

**RECEIVED**  
By Eddie Valencia at 1:21 pm, Apr 30, 2024

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
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. [REDACTED]
- A. Name: MPG Pipeline Contractors, LLC
- B. Mailing Address: 16770 Imperial Valley Drive, Suite #105, Houston, Texas 77060
- C. Telephone Number: [REDACTED] Fax Number: N/A E-mail Address: [REDACTED]
- 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 Hydro testing of newly constructed pipeline.
- F. Description of Project (TDH Project No. if applicable) Pipeline Project - New Construction
- G. Highway Designation No. Hwy 108 County Erath County

- 2. Type of Diversion (check one):  From Stream  From Reservoir
- 3. Rate of Diversion:  
A. Maximum \_\_\_\_\_ gpm  
(capacity of pump)

- 4. Amount and Source of Water:  
\_\_\_\_\_ 11 acre-feet of water within a period of 6 months (specify term period not to exceed a three year term). The water is to be obtained from reservoir, tributary of North Fork North Bosque River, tributary of Middle Brazos 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 32°19'27.22" °N, Longitude 98°16'47.33" °W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of R-O-W (R-O-W) (Highway), located in Zip Code \_\_\_\_\_, located 8.42 miles in a NW direction from Stephenville -98.280578, 32.323190 , Texas (County Seat), Erath County, and 1.81 miles in a SE direction from \_\_\_\_\_ Huckabay, Texas, 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 (A letter of permission from landowner is attached)  Other (Explain)
- 7. Fees Enclosed:
 

	10 ac-ft or less	greater than 10 ac-ft
Filing .....	\$ 100.00	\$ 250.00
Recording.....	\$ 1.25	\$ 1.25
Use (\$1.00 per ac-ft or fraction thereof)	\$ _____	\$ <u>11.00</u>
(Note: 1 ac-ft = 325.851 gals. Total	\$ _____	\$ <u>262.25</u>
1 ac-ft = 7758.35 bbls.)		

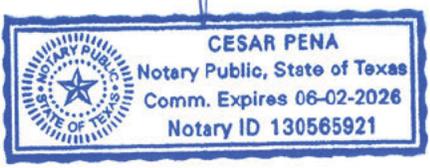
Upon completion of any project for which a temporary water permit is granted, the Permittee is required by law to report the amount of water used. This document must be properly signed and duly notarized before it can be accepted or considered by the Texas Commission on Environmental Quality.

Patrick  
Name (sign)

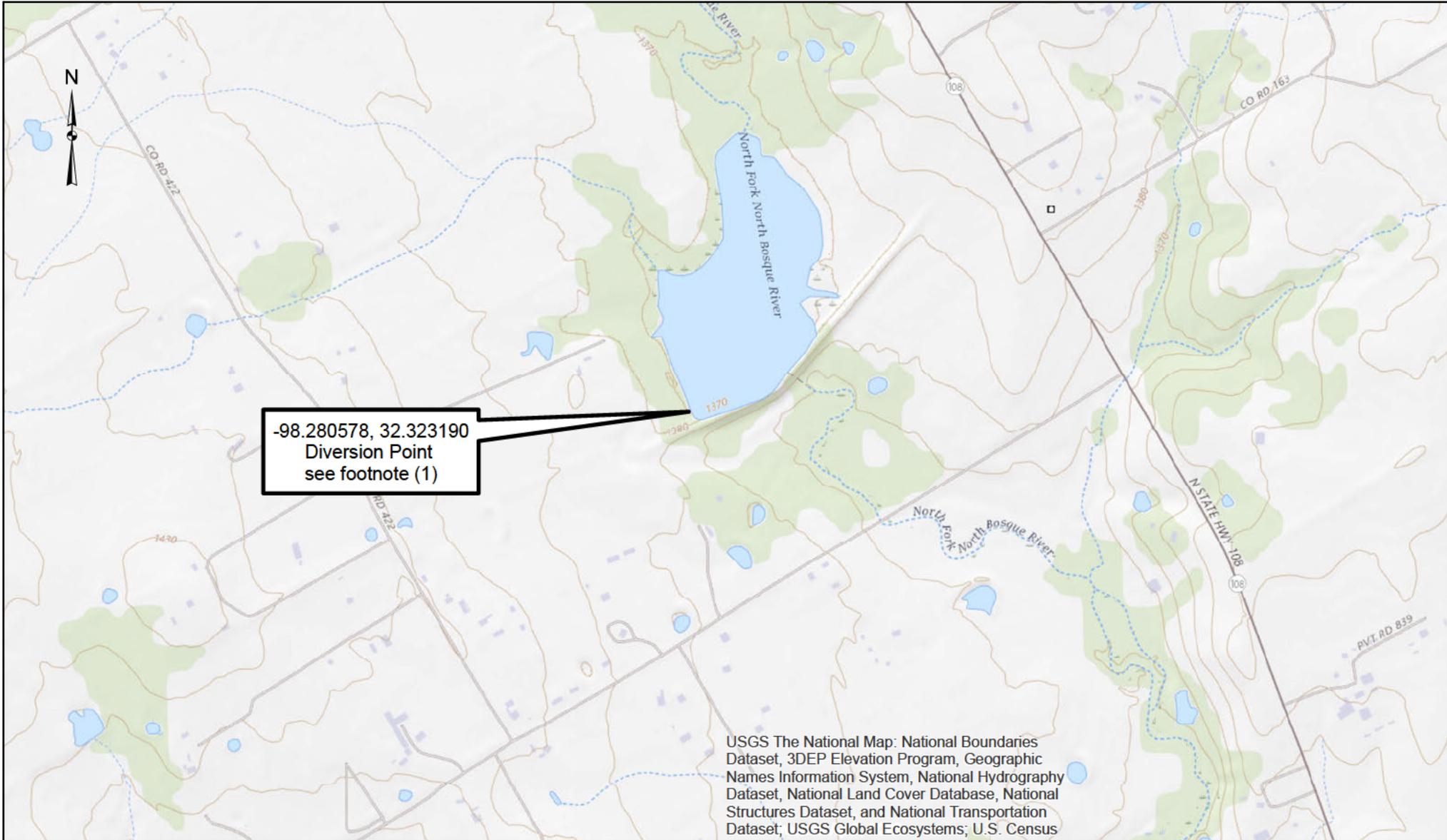
Patrick Tafoya - MPG Pipeline - Office Manager  
Name (print)

Subscribed and sworn to me as being true and correct before me this 9th day of April, 20 24

Cesar Pena  
Notary Public, State of Texas



**TCEQ Application for Temporary Water Use Permit**  
**MPG Pipeline Contractors LLC- Daytona Pipeline Spread 2**  
**Erath County, Texas**



<p>(1): Total uptake of up to 11-acre feet of water to test Daytona pipeline sections 1-6</p>	GRAPHIC SCALE	DATE		PROJECT NAME
	1:12,000	4/11/24		DRAWING NUMBER
	<b>1 inch = 1,000 feet</b>			REVISION
				1

**AGREEMENT**

**Procurement of Surface Water**

This Agreement (the "Agreement") is made and entered into as of the 23<sup>rd</sup> of March 2024 (the "Effective Date"), by and between Alice Anne Brown and MPG PIPELINE CONTRACTORS, L.L.C., whose address is 16770 Imperial Valley, Suite 105, Houston TX 77060 (hereinafter called "Grantee"). Collectively Grantor and Grantee are sometimes collectively referred to as the "Parties".

WHEREAS, Grantor owns land and surface water in Erath County, Texas (the "Premises");

WHEREAS, Grantee desires to utilize access road (see attached exhibit) and purchase surface water from Grantor for hydrotesting operations.

*Exhibit B+C AAJ*

NOW THEREFORE, IN CONSIDERATION OF THE SUM OF TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS and other valuable consideration paid by Grantee, and the obligations of Grantee set forth in this agreement, Grantor does hereby grant unto Grantee a temporary right of access and limited use of surface for the exclusive purpose of constructing, operating, inspecting, and, upon termination of use as described herein, removing a temporary above ground pumping and piping system to be utilized for the sole purpose of transporting water from ponds on the Premises. Furthermore, for the same consideration, Grantor does hereby sell to Grantee and Grantee agrees to buy from Grantor that quantity of water from the Premises which Grantee, in the exercise of its sole discretion, deems reasonable for the above referenced operations.

CONSIDERATION: Grantee shall pay to Grantor a lump sum of \$2,000.00 for utilization of access road and a per barrel price of \$0.50 per barrel (\$0.50/bbl.) of surface water. If Grantee returns water back to water source and pumps water back not to exceed what was pumped back in Grantor agrees to sell water back at a rate of \$0.25 per barrel. Payments for water shall be paid within fourteen (14) days following the month in which water is removed from the pond (water source). Grantee agrees to leave roads ingressed and egressed like is or in better condition..

METERING: Grantor and Grantee shall agree on a meter reading at the start of pumping operations that reasonably depicts the start of pumping operations. Grantee shall provide Grantor an accounting of the amount removed from water source. Where the Grantee supplies stream gauges, the accounting shall include volumes withdrawn and the corresponding stream gauge measurement at the start of the job and at the end of pumping operations.

TERM: The term of this agreement shall be 6 months from the Effective Date of this Agreement. The end of such period shall be herein referred to as the "Termination Date".

Grantor does not represent the quality of the water as pertains to its natural condition, including but not limited to solids, mineral content, bacterial content, turbidity and similar properties.

Grantee represents it has had the opportunity to inspect and sample the water as needed.

TO HAVE AND TO HOLD said temporary, limited right of access, and the right and privilege and option to purchase and extract water, unto Grantee, its successors and assigns, for the purposes granted herein and until the Termination Date. After the Termination Date, the Right of Access granted herein shall automatically cease and terminate, and all rights shall revert in whole to Grantor.

GRANTOR		GRANTEE	
Name:	Alice Anne Brown	Name:	Cesar Peña
Signature	<i>[Signature]</i>	Sign:	<i>[Signature]</i>
Date:	03/23/2024 <i>3/25/24</i>	Title:	MPG Pipeline - Project Manager

Exhibit B



From: [REDACTED]  
Sent: Saturday, March 23, 2024 9:41 AM  
To: [REDACTED]  
Cc: Mark Denton [REDACTED]; Luke Harrod [REDACTED]  
Subject: RE: MPG Pipeline - Procurement of Surface Water - Agreement - Alice Anne Brown

Exhibit C [Signature]

Good morning Alice Anne,

Please see the responses below in red.

After execution of agreement, I can add this email as an additional exhibit to the agreement for your records.

Best Regards,



Cesar Peña  
Email: [REDACTED]  
Mobile: [REDACTED]  
[www.mpg-plc.com](http://www.mpg-plc.com)

The contract looks good but would like to add at least one thing to it:

1. The number of gallons is in a barrel (I am sure there is a standard number, but I am not sure what that is)

**42 gallons = 1 Barrel**

**42 US gallons**

In the oil industry, one barrel (unit symbol bbl) is a unit of volume used for measuring oil defined as exactly **42 US gallons**, approximately 159 liters, or 35 imperial gallons.

Couple of questions:

1. Would you please clarify what "GPS traverse of each source of supply" means? **That just means that we will have a meter that will read either the gallons or barrels of water drawn out of pond.**
2. Will the gauges that monitor the water used be on our land, so that we can read them? **Yes, the meter will be at the pond site. Usually what we do is take a picture of the meter prior to pumping water and then take a picture once we are done pumping. Based on our hydro test breaks our longest section will be 29.2 miles which would require for us to have 80,000 +/- barrels of water, which would be about 8" to 10" of water out of the pond.**

Thanks,

*Alice Anne Brown*

[REDACTED]