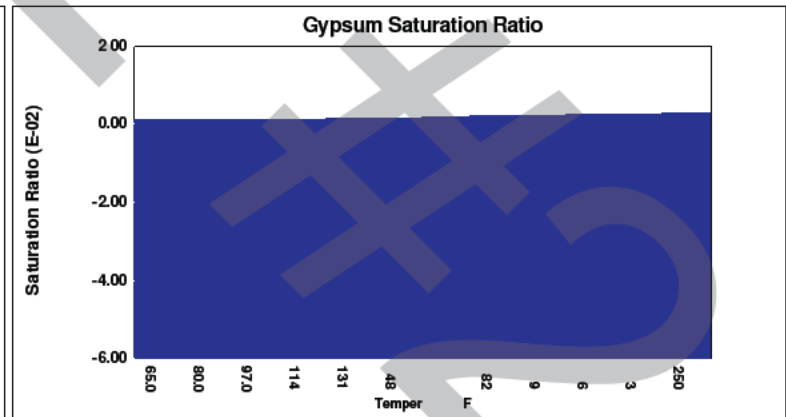
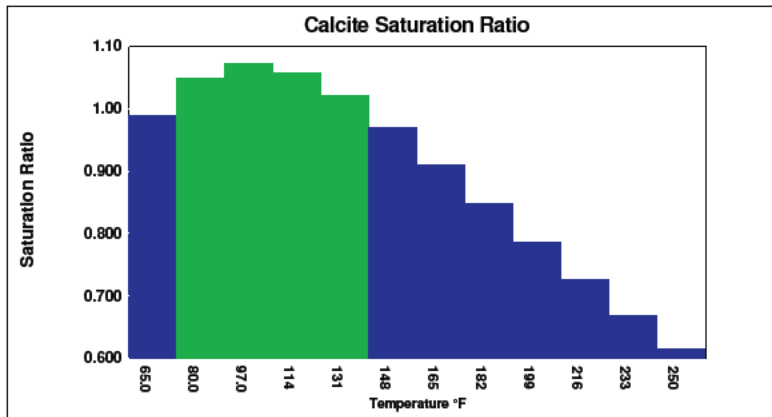
### PARAMETERS

Temperature(°F) 75.00 Sample pH 8.51  
Conductivity 946.84 Sp.Gr.(g/mL) 1.00  
Resistivity 1056 T.D.S. 800.55

## SCALE AND CORROSION POTENTIAL

Temp. (°F)	Press. (psia)	CaCO <sub>3</sub>	Anhydrite CaSO <sub>4</sub>	Gypsum CaSO <sub>4</sub> *2H <sub>2</sub> O	Barite BaSO <sub>4</sub>	Celestite SrSO <sub>4</sub>	Siderite FeCO <sub>3</sub>	Mackawenite FeS	CO <sub>2</sub> (mpy)	pCO <sub>2</sub> (atm)								
65.00	50.00	0.989	< 0.001	93	0.0122	-393.80	41	0.00694	0.00346	-26.35	3.01	0.00296	0.00	-0.0212	0.0407	0.00423		
80.00	100.00	1.05	0.0779	< 0.00	55.46	18	-397.50	1.01	< 0.001	0.00352	-26.00	6.08	0.00626	0.00	-0.0234	0.0194	0.00846	
97.00	240.00	1.07	0.109	< 0	-431.88	0.0	-398.99	0.729	-0.00880	0.00369	-25.06	11.48	0.0110	0.00	-0.0260	0.0310	0.0203	
114.00	380.00	1.06	0.0825	< 0	-397.61	0.0012	77.42	0.555	0.190	0.00394	-23.81	21.28	0.0188	0.00	-0.0283	0.0343	0.0322	
131.00	520.00	1.02	0.0285	0.0010	356.66	0.00141	347.79	0.4	-0.0315	0.00418	-22.70	37.24	0.0306	0.00	-0.0306	0.0301	0.0440	
148.00	660.00	0.968	-0.0443	0.00134	61	0.00159	-322.30	6	-0.0469	0.00441	-21.74	58.63	0.0455	0.00	-0.0331	0.0283	0.0559	
165.00	800.00	0.909	-0.123	0.00174	-26	0.00178	-300.33	.265	-0.0655	0.00463	-20.91	80.08	0.0593	0.00	-0.0366	0.0320	0.0677	
182.00	940.00	0.847	-0.200	0.00235	-226.05	0.0198	-281	0.212	-0.0881	0.00483	-20.22	94.85	0.0676	0.00	-0.0418	0.0266	0.0796	
199.00	1080.00	0.786	-0.273	0.00326	-187.10	0.00217	2	4	0.170	-0.115	0.00500	-19.64	100.26	0.0692	0.00	-0.0488	0.0148	0.0914
216.00	1220.00	0.725	-0.346	0.00460	-153.06	0.00235	2.17	0.136	-0.150	0.00510	9.31	98.30	0.0665	0.00	-0.0576	0.0204	0.103	
233.00	1360.00	0.668	-0.410	0.00666	-122.66	0.0025	240.18	0.111	-0.190	0.00	-18.97	92.73	0.0615	0.00	-0.0673	0.0273	0.115	
250.00	1500.00	0.615	-0.468	0.00983	-96.70	0.00271	97	0.0904	-0.238	0	29	81.99	0.0533	0.00	-0.0784	0.0344	0.127	
		xSAT	Lbs per 1000 Barrels	xSAT	Lbs per 1000 Barrels	xSAT	Lbs per 1000 Barrels	xSAT	Lbs per 100 Barrels	xSAT	Lbs per 1000 Barrels	xSAT	Lbs per 1000 Barrels	xSAT	Lbs per 1000 Barrels			

Saturation Ratios (xSAT) are the ratio of ion activity to solubility, e.g.  $\frac{CO_3}{K_{sp}}$ . pCO<sub>2</sub> (atm) is the partial pressure of CO<sub>2</sub> in the gas phase. Lbs/1000 Barrels scale is the quantity of precipitation (or dissolution) required to instantaneously bring the water to equilibrium.



# DownHole SAT™ Water Analysis Report



## SYSTEM IDENTIFICATION

WSO-STX  
WSW 3  
28.709236, -98.288583

Midland  
Rachael Atuegwu  
12/10/2021

Sample ID: 0  
20218342

Sample Date: 12-10-2021 at 1056  
Report Date: 12-14-2021

## WATER CHEMISTRY

### CATIONS

Calcium(as Ca)	1.85
Magnesium(as Mg)	0.150
Barium(as Ba)	0.0200
Strontium(as Sr)	0.110
Sodium(as Na)	280.52
Iron(as Fe)	1.94
Manganese(as Mn)	0.0200

### ANIONS

Chloride(as Cl)	48.80
Sulfate(as SO <sub>4</sub> )	16.00
Dissolved CO <sub>2</sub> (as CO <sub>2</sub> )	0.00
Bicarbonate(as HCO <sub>3</sub> )	634.40
H <sub>2</sub> S (as H <sub>2</sub> S)	0.00

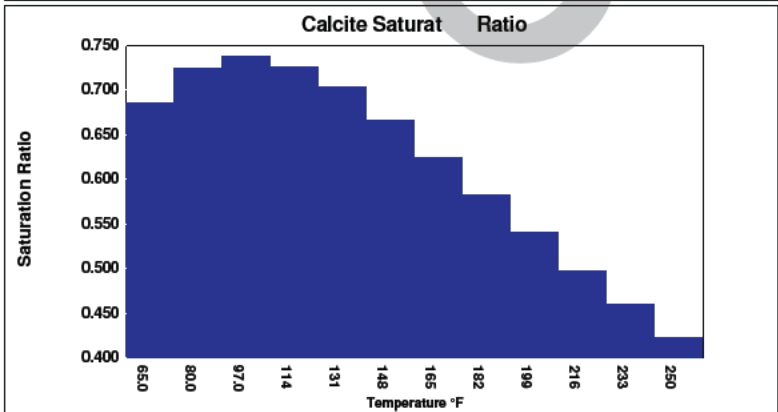
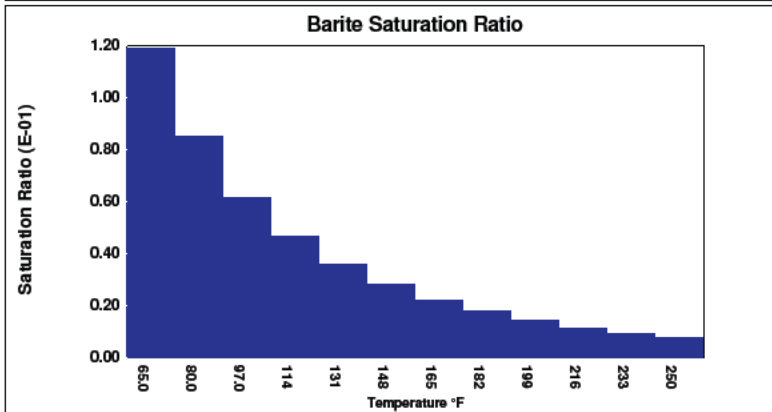
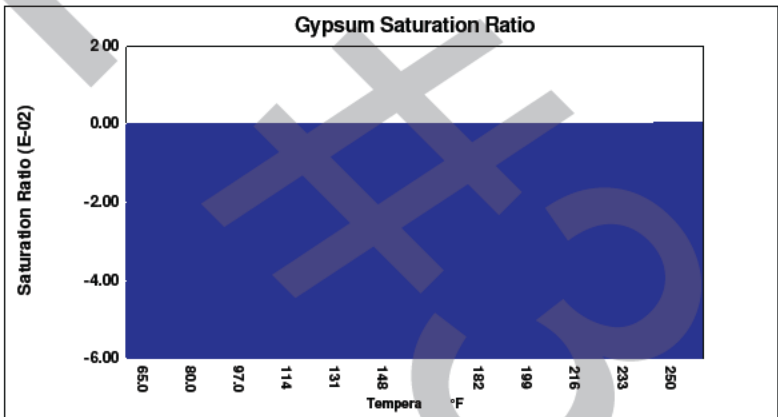
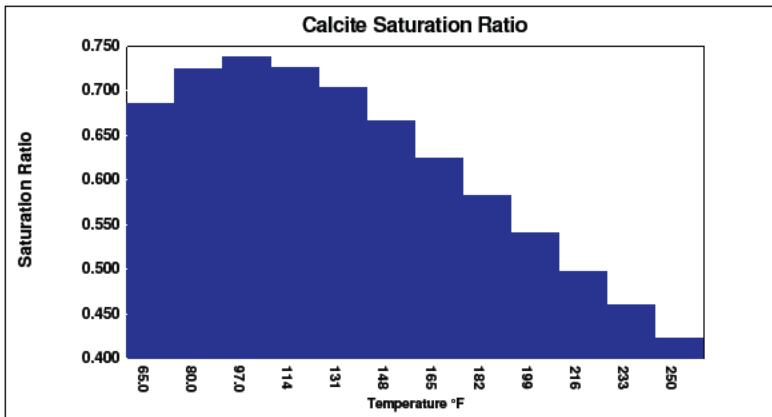
### PARAMETERS

Temperature(°F)	75.00	Sample pH	8.48
Conductivity	1069	Sp.Gr.(g/mL)	1.00
Resistivity	935.66	T.D.S.	990.45

## SCALE AND CORROSION POTENTIAL

Temp. (°F)	Press. (psia)	Calcite CaCO <sub>3</sub>	Anhydrite CaSO <sub>4</sub>	Gypsum CaSO <sub>4</sub> *2H <sub>2</sub> O	Barite BaSO <sub>4</sub>	Celestite SrSO <sub>4</sub>	Siderite FeCO <sub>3</sub>	Mackawenite FeS	CO <sub>2</sub> (mpy)	pCO <sub>2</sub> (atm)
65.00	50.00	0.685	< 0.001	2	119	< 0.001	40.85	0.00	0.0497	0.00715
80.00	100.00	0.724	< 0.001	82.66	0.0848	< 0.001	82.07	0.00	0.0271	0.0143
97.00	240.00	0.738	< 0	-458.69	0.0611	< 0.001	153.54	0.00	0.0433	0.0343
114.00	380.00	0.726	< 0	-423.83	0.0465	< 0.001	281.18	0.00	0.0480	0.0543
131.00	520.00	0.702	< 0.001	382.16	0.03	< 0.001	482.23	0.00	0.0421	0.0744
148.00	660.00	0.665	< 0.001	29	1	< 0.001	744.44	0.00	0.0396	0.0944
165.00	800.00	0.624	< 0.001	-292	0.222	< 0.001	996.81	0.00	0.0447	0.114
182.00	940.00	0.582	< 0.001	-249.00	0.0177	< 0.001	1162	0.00	0.0372	0.134
199.00	1080.00	0.540	< 0.001	-209.17	2	< 0.001	1215	0.00	0.0208	0.154
216.00	1220.00	0.497	< 0.001	-174.32	8.17	< 0.001	1184	0.00	0.0286	0.174
233.00	1360.00	0.459	< 0.001	-143.08	265.92	< 0	1114	0.00	0.0382	0.194
250.00	1500.00	0.423	< 0.001	-116.28	47	< 0.001	986.07	0.00	0.0481	0.214
		xSAT 1000 Barrels	xSAT 1000 Barrels	xSAT 1000 Barrels	xSAT 100 B s	xSAT 1000 Barrels	xSAT 1000 Barrels	xSAT 1000 Barrels		

Saturation Ratios (xSAT) are the ratio of ion activity to solubility, e.g.  $\frac{CO_3}{K_{sp}}$ . pCO<sub>2</sub> (atm) is the partial pressure of CO<sub>2</sub> in the gas phase. Lbs/1000 Barrels scale is the quantity of precipitation (or dissolution) required to instantaneously bring the water to equilibrium.



## Natalia Ponebshek

---

**From:** Natalia Ponebshek  
**Sent:** Friday, December 10, 2021 4:10 PM  
**To:** [REDACTED]  
**Subject:** Select Energy Services, LLC App. No. 13813 RFI Follow Up  
**Attachments:** Select\_Energy\_Services\_LLC\_13813\_RFI\_1\_Follow Up\_12.10.2021.pdf;  
Select\_Energy\_Services\_LLC\_13813\_Receipt\_1.pdf

Please find the attached request for information follow up for the abovementioned application. A response is due by January 10, 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 10, 2021

Mr. Kirk Kennedy, P.G.  
Kennedy Resource Company  
1443 CR 204  
Burnet, TX 78611

**VIA E-MAIL**

RE: Select Energy Services, LLC  
WRTP 13813  
CN603611161, RN111340204  
Application No. 13813 for a Temporary Water Use Permit  
Texas Water Code § 11.138, Requiring Limited Mailed Notice  
Unnamed Tributary of Lipan Creek, Nueces River Basin  
Atascosa County

Dear Mr. Kennedy:

This is a follow-up to our previous letter dated November 2, 2021 (copy attached) requesting additional information for the referenced application. To date, a response has not been received.

Please submit the information requested by January 10, 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](mailto: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

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*

November 2, 2021

Mr. Kirk Kennedy, P.G  
Kennedy Resource Company  
1443 CR 204  
Burnet, TX 78611

**VIA E-MAIL**

RE: Select Energy Services, LLC  
WRTP 13813  
CN603611161, RN111340204  
Application No. 13813 for a Temporary Water Use Permit  
Texas Water Code § 11.138, Requiring Limited Mailed Notice  
Unnamed Tributary of Lipan Creek, Nueces River Basin  
Atascosa County

Dear Mr. Kennedy:

This acknowledges receipt, on September 20, 2021, of the referenced application and fees in the amount of \$3,251.25 (Receipt No. M200565, copy attached).

Additional information is required before the application can be declared administratively complete.

1. Confirm the coordinates of the diversion point "Pond #3 (Tom Ranch Lake #2)." The latitude and longitude provided in the application are not consistent with the map. Staff has calculated the coordinates of the diversion point to be Latitude 28.705985° N and Longitude 98.290429° W.
2. Provide a copy of any permit from the Evergreen Underground Water Conservation District or documentation that a permit is not required.
3. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.
4. Provide the depth of the well and the name of the aquifer from which water is withdrawn
5. Provide reasonably current water chemistry information for the groundwater to be discharged including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

\*Temperature must be measured on site at the time the groundwater sample is collected.

6. Indicate measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right).

Please provide the requested information by December 2, 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](mailto: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

## Natalia Ponebshek

---

**From:** Natalia Ponebshek  
**Sent:** Tuesday, November 2, 2021 5:10 PM  
**To:** [REDACTED]  
**Subject:** Select Energy Services, LLC App. No. 13813 RFI  
**Attachments:** Select\_Energy\_Services\_LLC\_13813\_RFI\_1\_11.2.2021.pdf; Select\_Energy\_Services\_LLC\_13813\_Receipt\_1.pdf

Please find the attached request for information for the abovementioned application. A response is due by December 2, 2021. Please let me know if you have any questions.

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*

November 2, 2021

Mr. Kirk Kennedy, P.G.  
Kennedy Resource Company  
1443 CR 204  
Burnet, TX 78611

**VIA E-MAIL**

RE: Select Energy Services, LLC  
WRTP 13813  
CN603611161, RN111340204  
Application No. 13813 for a Temporary Water Use Permit  
Texas Water Code § 11.138, Requiring Limited Mailed Notice  
Unnamed Tributary of Lipan Creek, Nueces River Basin  
Atascosa County

Dear Mr. Kennedy:

This acknowledges receipt, on September 20, 2021, of the referenced application and fees in the amount of \$3,251.25 (Receipt No. M200565, copy attached).

Additional information is required before the application can be declared administratively complete.

1. Confirm the coordinates of the diversion point "Pond #3 (Tom Ranch Lake #2)." The latitude and longitude provided in the application are not consistent with the map. Staff has calculated the coordinates of the diversion point to be Latitude 28.705985° N and Longitude 98.290429° W.
2. Provide a copy of any permit from the Evergreen Underground Water Conservation District or documentation that a permit is not required.
3. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.
4. Provide the depth of the well and the name of the aquifer from which water is withdrawn
5. Provide reasonably current water chemistry information for the groundwater to be discharged including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.



Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

\*Temperature must be measured on site at the time the groundwater sample is collected.

6. Indicate measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right).

Please provide the requested information by December 2, 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](mailto: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

## Natalia Ponebshek

---

**From:** Kirk Kennedy <[REDACTED]>  
**Sent:** Thursday, September 23, 2021 2:01 PM  
**To:** Natalia Ponebshek  
**Subject:** Legal name for Select Energy

Natalia,

Thanks for catching the name problem. The correct name is as follows:

Select Energy Services, LLC.

Thanks

Kirk Kennedy, P.G.  
Kennedy Resource Company  
1443 CR 204  
Burnet, Texas 78611  
OFFICE: (512) 843-5109  
CELL: (512) 589-5109  
FAX: (720) 262-7775  
EMAIL: [REDACTED]



22-SEP-21 11:51 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u>	<u>Account#</u>	<u>Account Name</u>	<u>Ref#1</u>	<u>Ref#2</u>	<u>Paid In By</u>	<u>Check Number</u>	<u>CC Type</u>	<u>Card Auth.</u>	<u>Tran Code</u>	<u>Rec Code</u>	<u>Slip Key</u>	<u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP			M200565			221481			N		BS00088918	D2800124	22-SEP-21	-\$3,251.25
<i>Natalie R.</i>	WUP		WATER USE PERMITS	SELECT			092221			N					
				ENERGY			VHERRAND			CK					
				SERVICES											
				LLC											
	WUP			M200566			220132			N		BS00088918		22-SEP-21	-\$112.50
	WUP			5092			092221			N		D2800124			
<i>S. Henderson</i>			WATER USE PERMITS	SAN MARCOS,			VHERRAND			CK					
				CITY OF											

Total (Fee Code) : -\$3,363.75

Grand Total : -\$35,963.75

RECEIVED

SEP 24 2021

Water Availability Division

**TO:** Texas Commission on Environmental Quality  
P.O. Box 13087, MC-160  
Austin, Texas 78711

**DATE:** September 20, 2021

**SUBJECT:** Application for Temporary Water Right Permit

**EMAIL:** WRPT@tceq.texas.gov

**APPLICANT:** Select Energy Inc.

Dear Sirs,

Please find attached application for a temporary water right permit for Select Energy Inc. The applicant seeks a temporary water right to authorize the use of the bed and banks of three existing exempt reservoirs to accumulate and store 3,000 acre-feet of private groundwater for mining use in Atascosa County, Nueces River Basin, over a three year period. Note that in addition to the three exempt reservoirs, the applicant also has two existing off-channel reservoirs on the property that will also be utilized in their groundwater storage process. No deliberate use of surface water will be made by the planned operations and the quantity of surface water stored in the exempt reservoirs before the project begins will be restored at the end of the project.

Attached are the following documents to support the application:

- (1) TCEQ Form 10202 completed for the on-channel ponds.
- (2) A document describing a summary of the proposed project.
- (3) A copy of the USGS 7.5 minute topographic map (Whitsett) showing the location of the three ponds in which bed and banks authorization is being requested for.
- (4) A completed copy of TCEQ Core Data Form for Select Energy and the proposed project.
- (5) A letter from the owner of Tom Cattle Company approved and signed, indicating the company's consent for Select Energy to use the exempt reservoirs for the purpose and period indicated.
- (6) Letter from Select Energy Inc. authorizing Justin Duke to sign the application.
- (7) A check in the amount of \$3,251.25 for the associated application fees.

Please let me know if anything else is needed and feel free to call or email me if you have any questions.

Thanks



Kirk Kennedy, P.G.  
Kennedy Resource Company  
1443 CR 204  
Burnet, Texas 78611  
CELL: (512) 589-5109; EMAIL: [REDACTED]

**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. 263006209

A. Name: Select Energy Services, INC

B. Mailing Address: 1000 Central Parkway North, Suite 270, San Antonio TX 78232

C. Telephone Number: (432) 232-3066 Fax Number: \_\_\_\_\_ 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 Mining Use – All water will be produced from private groundwater supply - see Attachment for more detail.

F. Description of Project (TDH Project No. if applicable) NA

G. Highway Designation No. \_\_\_\_\_ County Atascosa

2. **Type of Diversion (check one):**  From Stream  From Reservoir

3. **Rate of Diversion:**  
A. Maximum Pond #1: 4700; Pond #2: 3000; Pond #3: 4700 gpm  
(capacity of pump)

4. **Amount and Source of Water:**  
3,000 acre-feet of water within a period of 3 years (specify term period not to exceed a three year term). The water is to be obtained from D&L reservoirs on unnamed, tributary of Lipan Creek, tributary of Atascosa River, tributary of Frio River, tributary of Nueces River, Nueces 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.  
Pond #1 (Enterprise): At Latitude 28.729064 N, Longitude -98.281156 °W determined using Google Maps,  
Pond #2 (Pioneer): At Latitude 28.709597 N, Longitude -98.277385 °W determined using Google Maps,  
Pond #3 (Tom Ranch Lake #2): At Latitude 28.752469 N, Longitude -98.257066 °W determined using Google Maps,  
located in Zip Code 78026, located 20 miles in a southeast direction from Jourdanton (County Seat), Atascosa County, and 14 miles in an East direction from Christine, 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. <b>Access to Diversion Point (check one):</b>	<input type="checkbox"/> Public right-of-way	7. <b>Fees Enclosed:</b>	10 ac-ft or less	greater than 10 ac-ft	
	<input checked="" type="checkbox"/> Private property (A letter of permission from landowner is attached)		Filing .....	\$ 100.00	\$ 250.00
	<input type="checkbox"/> Other (Explain)		Recording .....	\$ 1.25	\$ 1.25
			Use (\$1.00 per ac-ft or fraction thereof) (Note: 1 ac-ft = 325 851 gals. 1 ac-ft = 7758.35 bbls.)	\$ _____	\$ <u>3000</u>
		Total	\$ _____	\$ <u>3251.25</u>	

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.

[Signature] Name (sign) \_\_\_\_\_ Justin Duke Name (print) \_\_\_\_\_

Subscribed and sworn to me as being true and correct before me this 14 day of Sept, 20 21

9/10/2021  KRC [Signature] Notary Public, State of Texas Page 1 of 7

Overview of Select Energy Temporary Water Right Application  
Tom Cattle Company, Nueces River Basin, Atascosa County, Texas

**PROJECT OVERVIEW**

Select Energy is seeking a temporary water right permit to authorize the use of the bed and banks of three existing exempt reservoirs to store privately owned groundwater for mining purposes in Atascosa County. Each of the existing exempt reservoirs are located on an unnamed tributary of Lipan Creek on property owned by Tom Cattle Company, and are currently used for domestic and livestock purposes. In addition to the three exempt reservoirs, Select Energy also plans to use two existing off-channel reservoirs located on the same property. The following summarizes all of the reservoirs that will be utilized:

**TABLE 1**

TOM CATTLE COMPANY PONDS TO BE USED BY SELECT ENERGY TO TEMPORARILY STORE PRIVATE GROUND WATER FOR MINING USE			
Number	Pond Name	Watercourse	Capacity (acre-feet)
1	Enterprise	UNT Lipan Creek	39
2	Pioneer	UNT Lipan Creek	39
3	Tom Ranch Lake #2	UNT Lipan Creek	128
4	Triangle	None; Off-channel	39
5	Quarry	None; Off-channel	39
Total			284

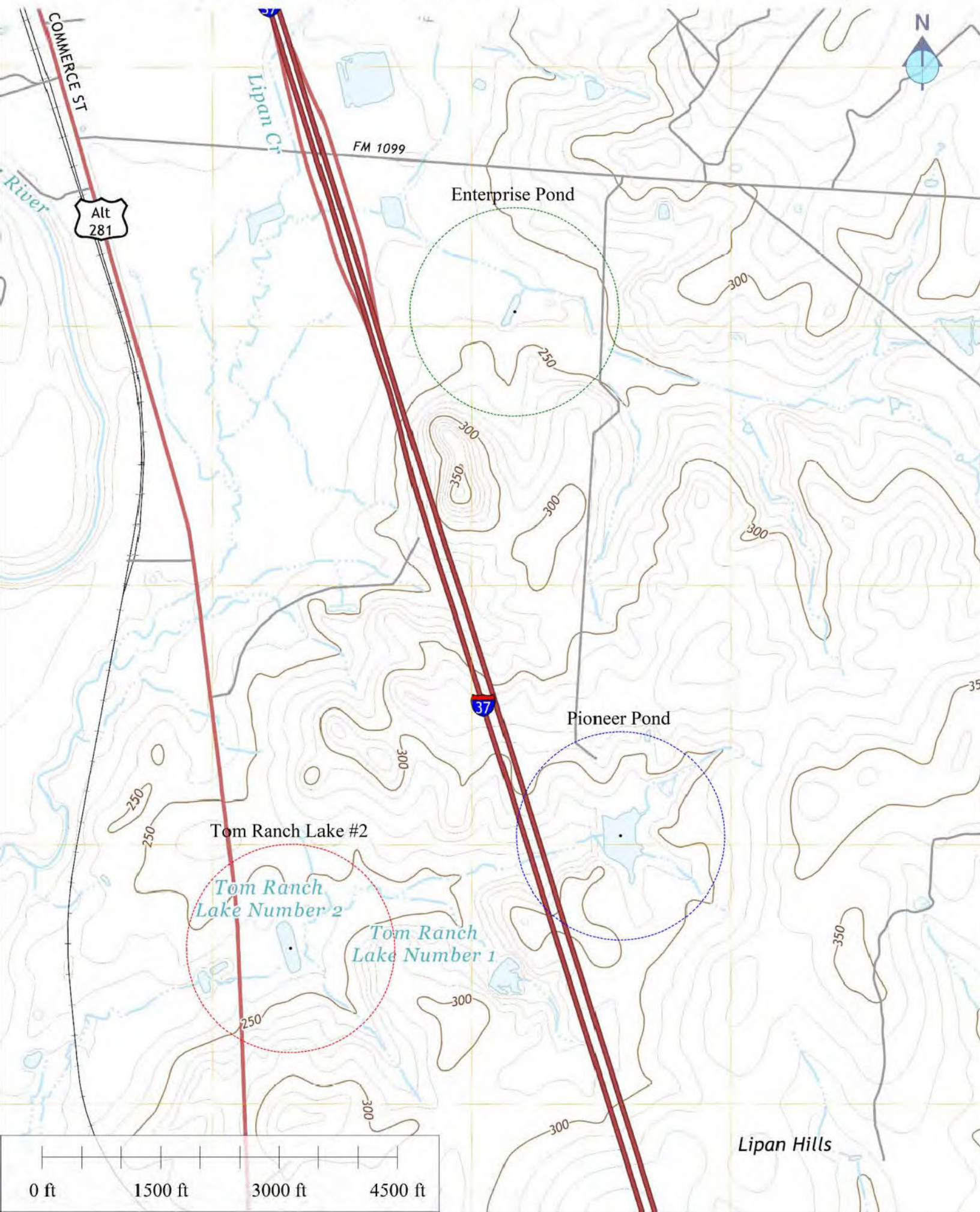
Select Energy plans to accumulate and store ground water in each of the exempt reservoirs as well as the two off channel reservoirs for mining purposes from three existing wells that are also located on the same property owned by Tom Cattle Company, with each well located at the following coordinates and having the indicated installed pump capacity:

- (1) Well #1 located at 28.714041, -98.276084 with a capacity of 336 gpm.
- (2) Well #2 located at 28.710818, -98.277606 with a capacity of 420 gpm.
- (3) Well #3 located at 28.709157, -98.287807 with a capacity of 1,050 gpm.

**OPERATING PLAN**

The amount of surface water stored in each of the exempt reservoirs will be quantified before any aspect of the project begins and before any groundwater is placed into the exempt ponds. When the project begins, groundwater will be pumped from the three wells and discharged in all five ponds until they are full. After the ponds have been filled with groundwater, water will be diverted from Enterprise Pond at a maximum rate of 4,700 gpm, from Pioneer Pond at a maximum rate of 3,000 gpm and from Tom Rach Lake #2 at a maximum rate of 4,700 gpm and additional ground water will be supplemented into the three exempt reservoirs from the 3 groundwater wells as well as groundwater previously stored in the off-channel reservoirs. At the end of the project, a quantity of groundwater will discharged into all three on-channel reservoirs to restore the capacity of each on-channel reservoir to the quantity they stored before the project began.

# Atascosa County - Wittset 7.5 Minute USGS Topo





TCEQ Use Only

# TCEQ Core Data Form

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

## SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided.)	
<input checked="" type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application.)	
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)	<input type="checkbox"/> Other
2. Customer Reference Number (if issued)	3. Regulated Entity Reference Number (if issued)
CN 603611161	RN

## SECTION II: Customer Information

4. General Customer Information		5. Effective Date for Customer Information Updates (mm/dd/yyyy)	
<input type="checkbox"/> New Customer		<input type="checkbox"/> Update to Customer Information	
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)		<input type="checkbox"/> Change in Regulated Entity Ownership	
<b>The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).</b>			
6. Customer Legal Name (If an individual, print last name first: eg: Doe, John)		If new Customer, enter previous Customer below:	
Select Energy Services			
7. TX SOS/CPA Filing Number	8. TX State Tax ID (11 digits)	9. Federal Tax ID (9 digits)	10. DUNS Number (if applicable)
	12059608104	263006209	
11. Type of Customer:	<input checked="" type="checkbox"/> Corporation	<input type="checkbox"/> Individual	Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited
Government: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Other	<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> Other:	
12. Number of Employees		13. Independently Owned and Operated?	
<input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input checked="" type="checkbox"/> 501 and higher		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
14. Customer Role (Proposed or Actual) – as it relates to the Regulated Entity listed on this form. Please check one of the following			
<input type="checkbox"/> Owner <input type="checkbox"/> Operator <input checked="" type="checkbox"/> Owner & Operator			
<input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Responsible Party <input type="checkbox"/> Voluntary Cleanup Applicant <input type="checkbox"/> Other:			
15. Mailing Address:	1000 Central Parkway North		
	Suite 270		
	City	San Antonio	State TX ZIP 78232 ZIP + 4
16. Country Mailing Information (if outside USA)		17. E-Mail Address (if applicable)	
		[REDACTED]	
18. Telephone Number	19. Extension or Code	20. Fax Number (if applicable)	
( 432 ) 232-3066		( ) -	

## SECTION III: Regulated Entity Information

21. General Regulated Entity Information (If "New Regulated Entity" is selected below this form should be accompanied by a permit application)	
<input type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input type="checkbox"/> Update to Regulated Entity Information	
<b>The Regulated Entity Name submitted may be updated in order to meet TCEQ Agency Data Standards (removal of organizational endings such as Inc, LP, or LLC).</b>	
22. Regulated Entity Name (Enter name of the site where the regulated action is taking place.)	



23. Street Address of the Regulated Entity: <i>(No PO Boxes)</i>							
	City		State		ZIP		ZIP + 4
24. County							

**Enter Physical Location Description if no street address is provided.**

25. Description to Physical Location:	Diversion location is located approximately 20 miles in a SE direction from Jourdanton, Texas from three exempt ponds on property owned by Tom Cattle Company in Atascosa County, Nueces River Basin (pond #1, Enterprise, noted in lat long coordinates below).					
26. Nearest City	State			Nearest ZIP Code		
Jourdanton	TX			78026		
27. Latitude (N) In Decimal:	28.729064		28. Longitude (W) In Decimal:	-98.281156		
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds	
29. Primary SIC Code (4 digits)	30. Secondary SIC Code (4 digits)	31. Primary NAICS Code (5 or 6 digits)		32. Secondary NAICS Code (5 or 6 digits)		
33. What is the Primary Business of this entity? <i>(Do not repeat the SIC or NAICS description.)</i>						
34. Mailing Address:						
	City		State		ZIP	ZIP + 4
35. E-Mail Address:						
36. Telephone Number		37. Extension or Code		38. Fax Number <i>(if applicable)</i>		
( ) -				( ) -		

**39. TCEQ Programs and ID Numbers** Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
<input type="checkbox"/> Sludge	<input type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
<input type="checkbox"/> Voluntary Cleanup	<input type="checkbox"/> Waste Water	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:


**SECTION IV: Preparer Information**

40. Name:	Justin Duke	41. Title:	Director - Water Solutions
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
( 432 ) 232-3066		( ) -	

**SECTION V: Authorized Signature**

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	Select Energy Services	Job Title:	Director - Water Solutions
Name <i>(In Print)</i> :	Justin	Phone:	( 432 ) 232- 3066

Signature:		Date:	9/13/21
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# SILLIVENT & SRP, PLLC

ATTORNEYS AND COUNSELORS AT LAW  
JOURDANTON • SAN ANTONIO • RIO FRIO

R. SHANE SILLIVENT, MANAGING PARTNER

(830) 769-3555

JOURDANTON OFFICE

JOURDANTON, TX 78026

September 17, 2021

To: Texas Commission on Environmental Quality

Select Energy Services, LLC ("Select")

Attn: Justin Duke, Water Solutions – Director )  
Samantha-Anne Nadolny, Associate General Counsel )

RE: Access to the Tom Family Ranch in Atascosa County, Texas

To Whom it May Concern:

I represent Tom Family Ranch, Ltd. and Tom Cattle Company, LLC. Tom Family Ranch, Ltd. owns the surface of certain lands located in Atascosa County, Texas, and Tom Cattle Company, LLC leases the surface of said lands and controls the water wells on said lands. The approximate boundaries of said lands are depicted in the **EXHIBIT "A"** attached hereto and incorporated herein by reference for all purposes. Please accept this letter as proof that Select currently has permission from my clients to access certain parts of said lands to withdraw and transport water from water impoundments located thereon but only to the extent said operations comply with all applicable laws, rules, and regulations.

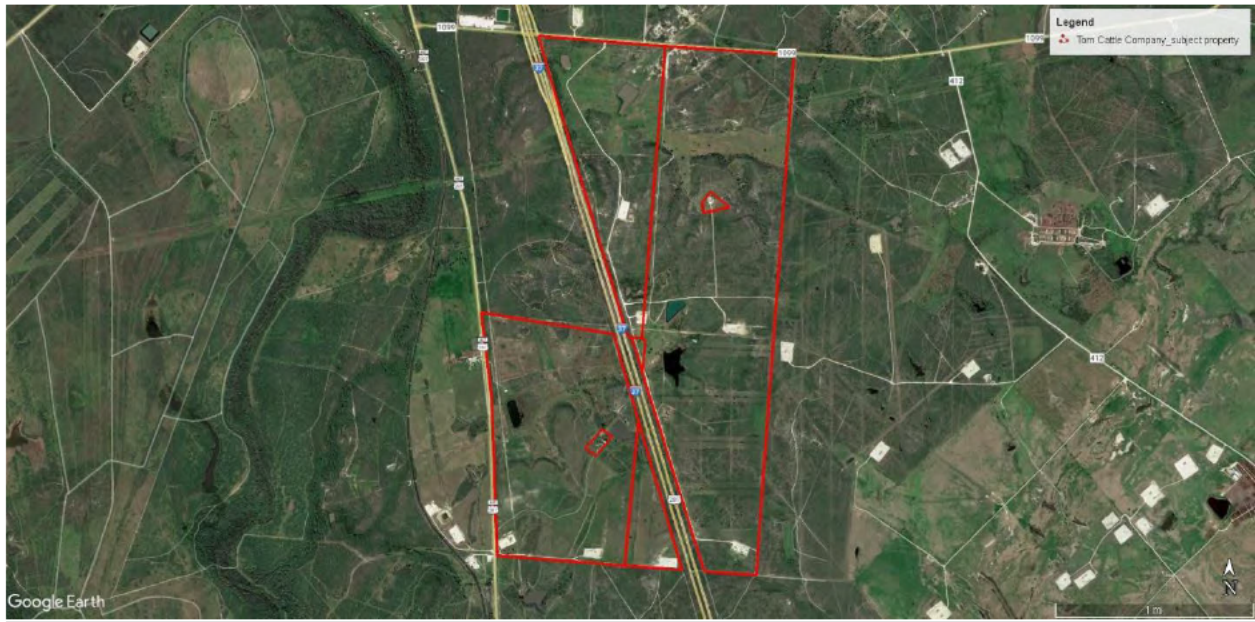
If you have any questions, please do not hesitate to contact me.

Respectfully,



R. Shane Sillivent, *Attorney for Tom Family Ranch, Ltd. and Tom Cattle Company, LLC*

# EXHIBIT "A"





May 18, 2021

Dear Sir/Madam,

This letter shall serve as confirmation that Justin Duke, *Senior Director-Liquid Sales Water*, is authorized on behalf of Select Energy Services, LLC and its affiliates (collectively, the "Company"), to sign and obtain permits with the Texas Commission on Environmental Quality ("TCEQ") and the Texas Department of Transportation ("TXDOT") on behalf of the Company and related to its operations

If you have any questions, please contact me at [REDACTED]

Sincerely,

**SELECT ENERGY SERVICES, LLC**

A handwritten signature in blue ink, appearing to read 'Adam R. Law', is written over a horizontal line.

Adam R. Law

*Senior Vice President, General Counsel*

*Corporate Secretary & Chief Compliance Officer*