

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. [REDACTED]
- A. Name: Chevron U.S.A. INC.
- B. Mailing Address: 6401 Deauville Blvd. Midland, Texas 79706
- C. Telephone Number: _____ 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: Temporary bed & banks to move contracted Sabine River water through D&L pond on another tributary in support of oil & gas development
- F. Description of Project (TDH Project No. if applicable) Oil & Gas Development - see attachment
- G. Highway Designation No. N/A County Panola
2. **Type of Diversion (check one):** ☐ From Stream ☒ From Reservoir
3. **Rate of Diversion:**
A. Maximum 5,000 gpm
(capacity of pump)
4. **Amount and Source of Water:** This application is for bed and banks authorization and does not request an appropriation of water.
6,400 (transported) acre-feet of water within a period of 3 yrs (specify term period not to exceed a three year term). The water is to be obtained from contracted Sabine River water diverted from D&L pond, tributary of unnamed creek, tributary of Socagee Creek, tributary of Sabine River, Sabine River Basin 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. Any point along the perimeter of the exempt pond, dam location noted below.
At Latitude 32.164194 "N, Longitude -94.099178 "W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) _____ (R-O-W) (Highway), located in Zip Code 75633, located _____ miles in a _____ direction from _____ (County Seat), _____ County, and _____ miles in a _____ direction from _____, 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) | \$ _____ | \$ _____ |
| (Note: 1 ac-ft = 325,851 gals. Total | \$ _____ | \$ <u>251.25</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.

DocuSigned by:

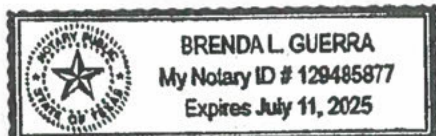
Kevin Countryman

Name (print) 9587487

Kevin Countryman

Name (print)

Subscribed and sworn to me as being true and correct before me this 10 day of November, 2022



Brenda L. Guerra
Notary Public, State of Texas

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- If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:
- _____
- E. Describe Use of Water Temporary bed & banks to move contracted Sabine River water through D&L pond on another tributary in support of oil & gas development
- F. Description of Project (TDH Project No. if applicable) Oil & Gas Development - see attachment
- G. Highway Designation No. N/A County Panola

2. **Type of Diversion (check one):**
☐ From Stream ☒ From Reservoir
3. **Rate of Diversion:**

A. Maximum 5,000 gpm
(capacity of pump)

4. **Amount and Source of Water:** This application is for bed and banks authorization and does not request an appropriation of water.
6,400 (transported) acre-feet of water within a period of 3 yrs (specify term period not to exceed a three year term). The water
contract water is to be obtained from contracted Sabine River water tributary of unnamed creek, tributary of Socagee Creek,
diverted from D&L pond tributary of Sabine River, Sabine River Basin 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. Any point along the perimeter of the exempt pond, dam location noted below.
 At Latitude 32.164194 °N, Longitude -94.099178 °W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) _____ (R-O-W) (Highway), located in Zip Code 75633, located _____ miles in a _____ direction from _____ (County Seat), _____ County, and _____ miles in a _____ direction from _____, 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)	\$ _____	\$ _____
(Note: 1 ac-ft = 325,851 gals. Total	\$ _____	\$ <u>251.25</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.

DocuSigned by:



Name (print) 9587467...

Kevin Countryman

Name (print)

Subscribed and sworn to me as being true and correct before me this _____ day of _____, 20____

Notary Public, State of Texas

- f. Other - Applicant requests to change any provision of an authorization not mentioned above? Y / N _____ *If yes, call the Water Availability Division at (512) 239-4600 to discuss.*

Additionally, all amendments require:

- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

3. Bed and Banks. TWC § 11.042 (Instructions, Page 13)

- a. Pursuant to contract, Applicant requests authorization to convey, stored or conserved water to the place of use or diversion point of purchaser(s) using the bed and banks of a watercourse? TWC § 11.042(a). Y/N N

If yes, submit a signed copy of the Water Supply Contract pursuant to 30 TAC §§ 295.101 and 297.101. Further, if the underlying Permit or Authorization upon which the Contract is based does not authorize Purchaser's requested Quantity, Purpose or Place of Use, or Purchaser's diversion point(s), then either:

- 1. Purchaser must submit the worksheets required under Section 1 above with the Contract Water identified as an alternate source; or*
- 2. Seller must amend its underlying water right under Section 2.*

- b. Applicant requests to convey water imported into the state from a source located wholly outside the state using the bed and banks of a watercourse? TWC § 11.042(a-1). Y / N N

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps and fees from the list below.

- c. Applicant requests to convey Applicant's own return flows derived from privately owned groundwater using the bed and banks of a watercourse? TWC § 11.042(b). Y / N N

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.

- d. Applicant requests to convey Applicant's own return flows derived from surface water using the bed and banks of a watercourse? TWC § 11.042(c). Y / N N

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 6.0, 7.0, 8.0, Maps, and fees from the list below.

****Please note, if Applicant requests the reuse of return flows belonging to others, the Applicant will need to submit the worksheets and documents under Section 1 above, as the application will be treated as a new appropriation subject to termination upon direct or indirect reuse by the return flow discharger/owner.***

- e. Applicant requests to convey water from any other source, other than (a)-(d) above, using the bed and banks of a watercourse? TWC § 11.042(c). Y / N Y

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.

Worksheets and information:

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)

- **Worksheet 4.0** – Discharge Information Worksheet (for each discharge point)
- **Worksheet 5.0** – Environmental Information Worksheet
- **Worksheet 6.0** – Water Conservation Information Worksheet
- **Worksheet 7.0** – Accounting Plan Information Worksheet
- **Worksheet 8.0** – Calculation of Fees; and Fees calculated – see instructions Page. 34
- **Maps** – See instructions Page. 15.
- **Additional Documents and Worksheets may be required (see within).**

4. General Information, Response Required for all Water Right Applications (Instructions, Page 15)

- a. Provide information describing how this application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement (*not required for applications to use groundwater-based return flows*). Include citations or page numbers for the State and Regional Water Plans, if applicable. Provide the information in the space below or submit a supplemental sheet entitled “Addendum Regarding the State and Regional Water Plans”:

- b. Did the Applicant perform its own Water Availability Analysis? Y / N_____

If the Applicant performed its own Water Availability Analysis, provide electronic copies of any modeling files and reports.

- c. Does the application include required Maps? (Instructions Page. 15) Y / N_____

WORKSHEET 4.0

DISCHARGE INFORMATION

This worksheet required for any requested authorization to discharge water into a State Watercourse for conveyance and later withdrawal or in-place use. Worksheet 4.1 is also required for each Discharge point location requested. **Instructions Page. 26. Applicant is responsible for obtaining any separate water quality authorizations which may be required and for insuring compliance with TWC, Chapter 26 or any other applicable law.**

- a. The purpose of use for the water being discharged will be mining.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses 0 (% or amount) and explain the method of calculation: average rainfall and evaporation are comparable, and water will be held for short durations
- c. Is the source of the discharged water return flows? Y / N N If yes, provide the following information:
 1. The TPDES Permit Number(s) _____ (attach a copy of the **current** TPDES permit(s))
 2. Applicant is the owner/holder of each TPDES permit listed above? Y / N _____

PLEASE NOTE: If Applicant is not the discharger of the return flows, or the Applicant is not the water right owner of the underlying surface water right, or the Applicant does not have a contract with the discharger, the application should be submitted under Section 1, New or Additional Appropriation of State Water, as a request for a new appropriation of state water. If Applicant is the discharger, the surface water right holder, or the contract holder, then the application should be submitted under Section 3, Bed and Banks.

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
4. The percentage of return flows from groundwater _____, surface water _____?
5. If any percentage is surface water, provide the base water right number(s) _____.
- d. Is the source of the water being discharged groundwater? Y / N N If yes, provide the following information:
 1. Source aquifer(s) from which water will be pumped: _____
 2. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers _____.
 3. Indicate how the groundwater will be conveyed to the stream or reservoir.

4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.

- di. Is the source of the water being discharged a surface water supply contract? Y / N Y
 If yes, provide the signed contract(s). Contract water will come from the Sabine River via temporary lay-flat pipeline
- dii. Identify any other source of the water _____

WORKSHEET 4.1

DISCHARGE POINT INFORMATION

This worksheet is required for **each** discharge point. Submit one Worksheet 4.1 for each discharge point. If there is more than one discharge point, the numbering of the points should be consistent throughout the application and on any supplemental documents (e.g., maps).
Instructions, Page 27.

For water discharged at this location provide:

- a. The amount of water that will be discharged at this point is 6,400 acre-feet over three year term ~~acre-feet~~ ~~per year~~. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of _____ cfs or 5,000 gpm.
- c. Name of Watercourse as shown on Official USGS maps: _____
- d. Zip Code 75633
- e. Location of point: In the Felix B Dixon Survey Original Survey No. _____, Abstract No. 172, Panola County, Texas.
- f. Point is at: Any point along the perimeter of the pond, center of dam noted below.
Latitude 32.164194 °N, Longitude -94.099178 °W.
****Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- g. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): GIS data

Map submitted must clearly identify each discharge point. See instructions Page. 15.

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. Indicate the 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). **Instructions, Page 28.**

Applicant will implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement from the diversion. Such measures shall include the use of screens, at a minimum.

2. New Appropriations of Water (Canadian, Red, Sulphur, and Cypress Creek Basins only) and Changes in Diversion Point(s)

This section is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins and in all basins for requests to change a diversion point. **Instructions, Page 30.**

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location),

a. Identify the appropriate description of the water body.

☐ Stream

☐ Reservoir

Average depth of the entire water body, in feet: _____

☐ Other, specify: _____

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

☐ Intermittent – dry for at least one week during most years

☐ Intermittent with Perennial Pools – enduring pools

☐ Perennial – normally flowing

Check the method used to characterize the area downstream of the new diversion location.

☐ USGS flow records

☐ Historical observation by adjacent landowners

3. Alternate Sources of Water and/or Bed and Banks Applications

This section is required for applications using an alternate source of water and bed and banks applications in any basins. **Instructions, page 31.**

a. For all bed and banks applications:

- i. 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. [See note below.](#)

b. For all alternate source applications:

- i. If the alternate source is treated return flows, provide the TPDES permit number _____
- ii. If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:
Reasonably current water chemistry information 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.

[Sample collected at 32.003498, -94.091996 on 3/25/2021](#)

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L	3.05		1	Water	3-25-21/1138
Chloride, mg/L	50.00		1	Water	3-25-21/1138
Total Dissolved Solids, mg/L	157.40		1	Water	3-25-21/1138
pH, standard units	7.10		1	Water	3-25-21/1138
Temperature*, degrees Celsius	23.9		1	Water	3-25-21/1138

* Temperature must be measured onsite at the time the groundwater sample is collected.

- iii. If groundwater will be used, provide the depth of the well _____ and the name of the aquifer from which water is withdrawn _____.

[This application only requests to discharge and subsequently divert contract water delivered to the exempt pond via temporary lay-flat pipe. The amount of water diverted will not exceed the amount of water discharged; therefore, there should be no changes to downstream instream flows or freshwater inflows.](#)