

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

APPLICATION NO. 13886

Chevron U.S.A. Inc. has applied for a Temporary Water Use Permit to use the bed and banks of an unnamed tributary of Socagee Creek, Sabine River Basin, to convey 6,400 acre-feet of contracted surface water for subsequent diversion and use for mining purposes in Panola County. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Chevron U.S.A. Inc., Applicant, 6401 Deauville Blvd, Midland, Texas 79706, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Temporary Water Use Permit pursuant to Texas Water Code (TWC) §§ 11.042 and 11.138 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.174 and 297.13, et seq. Notice of this application is required to be mailed to the downstream water right holders of record in the Sabine River Basin pursuant to Title 30 TAC § 295.161(a) and to the Texas Parks and Wildlife Department and the Public Interest Council pursuant to Title 30 TAC § 295.161(c).

Pursuant to a *Commercial Short Term Limited Water Use Contract* between Select Energy Services (SES) and the Sabine River authority of Texas (SRA) and *Amendment No. 1 to Brackish Water Purchase and Sale Agreement No. 2021.000905* between SES and Chevron U.S.A. Inc. (Applicant/Permittee); Applicant has applied for a Temporary Water Use Permit, for a period of three years, to use the bed and banks of an unnamed tributary of Socagee Creek, tributary of the Sabine River, Sabine River Basin, to convey not to exceed 6,400 acre-feet of the contracted surface water for subsequent diversion and use for mining purposes in Panola County.

The contracted surface water will be diverted from the Sabine River, transferred via temporary lay flat pipe, and discharged at a maximum rate of 11.14 cfs (5,000 gpm), and subsequently diverted at a maximum rate of 11.14 cfs (5,000 gpm), from the unnamed tributary of Socagee Creek identified by a point located at Latitude 32.164194° N, Longitude 94.099178° W in Panola County, ZIP Code 75633.

The application and fees were received on November 18 and 22, 2022. Additional information was received on January 10, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on January 20, 2023.

The Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions, including, but not limited to, the installation of measuring devices at the discharge and diversion locations. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: [https://www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/view-wr-pend-apps](https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps). Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

**PUBLIC COMMENT / PUBLIC MEETING.** Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, by September 19, 2023. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

**CONTESTED CASE HEARING.** The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by September 19, 2023. The Executive Director may approve the application unless a written request for a contested case hearing is filed by September 19, 2023.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**INFORMATION.** Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRTP 13886 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: August 17, 2023

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## TEMPORARY WATER USE PERMIT

PERMIT NO. 13886 TYPE §§ 11.042, 11.138  
Permittee: Chevron U.S.A. Inc. Address: 6401 Deauville Blvd  
Midland, Texas 79706  
Received: November 18, 2022 Granted:  
Watercourse: Unnamed tributary of Socagee Creek, tributary of the Sabine River County: Panola  
Watershed: Sabine River Basin

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

### FINDINGS OF FACT

1. The application is in proper form and accompanied by all necessary fees.
2. Pursuant to a *Commercial Short Term Limited Water Use Contract* between Select Energy Services (SES) and the Sabine River authority of Texas (SRA) and *Amendment No. 1 to Brackish Water Purchase and Sale Agreement No. 2021.000905* between SES and Chevron U.S.A. Inc. (Applicant/Permittee); Applicant has applied for a Temporary Water Use Permit, for a period of three years, to use the bed and banks of an unnamed tributary of Socagee Creek, tributary of the Sabine River, Sabine River Basin, to convey not to exceed 6,400 acre-feet of the contracted surface water for subsequent diversion and use for mining purposes in Panola County.
3. The contracted surface water will be diverted from the Sabine River, transferred via temporary lay flat pipe, and discharged at a maximum rate of 11.14 cfs (5,000 gpm), and subsequently diverted at a maximum rate of 11.14 cfs (5,000 gpm), from the unnamed tributary of Socagee Creek identified by a point located at Latitude 32.164194° N, Longitude 94.099178° W in Panola County.
4. Notice of this application was mailed to the downstream water right holders of record within the Sabine River Basin.
5. Notice of this application was mailed to the Texas Parks and Wildlife Department and the Public Interest Council.

### CONCLUSIONS OF LAW

- A. Jurisdiction is vested to consider this application under Texas Water Code §§ 11.138 and 11.042, and Title 30 Texas Administrative Code §§ 295.174 and 297.13.

- B. Applicant has complied with the particular requirements of the Texas Commission on Environmental Quality.
- C. The Executive Director recommends that special conditions be included.

NOW, THEREFORE, Temporary Water Use Permit No. 13886 is issued to Chevron U.S.A. Inc. subject to the following terms and conditions:

1. USE

Permittee is authorized, for a period of three years, to use the bed and banks of an unnamed tributary of Socagee Creek, Sabine River Basin to convey not to exceed 6,400 acre-feet of contracted surface water for subsequent diversion and use for mining purposes in Panola County.

2. DISCHARGE

Permittee will discharge water:

- A. Into the unnamed tributary of Socagee Creek identified by a point located at Latitude 32.164194° N, Longitude 94.099178° W in Panola County.
- B. At a maximum discharge rate of 11.14 cfs (5,000 gpm).

3. DIVERSION

Permittee is authorized to divert the discharged contracted surface water:

- A. From the unnamed tributary of Socagee Creek identified by a point located at Latitude 32.164194° N, Longitude 94.099178° W in Panola County.
- B. At a maximum diversion rate of 11.14 cfs (5,000 gpm).

4. SPECIAL CONDITIONS

- A. Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens at the diversion structure.
- B. Permittee shall only divert contracted surface water that has been discharged into the reservoir.
- C. Prior to diversion of the contracted surface water authorized herein, if sufficiently accurate measuring devices are not available, Permittee shall install and maintain measuring device(s), at the discharge point of the water and at any authorized diversion point, capable of measuring within plus or minus 5% accuracy.
- D. Permittee shall allow representatives of the Texas Commission on Environmental Quality reasonable access to the property to inspect the measuring device and records.
- E. The authorizations in this temporary water use permit are subject to the continued maintenance of the *Commercial Short Term Limited Water Use Contract* between

Select Energy Services (SES) and the Sabine River authority of Texas and continued maintenance of the *Brackish Water Purchase and Sale Agreement* between the Permittee and Select Energy Services, LLC; as such agreements may be amended from time to time. If the agreements are amended in such a manner as to increase the amount of water or the type or location of use of the water, or upon expiration of the agreement, Permittee shall immediately cease discharge and subsequent diversion of the contracted surface water under this temporary water use permit.

- F. Upon diversion and use of the water authorized herein, this temporary water use permit shall expire and be of no further force and effect.
- G. This temporary water use permit shall expire and become null and void three years from the date of issuance with no further Commission action. Permittee also waives the right to notice and hearing on cancellation of this water right.
- H. The issuance of this temporary water use permit does not grant to the permittee the right to use private or public property for diversion of water authorized by permit. This includes property belonging to but not limited to any individual, partnership, corporation or public entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to make any diversion authorized by this permit.

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

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

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

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

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For the Commission

DATE ISSUED:

**From:** [Aberdeen, Elisa](#)  
**To:** [Chris Kozlowski](#)  
**Cc:** [Countryman, Kevin](#); [Joshua Schauer](#); [Humberto Galvan](#)  
**Subject:** RE: Chevron USA Inc; 13886 Drafts  
**Date:** Monday, August 7, 2023 6:57:10 PM

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Hi Chris,

Thanks for the response, let's proceed with the notice. Thanks

E

Thanks and Regards,

**Elisa Aberdeen**  
832 312 5509  
[REDACTED]

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**From:** Chris Kozlowski <[chris.kozlowski@tceq.texas.gov](mailto:chris.kozlowski@tceq.texas.gov)>  
**Sent:** Monday, August 7, 2023 3:31 PM  
**To:** Aberdeen, Elisa [REDACTED]  
**Cc:** Countryman, Kevin [REDACTED] <[REDACTED]@tceq.texas.gov>; Joshua Schauer <[Joshua.Schauer@Tceq.Texas.Gov](mailto:Joshua.Schauer@Tceq.Texas.Gov)>; Humberto Galvan <[Humberto.Galvan@tceq.texas.gov](mailto:Humberto.Galvan@tceq.texas.gov)>  
**Subject:** **[\*\*EXTERNAL\*\*]** Re: Chevron USA Inc; 13886 Drafts

Ms. Aberdeen,

We will update the typos in the drafts.

The draft permit is contingent on a contract. Special Condition E is a standard special condition included in permits that are contingent upon the maintenance of a contract. Let us know if you would like to proceed with issuing of notice or if you would like to discuss this more feel free to contact me at 512-239-1801. Thanks.

Chris Kozlowski, Team Leader  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
(512) 239-1801  
[Chris.Kozlowski@tceq.texas.gov](mailto:Chris.Kozlowski@tceq.texas.gov)

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**From:** Joshua Schauer <[Joshua.Schauer@Tceq.Texas.Gov](mailto:Joshua.Schauer@Tceq.Texas.Gov)>  
**Sent:** Monday, August 7, 2023 3:16 PM  
**To:** Chris Kozlowski <[chris.kozlowski@tceq.texas.gov](mailto:chris.kozlowski@tceq.texas.gov)>

**Subject:** FW: Chevron USA Inc; 13886 Drafts

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**From:** Aberdeen, Elisa [REDACTED]  
**Sent:** Wednesday, July 12, 2023 2:38 PM  
**To:** Joshua Schauer <[Joshua.Schauer@Tceq.Texas.Gov](mailto:Joshua.Schauer@Tceq.Texas.Gov)>  
**Cc:** Humberto Galvan <[Humberto.Galvan@tceq.texas.gov](mailto:Humberto.Galvan@tceq.texas.gov)>; Countryman, Kevin [REDACTED]  
**Subject:** RE: Chevron USA Inc; 13886 Drafts

Hi Josh,

Hope all is well. I've had a chance to review, and I have two comments

- There appears to be a typo in a few sections where Term has been replaced by "Team"
- Special Conditions – Section E, could you confirm why a change in the contract would be listed as a condition, if we stay within the limits/volumes outlined in the permit itself (6400 acre-ft; 5000 gpm)

Section E for reference "If the agreements are amended in such a manner as to increase **the amount of water** or the type or location of use of the water"

E

Thanks and Regards,

**Elisa Aberdeen**  
832 312 5509  
[REDACTED]

---

**From:** Countryman, Kevin [REDACTED]  
**Sent:** Thursday, July 6, 2023 1:43 PM  
**To:** Joshua Schauer <[Joshua.Schauer@Tceq.Texas.Gov](mailto:Joshua.Schauer@Tceq.Texas.Gov)>  
**Cc:** Humberto Galvan <[Humberto.Galvan@tceq.texas.gov](mailto:Humberto.Galvan@tceq.texas.gov)>; Aberdeen, Elisa [REDACTED]  
**Subject:** RE: Chevron USA Inc; 13886 Drafts

Josh,

Thanks for following up and I received these and got them to our team to handle. If we have any follow up questions we will reach out.

Thanks,  
Kevin

---

**From:** Joshua Schauer <[Joshua.Schauer@Tceq.Texas.Gov](mailto:Joshua.Schauer@Tceq.Texas.Gov)>

**Sent:** Thursday, July 6, 2023 8:47 AM  
**To:** Countryman, Kevin [REDACTED]  
**Cc:** Humberto Galvan <[Humberto.Galvan@tceq.texas.gov](mailto:Humberto.Galvan@tceq.texas.gov)>  
**Subject:** [\*\*EXTERNAL\*\*] RE: Chevron USA Inc; 13886 Drafts

**Be aware this external email contains an attachment and/or link.**

Ensure the email and contents are expected. If there are concerns, please submit suspicious messages to the Cyber Intelligence Center using the Report Phishing button.

Hi Mr. Countryman,

I know you were out of the office last week when I initially sent the attached drafts for review. I wanted to reach out and make sure you received them since the response is time sensitive.

Please feel free to contact me with any questions.

Regards,

Josh

*Joshua Schauer*  
*Project Manager*  
*Water Rights Permitting Team, Water Availability Division*  
*Texas Commission on Environmental Quality*  
512-239-1371 [Joshua.Schauer@tceq.texas.gov](mailto:Joshua.Schauer@tceq.texas.gov)

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**From:** Joshua Schauer  
**Sent:** Wednesday, June 28, 2023 2:06 PM  
**To:** Countryman, Kevin [REDACTED]  
**Subject:** Chevron USA Inc; 13886 Drafts

Dear Mr. Countryman,

Drafts, subject to revision, of the public notice, proposed Temporary Water Use Permit No. 13886, and the related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the attached drafts. Please review the drafts and contact me no later than July 12, 2023 with any comments or questions.

Regards,

*Joshua Schauer*  
*Project Manager*



*Water Rights Permitting Team, Water Availability Division*  
*Texas Commission on Environmental Quality*  
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**Subject:** RE: Chevron USA Inc; 13886 Drafts  
**Date:** Wednesday, July 12, 2023 2:38:23 PM

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832 312 5509  
[REDACTED]

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**Subject:** RE: Chevron USA Inc; 13886 Drafts

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**Subject:** [\*\*EXTERNAL\*\*] RE: Chevron USA Inc; 13886 Drafts

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*Project Manager*  
*Water Rights Permitting Team, Water Availability Division*  
*Texas Commission on Environmental Quality*  
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Dear Mr. Countryman,

Drafts, subject to revision, of the public notice, proposed Temporary Water Use Permit No. 13886, and the related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the attached drafts. Please review the drafts and contact me no later than July 12, 2023 with any comments or questions.

Regards,

*Joshua Schauer*  
*Project Manager*  
*Water Rights Permitting Team, Water Availability Division*  
*Texas Commission on Environmental Quality*  
512-239-1371 [Joshua.Schauer@tceq.texas.gov](mailto:Joshua.Schauer@tceq.texas.gov)

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Kelly Keel, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 28, 2023

Mr. Kevin Countryman  
Chevron U.S.A. Inc.  
6401 Deauville Blvd.  
Midland, TX 79706

**VIA E-MAIL**

RE: Chevron U.S.A. Inc.  
WRTP 13886  
CN600132484, RN111607222  
Application No. 13886 for a Temporary Water Use Permit  
Texas Water Code § 11.138, 11.042, Requiring Limited Mailed Notice  
Unnamed tributary of Socagee Creek, Sabine River Basin  
Panola County

Dear Mr. Countryman:

Drafts, subject to revision, of the public notice, proposed Temporary Water Use Permit No. 13886, and the related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the attached drafts. Please review the drafts and contact me no later than July 12, 2023 with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

Please note this application requires a 30-day comment period and once the comment period has closed, the proposed Temporary Water Use Permit No. 13886 may be issued as drafted given no hearing requests are received.

If you have any questions concerning this matter, please contact me via email at [Joshua.schauer@tceq.texas.gov](mailto:Joshua.schauer@tceq.texas.gov) or at (512) 239-1371.

Sincerely,

A handwritten signature in cursive script that reads "Joshua Schauer".

Joshua Schauer, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachments

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

APPLICATION NO. 13886

Chevron U.S.A. Inc. has applied for a Temporary Water Use Permit to use the bed and banks of an unnamed tributary of Socagee Creek, Sabine River Basin, to convey 6,400 acre-feet of contracted surface water for subsequent diversion and use for mining purposes in Panola County. More information on the application and how to participate in the permitting process is given below.

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Issued:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TEMPORARY WATER USE PERMIT

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Received: November 18, 2022 Granted:  
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- A. Jurisdiction is vested to consider this application under Texas Water Code §§ 11.138 and 11.042, and Title 30 Texas Administrative Code §§ 295.174 and 297.13.

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- C. The Executive Director recommends that special conditions be included.

NOW, THEREFORE, Temporary Water Use Permit No. 13886 is issued to Chevron U.S.A. Inc. subject to the following terms and conditions:

1. USE

Permittee is authorized, for a period of three years, to use the bed and banks of an unnamed tributary of Socagee Creek, Sabine River Basin to convey not to exceed 6,400 acre-feet of contracted surface water for subsequent diversion and use for mining purposes in Panola County.

2. DISCHARGE

Permittee will discharge water:

- A. Into the unnamed tributary of Socagee Creek identified by a point located at Latitude 32.164194° N, Longitude 94.099178° W in Panola County.
- B. At a maximum discharge rate of 11.14 cfs (5,000 gpm).

3. DIVERSION

Permittee is authorized to divert the discharged contracted surface water:

- A. From the unnamed tributary of Socagee Creek identified by a point located at Latitude 32.164194° N, Longitude 94.099178° W in Panola County.
- B. At a maximum diversion rate of 11.14 cfs (5,000 gpm).

4. SPECIAL CONDITIONS

- A. Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens at the diversion structure.
- B. Permittee shall only divert contracted surface water that has been discharged into the reservoir.
- C. Prior to diversion of the contracted surface water authorized herein, if sufficiently accurate measuring devices are not available, Permittee shall install and maintain measuring device(s), at the discharge point of the water and at any authorized diversion point, capable of measuring within plus or minus 5% accuracy.
- D. Permittee shall allow representatives of the Texas Commission on Environmental Quality reasonable access to the property to inspect the measuring device and records.
- E. The authorizations in this temporary water use permit are subject to the continued maintenance of the *Commercial Short Term Limited Water Use Contract* between



Select Energy Services (SES) and the Sabine River authority of Texas and continued maintenance of the *Brackish Water Purchase and Sale Agreement* between the Permittee and Select Energy Services, LLC; as such agreements may be amended from time to time. If the agreements are amended in such a manner as to increase the amount of water or the type or location of use of the water, or upon expiration of the agreement, Permittee shall immediately cease discharge and subsequent diversion of the contracted surface water under this temporary water use permit.

- F. Upon diversion and use of the water authorized herein, this temporary water use permit shall expire and be of no further force and effect.
- G. This temporary water use permit shall expire and become null and void three years from the date of issuance with no further Commission action. Permittee also waives the right to notice and hearing on cancellation of this water right.
- H. The issuance of this temporary water use permit does not grant to the permittee the right to use private or public property for diversion of water authorized by permit. This includes property belonging to but not limited to any individual, partnership, corporation or public entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to make any diversion authorized by this permit.

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

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

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

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

-----  
For the Commission

DATE ISSUED:


# Texas Commission on Environmental Quality

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## INTEROFFICE MEMORANDUM

**To:** Joshua Schauer, Project Manager  
Water Rights Permitting Team

**Date:** March 6, 2023

**Through:** Leslie Patterson, Team Leader   
Resource Protection Team

**From:** Richard Schmoyer, Aquatic Scientist  
Resource Protection Team

**Subject:** Chevron U.S.A. Inc.  
WRTP 13886  
CN600132484  
Unnamed tributary of Socagee Creek, Sabine River Basin  
Panola County

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

### APPLICATION SUMMARY

Chevron U.S.A. Inc. (Applicant) requests a temporary water use permit for a period of three years to use the bed and banks of an unnamed tributary of Socagee Creek, Sabine River Basin, to convey 6,400 acre-feet of contract water for subsequent diversion, at a maximum diversion rate of 11.14 cfs (5,000 gpm), for mining purposes in Panola County.

### ENVIRONMENTAL ANALYSIS

**Aquatic and Riparian Habitats:** The Applicant's proposed diversion point is located on a reservoir, a perennial waterbody, situated in the Tertiary Uplands ecoregion (Griffith et al. 2004).

The checklist for the Sabine River Basin identified 83 species of ichthyofauna occurring within Middle Sabine hydrologic unit (United States Geologic Survey code 12010002) (Hendrickson and Cohen 2015). The alligator snapping turtle (*Macrochelys temminckii*) and the Texas heelsplitter (*Potamilus amphichaenus*), high-interest aquatic species, are known to occur in Panola County (TPWD 2015). This application is not expected to have an effect on any high-interest aquatic species, because the Applicant is not requesting a new appropriation of water.

The Applicant has agreed to install screens on any new diversion structure(s) in order to minimize entrainment and impingement of aquatic organisms.

The TCEQ regulates bed and banks authorizations to convey water under the authority of TWC § 11.042. That provision allows the commission to place special conditions in the authorization to “maintain instream uses and freshwater inflows to bays and estuaries.” On April 20, 2011, the TCEQ adopted environmental flow standards for the Sabine and Neches Rivers, and Sabine Lake Bay (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter C). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC § 298.260). The Applicant requests to use the bed and banks of an exempt reservoir to convey contract water, transported via pipeline, from the Sabine River to the reservoir for subsequent diversion. The Applicant does not request a new appropriation of water or an amendment that increases the amount of water stored, taken, or diverted; therefore, the environmental flow standards do not apply. The Applicant’s request is not expected to adversely impact aquatic and riparian habitats in the area.

**Recreational Uses:** The reservoir being used by the Applicant has a presumed primary contact recreation 1 use (TCEQ 2022). The Applicant’s request should not adversely impact recreational uses.

**Water Quality:** The reservoir being used by the Applicant has a presumed designated high aquatic life use (TCEQ 2022). The Applicant’s request should not adversely impact water quality.

**Freshwater Inflows:** Freshwater inflows are critical for maintaining the historical productivity of bays and estuaries along the Gulf Coast. The application does not request a new appropriation of water; therefore, the Applicant’s request should not have any impact to Sabine Lake Bay.

## **RECOMMENDATIONS**

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

Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).

### LITERATURE CITED

Griffith GE, Bryce SA, Omernik JM, Rogers AC. 2007. Ecoregions of Texas - Project Report to Texas Commission on Environmental Quality. Reston (VA): U.S. Geological Survey. Report No.: AS-199. 125p.

Hendrickson DA, Cohen AE. 2015. Fishes of Texas Project Database [Internet]. [2023 Feb 21]; Version 2.0. Available from <http://doi.org/10.17603/C3WC70>.

TCEQ. 2022. Texas Surface Water Quality Standards §§307.1-307.10. Austin (TX): Texas Commission on Environmental Quality.

TPWD. 2015. Texas Parks and Wildlife Department, Wildlife Division, Diversity and Habitat Programs. TPWD County Lists of Protected Species and Species of Greatest Conservation Need [Internet]. Austin (TX): Panola County, revised January 4, 2023. [2023 Feb 21]. Available from <http://tpwd.texas.gov/gis/rtest/>.

*Richard Schmoyer*  
\_\_\_\_\_  
Richard Schmoyer, Aquatic Scientist

**Texas Commission on Environmental Quality**

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INTEROFFICE MEMORANDUM

To: Joshua Schauer, Project Manager  
Water Rights Permitting Team

Date: May 8, 2023

Through: ~~K~~ <sup>A</sup> Kathy Alexander, Ph.D., Policy and Technical Analyst  
Water Availability Division

TA Trent Gay, Team Leader  
Surface Water Availability Team

From: Andrew Maria, Hydrologist  
Surface Water Availability Team

Subject: Chevron U.S.A INC.  
WRTP 13886  
CN600132484  
Unnamed tributary of Socagee Creek, Sabine River Basin  
Panola County

**HYDROLOGY REVIEW**

**Application Summary**

Chevron U.S.A. Inc. (Applicant) requests a temporary water use permit for a period of three years to use the bed and banks of an unnamed tributary of Socagee Creek, Sabine River Basin, to convey 6,400 acre-feet of contract water for subsequent diversion, at a maximum diversion rate of 11.14 cfs (5,000 gpm), for mining purposes in Panola County.

The application was declared administratively complete on January 20, 2023.

**Hydrology Review**

Resource Protection staff did not recommend instream flow requirements for this application; however, they did recommend a special condition. See Resource Protection staff's April 5, 2023 memorandum.

Regarding the request to use the bed and banks of an unnamed tributary of Socagee Creek to convey contract water, the application included the information required in 30 TAC §295.113. The application indicates discharged contract water will be discharged and subsequently diverted within a short time frame. Staff reviewed the application and found that if the Applicant diverts only discharged contract water, as set out in staff's recommended special conditions, no water rights should be affected by the request.

## Conclusion

Hydrology staff can support granting the application as requested provided that the temporary permit granted includes the following special conditions:

1. Permittee is not authorized to divert state water and shall only divert contract water that has been discharged.
2. Prior to diversion of the contract water authorized herein, if sufficiently accurate measuring devices are not available, Permittee shall install and maintain measuring device(s), at the discharge point of the water and at any authorized diversion point, capable of measuring within plus or minus 5% accuracy.
3. The authorizations in this temporary water use permit are subject to the continued maintenance of the *Brackish Water Purchase and Sale Agreement* between the Permittee and Select Energy Services, LLC; as such agreement may be extended or amended from time to time. Should the agreement be amended in such a manner as to change the amount of water or the type or location of use of the water, or upon expiration of the agreement, Permittee shall immediately cease transport and subsequent diversion of contract water under this temporary water use permit.

---

Andrew Maria, Hydrologist

# 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: Joshua Schauer, Project Manager  
Water Rights Permitting Team

DATE: January 20, 2023

SUBJECT: Chevron U.S.A. Inc.  
WRTP 13886  
CN600132484, RN111607222  
Application No. 13886 for a Temporary Water Use Permit  
Texas Water Code §§ 11.138, 11.042, Requiring Limited  
Mailed Notice  
Unnamed tributary of Socagee Creek, Sabine River Basin  
Panola County

The application and fees were received on November 18 and 22, 2022. Additional information was received on January 10, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on January 20, 2023. Limited notice to interjacent water right holders of record in the Sabine River Basin is required pursuant to Title 30 Texas Administrative Code § 295.161(b) and mailed notice to the Texas Parks and Wildlife Department and the Public Interest Council is required pursuant to Title 30 TAC § 295.161(c).

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

*Joshua Schauer*

---

Joshua Schauer, 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*  
Erin E. Chancellor, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 20, 2023

Mr. Kevin Countryman  
Chevron U.S.A. Inc.  
6401 Deauville Blvd.  
Midland, TX 79706

VIA E-MAIL

RE: Chevron U.S.A. Inc.  
WRTP 13886  
CN600132484, RN111607222  
Application No. 13886 for a Temporary Water Use Permit  
Texas Water Code § 11.138, 11.042, Requiring Limited Mailed Notice  
Unnamed tributary of Socagee Creek, Sabine River Basin  
Panola County

Dear Mr. Countryman:

This acknowledges receipt of additional information on January 10, 2023.

The application was declared administratively complete and filed with the Office of the Chief Clerk on January 20, 2023. 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 [Joshua.Schauer@tceq.texas.gov](mailto:Joshua.Schauer@tceq.texas.gov) or at (512) 239-1371.

Sincerely,

A handwritten signature in cursive script that reads "Joshua Schauer".

Joshua Schauer, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section



**From:** [Countryman, Kevin](#)  
**To:** [Joshua Schauer](#)  
**Cc:** [Aberdeen, Elisa](#)  
**Subject:** RE: Chevron U.S.A. Inc.; 13886 Request for Information  
**Date:** Tuesday, January 10, 2023 7:30:29 AM  
**Attachments:** [CUSA Countryman, Kevin POA.pdf](#)

---

Joshua,

Attached please find the document granting me approval to be a Power of Attorney for Chevron U.S.A. INC. If you need any further information please let me know.

Elisa Aberdeen will be reaching out to you directly to discuss the fees.

Thanks,  
Kevin

---

**From:** Joshua Schauer <Joshua.Schauer@Tceq.Texas.Gov>  
**Sent:** Monday, January 9, 2023 8:08 AM  
**To:** Countryman, Kevin [REDACTED]  
**Subject:** [\*\*EXTERNAL\*\*] Chevron U.S.A. Inc.; 13886 Request for Information

**Be aware this external email contains an attachment and/or link.**

Ensure the email and contents are expected. If there are concerns, please submit suspicious messages to the Cyber Intelligence Center using the Report Phishing button.

Mr. Countryman,

Additional information is required before the Application No. 13886 can be declared administratively complete. Please review the attached letter and contact me with any questions. A response is requested by 2/8/23.

Regards,

*Joshua Schauer*  
*Project Manager*  
*Water Rights Permitting Team, Water Availability Division*  
*Texas Commission on Environmental Quality*  
512-239-1371 [Joshua.Schauer@tceq.texas.gov](mailto:Joshua.Schauer@tceq.texas.gov)

**SPECIAL POWER OF ATTORNEY**

KNOW ALL PERSONS that **CHEVRON U.S.A. INC.**, a corporation duly organized and existing under the laws of Pennsylvania, United States of America (the "Company"), APPOINTS **KEVIN COUNTRYMAN** in his/her capacity as an employee, a true and lawful general agent, legal representative, and Attorney-in-Fact of the Company (the "Attorney-in-Fact") with special power and authority in its name and on its behalf to execute and perform the following:

1. To sign and execute, upon terms and conditions as the Attorney-in-Fact deems appropriate, all legally-binding documents related to the exploration, development and production activities of the Company, including related abandonment and remediation, acquisition and divestment, administrative, commercial, financial, environmental, human resources, land, legal, procurement, safety, technology and other services and commitments except as herein below stated, and no authority is conferred by this Power of Attorney for execution of the following:
  - a. Leases or deeds to others covering oil, gas or other hydrocarbon or non-hydrocarbon minerals underlying fee lands of Company where either book value or sale price exceeds Twenty-Five Million Dollars (\$25,000,000.00) or the acreage exceeds Six Thousand Four Hundred (6,400) acres;
  - b. Deeds or conveyances to others covering fee lands of Company, other than rights of way and similar easements, where either book value or sale price exceeds Twenty-Five Million Dollars (\$25,000,000.00);
  - c. Documents, instruments or promissory notes in support of any borrowings; provided, however, that promissory notes and other documents given as consideration for the acquisition of real or personal property shall not be deemed to constitute a borrowing;
  - d. Documents or agreements establishing bank accounts in the name of Company or withdrawing of funds or closing of any bank accounts of Company.
2. To perform every act and thing that may be necessary to carry out the granted powers as fully as the Company might itself do; however, no delegation or substitution of the powers granted herein by the Attorney-in-Fact is permitted.

Unless sooner revoked or terminated, this Power of Attorney shall remain in full force and effect for a period of one year beginning on **October 1, 2022**, or until the Attorney-in-Fact is no longer an employee of Chevron U.S.A. Inc., whichever occurs first. Upon revocation or other termination this Power of Attorney shall be returned to the Company but the failure to return it shall not prevent its revocation or termination.

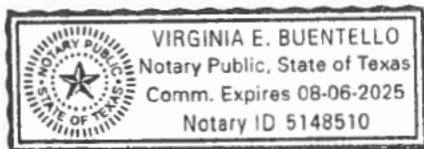
IN WITNESS WHEREOF, the Company has caused this instrument to be executed this 1st day of October 2022.

**CHEVRON U.S.A. INC.**

DocuSigned by:  
 By: T. Ryder Booth  
F6695EB274G7445  
 T. Ryder Booth, Vice President

STATE OF TEXAS        §  
 COUNTY OF HARRIS    §

This instrument was acknowledged before me on the 1st day of October 2022, by T. Ryder Booth, Vice President of **CHEVRON U.S.A. INC.**, a Pennsylvania corporation, on behalf of said entity.



*Virginia E. Buentello*  
 Notary Public, State of Texas

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Erin Chancellor, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 9, 2023

Kevin Countryman  
Chevron U.S.A. Inc.  
6401 Deauville Blvd.  
Midland, TX 79706

VIA E-MAIL

RE: Chevron U.S.A. Inc.  
WRTP 13886  
CN600132484, RN111607222  
Application No. 13886 for a Temporary Water Use Permit  
Texas Water Code § 11.138, 11.042, Requiring Limited Mailed Notice  
Unnamed tributary of Socagee Creek, Sabine River Basin  
Panola County

Dear Mr. Countryman:

This acknowledges receipt, on November 18, 2022, of the referenced application and fees in the amount of \$251.25 (Receipt No. M304676, copy attached).

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

Provide documentation evidencing that Kevin Countryman has the authority to sign for Chevron U.S.A. Inc. pursuant to Title 30 Texas Administrative Code (TAC) §295.14(5) which states:

If the applicant is a corporation, public district, county, municipality, or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of bylaws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

Please submit the requested information and fees by February 8, 2023 or the application may be returned pursuant to Title 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via email at [Joshua.Schauer@tceq.texas.gov](mailto:Joshua.Schauer@tceq.texas.gov) or by telephone at (512) 239-1371.

Sincerely,

A handwritten signature in cursive script that reads "Joshua Schauer".

Joshua Schauer, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment



22-NOV-22 04:50 PM

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>Check Number</u>	<u>CC Type</u>	<u>Slip Key</u>	<u>Tran Date</u>	<u>Tran Amount</u>
				<u>Ref#2</u>	<u>Card Auth.</u>	<u>Tran Code</u>	<u>Document#</u>		
				<u>Paid In By</u>	<u>User Data</u>	<u>Rec Code</u>			
WTR USE PERMITS	WUP			M304676	25740080		BS00098955	22-NOV-22	-\$251.25
	WUP			13886	112222	N	D3800794		
WATER USE PERMITS				CHEVRON NA	VHERNAND	CK			
				EXPLORATION					
				PROD CO					
Total (Fee Code):									-\$251.25

RECEIVED  
NOV 30 2022  
Water Availability Division

**From:** [Lynch, Brian](#)  
**To:** [Joshua Schauer](#)  
**Cc:** [Williams, Paulina](#)  
**Subject:** RE: Chevron U.S.A. Inc. - WR Permit Application No. 13886 - Status update request  
**Date:** Wednesday, January 4, 2023 4:08:51 PM

---

Apologies for the delay. His email address is below:

[REDACTED]

Please let us know if we can be of any further assistance at this time.

**Brian Lynch**  
*Senior Paralegal*

[Baker Botts L.L.P.](#)

[REDACTED]

T +1.512.322.2608  
F +1.512.322.3668  
M +1.512.466.9292

---

**From:** Joshua Schauer <[Joshua.Schauer@Tceq.Texas.Gov](mailto:Joshua.Schauer@Tceq.Texas.Gov)>  
**Sent:** Wednesday, January 4, 2023 2:50 PM  
**To:** Lynch, Brian [REDACTED]  
**Cc:** Williams, Paulina [REDACTED]  
**Subject:** RE: Chevron U.S.A. Inc. - WR Permit Application No. 13886 - Status update request

[EXTERNAL EMAIL]

Mr. Lynch,

Thank you for your response. We are preparing a letter to request additional information for the application. This letter will be emailed to the applicant contact. However, Mr. Countryman's email address was not provided with the application. I would like to avoid delay sending the letter out. If you could provide us with the contact's email address, it would be appreciated.

Regards,

Joshua Schauer  
Project Manager  
TCEQ, Water Rights Permitting Section  
512.239.1371

---

**From:** Lynch, Brian [REDACTED]  
**Sent:** Friday, December 23, 2022 2:50 PM  
**To:** Joshua Schauer <[Joshua.Schauer@Tceq.Texas.Gov](mailto:Joshua.Schauer@Tceq.Texas.Gov)>  
**Cc:** Williams, Paulina [REDACTED]

**Subject:** RE: Chevron U.S.A. Inc. - WR Permit Application No. 13886 - Status update request

Please leave Mr. Countryman as the point of contact for the Applicant. Thank you!

**Brian Lynch**

*Senior Paralegal*

Baker Botts L.L.P.

[REDACTED]

T +1.512.322.2608

F +1.512.322.3668

M +1.512.466.9292

---

**From:** Joshua Schauer <[Joshua.Schauer@Tceq.Texas.Gov](mailto:Joshua.Schauer@Tceq.Texas.Gov)>

**Sent:** Friday, December 23, 2022 12:20 PM

**To:** Lynch, Brian [REDACTED]

**Cc:** Williams, Paulina <[REDACTED]>

**Subject:** RE: Chevron U.S.A. Inc. - WR Permit Application No. 13886 - Status update request

**[EXTERNAL EMAIL]**

Mr. Lynch,

Can you confirm that you will be the contact for this application? I currently have Mr. Countryman listed as the applicant contact.

Regards,

Joshua Schauer

Project Manager

TCEQ, Water Rights Permitting Section

---

**From:** Lynch, Brian [REDACTED]

**Sent:** Wednesday, December 21, 2022 1:09 PM

**To:** Joshua Schauer <[Joshua.Schauer@Tceq.Texas.Gov](mailto:Joshua.Schauer@Tceq.Texas.Gov)>

**Cc:** Williams, Paulina [REDACTED]

**Subject:** RE: Chevron U.S.A. Inc. - WR Permit Application No. 13886 - Status update request

Noted. Thank you for the prompt response! - Brian

---

**From:** Joshua Schauer <[Joshua.Schauer@Tceq.Texas.Gov](mailto:Joshua.Schauer@Tceq.Texas.Gov)>

**Sent:** Wednesday, December 21, 2022 1:04 PM

**To:** Lynch, Brian [REDACTED]

**Cc:** Williams, Paulina [REDACTED]

**Subject:** RE: Chevron U.S.A. Inc. - WR Permit Application No. 13886 - Status update request

**[EXTERNAL EMAIL]**

Hi Brian,

Thanks for reaching out. The application is still under administrative review, but the initial review of the application is almost complete. This means that I should know by next week if we are going to need to request additional information. I will inform you of any progress.

Thank you,

Joshua Schauer  
Project Manager  
TCEQ, Water Rights Permitting Section

---

**From:** Lynch, Brian [REDACTED]  
**Sent:** Wednesday, December 21, 2022 11:17 AM  
**To:** Joshua Schauer <[Joshua.Schauer@Tceq.Texas.Gov](mailto:Joshua.Schauer@Tceq.Texas.Gov)>  
**Cc:** Williams, Paulina [REDACTED]  
**Subject:** Chevron U.S.A. Inc. - WR Permit Application No. 13886 - Status update request

Good morning Joshua,

I am reach out regarding the Chevron U.S.A. Inc. Water Rights Permit Application No. 13886 which was filed on November 18, 2022. We previously had a pre-application meeting with the TCEQ Water Rights Division with the hopes of expediting the permit through the administrative process. I am reaching out to see if there are any issues that might be holding the application back from being declared administratively complete. Additionally, if you would be willing to provide an update as to the current status of the application, it would be much appreciated.

Please let me know if you have any questions or require any additional information to facilitate this request.

Thank you and I hope you have a wonderful holiday season!

**Brian Lynch**  
*Senior Paralegal*

Baker Botts L.L.P.

[REDACTED]  
T +1.512.322.2608  
F +1.512.322.3668  
M +1.512.466.9292  
401 South 1st Street  
Suite 1300  
Austin, TX 78704-1296

United States of America

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□□□□□

**Confidentiality Notice:**

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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. 25-0527925
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
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 contract water diverted from D&L pond, tributary of unnamed creek, tributary of Socagee Creek, tributary of Sabine River, Sabine 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. 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.

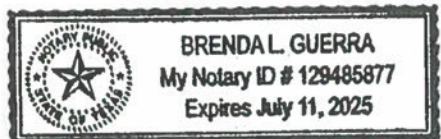
- 6. Access to Diversion Point (check one): Public right-of-way Private property (A letter of permission from landowner is attached) Other (Explain)
7. Fees Enclosed: Filing Recording Use (\$1.00 per ac-ft or fraction thereof) Total
10 ac-ft or less greater than 10 ac-ft
\$ 100.00 \$ 250.00
\$ 1.25 \$ 1.25
\$ \$
\$ \$251.25
(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.

DocuSigned by: Kevin Countryman

Kevin Countryman Name (print)

Subscribed and sworn to me as being true and correct before me this 10 day of November, 20 22



Brenda L Guerra Notary Public, State of Texas

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. 25-0527925
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
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 contract water contracted Sabine River water diverted from D&L pond, tributary of unnamed creek, tributary of Socagee Creek, tributary of Sabine River, Sabine 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. 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: Filing Recording Use (\$1.00 per ac-ft or fraction thereof) (Note: 1 ac-ft = 325,851 gals. 1 ac-ft = 7758.35 bbls.) Total
10 ac-ft or less greater than 10 ac-ft
\$ 100.00 \$ 1,25 \$ \$ \$ 251.25

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

Kevin Countryman Name (print)

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

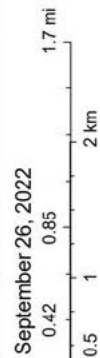
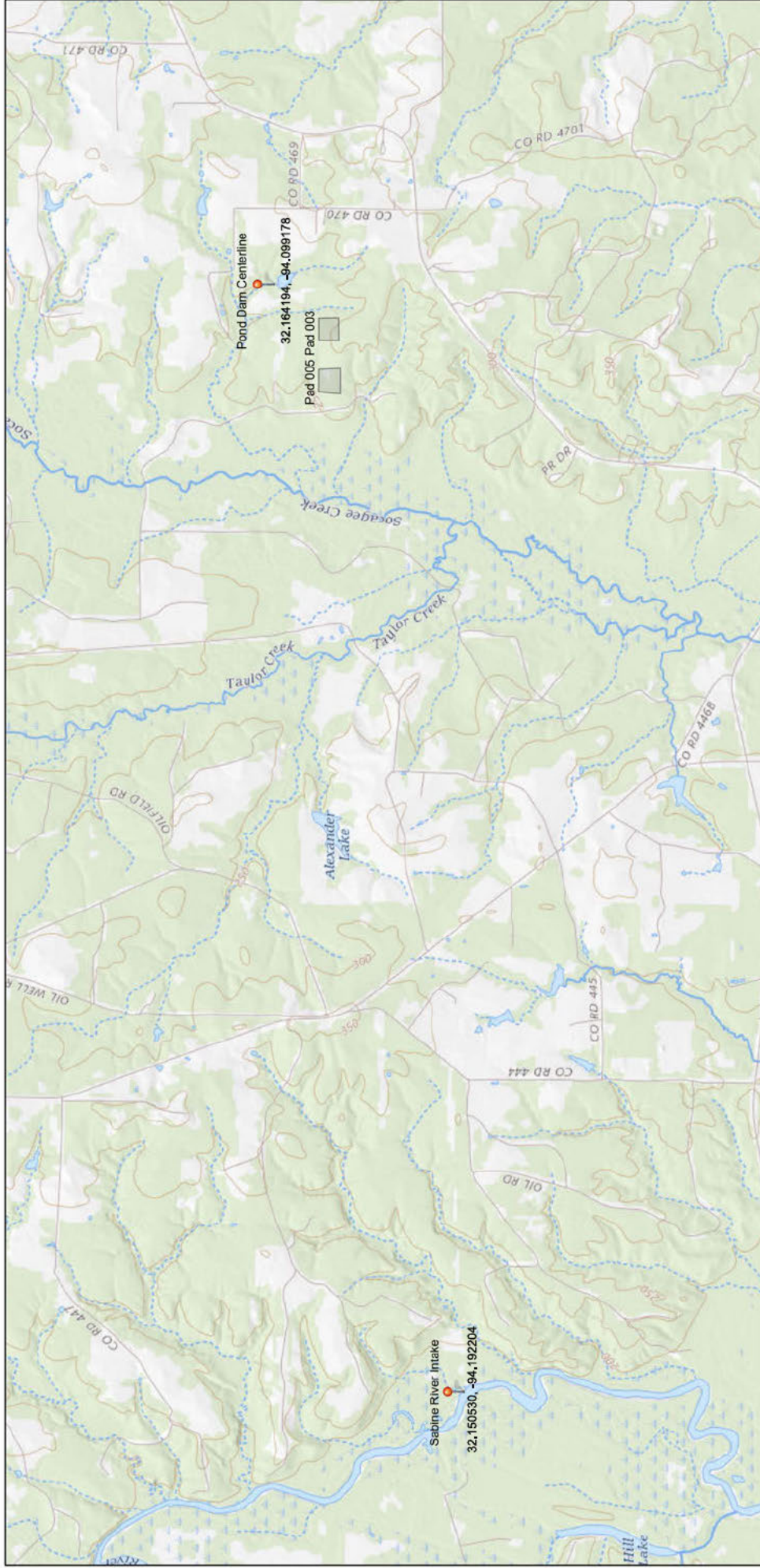
Notary Public, State of Texas

## **Attachment**

Chevron U.S.A. INC. is submitting this Bed & Bank application to TCEQ to gain temporary authorization to use a private pond (the "Pond") located at 32.164194°N; -94.099178°W in Panola County, TX, to stage water for an Oil & Gas development project (the "Project"). Chevron is not requesting a temporary appropriation of water; it is requesting a temporary bed and banks authorization to store contract water in, and divert that contract water from, the Pond.

Chevron contracts with Select, a third party, who contracts directly with Sabine River Authority of Texas to supply water to the Project. This water will be transferred via temporary lay flat pipe to the Pond during drilling and completion operations. This Pond will be used as a staging location, and it is anticipated that two well pad locations will be supported by this staging location. Over the course of the three-year term, up to 6,400 acre-feet of Sabine River water will be transferred to the Pond, and this same volume will be transferred to the Project. Hence, there will be a net zero water balance to the Pond.

# Pads, Pond, & Intake



September 26, 2022

- 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.](#)

12 October 2022

James C & Roxie A Berry  
273 CR 470  
Carthage TX 75633

W Mark Woodard  
Chevron U.S.A. Inc.  
167 CR 3173  
De Berry TX 75639

Mr. Woodard:

Regarding the use of our pond (approximate center point at 32.163685, -94.098671) for water staging; this is to confirm my approval of the same. The Surface Use Agreement entered into between me, my wife and Chevron dated 17 May 2022 will serve as testament that we warrant title to this property and have authority to grant the use described hereto. Further, we have no objection to -

1. Chevron's filing of an application with the Texas Commission on Environmental Quality for the bed and banks authorization for the use of the Pond, and
2. Chevron's use of the bed and banks of the Pond to discharge, store, and divert water that Chevron has sourced under a third-party contract from an alternative water source.

Thank You.

James C & Roxie A Berry  
Henderson Ranch and Feed  
[REDACTED]  
903-722-2077 Store  
832-655-3233 - Cell"

Handwritten signatures of James C Berry and Roxie A Berry in blue ink.

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

### Warranty Deed with Vendor's Lien

Date: September 28, 2011

Grantor: Hazel K. Batts

**Grantor's Mailing Address:**

5401 Centeridge Lane  
McKinney, Texas 75071

Grantee: James C. Berry and Roxie A. Berry

**Grantee's Mailing Address:**

1202 Keatchie Road  
Keatchie, Louisiana 71046

**Consideration:**

Cash and other good and valuable consideration and a promissory note of even date herewith executed by Grantee and payable to the order of **Ouachita Independent Bank**, in the original principal sum of **One Hundred Eighty Thousand Nine Hundred Fifty and No/100 Dollars (\$180,950.00)**. The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Grantor and by a first-lien deed of trust of even date from Grantee to **Denell Dollar, Trustee**.

**Property (including any improvements):**

**TRACT NO. 1**

All that certain *111.228 acre tract of land*, a part of the *FELIX B. DIXON Survey, Abstract No. 172, and also a part of the J. B. WELLS Survey, Abstract No. 767*, Panola County, Texas (approximately 60.5 acres are contained within the said DIXON Survey), and being that same tract of land called 113.85 acres described in a deed from Andrea Jean Marshall to Hazel K. Batts, dated May 28, 1993, recorded in Vol. 913, Page 116 of the Deed Records of Panola county, Texas, and being further described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all intents and purposes.

**TRACT NO. 2**

All that certain *10.369 acre tract of land*, a part of the *FELIX B. DIXON Survey, Abstract No. 172, and also a part of the J. B. WELLS Survey, Abstract No. 767*, Panola County, Texas (approximately 1.9 acres are contained within the said DIXON Survey), and being that same tract of land called 10 acres described in a deed from Christine Martin and David Tracy Martin to Hazel K. Batts, dated July 3, 1998, recorded in Vol. 1038, Page 16 of the Official Public Records of Panola County, Texas, and being further described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all intents and purposes.

**Reservations from Conveyance:**

Grantor saves and excepts from this conveyance, and reserves and retains for Grantor, its heirs, executors, successors and assigns forever, all oil, gas and other minerals in and to the property which is the subject matter of this conveyance. Grantor further excepts from this conveyance all grants, reservations, or any other conveyances or severances of oil, gas and other minerals in and to the property by any predecessors in title. This conveyance and the property conveyed is subject to all oil, gas and mineral leases, unitization or pooling declarations or agreements, together with the right of ingress and egress, mining, drilling and all privileges appurtenant thereto.

**Exceptions to Conveyance and Warranty:**

This conveyance is subject to all easements, rights-of-way, restrictions or covenants filed

of record or apparent on the ground burdening the above described property with all privileges appurtenant thereto.

**Conveyance:**

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The vendor's lien against and superior title to the Property are retained until the note described herein is fully paid according to its terms, at which time this deed will become absolute.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES, EXCEPT FOR THE WARRANTY OF TITLE STATED IN THIS DEED.

Ouachita Independent Bank, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of Grantor, who hereby assigns and transfers said vendor's lien to Ouachita Independent Bank, without recourse against Grantor.

EXECUTED this 28 day of September, 2011.

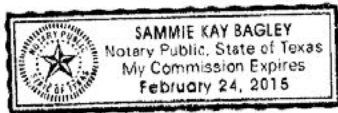
GRANTOR

*Hazel K. Batts*  
HAZEL K. BATTIS

THE STATE OF TEXAS  
COUNTY OF PANOLA

§

This instrument was acknowledged before me on the 28<sup>th</sup> day of September, 2011, by Hazel K. Batts.



*Sammie Kay Bagley*  
Notary Public, State of Texas

After Recording Return To:  
Carhage Title Company  
312 West Sabine  
Carhage, Texas 75633



R. K. AUSTIN  
OWNER/GEN. MANAGER

**AUSTIN**  
**SURVEYING & MAPPING**

115 WEST SABINE  
P.O. BOX 629  
CARTHAGE, TEXAS 75633  
TELEPHONE: 903-693-6135  
FAX: 903-693-3432



D.D. AUSTIN  
R.P.L.S. #4431

**STATE OF TEXAS**  
**COUNTY OF PANOLA**

**Legal Description** of a survey made for Mr. Jimmy Berry:  
Job No. 11069

**TRACT NO. 1**

All that certain 111.228 acre tract of land, a part of the FELIX B. DIXON Survey, Abstract No. 172, and also a part of the J. B. WELLS Survey, Abstract No. 767, Panola County, Texas (approximately 60.5 acres are contained within the said DIXON Survey), and being that same tract of land called 113.85 acres described in a deed from Andrea Jean Marshall to Hazel K. Batts, dated May 28, 1993, recorded in Vol. 913, Page 116 of the Deed Records of Panola County, Texas, and the said 111.228 acre subject tract is more particularly described as follows:

BEGINNING at a 5/8-inch steel hex bolt found for the Westerly Southwest corner of the said called 113.85 acre tract at a fence corner at the Southwest corner of the said DIXON Survey;

THENCE North 1° 52' 38" East generally with an old fence along the Northerly West boundary line of the said tract a distance of 766.06 feet to a 5/8-inch steel hex bolt found for its Northwest corner at a fence corner, same being the Southwest corner of that certain remainder tract called 123.85 acres described in a deed from John D. Tanner, Sr., et ux, to Shelby Panola Equipment and Services, LLC, dated August 2, 2010, recorded in Vol. 1578, Page 603 of the Official Public Records of Panola County, Texas;

THENCE South 88° 44' 38" East with the South boundary line of the said called 123.85 acre tract a distance of 2660.68 feet to a 5/8-inch steel hex bolt found for a corner at a fence corner;

THENCE South 68° 48' 15" East continuing with the South boundary line of the said called 123.85 acre tract a distance of 1729.76 feet to a 1/2-inch iron rod found for a corner at a fence corner, same being the Northwest corner of that certain called 10 acre tract described in a deed from Christine Martin and David Tracy Martin to Hazel K. Batts, dated July 3, 1998, recorded in Vol. 1038, Page 16 of the said Official Public Records;

THENCE South 0° 53' 33" West with a fence along the West boundary line of the said called 10 acre tract a distance of 524.40 feet to a 1/2-inch iron rod set for its Southwest corner at a fence corner, same being an inner ell corner of the subject tract originally called 113.85 acres;

**Exhibit A**

Doc	Bk	Vol	Pg
162140	OR	1642	121

Legal Description - Berry - page 2  
Job No. 11069

THENCE South 89° 03' 49" East with the South boundary line of the said called 10 acre tract a distance of 860.53 feet to a point for the Easterly Northeast corner of the subject tract in the center of Panola County Road No. 470, from which a ½-inch iron rod set for a reference corner bears North 89° 03' 49" West at a distance of 23.00 feet;

THENCE with the center line of the said County Road No. 470 along the East boundary line of the subject tract South 1° 09' 09" West a distance of 510.71 feet and South 0° 38' 29" West a distance of 267.69 feet to a ½-inch iron rod found for a corner;

THENCE South 0° 52' 29" West continuing with the said County Road center line a distance of 457.74 feet to a point for a corner in the North Right-of-Way line of Farm-to-Market Road No. 2517, from which a concrete Right-of-Way monument bears South 86° 24' 41" West at a distance of 33.78 feet;

THENCE South 0° 52' 29" West, crossing the center line of Farm-to-Market Road No. 2517 at approximately 123 feet, and continuing on with the East boundary line of the subject tract for a total distance of 180.46 feet to a steel spike set for its Southeast corner in the South Right-of-Way line of the said Farm-to-Market Road, also being located in Panola County Road No. 4701;

THENCE South 88° 19' 25" West with the South boundary line of the subject tract, crossing the center line of the said Farm-to-Market Road at approximately 1010 feet, and continuing on for a total distance of 1124.62 feet to a point for a corner in its North edge, from which a ½-inch iron rod set for a reference corner bears North 0° 53' 27" East at a distance of 42.00 feet;

THENCE North 0° 53' 27" East, crossing the North Right-of-Way line of Farm-to-Market Road No. 2517 at 46.03 feet, and continuing on with the Southerly West boundary line of the parent tract for a total distance of 1190.41 feet to a 5/8-inch steel hex bolt found for an inner ell corner at a fence corner, same being the Easterly Northeast corner of that certain called 62.58 acre tract described in a deed from Jessie Mayfield Findley, et vir, to Norman A. Mayfield, et ux, dated November 19, 1966, recorded in Vol. 493, Page 136 of the said Panola County Deed Records;

THENCE North 84° 45' 02" West with a fence along the Easterly North boundary line of the said called 62.58 acre tract a distance of 890.32 feet to a 4-inch square concrete monument found for a corner at a fence corner, same being an outer ell corner of the subject tract;

THENCE North 0° 18' 40" East generally with a fence a distance of 622.76 feet to a 1½-inch iron pipe found for the Westerly Northeast corner of the said called 62.58 acre tract in the North line of the said WELLS Survey, same being the South line of the said DIXON Survey;

THENCE North 89° 39' 06" West generally with a fence along the Westerly South boundary line of the subject tract a distance of 839.50 feet to a 1-inch iron pipe found for the Northwest corner of the aforesaid called 62.58 acre tract, same being the Northeast corner of a called 37.65 acre tract described in a deed from Norman A. Mayfield, et ux, to Jessie Mayfield Findley, et vir, dated November 19, 1966, recorded in Vol. 493, Page 133 of the said Panola County Deed Records;

**Exhibit A**

Legal Description - Berry - page 3  
Job No. 11069

THENCE North 89° 41' 17" West generally with a fence along the North boundary line of the said called 37.65 acre tract a distance of 845.33 feet to a 1½-inch iron pipe found for its Northwest corner;

THENCE North 89° 56' 11" West continuing generally with said fence along the Westerly South boundary line of the subject tract a distance of 1453.47 feet to the Point of Beginning, containing a total area of 113.734 acres, of which 2.506 acres are contained within the said Farm-to-Market Road Right-of-Way, leaving a net area of 111.228 acres.

#### **TRACT NO. 2**

All that certain 10.369 acre tract of land, a part of the FELIX B. DIXON Survey, Abstract No. 172, and also a part of the J. B. WELLS Survey, Abstract No. 767, Panola County, Texas (approximately 1.9 acres are contained within the said DIXON Survey), and being that same tract of land called 10 acres described in a deed from Christine Martin and David Tracy Martin to Hazel K. Batts, dated July 3, 1998, recorded in Vol. 1038, Page 16 of the Official Public Records of Panola County, Texas, and the said 10.369 acre subject tract is more particularly described as follows:

BEGINNING at a ½-inch iron rod found for the Northwest corner of the said tract called 10 acres at a fence corner, same being the Westerly Northeast corner of that certain called 113.85 acre tract described in a deed from Andrea Jean Marshall to Hazel K. Batts, dated May 28, 1993, recorded in Vol. 913, Page 116 of the Deed Records of Panola County, Texas;

THENCE South 0° 53' 33" West with a fence along the West boundary line of the said called 10 acre tract a distance of 524.40 feet to a ½-inch iron rod set for its Southwest corner at a fence corner, same being inner ell corner of the said called 113.85 acre tract;

THENCE South 89° 03' 49" East with the South boundary line of the said called 10 acre tract a distance of 860.53 feet to a point for the Easterly Northeast corner of the said called 113.85 acre tract in the center of Panola County Road No. 470, from which a ½-inch iron rod set for a reference corner bears North 89° 03' 49" West at a distance of 23.00 feet;

THENCE North 1° 09' 09" East with the said County Road center line along the East boundary line of the subject tract a distance of 523.90 feet to a point for its Northeast corner, same being the Southeast corner of that certain remainder tract called 123.85 acres described in a deed from John D. Tanner, Sr., et ux, to Shelby Panola Equipment and Services, LLC, dated August 2, 2010, recorded in Vol. 1578, Page 603 of the Official Public Records of Panola County, Texas;

THENCE North 89° 01' 48" West, passing a ½-inch iron rod set for a reference corner at 25.80 feet, and continuing on with the South boundary line of the said called 123.85 acre remainder tract for a total distance of 862.91 feet to the Point of Beginning, containing a total area of 10.369 acres.

**Exhibit A**



Doc	Bk	Vol	Pg
162140	0R	1642	123

Legal Description - Berry - page 4  
Job No. 11069

This document is prepared specifically for the parties designated hereon. Only those prints containing the Surveyor's seal should be considered official and relied upon by the user. It is invalid unless it bears an original "LIVE" blue wet ink signature. The certification shown hereon shall not apply to any copies. Alterations, duplications, facsimiles, modifications, scanning, or use without the written consent of AUSTIN SURVEYING & MAPPING is strictly prohibited. COPYRIGHT 2011 by AUSTIN SURVEYING & MAPPING. All rights reserved.

I, D. D. Austin, Registered Professional Land Surveyor, do hereby certify that the above legal description was prepared in accordance with an actual ground survey of the property so described, and that the said survey is correct to the best of my professional knowledge and belief.

Given under my hand and seal,  
this 21<sup>st</sup> day of September, 2011.



Don Austin, R.P.L.S. #4431



**Exhibit A**

Doc	Bk	Vol	Pg
162140	OR	1642	124

STATE OF TEXAS	COUNTY OF PANOLA	FILED FOR RECORD
I hereby certify that this instrument was filed on	the date and time stamped hereon by me and	Sep 28, 2011 03:10P
was duly recorded in the volume and page of the	named records of PANOLA County, Texas as stamped	CLARA JONES, COUNTY CLERK
hereon by me.	OFFICIAL PUBLIC RECORDS	PANOLA COUNTY, TEXAS

Sep 28, 2011 03:10P

CLARA JONES, COUNTY CLERK  
PANOLA COUNTY, TEXAS

BY: Teresa Cord, Deputy

SABINE RIVER AUTHORITY OF TEXAS  
COMMERCIAL SHORT TERM LIMITED WATER USE CONTRACT

THIS CONTRACT made and entered into the date hereinafter specified by and between the Sabine River Authority of Texas, a governmental agency and political subdivision of the State of Texas, hereinafter called "Authority" and

NAME Select Energy Services  
ADDRESS 1000 Central Parkway North Suite 270  
San Antonio, Tx 78232  
TELEPHONE 210 896 2317 - Danny Stroud

hereinafter called "Buyer".

Buyer desires to purchase from the Authority non-potable, untreated raw water from the Sabine River and the Authority agrees to sell such water for the consideration and upon the terms and conditions hereinafter set forth:

1. It is expressly understood and agreed that the provisions of this CONTRACT are subject to the jurisdiction of the Texas Commission on Environmental Quality and the Texas Certificates of Adjudication governing diversion.
2. BUYER AGREES TO INDEMNIFY AND HOLD AUTHORITY HARMLESS FROM ANY AND ALL CLAIMS FOR DAMAGES, LOSS OF LIFE, INJURY OR ILLNESS TO ANY PERSON OR PERSONS OR FOR DAMAGE TO PROPERTY ARISING OUT OF THE TAKING, DIVERTING, WITHDRAWAL OR DISTRIBUTION OF WATER HEREUNDER.
3. Buyer agrees to use water sold under this CONTRACT for no purpose other than that stated under Use.
4. Buyer agrees to abide by the provisions of the Authority's Water Conservation and Drought Contingency Plan<sup>1</sup>.
5. Buyer shall provide Authority with a Certificate of Insurance for a minimum of \$1,000,000 in general liability and an additional \$1,000,000 in excess umbrella liability coverage along with evidence of statutory workman's compensation insurance. The Certificate of Insurance shall include a Waiver of Subrogation and shall name the Authority as an additional insured party.

Use: Irrigation / Industrial / Mining / Mining (hydraulic fracturing) / Municipal

Term (up to six months) Beginning Date: 12/15/2022 to Ending Date: 05/15/2023

Diverson Point: Sabine River - Map Attached Latitude/Longitude: 32.150432°, -94.192069°  
(attach map showing Diverson Point)

Well Name<sup>2</sup>: DCLP1 Well Location (Latitude/Longitude): 32.160615°, -94.104253°

Estimated Usage 200,000/8,400,000 gallons / month TOTAL 200,000 bbls  
(Barrels/Gallons) (Day/Week/Month) (Barrels/Gallons)

Maximum Usage 500,000 bbls / Dec - May TOTAL 500,000 bbls  
(Barrels/Gallons) (Day/Week/Month) (Barrels/Gallons)

Method of Measurement - Meter/Container Capacity/Pumping Capacity/Other Meter  
Describe "Other" \_\_\_\_\_

Payable: \_\_\_\_\_ (Monthly) TO: SABINE RIVER AUTHORITY OF TEXAS - TBD  
450 Spur 135  
Burkeville, TX 75932

Executed by the Authority this 24th October day of 2022, but effective as of the Beginning Date, if later.

Buyer: Select Energy Services

By: [Signature]  
Name: Danny Stroud  
Title: Manager  
Date: 9/20/2022

SABINE RIVER AUTHORITY OF TEXAS  
By: [Signature]  
Name: David Montagne  
Title: Executive Vice President & General Manager  
Date: 10/24/22

<sup>1</sup> For Mining/Mining (hydraulic fracturing) Uses only

<sup>3</sup> Rates are per most recent Board of Directors' approved Water Rate Schedule for Short Term Limited Water Use.

SABINE RIVER AUTHORITY OF TEXAS  
COMMERCIAL SHORT TERM LIMITED WATER USE CONTRACT

THIS CONTRACT made and entered into the date hereinafter specified by and between the Sabine River Authority of Texas, a governmental agency and political subdivision of the State of Texas, hereinafter called "Authority" and

NAME Select Energy Services  
ADDRESS 1000 Central Plaza, Ste 270  
San Antonio TX 78232  
TELEPHONE 210-898-2317, hereinafter called "Buyer".

Buyer desires to purchase from the Authority non-potable, untreated raw water from the Sabine River and the Authority agrees to sell such water for the consideration and upon the terms and conditions hereinafter set forth:

1. It is expressly understood and agreed that the provisions of this CONTRACT are subject to the jurisdiction of the Texas Commission on Environmental Quality and the Texas Certificates of Adjudication governing diversion.
2. BUYER AGREES TO INDEMNIFY AND HOLD AUTHORITY HARMLESS FROM ANY AND ALL CLAIMS FOR DAMAGES, LOSS OF LIFE, INJURY OR ILLNESS TO ANY PERSON OR PERSONS OR FOR DAMAGE TO PROPERTY ARISING OUT OF THE TAKING, DIVERTING, WITHDRAWAL OR DISTRIBUTION OF WATER HEREUNDER.
3. Buyer agrees to use water sold under this CONTRACT for no purpose other than that stated under Use.
4. Buyer agrees to abide by the provisions of the Authority's Water Conservation and Drought Contingency Plan<sup>1</sup>.
5. Buyer shall provide Authority with a Certificate of Insurance for a minimum of \$1,000,000 in general liability and an additional \$1,000,000 in excess umbrella liability coverage along with evidence of statutory workmen's compensation insurance. The Certificate of insurance shall include a Waiver of Subrogation and shall name the Authority as an additional insured party.
6. Any changes to Term, Diversion Point, Well Name(s), Maximum Usage, or Method of Measurement require prior written authorization from Authority and a CONTRACT amendment.
7. Buyer shall contact Authority's representative Steven Dougherty via telephone at 409-569-2273 at least 24 hours prior to taking, diverting, withdrawing or distributing any water. Authority's representative has the right to inspect Buyer's operations.

Use: ~~Irrigation / Industrial / Mining / Mining (hydraulic fracturing)~~ Municipal

Term (up to six months) Beginning Date: 7-1-23 to Ending Date: 2-1-24

Diversion Point: Sabine River - Attached Latitude/Longitude: 32.150530, -94.192204  
(attach map showing Diversion Point)

Well Name <sup>1</sup> : <u>LPD 1</u>	Well Location (Latitude/Longitude): <u>32.160368, -94.104753</u>
(add sheet if necessary)	
Estimated Usage <u>977,981</u> / <u>estimated</u>	TOTAL <u>7,800,000</u>
(Barrels/Gallons) (Day/Week/Month)	(Barrels/Gallons)
Maximum Usage <u>1</u>	TOTAL <u>8,000,000</u>
(Barrels/Gallons) (Day/Week/Month)	(Barrels/Gallons)

**BUYER IS NOT AUTHORIZED TO USE MORE THAN THE MAXIMUM USAGE TOTAL WITHOUT PRIOR WRITTEN AUTHORIZATION FROM AUTHORITY.**

Method of Measurement - Meter/Container Capacity/Pumping Capacity/Other Meter

Describe "Other" \_\_\_\_\_  
\_\_\_\_\_ (minimum charge \$50.00 per invoice)  
(Barrels or 1,000 Gallons)

Payable: \_\_\_\_\_ TO: SABINE RIVER AUTHORITY OF TEXAS  
(Monthly) 450 Spur 135  
Burkeville, TX 75932

Executed by the Authority this 6th day of September, 2022, but effective as of the Beginning Date, if later.

Buyer:  
Select Energy Services  
By: [Signature]  
Name: Daniel Strain  
Title: Manager  
Date: 8/30/22

Seller:  
SABINE RIVER AUTHORITY OF TEXAS  
By: [Signature]  
Name: David Montagne  
Title: Executive Vice President & General Manager  
Date: 9/6/22

<sup>1</sup> For Mining/Mining (hydraulic fracturing) Uses only

<sup>2</sup> Rates are per most recent Board of Directors' approved Water Rate Schedule for Short Term Limited Water Use.

**AMENDMENT NO. 1  
TO BRACKISH WATER PURCHASE AND SALE AGREEMENT No. 2021.000905**

This **Amendment No. 1** (“**Amendment**”) effective as of 11 March 2022 (the “**Amendment Effective Date**”) is made by and between CHEVRON U.S.A. INC., a Pennsylvania corporation, through its division Chevron North America Exploration and Production Company, with offices at 1400 Smith Street, Houston, Texas 77002 (“**Chevron**”), and SELECT ENERGY SERVICES, LLC, a Delaware limited liability company, with offices at 1820 N I-35, Gainesville, TX 76241 (“**Seller**”).

**RECITALS**

- A. Company and Contractor have previously entered into that certain Brackish Water Purchase and Sale Agreement No. 2021.000905, dated 1 March 2021 (“**Agreement**”).
- B. Company and Contractor desire to amend certain provisions of the Agreement as set out in this Amendment.
- C. In consideration of the mutual promises set out in the Agreement and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, Company and Contractor agree to be bound by the terms of this Amendment.

**AGREEMENT**

**1. SECTION 6**

Section 6 of the Agreement is deleted in its entirety and is replaced with the following:

6. This Agreement is effective as of the Effective Date and will remain in effect until December 31, 2022. Chevron has the option to renew and extend this Agreement for an additional period, for a duration of six (6) months, following December 31, 2022, which may be exercised by Chevron providing notice to Seller with written notice of its election at least thirty (30) days prior to the end of the then current term.

**2. SECTION 1**

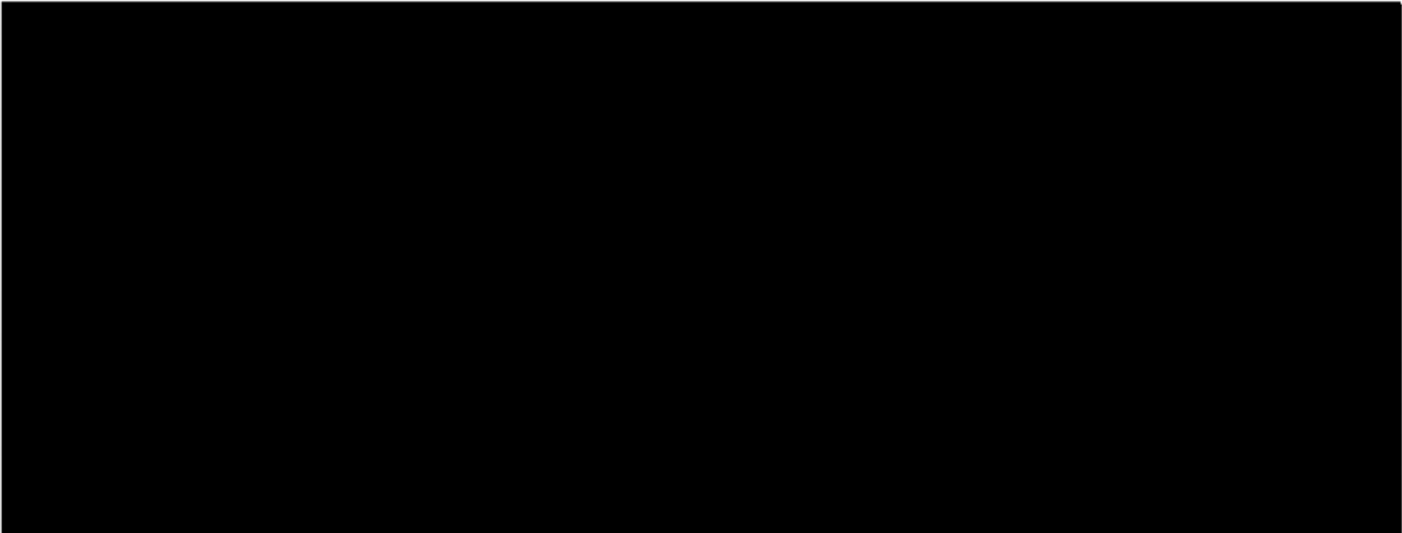
Section 1 of the Agreement is amended in its entirety and is replaced with the following:

- 1. The Water “Delivery Points” will be identified in the water notice that Chevron provides Seller.

**3. SECTION 7 TABLE 1**

Table 1 in Section 7 of the Agreement is amended in its entirety and is replaced with the following:

Water Transfer & Recycling Services performed by Seller will be per the pricebook rates agreed between Chevron and Seller in the Well Services Contract No. CW1517067.



**4. DEFINED TERMS**

Except as otherwise provided in this Amendment, all defined terms as used in this Amendment have the same meaning as set forth in the Agreement.

**5. FULL FORCE AND EFFECT**

The Agreement, as amended by this Amendment, remains in full force and effect.

The Parties have executed this Amendment in duplicate as evidenced by the following signatures of authorized representatives of the Parties:

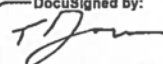
**CHEVRON:**  
**CHEVRON U.S.A. INC., through its division**  
**Chevron North America Exploration and**  
**Production Company**

**SELLER:**  
**SELECT ENERGY SERVICES, LLC**

**Signature:**

DocuSigned by:  
**Andres Berengua**  
C6A2A7AC504F42D...

**Signature:**

DocuSigned by:  
  
C77EE06A1B3043B

**Name:** Andres Berengua

**Name:** Tad Johnson

**Title:** Attorney-in-Fact

**Title:** Contracts Manager