

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: May 10, 2022

SUBJECT: IEA Constructors, LLC
WRTP 13826
CN601095144, RN111420352
Application No. 13826 for a Temporary Water Use Permit
Texas Water Code § 11.138, Limited Mailed Notice Required
Keller Creek, Colorado-Lavaca Coastal Basin
Calhoun County

The application and fees were received on January 28, 2022. Additional information was received on April 4, April 6, and April 27, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 10, 2022. Limited mailed notice to the downstream water right holders of record in the Colorado-Lavaca Coastal Basin is required pursuant to Title 30 Texas Administrative Code § 295.154; however, there are no downstream water right holders.

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*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 10, 2022

Mr. Joao Domingos, Project Manager
IEA Constructors, LLC
6325 Digital Way, Suite 460
Indianapolis, Indiana 46278

VIA E-MAIL

RE: IEA Constructors, LLC
WRTP 13826
CN601095144, RN111420352
Application No. 13826 for a Temporary Water Use Permit
Texas Water Code § 11.138, Limited Mailed Notice Required
Keller Creek, Colorado-Lavaca Coastal Basin
Calhoun County

Dear Mr. Domingos:

This acknowledges receipt, on April 6, and 27, 2022, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on May 10, 2022. Staff will continue processing the application for consideration by the Executive Director.

Please be advised that additional information may be requested during the technical review phase of the application process.

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

Sincerely,

A handwritten signature in cursive script that reads "Hal E. Bailey, Jr.".

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

Hal Bailey

From: Domingos, Joao <[REDACTED]>
Sent: Wednesday, April 27, 2022 2:54 PM
To: Hal Bailey
Cc: Chris Kozlowski; Behringer, Mike
Subject: RE: IEA Constructors, LLC Application No. 13826 RFI#2
Attachments: 2 Year Water Permit Form - Joao Domingos.pdf

Hal,

Please see attached is the revision per our conversation this morning. Let me if you have any questions.

Thanks,

Joao "JD" Domingos

Infrastructure and Energy Alternatives, Inc.
Project Manager
Cell: 765-828-1168



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087 MC-160, Austin, Texas 78711-3087

Telephone (512) 239-4600, FAX (512) 239-4770

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

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

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

- 1. Data on Applicant and Project: Social Security or Federal ID No. [redacted]
A. Name: IEA Constructors (Joao Domingos; Project Manager)
B. Mailing Address: 6325 Digital Way Suite 460, Indianapolis, IN 46278
C. Telephone Number: 765-828-1168 Fax Number: E-mail Address: [redacted]
D. Applicant owes fees or penalties? Yes No
E. Describe Use of Water: Dust Control & Fire Protection
F. Description of Project (TDH Project No. if applicable): Tres Bahias Solar
G. Highway Designation No. FM2143 County Calhoun

- 2. Type of Diversion (check one): From Stream From Reservoir
3. Rate of Diversion: A. Maximum 500 gpm (capacity of pump)

- 4. Amount and Source of Water: 8 acre-feet of water within a period of 2 Years (specify term period not to exceed a three year term). The water is to be obtained from Keller Creek, tributary of Keller Bay, tributary of Gulf of Mexico, tributary of Guadalupe, Lavaca-Guadalupe Coastal 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 28^41'16.212 N, Longitude 96^29'0.606 W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) East (R-O-W) (Highway), located in Zip Code 77979, located 3.5 miles in a E direction from SR35 Port Lavaca (County Seat), Calhoun County, and 7 miles in a S direction from Port Comfort, Texas, a nearby town shown on County road map. Note: Distance in straight line miles.

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

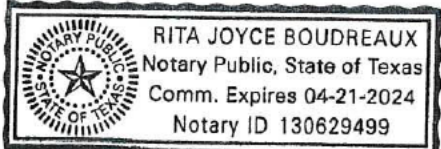
- 6. Access to Diversion Point (check one): Public right-of-way Private property Other (Explain)
7. Fees Enclosed: Filing Recording Use (\$1.00 per ac-ft or fraction thereof) Total
10 ac-ft or less greater than 10 ac-ft

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.

[Signature]
Name (sign)

Joao Domingos
Name (print)

Subscribed and sworn to me as being true and correct before me this 27th day of April, 2022



[Signature]
Notary Public, State of Texas



IEA Constructors, Inc.
2647 Waterfront Parkway East Drive
Suite 150 Indianapolis, IN 46214

AFFIDAVIT

TCEQ

To whom it may concern,

I, Brian P. Alfredson, president of IEA Constructors, LLC, hereby inform that Joao Domingos, project manager at Tres Bahias Solar project is allowed to sign the Temporary Water Permit application form submitted to TCEQ.

Sincerely

A handwritten signature in blue ink that reads "B. P. Alfredson".

Brian P. Alfredson, PE - President

IEA CONSTRUCTORS, LLC

Hal Bailey

From: Hal Bailey
Sent: Wednesday, April 27, 2022 9:46 AM
To: Domingos, Joao
Cc: Chris Kozlowski
Subject: RE: IEA Constructors, LLC Application No. 13826 RFI#2
Attachments: 10202.pdf

Good morning JD,

AS requested, attached is an electronic copy of the temporary water use permit application.

Please let me know if you need anything else.

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*

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:
B. Mailing Address:
C. Telephone Number: Fax Number: E-mail Address:
D. Applicant owes fees or penalties? Yes No
If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:
E. Describe Use of Water
F. Description of Project (TDH Project No. if applicable)
G. Highway Designation No. County

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

- 4. Amount and Source of Water:
acre-feet of water within a period of (specify term period not to exceed a three year term). The water is to be obtained from, tributary of, tributary of, tributary of, 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 N, Longitude W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) (R-O-W) (Highway), located in Zip Code, 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 Other (Explain)
7. Fees Enclosed: Filing Recording Use Total
10 ac-ft or less greater than 10 ac-ft
\$ 100.00 \$ 250.00
\$ 1.25 \$ 1.25
\$ \$
\$ \$
(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.

Name (sign) Name (print)

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

Notary Public, State of Texas

Hal Bailey

From: Hal Bailey
Sent: Tuesday, April 26, 2022 12:06 PM
To: Domingos, Joao
Cc: Chris Kozlowski
Subject: IEA Constructors, LLC Application No. 13826 RFI#2
Attachments: IEA_Constructors_LLC_13826_RFI#2_Sent_04.26.2022.pdf

Good afternoon Mr. Domingos,

Attached is a second Request for Information (RFI) letter for IEA Constructors, LLC., application no. 13826.

Please provide a response by COB on 05/26/2022.

Should you have any questions, or if you need additional time to respond, 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*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 26, 2022

Mr. Joao Domingos, Project Manager
IEA Constructors, LLC
6325 Digital Way, Suite 460
Indianapolis, Indiana 46278

VIA E-MAIL

RE: IEA Constructors, LLC
WRTP 13826
CN601095144, RN111420352
Application No. 13826 for a Temporary Water Use Permit
Texas Water Code § 11.138, Limited Mailed Notice Required
Keller Creek, Colorado-Lavaca Coastal Basin
Calhoun County

Dear Mr. Domingos:

This acknowledges receipt, on April 4, 2022, of additional information.

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

1. Provide an updated application, signed by Brian P. Alfredson. Please include updated an contact phone number and email address on the application.
2. Provide written evidence that Brian P. Alfredson is authorized to sign the application for IEA Constructors, LLC, 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 by-laws, 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 provide the requested information by May 26, 2022, 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,

A handwritten signature in cursive script that reads "Hal E. Bailey, Jr.".

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

Hal Bailey

From: Domingos, Joao <[REDACTED]>
Sent: Wednesday, April 6, 2022 12:06 PM
To: Hal Bailey
Subject: RE: IEA Constructors, LLC WRTP 13826 Application Contact

Hal,

I will be the point of contact going forward.

Thanks,

Joao "JD" Domingos

Infrastructure and Energy Alternatives, Inc.
Project Manager
Cell: 765-828-1168



From: Hal Bailey <Hal.Bailey@tceq.texas.gov>
Sent: Wednesday, April 6, 2022 9:49 AM
To: Domingos, Joao <[REDACTED]>
Subject: IEA Constructors, LLC WRTP 13826 Application Contact

EXTERNAL EMAIL

Good morning JD,

Are you going to be the point of contact for this application going forward, or do you still want to keep Mike Behringer as the application contact? I'm going to be sending you a second RFI letter soon.

Thanks,

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: Domingos, Joao <[REDACTED]>
Sent: Monday, April 4, 2022 2:44 PM
To: Hal Bailey
Subject: RE: TCEQ South Texas Watermaster Contact Information
Attachments: IEA_Constructors_LLC_13829_RFI_Sent_03.22.2022.pdf

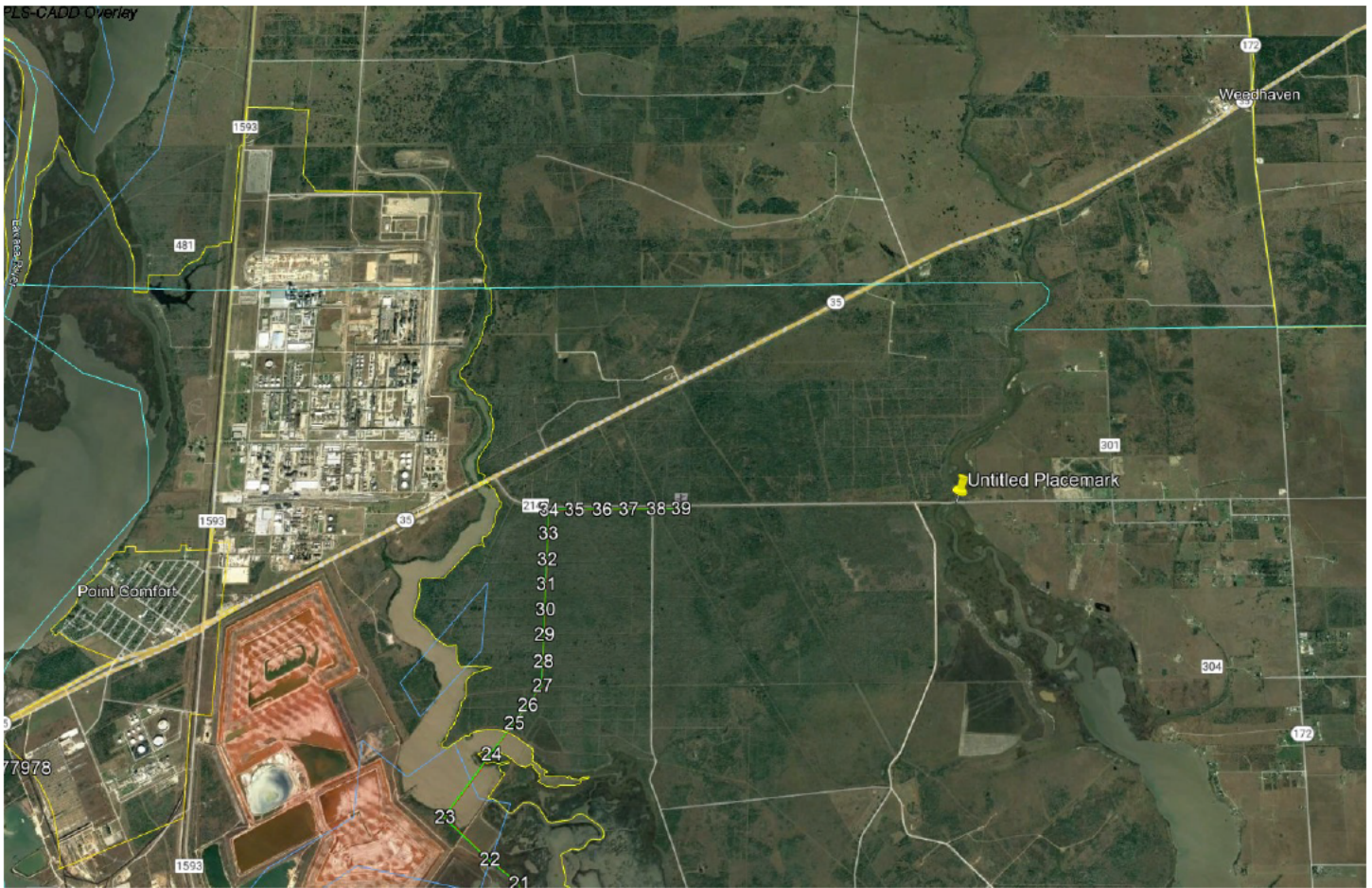
Hal,

Don't know, if we should respond to the formal document, you sent but below in [blue](#) are our responses. Let me know if you have any questions.

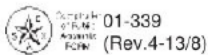
1. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). Refer to pages 28-29 from the *Instructions for Completing the Water Right Permitting Application* (Form TCEQ-10214A-inst) for assistance in developing your response. – [Use Pump intake filters](#)



2. Provide a USGS 7.5-minute topographic map (or equivalent) with the location of the diversion point clearly marked. [Will a snapshot from Google Earth with a dropped pin work?](#)



3. Confirm the location of the diversion point. The latitude and longitude provided in the application do not plot on the stream. Staff has calculated the coordinates of the diversion point provided to be **Latitude 28.687837° N and Longitude 96.483502° W**. I confirmed that location Google Earth.
4. Confirm that the application is located in the Colorado-Lavaca Coastal Basin. From what I could gather from www.twdb.texas.gov, Keller Bay is a part of this basin.
5. Confirm the applicant's legal name is IEA Constructors, LLC, as filed with the Texas – The Texas Tax number below would confirm it



Texas Sales and Use Tax Resale Certificate

Name of purchaser, firm or agency as shown on permit

IEA Constructors, LLC

Address (Street & number, P.O. Box or Route number)

6325 Digital Way Suite 460

City, State, ZIP code

Indianapolis, IN 46278

Texas Sales and Use Tax Permit Number (must contain 11 digits)



Secretary of State. Staff notes the application names IEA Constructors as the applicant. [IEA Constructors, LLC is correct.](#)

6. Provide written evidence that Mr. Mike Behringer is authorized to sign the application for IEA Constructors, LLC, 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 by-laws, 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. – No, he is not. [Brian P. Alfredson PE is the authorized signer for IEA Constructors](#)

thanks,

Joao "JD" Domingos

Infrastructure and Energy Alternatives, Inc.
Project Manager
Cell: 765-828-1168



Hal Bailey

From: Domingos, Joao [REDACTED] >
Sent: Monday, April 4, 2022 9:11 AM
To: Hal Bailey
Subject: RE: TCEQ South Texas Watermaster Contact Information

Thanks.

Joao "JD" Domingos

Infrastructure and Energy Alternatives, Inc.
Project Manager
Cell: 765-828-1168



From: Hal Bailey <Hal.Bailey@tceq.texas.gov>
Sent: Monday, April 4, 2022 8:39 AM
To: Domingos, Joao <[REDACTED]>
Subject: RE: TCEQ South Texas Watermaster Contact Information

EXTERNAL EMAIL

Mr. Domingos,

FYI, you cannot apply for 2 temporary permits with the same diversion point location, and you will need to let the Watermaster staff know that IEA currently has an application in-house with Permitting in Austin. If you have any questions, please contact the South Texas Watermaster for assistance. I will be the contact for application no. 13826.

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

From: Domingos, Joao <[REDACTED]>
Sent: Saturday, April 2, 2022 10:00 AM

To: Hal Bailey <Hal.Bailey@tceq.texas.gov>
Subject: Re: TCEQ South Texas Watermaster Contact Information

Hal,

I received the file and will file it on Monday.

Appreciated,

Joao "JD" Domingos
Infrastructure and Energy Alternatives, Inc.
Project Manager
C: 765-828-1168

From: Hal Bailey <Hal.Bailey@tceq.texas.gov>
Sent: Friday, April 1, 2022 4:55:35 PM
To: Domingos, Joao [REDACTED] >
Subject: TCEQ South Texas Watermaster Contact Information

EXTERNAL EMAIL

Good afternoon Mr. Domingos,

I have included a link to the TCEQ South Texas Watermaster web page: [South Texas Watermaster Program - Texas Commission on Environmental Quality - www.tceq.texas.gov](https://www.tceq.texas.gov/south-texas-watermaster-program).

I have also attached a copy of the application form for a Temporary Water Use Permit for up to 10 acre-feet of water and up to one calendar year.

If you have any questions regarding temporary permits issued by the Watermaster, please contact them directly.

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: Tuesday, March 22, 2022 12:22 PM
To: [REDACTED]
Cc: Chris Kozlowski
Subject: IEA Constructors, LLC Application No. 13826 RFI
Attachments: IEA_Constructors_LLC_13829_RFI_Sent_03.22.2022.pdf

Good afternoon Mr. Behringer,

Attached is a Request for Information (RFI) letter for IEA Constructors, LLC., application no. 13826.

Please provide a response by COB on 04/21/2022.

Should you have any questions, or if you need additional time to respond, 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*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 22, 2022

Mr. Mike Behringer, Project Manager
IEA Constructors, LLC
6325 Digital Way, Suite 460
Indianapolis, Indiana 46278

VIA E-MAIL

RE: IEA Constructors, LLC
WRTP 13826
CN601095144, RN111420352
Application No. 13826 for a Temporary Water Use Permit
Texas Water Code § 11.138, Limited Mailed Notice Required
Keller Creek, Colorado-Lavaca Coastal Basin
Calhoun County

Dear Mr. Behringer:

This acknowledges receipt, on January 28, 2022, of the referenced application and fees in the amount of \$109.25 (Receipt No. M211267, 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 is required before the application can be declared administratively complete.

1. 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.
2. Provide a USGS 7.5-minute topographic map (or equivalent) with the location of the diversion point clearly marked.
3. Confirm the location of the diversion point. The latitude and longitude provided in the application do not plot on the stream. Staff has calculated the coordinates of the diversion point provided to be Latitude 28.687837° N and Longitude 96.483502° W.
4. Confirm that the application is located in the Colorado-Lavaca Coastal Basin.
5. Confirm the applicant's legal name is IEA Constructors, LLC, as filed with the Texas Secretary of State. Staff notes the application names IEA Constructors as the applicant.

Mr. Mike Behringer
Application No. 13826
March 22, 2022
Page 2 of 2

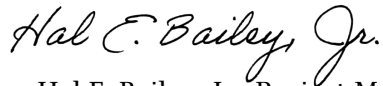
6. Provide written evidence that Mr. Mike Behringer is authorized to sign the application for IEA Constructors, LLC, pursuant to Title 30 Texas Administrative Code (TAC) § 295.14(5), which states:

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 by-laws, 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 provide the requested information by April 21, 2022, 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., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



Basis2 - Receipt History Report

14-FEB-22 01:09 PM

| <u>Bank Slip#</u> | <u>Slip Status</u> | | | | | <u>USAS Proj #</u> | <u>Paid For</u> | <u>Orig Tran Amnt</u> |
|-------------------|--|------------------|------------------|-----------------------|---------------------|----------------------|-----------------------|----------------------------|
| <u>Document#</u> | <u>Site Code</u> | <u>Tran.Date</u> | <u>Tran.Code</u> | <u>Created By</u> | <u>Endorse #</u> | <u>Permit/Proj #</u> | <u>Vendor #</u> | <u>Corrected?</u> |
| <u>Fee Code</u> | <u>Account Name</u> | | <u>Account #</u> | <u>Paid In By</u> | <u>Endorse.Date</u> | <u>Check Number</u> | <u>Pay Type</u> | <u>Corrected Tran Amnt</u> |
| BS00092346 | Closed | | | | | | KELLER | -\$109.25 |
| D2801803 | RS | 01-FEB-22 | N | | M211267 | | CRK/KELLER | |
| EMG | TEMPORARY/EME RGENCY WTR USE PERMIT ISSUE | | EMG | BEHRINGER, MICHAEL | 020122 | 5311 | BAY/GULF OF MEXICO | -\$109.25 |
| | | | | | | | CK | |
| | | | | | | | Grand Total: | -\$109.25 |

Hal Bailey

From: Hal Bailey
Sent: Monday, February 14, 2022 5:05 PM
To: [REDACTED]
Cc: Iliana Spaeth
Subject: South Texas Watermaster Contact Information

Good afternoon Mr. Behringer,

Attached is a link to the TCEQ South Texas Watermaster web page. Their contact information is listed at the bottom of the page.

Iliana Spaeth is the South Texas Watermaster. I am copying her on this email.

https://www.tceq.texas.gov/permitting/water_rights/wmaster/stwr/southtexas.html

If, after speaking with Watermaster staff, you decide to withdraw your current application, please reply to either this email or the previous one with a statement to that effect. Feel free to reach out to me if you have any further questions.

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: Monday, February 7, 2022 1:26 PM
To: [REDACTED]
Subject: TCEQ Temporary Water Use Permit Application No. 13826

Good afternoon Mr. Behringer,

I just wanted to follow up on our phone conversation from last Thursday. Have you had a chance to reach out to the TCEQ South Texas Watermaster's Office? If so, how would you like to proceed? If you intend to obtain authorization from them and are no longer in need of application no. 13826, please reply with an email requesting to withdraw the application. If you'd like for us to continue processing the current application, please let me know that as well. If you have any questions, feel free to give me a call.

Best Regards,

*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*

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

| | |
|---|--|
| Call to: Mike Behringer IEA Constructors, LLC | Call from: TCEQ Staff Hal Bailey, Jr. |
| Date: 02/03/2022 | Project No: WRTP 13826 |

Information for File follows:

I telephoned Mr. Behringer to confirm that he wanted a temporary permit authorizing a total of 8 acre-feet of water over a period of 2 years. He said he did, but he needs the water in a few weeks' time. I advised him that he could obtain a temporary permit from the South Texas Watermaster sooner than if he continued with his current application, but it would only authorize water for a diversion period of up to one calendar year. I asked him to withdraw the current application if he decided to apply through the South Texas Watermaster's Office.

Signed: *Hal E. Bailey, Jr.*

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

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

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

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

1. **Data on Applicant and Project:** Social Security or Federal ID No. [REDACTED]
- A. Name: IEA Constructors (Mike Behringer, Project Manager)
- B. Mailing Address: 6325 Digital Way Suite 460 Indianapolis, IN 46278
- C. Telephone Number: 812-249-5995 Fax Number: _____ E-mail Address: [REDACTED]
- D. Applicant owes fees or penalties? Yes No
If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:

- E. Describe Use of Water: Dust Control & Fire Protection
- F. Description of Project (TDH Project No. if applicable) Tres Bahias Solar
- G. Highway Designation No. FM 2143 County Calhoun

2. **Type of Diversion (check one):** From Stream From Reservoir
3. **Rate of Diversion:**
A. Maximum 500 gpm
(capacity of pump)

4. **Amount and Source of Water:**
8 acre-feet of water within a period of 2 years (specify term period not to exceed a three year term). The water is to be obtained from Keller Creek, tributary of Keller Bay, tributary of Gulf of Mexico, tributary of _____ 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 28^41'16.212" °N, Longitude 96^29'0.606" °W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) East (R-O-W) (Highway), located in Zip Code 77979, located 3.5 miles in a E direction from SR35 Port Lavaca (County Seat), Calhoun County, and 7 miles in a S direction from Point Comfort, Texas, a nearby town shown on County road map. Note: Distance in straight line miles.

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

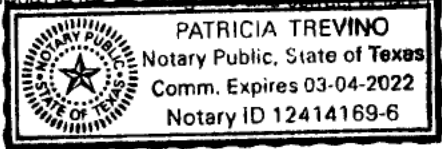
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|--|--|--|--|
| 6. Access to Diversion Point (check one): | | 7. Fees Enclosed: | |
| <input checked="" type="checkbox"/> Public right-of-way | | Filing | 10 ac-ft or less \$ 100.00 greater than 10 ac-ft \$ 250.00 |
| <input type="checkbox"/> Private property (A letter of permission from landowner is attached) | | Recording..... | \$ 1.25 \$ 1.25 |
| <input type="checkbox"/> Other (Explain) | | Use (\$1.00 per ac-ft or fraction thereof) | \$ 8.00 \$ _____ |
| | | (Note: 1 ac-ft = 325,851 gals. Total) | \$ _____ \$ _____ |
| | | 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.

Mike Behringer
Name (sign)

Mike Behringer
Name (print)

Subscribed and sworn to me as being true and correct on this 25th day of January, 2022



Patricia Trevino
Notary Public, State of Texas

RECEIVED
JAN 28 2022
Water Availability Division