

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Hal E. Bailey, Jr., Project Manager
Water Rights Permitting Team

DATE: August 15, 2023

SUBJECT: Michael Durrett
WRTP 13916
CN604915173, RN111735338
Application No. 13916 for a Temporary Water Use Permit
Texas Water Code § 11.138, Limited Mailed Notice Required
Alligator Creek, Guadalupe River Basin
Gonzales County

The application and fees were received on May 8, 2023. Additional information and fees were received on August 8, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on August 15, 2023. Limited mailed notice to the downstream water right holders of record in the Guadalupe River Basin is required pursuant to Title 30 Texas Administrative Code § 295.154(a).

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

Hal E. Bailey, Jr.

Hal E. Bailey, Jr., 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*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 15, 2023

Mr. Michael Durrett
276 PR 2002
Gonzales, TX 78629

VIA E-MAIL

RE: Michael Durrett
WRTP 13916
CN604915173, RN111735338
Application No. 13916 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Alligator Creek, Guadalupe River Basin
Gonzales County

Dear Mr. Durrett:

This acknowledges receipt, on August 8, 2023, of additional information and fees in the amount of \$17.86 (Receipt No. M319637, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on August 15, 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 e-mail at hal.bailey@tceq.texas.gov or at (512) 239-4615.

Sincerely,

Hal E. Bailey, Jr.

Hal E. Bailey, Jr., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



Basis2 Receipt Report by Endorsement Number

AUG-14-23 02:26 PM

<u>Acct. #:</u>	<u>Account Name:</u>								
<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
PTGE ALLIGATOR CREEK/GAUDALUPE RVR BASIN	M319637		NOTICE FEES EMG-TEMP/EMERG USE PMT DURRETT, MICHAEL/HOLLI N	CK	██████		BS00104543	14-AUG-23	\$17.86

Hal Bailey

From: [REDACTED]
Sent: Tuesday, August 8, 2023 10:25 PM
To: Hal Bailey
Subject: Re: Michael Durrett WRTP 13916 Follow-Up Request for Information
Attachments: tceq map and deed.pdf

1. yes, reservoir was constructed and is currently used solely for domestic and livestock purposes 2. yes, water will be diverted from Alligator Creek 3. yes, coordinates of the diversion point is correct 4. map attached 5. we will use 1/4" perforated suction hoses when diverting water to ensure aquatic organisms will not be affected by the extraction of water 6. deed attached 7. am mailing in check for 17.86

Is this okay to answer these questions by email, or do I need to mail in?

Thank you

On 2023-07-12 11:00 am, Hal Bailey wrote:

> Good morning Mr. Durrett,
>
> As we discussed in our telephone call yesterday, attached is a
> follow-up Request for Information (RFI) letter for application no.
> 13916. Please provide the requested additional
>
> information and fees by COB on 08/10/2023.
>
> If you have any questions regarding the letter, please let me know.
>
> Thank you,
>
> _Hal E. Bailey, Jr._
>
> _Natural Resources Specialist III_
>
> _Water Rights Permitting Team_
>
> _Water Availability Division_
>
> _Texas Commission on Environmental Quality_
>
> _512-239-4615 Hal.Bailey@tceq.texas.gov _

Untitled Map

Write a description for your map.

Legend

 29.373606N, 97.584301W

 29.373606N, 97.584301W

Google Earth



1000 ft



Warranty Deed with Vendor's Lien With Mineral Reservations

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.

Date: September 22 2020

Grantor: Frank A. Vana and Pauline Vana Revocable Living Trust as to 1/2 Interest and Victor Vana as to 1/2 Interest

Grantor's Mailing Address: ~~P.O. Box 867, Elgin, Texas 78821~~ / P.O. Box 927, Manor, Tx

Grantee: Michael Lee Durrett and Holli Nicole Durrett

505 S. Center St., Weimar, Tx
7896

Grantee's Mailing Address: 276 PR 2002, Gonzales, Texas 78629

Consideration:

Cash and other good and valuable consideration along with a note dated September 22, 2020 executed by Grantee and payable to the order of Texas Farm Credit Services, FLCA in the principal amount of \$1,614,300.00 (One Million Six Hundred Fourteen Thousand Three Hundred and 00/100 Dollars). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Texas Farm Credit Services, FLCA and by a first-lien deed of trust dated September 22, 2020 from Grantee to Mark A. Miller, trustee

Property (including any improvements):

BEING ALL THAT CERTAIN TRACT OF 515.155 ACRES OF LAND, MORE OR LESS, LYING AND BEING SITUATED IN GONZALES COUNTY, TEXAS, BEING PART OF THE GEORGE W. BARNETTE LEAGUE, ABSTRACT NO. 110, MORE PARTICULARLY BEING ALL OF TRACT ONE AND ALL OF TRACT TWO IN TRUSTEE'S SPECIAL WARRANTY DEED DATED NOVEMBER 14, 2003, EXECUTED BY MILES CARLTON KING TO FRANKIE VANA, RECORDED IN VOLUME 898, PAGE 336, OF THE OFFICIAL RECORDS OF GONZALES COUNTY, HEREIN CALLED TRACT ONE AND TRACT TWO RESPECTIVELY, INTENDED TO BE DESCRIBED BY METES AND BOUNDS, WITH BEARING BASIS GPS GRID NORTH, AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD SET (ALL IRON RODS SET WITH RED PLASTIC CAP MARKED GONZALES FIRST SHOT SURV) AT THE NORTH CORNER OF SAID TRACT ONE, AND AT AN EAST CORNER OF A 582 ACRE TRACT OF LAND DESCRIBED IN DEED OF GIFT DATED JUNE 7, 2011, EXECUTED BY ELMO A. SAMPLE AND JEANNINE M. SAMPLE TO JOHN A. SAMPLE, ET AL., RECORDED IN

VOLUME 1055, PAGE 771, OF THE OFFICIAL RECORDS OF GONZALES COUNTY, AND IN THE SOUTHWEST LINE OF COUNTY ROAD NO. 119, THE SAME BEING THE NORTHEAST LINE OF SAID GEORGE W. BARNETT LEAGUE, AND THE SOUTHWEST LINE OF THE CLARISSA SHERRILL 1280 ACRE SURVEY, ABSTRACT NO. 432, FOR THE NORTH CORNER OF THIS TRACT OR PARCEL OF LAND HEREBY INTENDED TO BE DESCRIBED;

THENCE SOUTH 40°48' 30" EAST ALONG THE NORTHEAST LINE OF SAID TRACT ONE AND SAID GEORGE W. BARNETT SURVEY, AND THE SOUTHWEST LINE OF SAID COUNTY ROAD NO. 119 AND SAID CLARISSA SHERRILL SURVEY, AT 1993.98 FEET, CROSSING THE EAST CORNER OF SAID TRACT ONE AND THE NORTH CORNER OF SAID TRACT TWO, AND CONTINUING ALONG THE NORTHEAST LINE OF SAID TRACT TWO, AT 2331.19 FEET, CROSSING THE WEST CORNER OF A 47.235 ACRE TRACT OF LAND DESCRIBED AS FIRST: SECOND TRACT IN PARTITION DEED DATED NOVEMBER 17, 1987, EXECUTED BY AND BETWEEN MARY H. DAWE, ET AL., TO THOMAS S. DAWE, RECORDED IN VOLUME 610, PAGE 731, OF THE OFFICIAL RECORDS OF GONZALES COUNTY, AND LEAVING SAID COUNTY ROAD NO. 119 AND CONTINUING ALONG THE SOUTHWEST LINE OF SAID DAWES TRACT, IN ALL A DISTANCE OF 4722.31 FEET TO A 5 /8 INCH IRON ROD FOUND 0.2 FOOT ABOVE GROUND AT THE EAST CORNER OF SAID TRACT TWO, AND A NORTH CORNER OF A 196.253 ACRE TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED DATED FEBRUARY 25, 2005, EXECUTED BY MAYME A. GLEGHORN TO J. B. LESTER, RECORDED IN VOLUME 919, PAGE 540, OF THE OFFICIAL RECORDS OF GONZALES COUNTY, FOR THE EAST CORNER OF THIS TRACT OR PARCEL OF LAND HEREBY INTENDED TO BE DESCRIBED;

THENCE SOUTH 48°52' 16" WEST ALONG THE SOUTHEAST LINE OF SAID TRACT TWO AND A NORTHWEST LINE OF SAID LESTER TRACT, AT 2415.04 FEET, CROSSING A TIPPERARY GATHERING PIPELINE, RECORDED IN VOLUME 474, PAGE 505, OF THE GONZALES COUNTY DEED RECORDS, IN ALL A DISTANCE OF 3065.57 FEET TO A 5/8 INCH IRON ROD FOUND 0.5 FOOT ABOVE GROUND AT THE SOUTH CORNER OF SAID TRACT TWO AND A WEST CORNER OF SAID LESTER TRACT, AND IN THE NORTHEAST LINE OF A 498.27 ACRE TRACT OF LAND DESCRIBED AS THIRD TRACT IN SPECIAL WARRANTY DEED DATED DECEMBER 29, 2011, EXECUTED BY GEORGE GREGORY GRIFFIN, JR. TO JOAN YVONNE GRIFFIN, TRUSTEE, RECORDED IN VOLUME 1074, PAGE 45, OF THE OFFICIAL RECORDS OF GONZALES COUNTY, FOR A SOUTH CORNER OF THIS TRACT OR PARCEL OF LAND HEREBY INTENDED TO BE DESCRIBED;

THENCE NORTH 41°07' 44" WEST 2724.18 FEET ALONG THE SOUTHWEST LINE OF SAID TRACT TWO AND A NORTHEAST LINE OF AID GRIFFIN TRACT, TO A 5 /8 INCH IRON ROD SET AT THE WEST CORNER OF SAID TRACT TWO, AND AT A NORTH

CORNER OF SAID GRIFFIN TRACT, AND IN THE SOUTHEAST LINE OF SAID TRACT ONE, FOR AN INTERIOR CORNER OF THIS TRACT OR PARCEL OF LAND HEREBY INTENDED TO BE DESCRIBED;

THENCE SOUTH 48°52' 16" WEST ALONG THE SOUTHEAST LINE OF SAID TRACT ONE AND A NORTHWEST LINE OF SAID GRIFFIN TRACT, AT 3860.19 FEET, CROSSING A 5/8 INCH IRON ROD FOUND 0.2 FOOT ABOVE GROUND AT A WEST CORNER OF SAID GRIFFIN TRACT, AND AT A NORTH CORNER OF A 1156.587 ACRE TRACT OF LAND DESCRIBED IN DEED DATED JANUARY 9, 1991, EXECUTED BY JERROLD LEE BARNETT TO MRS. JOHN R. BARNETT SR., RECORDED IN VOLUME 778, PAGE 311, OF THE OFFICIAL RECORDS OF GONZALES COUNTY, AND CONTINUING ALONG A NORTHWEST LINE OF SAID BARNETT TRACT, IN ALL A DISTANCE OF 3915.38 FEET TO A 5/8 INCH IRON ROD SET AT THE SOUTH CORNER OF SAID TRACT ONE AND AT AN EAST CORNER OF A 891.15 ACRE TRACT OF LAND DESCRIBED AS THIRD TRACT "HOUSTON RANCH" IN CASH WARRANTY DEED DATED MAY 26, 1993, EXECUTED BY JAMES ROBERT TINSLEY, JR. TO TINSLEY/LAWLEY PARTNERSHIP, LTD, RECORDED IN VOLUME 723, PAGE 158, OF THE OFFICIAL RECORDS OF GONZALES COUNTY, FOR A SOUTH CORNER OF THIS TRACT OR PARCEL OF LAND HEREBY INTENDED TO BE DESCRIBED;

THENCE NORTH 40°55' 48" WEST 2022.40 FEET ALONG THE SOUTHWEST LINE OF SAID TRACT ONE AND A NORTHEAST LINE OF SAID TINSLEY/LAWLEY TRACT, TO A 5/8 INCH IRON ROD SET AT THE WEST CORNER OF SAID TRACT ONE, AND AT A SOUTH CORNER OF SAID SAMPLE TRACT, FOR THE WEST CORNER OF THIS TRACT OR PARCEL OF LAND HEREBY INTENDED TO BE DESCRIBED;

THENCE NORTH 49°04' 12" EAST 7000.40 FEET ALONG THE NORTHWEST LINE OF SAID TRACT ONE AND A SOUTHEAST LINE OF SAID SAMPLE TRACT, TO THE PLACE OF BEGINNING.

Reservations from Conveyance:

SAVE AND EXCEPT, AND THERE IS HEREBY RESERVED TO GRANTOR and Grantor's heirs, successors and assigns, title to 75% of the oil, gas and other minerals in, under and that may be produced or extracted from the Property by whatever method, and any royalty, bonus, delay rental, income, lease payment or payment of any kind under any existing or future agreement or lease covering any party of the Property, and all production and drilling rights, and all rights, privileges and immunities relating thereto. Grantor does not hereby retain any right to use or occupy the surface of the Property for any purpose, including drilling wells, or exploration for, or development, production, transmission or storage of oil, gas or other minerals, nor the right to place any fixtures, equipment, buildings or structures of any kind on the surface of the Property. Grantor does not hereby waive, release or relinquish any right, title or interest to exploit, develop or produce oil, gas or other minerals with wells drilled at surface locations off the Property by directional drilling or any other method that does not require use of the surface

of the Property.

Exceptions to Conveyance and Warranty:

Terms, conditions and stipulations of that certain Oil and Gas Lease dated March 5, 1976, executed by Thomas E. Hinton and wife, Mary C. Hinton, to Tom Frank Worsham, recorded in Volume 414, Page 464 of the Deed Records of Gonzales County, Texas covering subject property for a primary term of 5 year(s).

Easement for pipe line and appurtenance purposes dated November 6, 1980, executed by Thomas E. Hinton and wife, Mary Hinton, to Tipperary Gathering, Ltd., recorded in Volume 474, Page 505, of the Deed Records of Gonzales County, Texas, together with all the terms and provisions thereof.

Terms and conditions evidenced by the recorded Memorandum of Ground Lease Contract and Lease for Ground Water dated August 18, 2006, executed by Frankie Vana and Victor Vana, to Gonzales County Water Supply Corporation, recorded in Volume 949, Page 482, of the Official Records of Gonzales County, Texas, and subject to the terms and conditions of the Ground Lease Contract and Lease for Ground Water referenced therein.

Sanitation Maintenance Agreement dated September 8, 2006, by and between Frankie Vana and Victor Vana, recorded in Volume 950, Page 660, of the Official Records of Gonzales County, Texas, reference to which instrument is hereby made for all purposes. Title to said interest not researched subsequent to the date of aforesaid instrument.

Terms, conditions and stipulations of that certain Oil and Gas Lease dated October 15, 2008, executed by Frankie Vana, to Griffith Land Services, Inc., recorded in Volume 993, Page 304, of the Official Records of Gonzales County, Texas, covering subject property for a primary term of 3 years.

Terms, conditions and stipulations of that certain Oil and Gas Lease dated October 15, 2008, executed by Victor Vana, to Griffith Land Services, Inc., recorded in Volume 993, Page 339, of the Official Records of Gonzales County, Texas, covering subject property for a primary term of 3 years.

Oil and Gas Lease Extension Agreement recorded in Volume 1076, Page 304, of the Official Records of Gonzales County, Texas.

Oil and Gas Lease Extension Agreement recorded in Volume 1076, Page 322, of the Official Records of Gonzales County, Texas.

Unit Designation forming the Tinsley-Vana No. 1H Oil Unit filed for record July 25, 2012, recorded in Volume 1094, Page 521, of the Official Records of Gonzales County, Texas.

Unit Designation forming the Tinsley No. 1H Oil Unit filed for record October 5, 2012, recorded in Volume 1103, Page 382, of the Official Records of Gonzales County, Texas.

Unit Designation forming the Sample-Vana No. 1H Oil Unit filed for record November 5, 2012, recorded in Volume 1106, Page 352, of the Official Records of Gonzales County, Texas.

Production Gathering, Treating and Processing Agreement dated May 3, 2013, by and between HPIP Gonzales Holdings, LLC and Forest Oil Corporation, recorded in Volume 1125, Page 7, of the Official Records of Gonzales County, Texas, reference to which instrument is hereby made for all purposes. Title to said interest not researched subsequent to the date of aforesaid instrument.

Amended Unit Designation of the Tinsley-Vana No. 1H Oil Unit filed for record September 5, 2014, recorded in Volume 1175, Page 388, of the Official Records of Gonzales County, Texas.

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 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 and to hold it to Grantee and Grantee's heirs, successors, and assigns to warranty and forever defend all and singular the Property to Grantee and 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.

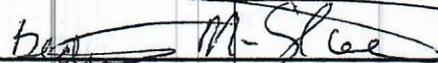
Texas Farm Credit Services, FLCA, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of Texas Farm Credit Services, FLCA without recourse against Grantor.

The Vendor's Lien against and Superior Title to the Property are retained until the Note described is fully paid according to its terms, at which time this Deed will become absolute. The Vendor's Lien and Superior Title herein retained are hereby transferred, assigned, sold, and conveyed to the payee of the Note, and the successors and assigns of the payee.

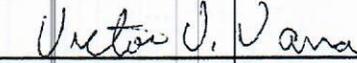
When the context requires, singular nouns and pronouns include the plural.

EXECUTED this 22 day of September, 2020.

Beatrice M. Stoever, Dolores A. Stoever, and Victor V. Vana, Successor Co-Trustees of the Frank A. Vana and Pauline Vana Revocable Living Trust dated September 14, 1998, and any amendments thereto

By: 
Beatrice M. Stoever, Successor Co-Trustee

By: 
Dolores A. Stoever, Successor Co-Trustee

By: 
Victor V. Vana, individually and as Successor Co-Trustee

Hal Bailey

From: Hal Bailey
Sent: Wednesday, July 12, 2023 11:01 AM
To: [REDACTED]
Cc: Chris Kozlowski; Humberto Galvan
Subject: Michael Durrett WRTP 13916 Follow-Up Request for Information
Attachments: Michael_Durrett_13916_Follow-Up_RFI_Sent_07.12.2023.pdf

Good morning Mr. Durrett,

As we discussed in our telephone call yesterday, attached is a follow-up Request for Information (RFI) letter for application no. 13916. Please provide the requested additional information and fees by COB on 08/10/2023.

If you have any questions regarding the letter, please let me know.

Thank you,

Hal E. Bailey, Jr.
Natural Resources Specialist III
Water Rights Permitting Team
Water Availability Division
Texas Commission on Environmental Quality
512-239-4615 Hal.Bailey@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

July 12, 2023

Mr. Michael Durrett
276 PR 2002
Gonzales, TX 78629

VIA E-MAIL

RE: Michael Durrett
WRTP 13916
CN604915173, RN111735338
Application No. 13916 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Alligator Creek, Guadalupe River Basin
Gonzales County

Dear Mr. Durrett:

This is a follow-up to our previous letter dated June 8, 2023 (copy attached) requesting additional information for the referenced application. To date, a response has not been received.

Please submit the information requested by **August 10, 2023**, or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact me via email at hal.bailey@tceq.texas.gov or by telephone at (512) 239-4615.

Sincerely,

Hal E. Bailey, Jr.

Hal E. Bailey, Jr., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment

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

June 8, 2023

Mr. Michael Durrett
276 PR 2002
Gonzales, TX 78629

VIA E-MAIL

RE: Michael Durrett
WRTP 13916
CN604915173, RN111735338
Application No. 13916 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Alligator Creek, Guadalupe River Basin
Gonzales County

Dear Mr. Durrett:

This acknowledges receipt, on May 8, 2023, of the referenced application and fees in the amount of \$351.25 (Receipt No. M316507, copy attached).

A temporary permit may only be issued if there is surplus water available for use on a short-term (temporary or ephemeral) basis in the source supply. During low flow conditions, which occur during a drought or periods of limited rainfall, all water in the basin will be required for existing senior water rights and there is no presumption of any surplus flows.

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

1. Confirm that the reservoir was constructed and is currently used solely for domestic and livestock purposes.
2. Confirm water will be diverted from Alligator Creek, tributary of Sugar Creek, tributary of Salty Creek, tributary of Five Mile Creek, tributary of Sandies Creek, tributary of the Guadalupe River, Guadalupe River Basin.
3. Confirm the coordinates of the diversion point. Staff has calculated the coordinates of the diversion point to be Latitude 29.373606 °N and Longitude 97.584301 °W.
4. Provide a USGS 7.5-minute topographic map (or equivalent) with the location of the diversion point clearly marked.
5. 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). Refer to pages 28-29 from the *Instructions for Completing the Water Right Permitting Application* (Form TCEQ-10214A-inst) for assistance in developing your response.

Mr. Michael Durrett
Application No. 13916
June 8, 2023
Page 2 of 2

6. Provide recorded copies of legal documents establishing ownership of the proposed diversion point or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion point, pursuant to Title 30 Texas Administrative Code (TAC) § 295.10.
7. Remit fees in the amount of \$17.86 as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (Greater than 10 acre-feet)	\$ 250.00
Recording Fee (\$1.25 x 1 page)	\$ 1.25
Use Fee (\$1.00 x 100 acre-feet)	\$ 100.00
Notice Fee (\$0.94 x 19 WR Holders)	\$ 17.86
<hr/>	
Total Fees	\$ 369.11
Fees Received	\$ 351.25
<hr/>	
Fees Due	\$ 17.86

Please provide the requested information and fees by July 10, 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 hal.bailey@tceq.texas.gov or by telephone at (512) 239-4615.

Sincerely,

Hal E. Bailey, Jr.

Hal E. Bailey, Jr., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



Basis2 Receipt Report by Endorsement Number

MAY-15-23 08:06 AM

Acct. #: EMG

Account Name: TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE

<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amt.</u>
MICHAEL DURRETT POND/GUADALUPE RIVER	M316507		DURRETT, MICHAEL/HOLLI N	CK	████		BS00102985	12-MAY-23	\$351.25

**Texas Commission on Environmental Quality
TELEPHONE MEMO TO THE FILE**

Call to: Michael Durrett	Call from: Hal E. Bailey, Jr.
Date: July 11, 2023	Project No: WRTP 13916

Information for File follows:

I telephoned Mr. Durrett to follow up on the RFI emailed to him on 06/08/2023. Due date to provide additional information was 07/10/2023, and to date no response has been received. I left him a voicemail message requesting a return phone call. (9:22 AM)

Mr. Durrett returned my call and stated that he is working on getting the information together and would send it as soon as possible. (1:35 PM) I informed him that we will be sending him a follow-up RFI letter.

Signed: *Hal E. Bailey, Jr.*

Hal Bailey

From: [REDACTED]
Sent: Tuesday, July 11, 2023 12:52 PM
To: Hal Bailey
Subject: Re: Michael Durrett WRTP 13916 Request for Information

Sorry this email slipped by us. Yes, we will get that info to you asap.

Thanks,
Holli Durrett

On 2023-06-08 10:24 am, Hal Bailey wrote:

> Good morning Mr. Durrett,
>
> Attached is a Request for Information (RFI) letter for application no.
> 13916. Please provide the requested additional information and fees
> by COB on 07/10/2023.
>
> If you have any questions regarding the letter, please let me know.
>
> Thank you,
>
> _Hal E. Bailey, Jr._
>
> _Natural Resources Specialist III_
>
> _Water Rights Permitting Team_
>
> _Water Availability Division_
>
> _Texas Commission on Environmental Quality_
>
> _512-239-4615 __Hal.Bailey@tceq.texas.gov__ _

Hal Bailey

From: Hal Bailey
Sent: Thursday, June 8, 2023 10:24 AM
To: [REDACTED]
Subject: Michael Durrett WRTP 13916 Request for Information
Attachments: Michael_Durrett_13916_RFI_Sent_06.08.2023.pdf

Good morning Mr. Durrett,

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Thank you,

*Hal E. Bailey, Jr.
Natural Resources Specialist III
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512-239-4615 Hal.Bailey@tceq.texas.gov*

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2. Confirm water will be diverted from Alligator Creek, tributary of Sugar Creek, tributary of Salty Creek, tributary of Five Mile Creek, tributary of Sandies Creek, tributary of the Guadalupe River, Guadalupe River Basin.
3. Confirm the coordinates of the diversion point. Staff has calculated the coordinates of the diversion point to be Latitude 29.373606 °N and Longitude 97.584301 °W.
4. Provide a USGS 7.5-minute topographic map (or equivalent) with the location of the diversion point clearly marked.
5. 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). Refer to pages 28-29 from the *Instructions for Completing the Water Right Permitting Application* (Form TCEQ-10214A-inst) for assistance in developing your response.

Mr. Michael Durrett
Application No. 13916
June 8, 2023
Page 2 of 2

6. Provide recorded copies of legal documents establishing ownership of the proposed diversion point or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion point, pursuant to Title 30 Texas Administrative Code (TAC) § 295.10.
7. Remit fees in the amount of \$17.86 as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (Greater than 10 acre-feet)	\$ 250.00
Recording Fee (\$1.25 x 1 page)	\$ 1.25
Use Fee (\$1.00 x 100 acre-feet)	\$ 100.00
Notice Fee (\$0.94 x 19 WR Holders)	\$ 17.86
<hr/>	
Total Fees	\$ 369.11
Fees Received	\$ 351.25
<hr/>	
Fees Due	\$ 17.86

Please provide the requested information and fees by July 10, 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 hal.bailey@tceq.texas.gov or by telephone at (512) 239-4615.

Sincerely,

Hal E. Bailey, Jr.

Hal E. Bailey, Jr., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



Basis2 Receipt Report by Endorsement Number

MAY-15-23 08:06 AM

Acct. #: EMG

Account Name: TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE

<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
MICHAEL DURRETT POND/GUADALUPE RIVER	M316507		DURRETT, MICHAEL/HOLLI N	CK	████		BS00102985	12-MAY-23	\$351.25

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087 MC-160, Austin, Texas 78711-3087
Telephone (512) 239-4600, FAX (512) 239-4770

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

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

Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol.

- 1. Data on Applicant and Project: Social Security or Federal ID No.
A. Name: MICHAEL DURRETT
B. Mailing Address: 276 PR 2002 GONZALES TX 78629
C. Telephone Number: 830-857-4442 Fax Number: E-mail Address:
D. Applicant owes fees or penalties? Yes No
E. Describe Use of Water: SALE FOR MINING PURPOSES
F. Description of Project (TDH Project No. if applicable)
G. Highway Designation No. HWY 97 County GONZALES TX

- 2. Type of Diversion (check one): From Stream From Reservoir
3. Rate of Diversion:
A. Maximum 1800 gpm (capacity of pump)

- 4. Amount and Source of Water:
100 acre-feet of water within a period of 1 YEAR (specify term period not to exceed a three year term). The water is to be obtained from MICHAEL DURRETT POND, tributary of GUADALUPE RIVER Basin.

- 5. Location of Diversion Point: Provide Latitude and Longitude in decimal degrees to at least six decimal places, and indicate the method used to calculate the diversion point location.
At Latitude 29.373868° N, Longitude -97.584345° W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) 97 (R-O-W) (Highway), located in Zip Code 78629, located 12.5 miles in a SW direction from GONZALES TX (County Seat), GONZALES County, and 1.15 miles in a W direction from WRIGHTSBORO, a nearby town shown on County road map. Note: Distance in straight line miles.

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

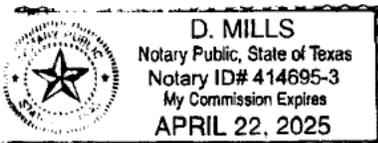
- 6. Access to Diversion Point (check one): Public right-of-way Private property Other (Explain)
7. Fees Enclosed: Filing Recording Use (\$1.00 per ac-ft or fraction thereof) Total
10 ac-ft or less greater than 10 ac-ft

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

Name (sign)

MICHAEL DURRETT
Name (print)

Subscribed and sworn to me as being true and correct before me this 17th day of April, 2023



Name (print)
Notary Public, State of Texas

RECEIVED

MAY 08 2023

Water Availability Division