

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION FOR A TEMPORARY WATER USE PERMIT

APPLICATION NO. 13923

Cattlemen Solar Park II LLC seeks a temporary water use permit to divert and use not to exceed 19.25 acre-feet of water, within a period of 19 months, from a point on an unnamed tributary of the Brazos River, Brazos River Basin, at a maximum diversion rate of 2.67 cfs (1,200 gpm), for industrial purposes in Milam County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Cattlemen Solar Park II LLC, Applicant, P.O. Box 3827, Houston, TX 77253-3827, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Temporary Water Use Permit pursuant to Texas Water Code § 11.138 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Notice is being mailed to the downstream water right holders of record in the Brazos River Basin pursuant to Title 30 TAC § 295.154(a).

Cattlemen Solar Park II LLC seeks a temporary water use permit to divert and use not to exceed 19.25 acre-feet of water, within a period of 19 months, from a point on an unnamed tributary of the Brazos River, Brazos River Basin, at a maximum diversion rate of 2.67 cfs (1,200 gpm), for industrial purposes in Milam County.

The water will be diverted from a point located at Latitude 31.091069° N, Longitude 96.827983° W in Milam County, ZIP Code 76570.

The application was received on June 14, 2023, and partial fees were received on June 28, 2023. Additional information was received March 22, 2024, April 17, 2024, April 18, 2024, June 13, 2024, July 8, 2024, and July 17, 2024. Additional fees were received on July 15, 2024. The application was declared administratively complete and filed with the Office of the Chief Clerk on July 29, 2024.

The Executive Director 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 streamflow restrictions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: at

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 the Chief Clerk, at the address provided in the information section below, by February 4, 2025. 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 February 4, 2025. The Executive Director may approve the application unless a written request for a contested case hearing is filed by February 4, 2025.

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 WRTTP 13923 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. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>

Issued: January 17, 2025

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TEMPORARY WATER USE PERMIT

PERMIT NO. 13923

TYPE § 11.138

Permittee: Cattlemen Solar Park II LLC

Address: P.O. Box 3827
Houston, TX 77253-3827

Received: June 14, 2023

Granted:

Watercourse: Unnamed tributary of the Brazos
River

County: Milam

Watershed: Brazos 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. Sufficient water is available at the proposed diversion point to satisfy the requested diversion and use of not to exceed 19.25 acre-feet of water, within a period of 19 months, from an unnamed tributary of the Brazos River, Brazos River Basin, for industrial purposes in Milam County.
3. The water will be diverted at a maximum diversion rate of 2.67 cfs (1,200 gpm) from a point located at Latitude 31.091069' N, Longitude 96.827983' W in Milam County.
4. Notice of this application was mailed to the downstream water right holders of record in the Brazos River Basin.

CONCLUSIONS OF LAW

- A. Jurisdiction is vested to consider this application under Texas Water Code § 11.138 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. 13923 is issued to Cattlemen Solar Park II LLC, subject to the following terms and conditions:

1. USE

Permittee is authorized to divert and use not to exceed 19.25 acre-feet of water, within a period of 19 months, from an unnamed tributary of the Brazos River, Brazos River Basin, for industrial purposes in Milam County.

2. DIVERSION

Permittee is authorized to divert:

A. From a point on an unnamed tributary of the Brazos River located at Latitude 31.091069° N, Longitude 96.827983° W in Milam County.

B. At a maximum diversion rate of 2.67 cfs (1,200 gpm).

3. 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 on any diversion structure.

B. Diversions shall be restricted based on the following streamflows at USGS Gage No. 08108700 - Brazos River at SH 21 near Bryan, TX, as set forth in Paragraphs 3.C. - 3.G.

Season	Subsistence	Hydrologic Condition	Base
Winter	300 cfs	Dry	540 cfs
		Average	860 cfs
		Wet	1,760 cfs
Spring	300 cfs	Dry	710 cfs
		Average	1,260 cfs
		Wet	2,460 cfs
Summer	300 cfs	Dry	630 cfs
		Average	920 cfs
		Wet	1,470 cfs

cfs = cubic feet per second

C. Seasons are defined as follows: Winter (November through February), Spring (March through June), and Summer (July through October).

D. Permittee shall determine the hydrologic condition once per season. The Palmer Hydrologic Drought Index (PHDI) value present on the last day of the month of the preceding season, as reported by the National Weather Service, shall be used to determine the hydrologic condition for the following season as set out in Paragraphs D.i. – D.iii. below.

i. Permittee shall determine the PHDI Index for a season based on the following formula:

$$(0.619 \times \text{North Central PHDI}) + (0.147 \times \text{East Texas PHDI}) + (0.057 \times \text{Edwards Plateau PHDI}) + (0.132 \times \text{South Central PHDI}) + (0.045 \times \text{Upper Coast PHDI})$$

ii. The PHDI Index and corresponding hydrologic conditions that govern diversions under this permit are:

Dry	Average	Wet
Less than -1.73	-1.73 – 2.13	Greater than 2.13

iii. Permittee may utilize an interim PHDI value to determine the hydrologic condition until the value for the month preceding the start of the season is published. The interim PHDI value shall be based on the latest published monthly value PHDI value that is available on the last day of the month of the preceding season. When a value for the month preceding the season is published, Permittee shall update the hydrologic condition determined based on the interim value if the final value results in a change to the calculated hydrologic condition. Any updated hydrologic condition shall then be applicable to diversions under this permit.

Subsistence Flow Special Conditions and 50% Rule

E. Permittee shall not divert water if the average adjusted streamflow at USGS Gage No. 08108700 – Brazos River at SH 21 near Bryan, TX is less than or equal to the applicable subsistence flow. The “average adjusted streamflow” at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The “adjusted streamflow” at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by Permittee. Unless informed otherwise by the Brazos Watermaster, Permittee may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Permittee under this water right equals adjusted streamflow.

F. If average adjusted streamflow at USGS Gage No. 08108700 – Brazos River at SH 21 near Bryan, TX is greater than the applicable subsistence flow but less than the applicable base flow, Permittee shall not divert in excess of the rate that would reduce average streamflow at the gage to the applicable subsistence flow plus 50% of the difference between average adjusted streamflow at the gage and the applicable subsistence flow; provided, however, Permittee is not required to adjust its diversion rate more frequently than once every 24 hours.

Base Flow Special Condition

- G. If average adjusted streamflow at USGS Gage No. 08108700 – Brazos River at SH 21 near Bryan, TX is greater than the applicable base flow for the applicable hydrologic condition, Permittee shall not divert in excess of the rate that would reduce average streamflow at the gage to the applicable base flow; provided, however, Permittee is not required to adjust its diversion rate more frequently than once every 24 hours.
- H. Permittee shall maintain records of the calculated hydrologic condition for the season and the streamflow values at the time of the diversion and make those records available for the Brazos Watermaster upon request.
- I. This temporary water use permit is junior in priority to all existing water rights in the Brazos River Basin.
- J. Upon diversion and use of the water authorized herein, this temporary water use permit shall expire and be of no further force and effect.
- K. This temporary water use permit shall expire and become null and void 19 months 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.
- L. No diversion of water shall be made when such water is required to satisfy domestic and livestock demands downstream, or when necessary to satisfy senior and superior water rights and instream needs.
- M. Permittee shall install and maintain a measuring device or method which accounts for, within 5% accuracy, the quantity of water diverted from the point authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- N. Permittee shall allow representatives of the Brazos Watermaster reasonable access to the property to inspect the measuring device and records.
- O. Permittee shall contact the Brazos Watermaster prior to diversion of water authorized by this permit.
- P. 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 this 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.

DATE ISSUED:

For the Commission

DRAFT

RE: Cattlemen_Solar_Park_II_13923_Draft_Permit_to_App_01.02.2025

From MICHAEL SPIELBERG <[REDACTED]>
Date Tue 1/7/2025 5:17 PM
To Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Cc Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>

Good afternoon Dr. Beerman,

We have no comments or concerns to provide at this time. Everything looked good from our end. Please let me know if there is anything I can do to assist expedite this process.

Thanks so much,



Michael Spielberg
EDP Renewables North America LLC
Project Development
710 NW 14th Ave., Suite 250, Portland, OR 97209
Mobile 971.412.7583



Please reply during your own working hours and consider the environment before printing.

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Sent: Thursday, January 2, 2025 3:29 PM
To: MICHAEL SPIELBERG <[REDACTED]>
Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: Cattlemen_Solar_Park_II_13923_Draft_Permit_to_App_01.02.2025

Mr. Spielberg,
Attached is the draft permit/notice for Cattlemen Solar Park II's application no. 13923 for a temporary water use permit.
Please review and provide comments no later than January 16, 2025.
If you have any questions or concerns, do not hesitate to contact me.
Thank you

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

CONFIDENTIALITY NOTICE:

This message and the attached files may contain confidential and/or privileged information, which should not be disclosed, copied, saved or distributed, under the terms of current legislation.

If you have received this message in error, we ask that you do not disclose or use this information. Please notify the sender of this error, by email, and delete this message from your device.

AVISO DE CONFIDENCIALIDADE:

Esta mensagem e os ficheiros em anexo podem conter informação confidencial e/ou privilegiada, que não deverá ser divulgada, copiada, gravada ou distribuída, nos termos da lei vigente.

Se recebeu esta mensagem por engano, pedimos que não divulgue nem faça uso desta informação. Agradecemos que avise o remetente da mesma, por correio eletrónico, e apague este e-mail do seu sistema.

AVISO DE CONFIDENCIALIDAD:

Este mensaje y los archivos adjuntos pueden contener información confidencial y/o privilegiada, que no deberá ser divulgada, copiada, guardada o distribuida de acuerdo al cumplimiento de la ley vigente.

Si ha recibido este mensaje por error, le pedimos que no divulgue o haga uso de esta información. Le agradecemos que notifique el error al remitente enviándole un correo electrónico y elimine este email de su dispositivo.

Cattlemen_Solar_Park_II_13923_Draft_Permit_to_App_01.02.2025

From Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Date Thu 1/2/2025 5:28 PM

To MICHAEL SPIELBERG <[REDACTED]>

Cc Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>;
Humberto Galvan <Humberto.Galvan@tceq.texas.gov>

 1 attachment (578 KB)

Cattlemen_Solar_Park_II_13923_Draft_Permit_Notice_Sent_12.31.2025.pdf;

Mr. Spielberg,

Attached is the draft permit/notice for Cattlemen Solar Park II's application no. 13923 for a temporary water use permit.

Please review and provide comments no later than January 16, 2025.

If you have any questions or concerns, do not hesitate to contact me.

Thank you

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 2, 2025

Mr. Michael Spielberg, Development Project Manager
EDP Renewables North America
710 NW 14th Ave., Suite 250
Portland, OR 97209-2789

VIA E-MAIL

RE: Cattlemen Solar Park II LLC
WRTP 13923
CN606151199, RN111757134
Application No. 13923 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Unnamed tributary of the Brazos River, Brazos River Basin
Milam County

Dear Mr. Spielberg:

Drafts, subject to revision, of the public notice, proposed Temporary Water Use Permit No. 13923, 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 January 16, 2025 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 15-day comment period and once the comment period has closed, the proposed Temporary Water Use Permit No. 13923 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 lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachments

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TEMPORARY WATER USE PERMIT

PERMIT NO. 13923

TYPE § 11.138

Permittee: Cattlemen Solar Park II LLC

Address: P.O. Box 3827
Houston, TX 77253-3827

Received: June 14, 2023

Granted:

Watercourse: Unnamed tributary of the Brazos
River

County: Milam

Watershed: Brazos 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. Sufficient water is available at the proposed diversion point to satisfy the requested diversion and use of not to exceed 19.25 acre-feet of water, within a period of 19 months, from an unnamed tributary of the Brazos River, Brazos River Basin, for industrial purposes in Milam County.
3. The water will be diverted at a maximum diversion rate of 2.67 cfs (1,200 gpm) from a point located at Latitude 31.091069' N, Longitude 96.827983' W in Milam County.
4. Notice of this application was mailed to the downstream water right holders of record in the Brazos River Basin.

CONCLUSIONS OF LAW

- A. Jurisdiction is vested to consider this application under Texas Water Code § 11.138 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.

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2. DIVERSION

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A. From a point on an unnamed tributary of the Brazos River located at Latitude 31.091069° N, Longitude 96.827983° W in Milam County.

B. At a maximum diversion rate of 2.67 cfs (1,200 gpm).

3. 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 on any diversion structure.

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Summer	300 cfs	Dry	630 cfs
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cfs = cubic feet per second

C. Seasons are defined as follows: Winter (November through February), Spring (March through June), and Summer (July through October).

D. Permittee shall determine the hydrologic condition once per season. The Palmer Hydrologic Drought Index (PHDI) value present on the last day of the month of the preceding season, as reported by the National Weather Service, shall be used to determine the hydrologic condition for the following season as set out in Paragraphs D.i. – D.iii. below.

i. Permittee shall determine the PHDI Index for a season based on the following formula:

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ii. The PHDI Index and corresponding hydrologic conditions that govern diversions under this permit are:

Dry	Average	Wet
Less than -1.73	-1.73 – 2.13	Greater than 2.13

iii. Permittee may utilize an interim PHDI value to determine the hydrologic condition until the value for the month preceding the start of the season is published. The interim PHDI value shall be based on the latest published monthly value PHDI value that is available on the last day of the month of the preceding season. When a value for the month preceding the season is published, Permittee shall update the hydrologic condition determined based on the interim value if the final value results in a change to the calculated hydrologic condition. Any updated hydrologic condition shall then be applicable to diversions under this permit.

Subsistence Flow Special Conditions and 50% Rule

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F. If average adjusted streamflow at USGS Gage No. 08108700 – Brazos River at SH 21 near Bryan, TX is greater than the applicable subsistence flow but less than the applicable base flow, Permittee shall not divert in excess of the rate that would reduce average streamflow at the gage to the applicable subsistence flow plus 50% of the difference between average adjusted streamflow at the gage and the applicable subsistence flow; provided, however, Permittee is not required to adjust its diversion rate more frequently than once every 24 hours.

Base Flow Special Condition

- G. If average adjusted streamflow at USGS Gage No. 08108700 – Brazos River at SH 21 near Bryan, TX is greater than the applicable base flow for the applicable hydrologic condition, Permittee shall not divert in excess of the rate that would reduce average streamflow at the gage to the applicable base flow; provided, however, Permittee is not required to adjust its diversion rate more frequently than once every 24 hours.
- H. Permittee shall maintain records of the calculated hydrologic condition for the season and the streamflow values at the time of the diversion and make those records available for the Brazos Watermaster upon request.
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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.

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DATE ISSUED:

For the Commission

DRAFT

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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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 _____. The Executive Director may approve the application unless a written request for a contested case hearing is filed by _____.

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 W RTP 13923 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. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>


Issued:

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Lillian Beerman, Project Manager
Water Rights Permitting Team

Date: September 13, 2024

Through: Leslie Patterson, Team Leader 
Resource Protection Team

From: Richard Schmoyer, Aquatic Scientist
Resource Protection Team

Subject: Cattlemen Solar Park II LLC
WRTP 13923
CN606151199
Unnamed tributary of the Brazos River, Brazos River Basin
Milam 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

Cattlemen Solar Park II LLC (Applicant) requests a temporary water use permit to divert a maximum of 19.25 acre-feet of water within a 19-month period from a point on an unnamed tributary of the Brazos River, Brazos River Basin, at a maximum diversion rate of 2.67 cfs (1200 gpm), for industrial purposes in Milam County.

ENVIRONMENTAL ANALYSIS

On February 12, 2014, the TCEQ adopted environmental flow standards for the Brazos River and its associated bay and estuary system (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter G). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC § 298.460).

The Applicant is requesting the use of surplus water, which would be subject to the adopted standards. This review is conducted in accordance with §11.147(e-3) of the TWC and Title 30 TAC Chapter 298 Subchapter G (Brazos River and its associated bay and estuary system). In Title 30 TAC § 298.480(15), environmental flow standards were established at United States Geological Survey (USGS) Gage No. 08108700 – Brazos River at SH 21 near Bryan, TX, and the applicable environmental flow standards are shown in Table 1.

Table 1. Environmental Flow Standards at USGS Gage No. 08108700 – Brazos River at SH 21 near Bryan, TX

Season	Subsistence	Hydrologic Condition	Base
Winter	300 cfs	Dry	540 cfs
		Average	860 cfs
		Wet	1,760 cfs
Spring	300 cfs	Dry	710 cfs
		Average	1,260 cfs
		Wet	2,460 cfs
Summer	300 cfs	Dry	630 cfs
		Average	920 cfs
		Wet	1,470 cfs

cfs=cubic feet per second

Base flow standards vary depending on the season and current hydrologic conditions. Seasons are defined in Title 30 TAC § 298.455 as follows: Winter (November through February), Spring (March through June), and Summer (July through October). Hydrologic conditions will be addressed in the water availability analysis for this application.

No special conditions for high flow pulses are required, because the proposed maximum diversion rate, 2.67 cfs, is less than 20% of the applicable pulse trigger level requirements of an applicable high flow pulse, as described in Title 30 TAC § 298.485.

Resource Protection staff recommend that diversion of water under this proposed temporary permit should be limited to comply with the applicable environmental flow standards.

RECOMMENDATION

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

1. 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 diversion structure(s).
2. Diversions shall be restricted based on the following streamflows at USGS Gage No. 08108700 – Brazos River at SH 21 near Bryan, TX, as set forth in Special Conditions 3 - 6 below.

Season	Subsistence	Hydrologic Condition	Base
Winter	300 cfs	Dry	540 cfs
		Average	860 cfs
		Wet	1,760 cfs
Spring	300 cfs	Dry	710 cfs
		Average	1,260 cfs
		Wet	2,460 cfs
Summer	300 cfs	Dry	630 cfs
		Average	920 cfs
		Wet	1,470 cfs

cfs=cubic feet per second

3. Seasons are defined as follows: Winter (November through February), Spring (March through June), and Summer (July through October).

Subsistence Flow Special Conditions and the 50% Rule

4. Permittee shall not divert water if the average adjusted streamflow at USGS Gage No. 08108700 – Brazos River at SH 21 near Bryan, TX is less than or equal to the applicable subsistence flow. The “average adjusted streamflow” at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The “adjusted streamflow” at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by Permittee. Unless informed otherwise by the Brazos Watermaster, Permittee may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Permittee under this water right equals adjusted streamflow.
5. If average adjusted streamflow at USGS Gage No. 08108700 – Brazos River at SH 21 near Bryan, TX is greater than the applicable subsistence flow but less than the applicable base flow, Permittee shall not divert in excess of the rate that would reduce average streamflow at the gage to the applicable subsistence flow plus 50% of the difference between average adjusted streamflow at the gage and the applicable subsistence flow; provided, however, Permittee is not required to adjust its diversion rate more frequently than once every 24 hours.

Base Flow Special Condition

6. If average adjusted streamflow at USGS Gage No. 08108700 – Brazos River at SH 21 near Bryan, TX is greater than the applicable base flow for the applicable hydrologic condition, Permittee shall not divert in excess of the rate that would reduce average streamflow at the gage to the applicable base flow; provided, however, Permittee is not required to adjust its diversion rate more frequently than once every 24 hours.

Richard Schmoyer

Richard Schmoyer, Aquatic Scientist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Lillian Beerman, Ph.D.,
Project Manager
Water Rights Permitting Team

Date: October 17, 2024

Through: *KA* Kathy Alexander, Ph.D., Policy and Technical Analyst
Water Availability Division

TG Trent Gay, Team Leader
Surface Water Availability Team

From: Lauren Simmons, Hydrologist
Surface Water Availability Team

Subject: Cattlemen Solar Park II LLC
WRTP 13923
CN606151199
Unnamed tributary of the Brazos River, Brazos River Basin
Milam County

HYDROLOGY REVIEW

Application Summary

Cattlemen Solar Park II LLC (Applicant) requests a temporary water use permit to divert a maximum of 19.25 acre-feet of water within a 19-month period from a point on an unnamed tributary of the Brazos River, Brazos River Basin, at a maximum diversion rate of 2.67 cfs (1200 gpm), for industrial purposes in Milam County.

The application was declared administratively complete on July 29, 2024.

Hydrology Review

Pursuant to 30 Texas Administrative Code (TAC) §298 Subchapter G, Resource Protection staff recommended instream flow requirements for this application. Specific instream flow requirements are included in the Resource Protection memorandum dated September 13, 2024.

Staff reviewed current conditions in the Brazos River Basin to determine whether surplus water is available for this request. Staff notes that the most recent Drought Monitor (October 15, 2024) indicates that the portion of Milam County where the application is located is experiencing moderate drought conditions.

TCEQ's environmental flow standards for the Brazos Basin in 30 TAC §298 Subchapter G (Brazos River and its Associated Bay and Estuary System) include a hydrologic condition (§298.470 Calculation of Hydrologic Conditions). The hydrologic condition is based on the Palmer Hydrologic Drought Index (PHDI) and the PHDI Index as defined in §298.455 (6) and (7). Based on §298.455 (4), the application is located in the Lower Basin. The Climate Divisions included in the Lower Basin are the North Central (Climate Division 3), East Texas (Climate Division 4), Edwards Plateau (Climate Division 6), South Central (Climate Division 7), and Upper Coast (Climate Division 8). The values for the PHDI Index for the Lower Basin used to determine the hydrologic condition are calculated as follows (§298.470 (b)):

$(0.619 \times \text{North Central PHDI}) + (0.147 \times \text{East Texas PHDI}) + (0.057 \times \text{Edwards Plateau PHDI}) + (0.132 \times \text{South Central PHDI}) + (0.045 \times \text{Upper Coast PHDI})$

The determination of the hydrologic condition for a particular season shall be determined once per season. The PHDI value present on the last day of the month of the preceding season, as reported by the National Weather Service, and calculated for the geographic area as described in subsection (b) of the §298.470, will determine the hydrologic condition for the following season. The values for the PHDI are available at <http://www.ncdc.noaa.gov/cag/>. Under the adopted rules, PHDI values are based on the last day of the month before the start of a new season; however, final approved PHDI values for a month are typically available from the National Climatic Data Center (NCDC) near the middle of the following month. Therefore, in order to determine the hydrologic condition for a season, the latest published monthly value can be used on an interim basis until the final value for the month preceding the season is available. When the NCDC publishes the final value for the month preceding the season, the hydrologic condition applicable for the season can be updated if required.

The diversion requested in the application is for a short period of time (19 months). This temporary permit will be junior to all existing water rights, and subject to suspension if water is needed for those water rights. Staff's opinion is that existing water rights will not be affected by this short-term temporary permit.

In addition, the application is subject to the requirements and orders of the Brazos Watermaster. The Watermaster actively manages water rights on a daily basis and protects senior water rights in times of shortage. Therefore, existing water rights should not be affected by the application.

Conclusion

Staff can support granting the application provided the following special conditions are included in the permit:

1. Permittee shall determine the hydrologic condition once per season. The Palmer Hydrologic Drought Index (PHDI) value present on the last day of the month of the preceding season, as reported by the National Weather Service, shall be used to determine the hydrologic condition for the following season as set out in paragraphs 1. (a) – (c) below.
 - a. Permittee shall determine the PHDI Index for a season based on the following formula:
$$(0.619 \times \text{North Central PHDI}) + (0.147 \times \text{East Texas PHDI}) + (0.057 \times \text{Edwards Plateau PHDI}) + (0.132 \times \text{South Central PHDI}) + (0.045 \times \text{Upper Coast PHDI})$$
 - b. The PHDI Index and corresponding hydrologic conditions that govern diversions under this permit are:

Dry	Average	Wet
Less than -1.73	-1.73 – 2.13	Greater than 2.13
 - c. Permittee may utilize an interim PHDI value to determine the hydrologic condition until the value for the month preceding the start of the season is published. The interim PHDI value shall be based on the latest published monthly value PHDI value that is available on the last day of the month of the preceding season. When a value for the month preceding the season is published, Permittee shall update the hydrologic condition determined based on the interim value if the final value results in a change to the calculated hydrologic condition. Any updated hydrologic condition shall then be applicable to diversions under this permit.
2. Permittee shall maintain records of the calculated hydrologic condition for the season and the streamflow values at the time of the diversion and make those records available for the Brazos Watermaster upon request.

Note that the application is subject to the requirements and orders of the Brazos Watermaster.



Lauren Simmons, Hydrologist

Cattlemen_Solar_Park_II_13923_Administratively_Complete

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mon 7/29/2024 5:32 PM

To: MICHAEL SPIELBERG <

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>

 1 attachments (522 KB)

Cattlemen_Solar_Park_II_13923_ADC_letter_07.29.2024.pdf;

Mr. Spielberg,

As of July 29, 2024, Cattlemen Solar Park's Application No. 13923 for a Temporary Water Use Permit is Administratively Complete. The application will proceed to Technical Review.

If you have any questions or concerns, do not hesitate to contact me.

Thank You,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team


Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

TCEQ Interoffice Memorandum

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

Thru:  for Chris Kozlowski, Team Leader
Water Rights Permitting Team

From: Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team

Date: July 29, 2024

Subject: Cattlemen Solar Park II LLC
WRTP 13923
CN606151199, RN111757134
Application No. 13923 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Unnamed Tributary of the Brazos River, Brazos River Basin
Milam County

The referenced application was received on June 14, 2023, and partial fees were received on June 28, 2023. Additional information was received March 22, 2024, April 17, 2024, April 18, 2024, June 13, 2024, July 8, 2024, and July 17, 2024. Additional fees were received on July 15, 2024. The application was declared administratively complete and filed with the Office of the Chief Clerk on July 29, 2024. Limited mailed notice to downstream water right holders of record in the Brazos River Basin pursuant to Title 30 Texas Administrative Code (TAC) § 295.154(a).

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

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required

☒ **YES**

☐ **NO**

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 29, 2024

Mr. Michael Spielberg, Project Development
EDP Renewables North America LLC
710 NW 14th Ave., Suite 250
Portland, OR 97209

VIA E-MAIL

RE: Cattlemen Solar Park II LLC
WRTP 13923
CN606151199, RN111757134
Application No. 13923 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Unnamed Tributary of the Brazos River, Brazos River Basin
Milam County

Dear Mr. Spielberg:

This acknowledges receipt, on June 13, 2024, July 8, 2024, and July 17, 2024, of additional information, and on July 15, 2024 of additional fees in the amount of \$55.46 (Receipt No. M419404 attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on July 29, 2024. 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 at lillian.beerman@tceq.texas.gov or by phone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



15-JUL-24 01:05 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

Fee Description	Fee Code	Account#	Account Name	Ref#1	Check Number	CC Type		Slip Key	Tran Date	Tran Amount
				Ref#2	Card Auth.	Tran Code	Rec Code	Document#		
WTR USE PERMITS	WUP			M419404	1079			BS00110130	15-JUL-24	-55.46
	WUP			13923	071524	N		D4803272		
	WATER USE PERMITS			SPIELBERG, MICHAEL H	RHDAVIS	CK				

Total (Fee Code) : -55.46

Grand Total : -515,505.05

RECEIVED
JUL 16 2024
Water Availability Division

RECEIVED
JUL 16 2024
Water Availability Division

Texas Commission on Environmental Quality
TELEPHONE MEMO TO THE FILE

Call to: Michael Spielberg, EDP RENEWABLES NORTH AMERICA LLC	Call from: TCEQ Staff Trent Gay, Surface Water Availability Team Leader
Date: July 17, 2024	Project No: 13923

Information for File follows:

I contacted Mr. Spielberg July 15, 2024, to confirm that the proposed diversion will be from an unnamed tributary of the Brazos River.

Mr. Spielberg returned my phone call and confirmed that the diversion point is located on an unnamed tributary of the Brazos River.

Signed *Trent Gay*

Cattlemen_Solar_Park_II_13923_RFI_Response

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mon 7/15/2024 5:34 PM

To: MICHAEL SPIELBERG <[REDACTED]>

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>

 1 attachments (114 KB)

Cattlemen Solar Park II LLC_13923_RFI_Response_03.22.2024.pdf;

Mr. Michael Spielberg,

Attached is EDP's Response to the first Request for Information for Application No. 13923 for a Temporary Water Use Permit for Cattlemen Solar Park II.

Thank You,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov


Re: Cattlemen Solar Park II LLC_13923_Request_for_Information

MARTINA FACIANE [REDACTED]

Fri 3/22/2024 3:20 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: SKYLER DOCKUM [REDACTED]

 1 attachments (317 KB)

RFI 3.20.2024.zip;

Hi Lillian,

I hope you've had a great week! This email contains all of the requested information in the RFI. The attached ZIP file contains all referenced materials.

1. Confirm that the reservoir is currently used solely for domestic and livestock purposes.

Yes, I confirm this.

2. Confirm that the water will be diverted from an unnamed tributary of the Brazos River.

Yes, I confirm this.

3. Confirm the location of the diversion point. The latitude and longitude provided in the application do not plot on the bank of the unnamed tributary of the Brazos River. Staff has calculated coordinates to be Latitude 31.091444°N, Longitude 96.827582°W.

The location of the diversion point will be at coordinates "31° 5'27.85"N 96°49'40.74"W". I have also attached a KMZ with a plotted location.

4. 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.

The diversion of water will take place with a Global GPT-Pump. The pump will utilize low velocity screens that will both work to prevent sediment update and harm to aquatic organisms. The **screen** intake area is designed to keep the velocity below 3 fps to minimize disturbance. I have attached a PDF of the specs of the pump as provided by our contractor.

5. Provide written evidence that Brian Hayes is authorized to sign the application for Cattlemen Solar Park II LLC, pursuant to Title 30 Texas Administrative Code (TAC) §295.14(5)

Please see attached a Secretary's Certificate which specifies the authorization. This has been signed by our head general counsel.

6. Payment

The payment of the remaining balance has been sent VIA FedEx to TCEQ and is postmarked with today's date.

Please let me know if I can provide any additional information.

Best,

Martina Faciane



MARTINA C FACIANE *she/her*

EDP Renewables North America LLC

Development – Central Region

a. 1501 McKinney Street, Suite 1300, Houston, TX 77010

For USPS Mail: P.O. Box 3827, Houston, TX 77253

c. (713) 542-7285



RE: Cattlemen_Solar_Park_II_13923_Request for Information

MICHAEL SPIELBERG <[REDACTED]>

Mon 7/8/2024 5:09 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

 2 attachments (2 MB)

TCEQ APPLICATION FOR A TEMPORARY WATER USE PERMIT FOR MORE THAN 10 ACRE-FEET OF WATER AND_OR FOR A DIVERSION PERIOD - Signed.pdf; TCEQ Check 55_46_20240708.pdf;

Good afternoon Ms. Beerman,

As previously discussed, please see the attached scanned copies of the signed 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 along with a scanned copy of the check enclosed in the envelope sent out this afternoon.

Regarding the Application Contact, please use me as the contact and please cc Kris on all future correspondence. My information is below:

Name: Michael Spielberg

Title: Development Project Manager

Organization: EDP Renewables North America

Address: 710 NW 14th Ave., Suite 250, Portland, OR 97209

Email: [REDACTED]

Phone: (971) 412-7583

Thank you again for all of your assistance.

Sincerely,



Michael Spielberg

EDP Renewables North America LLC

Project Development

710 NW 14th Ave., Suite 250, Portland, OR 97209

Mobile 971.412.7583



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.

- Data on Applicant and Project:** Social Security or Federal ID No. 87-3613572
 A. Name: Cattlemen Solar Park II LLC
 B. Mailing Address: PO Box 3827, Houston, TX 77253
 C. Telephone Number: 971-412-7583 Fax Number: _____ E-mail Address: _____
 D. Applicant owes fees or penalties? ☐ Yes ☒ No
 If yes, provide the amount and the nature of the fee or penalty as well as any identifying number: _____
 E. Describe Use of Water Temporary water usage to support construction of a utility-scale solar project (construction water and dust control)
 F. Description of Project (TDH Project No. if applicable) 150MWac solar photovoltaic power plant
 G. Highway Designation No. FM 2027 County Milam
- Type of Diversion (check one):** ☐ From Stream ☒ From Reservoir
- Rate of Diversion:**
 A. Maximum 1200 gpm
 (capacity of pump)
- Amount and Source of Water:**
19.25 acre-feet of water within a period of 19 months (specify term period not to exceed a three year term). The water is to be obtained from Ellison Lake, tributary of unnamed wetland feature (as depicted in map) tributary of Brazos River, tributary of N/A, Brazos Basin.
- 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 31.091069 °N, Longitude 96.827983 °W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) FM 2027 (R-O-W) (Highway), located in Zip Code 76570, located 18.75 miles in a NE direction from Cameron (County Seat), Milam County, and 2.68 miles in a NE direction from Baileyville, 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): | 7. Fees Enclosed: | 10 ac-ft or less | greater than 10 ac-ft | |
| | | <input type="checkbox"/> Public right-of-way | Filing \$ 100.00 | \$ 250.00 |
| | | <input checked="" type="checkbox"/> Private property | Recording..... \$ 1.25 | \$ 1.25 |
| | | (A letter of permission from landowner is attached) | Use (\$1.00 per ac-ft or fraction thereof) \$ | \$ 19.25 |
| | | <input type="checkbox"/> Other (Explain) | (Note: 1 ac-ft = 325,851 gals. Total \$ | \$ 270.50 |

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.

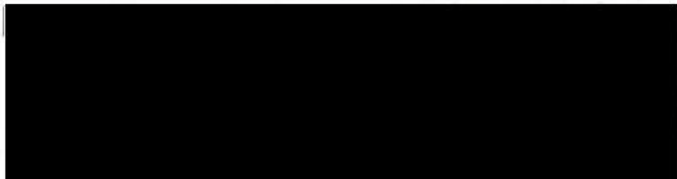
Name (sign)

Name (print)

Subscribed and sworn to me as being true and correct before me this 28th day of June, 2024

Robert Bryant Fuller
 Notary Public, State of Texas
 Virginia





July 8, 2024

Date



Pay to the
Order of

Texas Commission on Environmental Quality

\$ 55.46

Fifty - Five ⁴⁶/₁₀₀

Dollars



Photo
Safe
Deposit®
Details on back

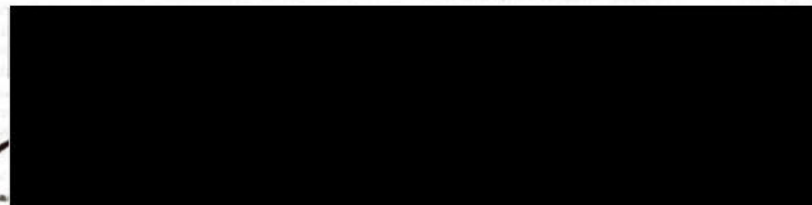
Bank of America



ACH R/T 121000358

For

Application No. 13923



Harland Clark

BLUE SHEFFIELD™

Please reply during your own working hours and consider the environment before printing.

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Sent: Monday, July 8, 2024 2:47 PM
To: MICHAEL SPIELBERG <[REDACTED]>
Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: Re: Cattlemen_Solar_Park_II_13923_Request for Information

Mr. Spielberg,
I tried to return your call several times, but my call would not go through. Seems the number is restricted.

If Mr. Cheney has already signed the revised application form, please email to me the signed/notarized copy of the form and a xerox of the check directly to me. That would enable you to meet the deadline.

I have noted the circumstances that delay the mail carriers. Once I receive the response to our request for information, I will address all future correspondence to Mr. Cheney.

If you have any questions or concerns, do not hesitate to contact me.
Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

From: MICHAEL SPIELBERG <[REDACTED]>
Sent: Monday, July 8, 2024 4:29 PM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: RE: Cattlemen_Solar_Park_II_13923_Request for Information

Good afternoon Ms. Beerman,

I hope you had an excellent Fourth of July weekend and are staying dry and safe. I left a voicemail earlier today, but I wanted to send a follow up via email. Due to Hurricane Beryl, we are experiencing some delays getting everything out of the Houston office. The signed application is currently in our Houston office, but due to the storm and our offices being closed, we are unable to get the application out of the door. To ensure we still meet our

deadlines, I am sending the check for the outstanding \$55.46 to TCEQ via USPS Express Mail. The tracking number for this envelope is 4207871130879471230109355003480105.

In the envelope I have included the check, a print out of the Request For Information showing the outstanding \$55.46, and a printed out version of a scanned copy of the signed "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" that we had discussed previously. The wet-ink copy of this application should be arriving shortly, but with the delays caused by Beryl, I am not confident it will make it by July 9, so I thought it prudent to send over this copy in the meantime. I apologize for this inconvenience, but thank you for understanding.

In regards to your previous email, Kristofer Cheney will act as the Application Contact for Cattlemen Solar Park II's Application No. 13923 for a Temporary Water Use Permit. His information is as follows:

Name: Kristofer Cheney

Title: Executive Vice President of West, Central, and Mexico Development & Environmental Affairs

Organization: EDP Renewables North America

Address:

For FedEx, UPS, DHL, or courier: 1501 McKinney Street, Suite 1300, Houston, TX 77010

For USPS: P.O. Box 3827, Houston, TX 77253

Email: [REDACTED]

Phone: (713) 301-0141

Please let me know if you have any questions, or if there is any more information I can provide in the meantime.

Thank you so much,



Michael Spielberg

EDP Renewables North America LLC

Project Development

710 NW 14th Ave., Suite 250, Portland, OR 97209

Mobile 971.412.7583



PHONE MEMO

To: Lillian E. Beerman, Ph.D.	From: Michael Spielberg, EDP RENEWABLES NORTH AMERICA LLC
Phone No.: 971-412-7583	Application: Cattlemen Solar Park II LLC App. No. 13923
Date: July 7, 2024	Re: RFI2 Follow-up

Mr. Spielberg called to say that they have had difficulty getting and forwarding the original signed copy of the application from Houston due to inclement weather (Hurricane Beryl). I asked him to send the signed application and a copy of the check via email as well as USPS.

Lillian E. Beerman, Ph.D. July 7, 2024



Please reply during your own working hours and consider the environment before printing.

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Sent: Wednesday, July 3, 2024 10:29 AM
To: MICHAEL SPIELBERG [REDACTED]
Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: Re: Cattlemen_Solar_Park_II_13923_Request for Information

Mr. Spielberg,
The information below can be simple and in an email from you.
Thank You,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Sent: Wednesday, July 3, 2024 12:22 PM
To: MICHAEL SPIELBERG [REDACTED]
Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: Re: Cattlemen_Solar_Park_II_13923_Request for Information

Mr. Spielberg,
When you provide the response to the Request for Information, please verify the Applicant Contact for Cattlemen Solar Park II's Application No. 13923 for a Temporary Water Use Permit. Provide a statement that the individual will serve as the contact for Application No. 13923 as well as the Name, Title, Organization, Address, Email Address, and Telephone Number for the Applicant Contact.
If you have any questions or concerns, do not hesitate to contact me.

Thank You,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Sent: Monday, July 1, 2024 6:18 PM
To: MICHAEL SPIELBERG <[REDACTED]>
Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: Cattlemen_Solar_Park_II_13923_Request for Information

Mr. Spielberg,
As you know, your response to the TCEQ's Request for Information for Cattlemen Solar Park II's Application 13923 is due on July 9, 2024. Please let me know if you have any questions or concerns.
Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

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This message and the attached files may contain confidential and/or privileged information, which should not be disclosed, copied, saved or distributed, under the terms of current legislation.

If you have received this message in error, we ask that you do not disclose or use this information. Please notify the sender of this error, by email, and delete this message from your device.

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Se recebeu esta mensagem por engano, pedimos que não divulgue nem faça uso desta informação. Agradecemos que avise o remetente da mesma, por correio eletrónico, e apague este e-mail do seu sistema.

AVISO DE CONFIDENCIALIDAD:

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Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 24, 2024

Ms. Martina Faciane
EDP Renewables North America LLC
PO Box 3827
Houston, TX 77253-3827

VIA E-MAIL & CERTIFIED MAIL

9489 0090 0027 6009 4160 91

RE: Cattlemen Solar Park II LLC
WRTP 13923
CN606151199, RN111757134
Application No. 13923 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Unnamed Tributary of the Brazos River, Brazos River Basin
Milam County

Dear Ms. Faciane:

This is a follow-up to our previous letter dated May 8, 2024 (copy enclosed) requesting additional information for the referenced application. To date, a response has not been received.

Please submit the information requested by July 9, 2024 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 lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 8, 2024

Ms. Martina Faciane
EDP Renewables North America LLC
PO Box 3827
Houston, TX 77253-3827

VIA E-MAIL & CERTIFIED MAIL

9489 0090 0027 6002 7264 18

RE: Cattlemen Solar Park II LLC
WRTP 13923
CN606151199, RN111757134
Application No. 13923 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Unnamed Tributary of the Brazos River, Brazos River Basin
Milam County

Dear Ms. Faciane:

This acknowledges receipt, on March 22, 2024, April 16, 2024, and April 18, 2024, of additional information.

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

1. Provide an updated signed and notarized application for a Temporary Water Use Permit.

Staff notes that in the Request for Information (RFI) response, dated March 22, 2024, Applicant provides written evidence that Kristofer Cheney, Executive Vice President, EDP Renewables, LLC, is authorized to sign the application.

2. Remit fees in the amount of \$ 55.46, as described below. Please make the check payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee	(WRTP = > 10 acre-feet)	\$	250.00
Recording Fee	(\$1.25 x 1 page)	\$	1.25
Use Fee	(\$1.00 x 19.25 acre-feet)	\$	19.25
Mailed Notice	(\$0.94 x 59 WR Holders)	\$	55.46
TOTAL FEES		\$	325.96
FEES RECEIVED		\$	270.50
TOTAL FEES DUE		\$	55.46

Please submit the requested information and fees by June 7, 2024, or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

Ms. Martina Faciane
Cattlemen Solar Park II LLC
Application No. 13923
May 8, 2024
Page 2 of 2

If you have any questions concerning this matter, please contact me via email at lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability

Cattlemen_Solar_Park_II_13923_Follow-up_RFI2

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mon 6/24/2024 5:53 PM

To: JARED HIBSHMAN <[REDACTED]>

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mr. Jared Hibshman,

I have attempted to contact Ms. Martina Faciane twice today regarding a follow-up to our Request for Information for Cattlemen Solar Park II's application for a temporary water use permit. My attempts to email and call her failed. Perhaps, I need to speak with you. Could you send me your phone number or call me after 9:30 am tomorrow morning? I wish to provide assistance in responding to our requests.

Thank You,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

Cattlemen_Solar_Park_II_LLC_13923_Follow-up_RFI2_06.24.2024

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mon 6/24/2024 5:00 PM

To: MARTINA FACIANE <[REDACTED]>

Cc: JARED HIBSHMAN <[REDACTED]> Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

 1 attachments (866 KB)

Cattlemen_Solar_Park_II_LLC_13923_Follow-up_RFI2_Certified_06.24.2024.pdf;

Ms. Martina Faciane,

Attached is a follow-up to the Second Request for Information, dated May 8, 2024. To date, the information and fees have not been received. Provide the requested information by July 9, 2024. If you have any questions or concerns, please do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 24, 2024

Ms. Martina Faciane
EDP Renewables North America LLC
PO Box 3827
Houston, TX 77253-3827

VIA E-MAIL & CERTIFIED MAIL

9489 0090 0027 6009 4160 91

RE: Cattlemen Solar Park II LLC
WRTP 13923
CN606151199, RN111757134
Application No. 13923 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Unnamed Tributary of the Brazos River, Brazos River Basin
Milam County

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Please submit the information requested by July 9, 2024 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 lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 8, 2024

Ms. Martina Faciane
EDP Renewables North America LLC
PO Box 3827
Houston, TX 77253-3827

VIA E-MAIL & CERTIFIED MAIL

9489 0090 0027 6002 7264 18

RE: Cattlemen Solar Park II LLC
WRTP 13923
CN606151199, RN111757134
Application No. 13923 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Unnamed Tributary of the Brazos River, Brazos River Basin
Milam County

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1. Provide an updated signed and notarized application for a Temporary Water Use Permit.

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TOTAL FEES		\$	325.96
FEES RECEIVED		\$	270.50
TOTAL FEES DUE		\$	55.46

Please submit the requested information and fees by June 7, 2024, or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

Ms. Martina Faciane
Cattlemen Solar Park II LLC
Application No. 13923
May 8, 2024
Page 2 of 2

If you have any questions concerning this matter, please contact me via email at lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability

Re: Cattlemen_Solar_Park_II_13923_Due_Second_Request_for_Information_06.05.2024

MARTINA FACIANE <[REDACTED]>

Thu 6/13/2024 12:31 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: JARED HIBSHMAN <[REDACTED]> SKYLER DOCKUM <[REDACTED]>; MICHAEL SPIELBERG <[REDACTED]>; MILAN DAS <[REDACTED]>

 1 attachments (432 KB)

TCEQ 10202 Core Data Form - Cattlemen II Solar - Executed 2024.pdf;

Hi Lillian,

I hope all is well! The requested document was sent last week VIA USPS. I have attached an electronic copy of the information to this email for your records.

I see that the check has not yet been deposited from my account - so the headquarters must not have received the payment. Let me know if this is still the case, as we can resend it out using FedEx and provide tracking information.

Thanks for all of your help so far!

Best,

Martina Faciane



Martina Faciane

EDPR

PROJECT DEVELOPMENT - CENTRAL

1501 McKinney St Suite 1300 Houston United States



Please reply during your own working hours and consider the environment before printing.



TCEQ Core Data Form

For detailed instructions on completing this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided.)		
<input checked="" type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application.)		
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)		<input type="checkbox"/> Other
2. Customer Reference Number (if issued)	Follow this link to search for CN or RN numbers in Central Registry**	3. Regulated Entity Reference Number (if issued)
CN		RN 111699989

SECTION II: Customer Information

4. General Customer Information		5. Effective Date for Customer Information Updates (mm/dd/yyyy)		6/8/2023	
<input checked="" type="checkbox"/> New Customer <input type="checkbox"/> Update to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership					
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)					
<i>The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).</i>					
6. Customer Legal Name (If an individual, print last name first: eg: Doe, John)			<i>If new Customer, enter previous Customer below:</i>		
Cattlemen Solar Park II LLC					
7. TX SOS/CPA Filing Number		8. TX State Tax ID (11 digits)		9. Federal Tax ID	10. DUNS Number (if applicable)
0804321841		32081972484		(9 digits) 87-3613572	
11. Type of Customer:		<input checked="" type="checkbox"/> Corporation		<input type="checkbox"/> Individual	
Government: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> Local <input type="checkbox"/> State <input type="checkbox"/> Other		<input type="checkbox"/> Sole Proprietorship		Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited	
12. Number of Employees				13. Independently Owned and Operated?	
<input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input checked="" type="checkbox"/> 501 and higher				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
14. Customer Role (Proposed or Actual) – as it relates to the Regulated Entity listed on this form. Please check one of the following					
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Owner & Operator <input type="checkbox"/> Other:					
<input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Responsible Party <input type="checkbox"/> VCP/BSA Applicant					
15. Mailing Address: Cattlemen Solar Park II LLC c/o EDP Renewables North America LLC					
PO Box 3827					
City		Houston		State	TX
ZIP		77253		ZIP + 4	
16. Country Mailing Information (if outside USA)			17. E-Mail Address (if applicable)		
			[REDACTED]		
18. Telephone Number		19. Extension or Code		20. Fax Number (if applicable)	

SECTION III: Regulated Entity Information**21. General Regulated Entity Information** (If "New Regulated Entity" is selected, a new permit application is also required.)☐ New Regulated Entity ☒ Update to Regulated Entity Name ☐ Update to Regulated Entity Information

The Regulated Entity Name submitted may be updated, in order to meet TCEQ Core Data Standards (removal of organizational endings such as Inc, LP, or LLC).

22. Regulated Entity Name (Enter name of the site where the regulated action is taking place.)

Cattlemen Solar Park II

23. Street Address of the Regulated Entity:

9758 FM2027

(No PO Boxes)

City

Rosebud

State

TX

ZIP

76570

ZIP + 4

24. County

Milam

If no Street Address is provided, fields 25-28 are required.

25. Description to Physical Location:**26. Nearest City**

State

Nearest ZIP Code

Latitude/Longitude are required and may be added/updated to meet TCEQ Core Data Standards. (Geocoding of the Physical Address may be used to supply coordinates where none have been provided or to gain accuracy).

27. Latitude (N) In Decimal:**28. Longitude (W) In Decimal:**

Degrees

Minutes

Seconds

Degrees

Minutes

Seconds

29. Primary SIC Code**30. Secondary SIC Code****31. Primary NAICS Code****32. Secondary NAICS Code**

(4 digits)

(4 digits)

(5 or 6 digits)

(5 or 6 digits)

4911

221114

33. What is the Primary Business of this entity? (Do not repeat the SIC or NAICS description.)

Generating electricity

34. Mailing

PO Box 3827

Address:

City

Houston

State

TX

ZIP

77253

ZIP + 4

35. E-Mail Address:**36. Telephone Number****37. Extension or Code****38. Fax Number** (if applicable)

(346) 274-7509

() -

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

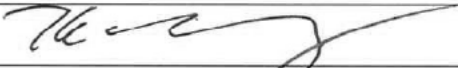
<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
<input type="checkbox"/> Sludge	<input checked="" type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
	TXR1547MD			
<input type="checkbox"/> Voluntary Cleanup	<input type="checkbox"/> Wastewater	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:

SECTION IV: Preparer Information

40. Name:	Martina Faciane	41. Title:	Development Project Manager
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
(713) 542-7285		() -	

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	Cattlemen Solar Park II LLC	Job Title:	Executive Vice President
Name (In Print):	Kristofer Cheney	Phone:	(731) 542- 7285
Signature:		Date:	4/30/2024

Re: Cattlemen_Solar_Park_II_13923_Due_Second_Request_for_Information_06.05.2024

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Tue 6/11/2024 10:09 AM

To: JARED HIBSHMAN <[REDACTED]>

Mr. Hibshman,

The Response to the Second Request for Information for Cattlemen Solar Park II was due on Friday, June 7, 2024. No information has been received as of Tuesday, June 11, 2024.

Was the response sent via USPS or via email?

You may forward an email response, in order that we might proceed with our review of the application.

Please contact me so we can discuss the "in process" of your response.

Any questions or concerns, do not hesitate to contact me at 512-239-4019.

Thank you

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

From: JARED HIBSHMAN <JARED.HIBSHMAN@EDP.COM>

Sent: Thursday, June 6, 2024 2:04 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: MARTINA FACIANE <[REDACTED]>; STEPHANIE BUWAY <[REDACTED]>

Subject: RE: Cattlemen_Solar_Park_II_13923_Due_Second_Request_for_Information_06.05.2024

Afternoon Lillian,

Thank you very much for reaching out. Martina is out but has informed me that the payment and information is in process to you all at this time. Have you received it yet?

Thanks,
Jared



Jared Hibshman

EDPR

PROJECT DEVELOPMENT - CENTRAL

1501 McKinney St Suite 1300 Houston United States



Please reply during your own working hours and consider the environment before printing.

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Sent: Wednesday, June 5, 2024 4:20 PM
To: JARED HIBSHMAN <[REDACTED]>
Cc: MARTINA FACIANE <[REDACTED]>
Subject: Cattlemen_Solar_Park_II_13923_Due_Second_Request_for_Information_06.05.2024

Mr. Hibshman,

I sought out Martina Faciane to remind her that the Second Request for Information for Cattlemen Solar Park II's Application No. 13923 for a Temporary Water Use Permit is due Friday, June 7, 2024. I received an automatic return email to contact you. The Certified Letter was received according to USPS records.

Please contact me if you have any questions or concerns.

Thank You,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

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Cattlemen_Solar_Park_II_13923_Request_for_Information_05.08.2024

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Wed 5/8/2024 12:06 PM

To: MARTINA FACIANE <[REDACTED]>; SKYLER DOCKUM <[REDACTED]>

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

 1 attachments (300 KB)

Cattlemen Solar Park 13923 Request for Information.pdf;

Greetings,

On May 5, 2024, a Request for Information for Cattlemen Solar Park II's Application No. 13923 has been sent to Martina Faciane and Skyler Dockum. Response is due June 7, 2024. A copy of the letter has been sent CERTIFIED MAIL. Please CALL me at (512) 591-7206 to confirm that you have received this email so I can answer any questions you may have.

Thank You,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 8, 2024

Ms. Martina Faciane
EDP Renewables North America LLC
PO Box 3827
Houston, TX 77253-3827

VIA E-MAIL & CERTIFIED MAIL

9489 0090 0027 6002 7264 18

RE: Cattlemen Solar Park II LLC
WRTP 13923
CN606151199, RN111757134
Application No. 13923 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Unnamed Tributary of the Brazos River, Brazos River Basin
Milam County

Dear Ms. Faciane:

This acknowledges receipt, on March 22, 2024, April 16, 2024, and April 18, 2024, of additional information.

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

1. Provide an updated signed and notarized application for a Temporary Water Use Permit.

Staff notes that in the Request for Information (RFI) response, dated March 22, 2024, Applicant provides written evidence that Kristofer Cheney, Executive Vice President, EDP Renewables, LLC, is authorized to sign the application.

2. Remit fees in the amount of \$ 55.46, as described below. Please make the check payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee	(WRTP = > 10 acre-feet)	\$	250.00
Recording Fee	(\$1.25 x 1 page)	\$	1.25
Use Fee	(\$1.00 x 19.25 acre-feet)	\$	19.25
Mailed Notice	(\$0.94 x 59 WR Holders)	\$	55.46
TOTAL FEES		\$	325.96
FEES RECEIVED		\$	270.50
TOTAL FEES DUE		\$	55.46

Please submit the requested information and fees by June 7, 2024, or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

Ms. Martina Faciane
Cattlemen Solar Park II LLC
Application No. 13923
May 8, 2024
Page 2 of 2

If you have any questions concerning this matter, please contact me via email at lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.


Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability

Re: Cattlemen Solar Park II LLC_13923_Request_for_Information

MARTINA FACIANE [REDACTED]

Thu 4/18/2024 9:46 AM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

 1 attachments (206 KB)

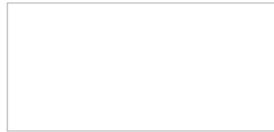
Map Cattlemen II Solar.pdf;

Hi Lillian,

Just reattaching the map from the past email. Please see the attached PDF.

Best,

Martina Faciane



Martina Faciane

EDPR

PROJECT DEVELOPMENT - CENTRAL

1501 McKinney St Suite 1300 Houston United States



Please reply during your own working hours and consider the environment before printing.

From: MARTINA FACIANE <[REDACTED]>

Sent: Wednesday, April 17, 2024 7:50 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: Re: Cattlemen Solar Park II LLC_13923_Request_for_Information

Hi Lillian,

Thanks for your call. I am not sure if there was a mistake, but I have never seen those maps of Oyster Creek on the EDP side. In my response to the RFI, I included a KMZ of the coordinates from the diversion on Ellison Lake, the pump specs, and the secretary certificate. I have re attached those here. In our original permit application, we included a map of the diversion point at Ellison Lake - also attached here.

I hope this clears up any confusion. I double checked my voicemail box, so please let me know if you need to speak further.

Thanks!

-Martina Faciane

Martina Faciane

EDPR


PROJECT DEVELOPMENT - CENTRAL

1501 McKinney St Suite 1300 Houston United States

Untitled Map

Write a description for your map.

Legend

 Cattlemen II - Diversion Point

Ellison Lake

 Cattlemen II - Diversion Point

Google Earth

Image © 2024
Airbus



500 ft



Please reply during your own working hours and consider the environment before printing.

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Sent: Wednesday, April 17, 2024 3:40 PM
To: MARTINA FACIANE <[REDACTED]>
Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: Re: Cattlemen Solar Park II LLC_13923_Request_for_Information

Martina,

Thank you for the notes. I tried several times to call you, but your mailbox is full.
There is a need for clarification.

- As noted in earlier email correspondence and discussions with Skylar Dockum and you, we believe you mistakenly sent the wrong Maps in your response to our Request for Information. The Maps plot several proposed diversion points on Oyster Creek which is located in Sienna, Fort Bend County, not Milam County which is the location of Cattlemen Solar Park II. I am attaching the Maps you sent for your review. Additionally, permits require a level of precision in the location of diversion points, thus Hydrology was seeking confirmation of the coordinates they assessed which are on the watercourse. I have attached the Maps of several proposed diversion points which you submitted.
- I have contacted the Brazos Watermaster. The Watermaster will forward your current one-year temporary permit issued by the Watermaster to me.
- I have asked the Watermaster to return application fees to you should they locate them. The correct address for mailing fees and the newly signed application form is at the top of the application form and is as follows:

Texas Commission on Environmental Quality
PO Box 13087, MC-160
Austin, Texas 78711-3087

Because these issues appeared to be an error in your submission, Water Rights Permitting Staff wanted to give you an opportunity to correct them. Please do not hesitate to contact me if you have any questions or concerns.

Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team

PHONE MEMO

From: Martina Faciane EDP RENEWABLES NORTH AMERICA LLC	To: Lillian E. Beerman, Ph.D.
Phone No.: (713) 542-7285	Application: Cattlemen Solar Park II LLC App. No. 13923
Date: April 17, 2024	Re: RFI Questions & Map

Ms. Faciane called to follow up on my recent calls and emails. Ms. Faciane said that she was currently out of state but would do what she could to send us the correct maps.

She said they had a temporary permit (with the Watermaster). The location which she provided in this application was the same diversion location as the temporary permit (issued by the Brazos Watermaster).

She said that she had sent the fees (to the Watermaster) and would send them again to Headquarters.

She said that on Monday when she is in the Texas office, she would get Mr. Kristofer Cheney to sign the application and forward the revised application to TCEQ HQ.

.

Lillian E. Beerman, Ph.D. April 18, 2024

PHONE MEMO

To: Martina Faciane EDP RENEWABLES NORTH AMERICA LLC	From: Lillian E. Beerman, Ph.D.
Phone No.: (713) 542-7285	Application: Cattlemen Solar Park II LLC App. No. 13923
Date: April 17, 2024	Re: RFI Questions

Call following up on email to Ms. Faciane. Ms. Faciane and I attempted to locate the correct map of diversion and eventually succeeded.

Ms. Faciane reiterated that the coordinates they will use are the same as the coordinates for the current location of diversion.

Lillian E. Beerman, Ph.D. April 18, 2024

From: MARTINA FACIANE [REDACTED]
Sent: Wednesday, April 17, 2024 11:42 AM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>; SKYLER DOCKUM <[REDACTED]>
Subject: Re: Cattlemen Solar Park II LLC_13923_Request_for_Information

Hi Lillian,

Sorry for the delay in response - I have been on leave and OOO. As we discussed via phone today, please check with your hydrology team for the given coordinates. These coordinates are on the location of the pump already used under the Temporary Water Use Permit for Cattlemen Solar Park LLC. For the signing authority - please have it looked over and let me know what additional information we can add. This should suffice as evidence that Kris Cheney has authority to sign for Cattlemen Solar Park II LLC. If you need a document showing that EDPR NA is the parent company for Cattlemen Solar Park II LLC, please let me know.

As for my items, I will have Kris Cheney resign the application on Monday when I am in office. I will also resend out that payment to your headquarters.

Thank you!

Martina Faciane



Martina Faciane
EDPR
PROJECT DEVELOPMENT - CENTRAL

1501 McKinney St Suite 1300 Houston United States



Please reply during your own working hours and consider the environment before printing.

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Sent: Wednesday, April 10, 2024 6:25 PM
To: MARTINA FACIANE <[REDACTED]>; SKYLER DOCKUM <[REDACTED]>
Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>; SKYLER DOCKUM <[REDACTED]>
Subject: Re: Cattlemen Solar Park II LLC_13923_Request_for_Information

Ms. Martina Faciane,
Thank you for your timely response to the Request for Information for Cattlemen Solar Park's Application No. 13923.

As I stated in an earlier email, I was contacted by our Hydrologist who said that the Maps provided appear to be for a different location. I received error messages while downloading the Maps. The other

attachments appear in order, however, we will need a new signature page as we discussed last February. Would it be possible for you to resend the Maps, which identify diversion locations on Oyster Creek, not Ellison Lake which is the location of diversion?

In your absence, I discussed these issues with Skylar Dockum. Ms. Dockum said that she would raise these issues with you upon your return.

Please give me a call when you have a chance. I will be at a conference on Thursday, April 11, 2024.

Thank you and welcome back,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

Re: Cattlemen Solar Park II LLC_13923_Request_for_Information

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Thu 3/28/2024 3:21 PM

To: SKYLER DOCKUM <[REDACTED]>
Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Skyler Dockum,
Here is the email and attachment we received.
thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

From: MARTINA FACIANE <[REDACTED]>
Sent: Friday, March 22, 2024 3:19 PM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Cc: SKYLER DOCKUM <[REDACTED]>
Subject: Re: Cattlemen Solar Park II LLC_13923_Request_for_Information

Hi Lillian,

I hope you've had a great week! This email contains all of the requested information in the RFI. The attached ZIP file contains all referenced materials.

1. Confirm that the reservoir is currently used solely for domestic and livestock purposes.
Yes, I confirm this.

2. Confirm that the water will be diverted from an unnamed tributary of the Brazos River.
Yes, I confirm this.

3. Confirm the location of the diversion point. The latitude and longitude provided in the application do not plot on the bank of the unnamed tributary of the Brazos River. Staff has calculated coordinates to be Latitude 31.091444°N, Longitude 96.827582°W.
The location of the diversion point will be at coordinates "31° 5'27.85"N 96°49'40.74"W". I have also attached a KMZ with a plotted location.

4. 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.
The diversion of water will take place with a Global GPT-Pump. The pump will utilize low velocity screens that will both work to prevent sediment update and harm to aquatic organisms. The **screen** intake area is designed to keep the velocity below 3 fps to minimize disturbance. I have attached a PDF of the specs of the pump as provided by our contractor.

5. Provide written evidence that Brian Hayes is authorized to sign the application for Cattlemen Solar Park II LLC, pursuant to Title 30 Texas Administrative Code (TAC) §295.14(5)

Please see attached a Secretary's Certificate which specifies the authorization. This has been signed by our head general counsel.

6. Payment

The payment of the remaining balance has been sent VIA FedEx to TCEQ and is postmarked with today's date.

Please let me know if I can provide any additional information.

Best,

Martina Faciane



MARTINA C FACIANE *she/her*
EDP Renewables North America LLC
Development – Central Region
a. 1501 McKinney Street, Suite 1300, Houston, TX 77010
For USPS Mail: P.O. Box 3827, Houston, TX 77253
c. (713) 542-7285



PHONE MEMO

To: Skylar Dockham EDP RENEWABLES NORTH AMERICA LLC	From: Lillian E. Beerman, Ph.D.
Phone No.: (713) 265-3050 346-588-2301	Application: Cattlemen Solar Park II LLC App. No. 13923
Date: March 28, 2024	Re: RFI Questions 2 & 5

The zip file attached to the Applicant's response to the RFI appeared to be for a different location or application.

After several failed attempts to contact the Applicant Contact, Martina Fascine, I was able to contact Ms. Fascine's backup – Skylar Dockham.

Ms. Dockham requested that I send her the zip file and they would investigate the error.

Lillian E. Beerman, Ph.D. March 28, 2024

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Sent: Monday, March 25, 2024 4:48 PM

To: MARTINA FACIANE [REDACTED]

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: Re: Cattlemen Solar Park II LLC_13923_Request_for_Information

Martina,

I received the response to the Request for Information for Cattlemen Solar Park's Application No. 13923.

I was contacted by our Hydrologist who said that the Maps provided appear to be for a different location. I received error messages while downloading the Maps. The other attachments appear in order.

Would it be possible for you to resend the Maps, which identify diversion locations on Oyster Creek, not Ellison Lake which is the location of diversion?

If you have any questions, please do not hesitate to call me.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: MARTINA FACIANE <[REDACTED]>

Sent: Friday, March 22, 2024 3:19 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: SKYLER DOCKUM [REDACTED]

Subject: Re: Cattlemen Solar Park II LLC_13923_Request_for_Information

Hi Lillian,

I hope you've had a great week! This email contains all of the requested information in the RFI. The attached ZIP file contains all referenced materials.

Re: Cattlemen Solar Park II LLC_13923_Request_for_Information

MARTINA FACIANE <[REDACTED]>

Fri 3/22/2024 3:20 PM

To:Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc:SKYLER DOCKUM <[REDACTED]>

 1 attachments (317 KB)

RFI 3.20.2024.zip;

Hi Lillian,

I hope you've had a great week! This email contains all of the requested information in the RFI. The attached ZIP file contains all referenced materials.

1. Confirm that the reservoir is currently used solely for domestic and livestock purposes.

Yes, I confirm this.

2. Confirm that the water will be diverted from an unnamed tributary of the Brazos River.

Yes, I confirm this.

3. Confirm the location of the diversion point. The latitude and longitude provided in the application do not plot on the bank of the unnamed tributary of the Brazos River. Staff has calculated coordinates to be Latitude 31.091444°N, Longitude 96.827582°W.

The location of the diversion point will be at coordinates "31° 5'27.85"N 96°49'40.74"W". I have also attached a KMZ with a plotted location.

4. 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.

The diversion of water will take place with a Global GPT-Pump. The pump will utilize low velocity screens that will both work to prevent sediment update and harm to aquatic organisms. The **screen** intake area is designed to keep the velocity below 3 fps to minimize disturbance. I have attached a PDF of the specs of the pump as provided by our contractor.

5. Provide written evidence that Brian Hayes is authorized to sign the application for Cattlemen Solar Park II LLC, pursuant to Title 30 Texas Administrative Code (TAC) §295.14(5)

Please see attached a Secretary's Certificate which specifies the authorization. This has been signed by our head general counsel.

6. Payment

The payment of the remaining balance has been sent VIA FedEx to TCEQ and is postmarked with today's date.

Please let me know if I can provide any additonal infromation.

Best,

Martina Faciane



MARTINA C FACIANE she/her

EDP Renewables North America LLC

Development - Central Region



a. 1501 McKinney Street, Suite 1300, Houston, TX 77010 For USPS Mail: P.O. Box 3827, Houston, TX 77253

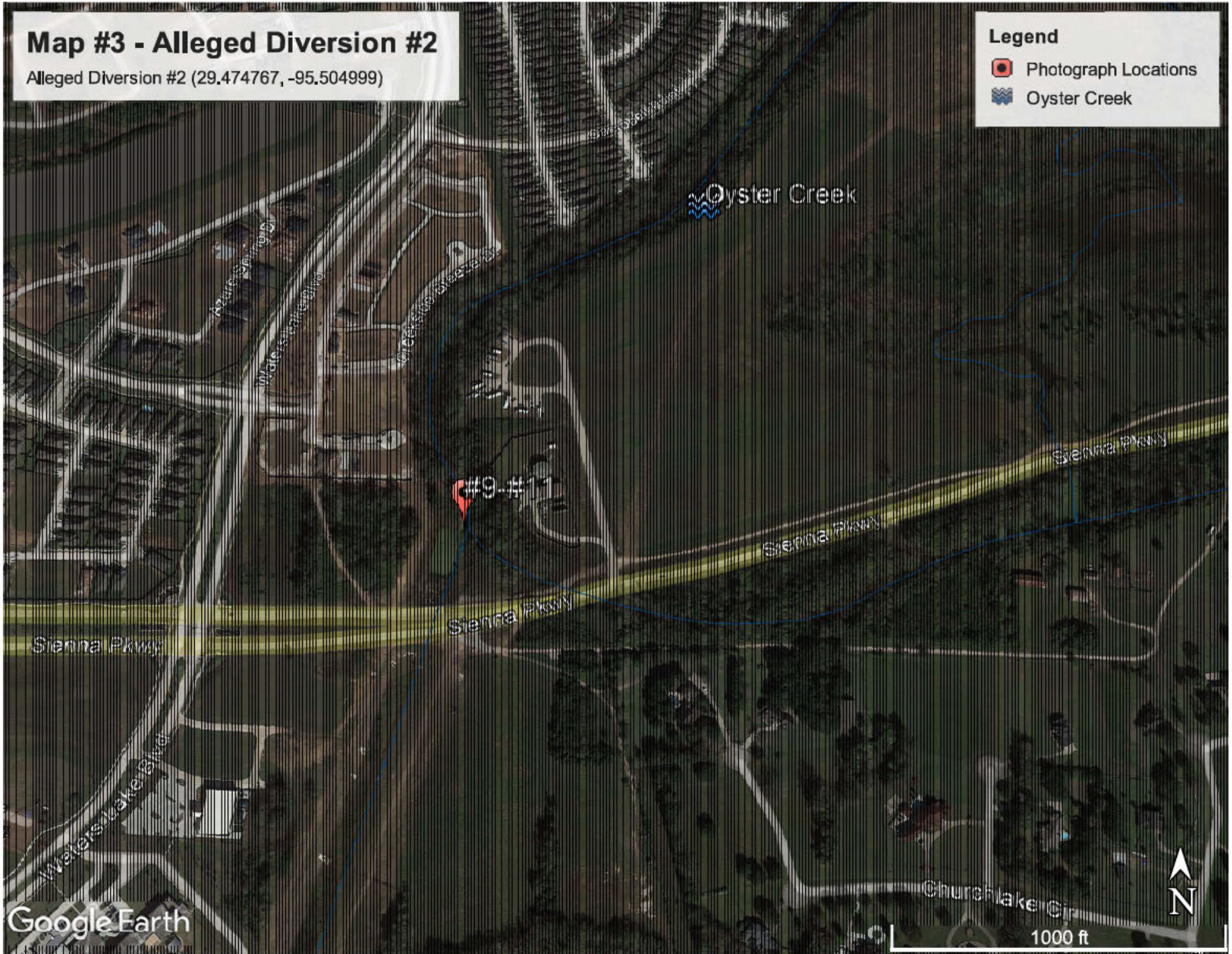
C. (713) 542-7285

Map #3 - Alleged Diversion #2

Alleged Diversion #2 (29.474767, -95.504999)

Legend



-  Photograph Locations
-  Oyster Creek



Map #2 - Alleged Diversion #1

Alleged Diversion #1 (29.487039, -95.513504)

Legend

-  Photograph Locations
-  Oyster Creek

#1-#5

#6-#8

Oyster Creek

Walden Lane Blvd

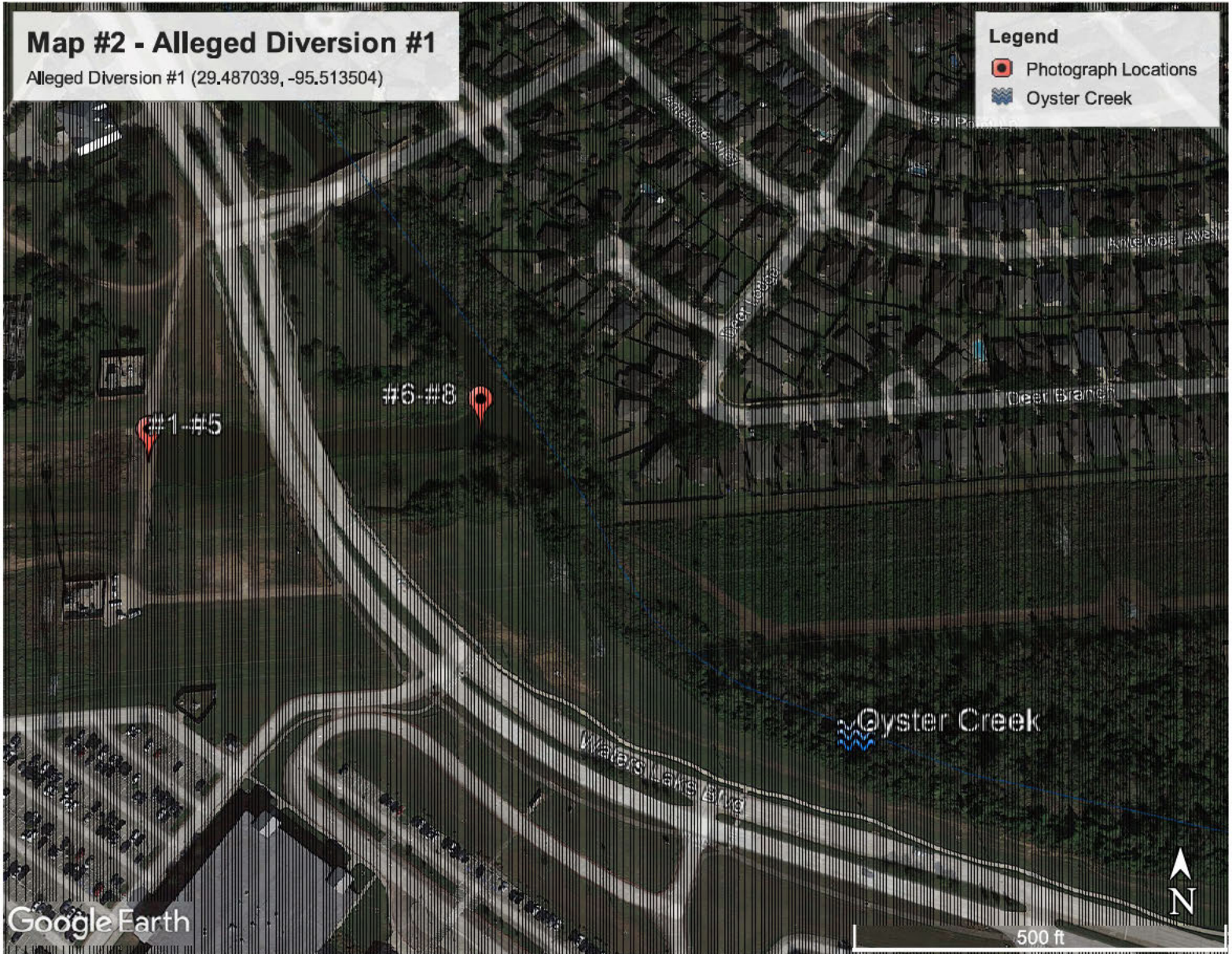
Deer Branch

Angels Ave

Google Earth


500 ft


N



Map #1 - Vicinity Map

Legend

 Alleged Diversion

 Alleged Diversion #1 (29.487039, -95.513504)

Oyster Creek

 Alleged Diversion #2 (29.474767, -95.504999)

Sienna Flows

Google Earth

4000 ft



HDPE GPT-FLOATS



Global GPT-Floats working in a phosphate mine

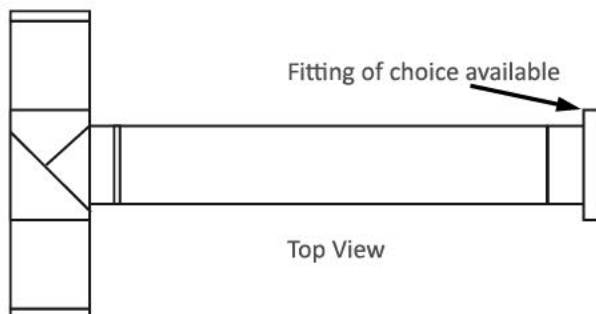
The Global GPT-Floats are specifically designed to keep the intake of the float as close to the surface of the product being pumped as possible. This reduces the amount of sediment and solids supplied to the pump reducing wear and tear. The screen intake area is designed to keep the velocity below 3 fps reducing the potential for vortex.

Global GPT-Floats are available in diameters from 4" to 30" in 2" increments. The GPT-Floats are fabricated from HDPE pipe expertly fused to insure an air tight seal, durability and extended life. The appropriate fittings and reducers are available depending on the size of the GPT-Float.

Global GPT-Float
Available in even sizes from 4" to 30" in diameter



Side View



Top View

Exact dimensions for the size you require are available

FEATURES

Rugged, reliable and coupling free to eliminate air leaks

Reduces pump end wear and tear

Land based ease of assembly and installation

Low velocity screen and buoyancy reduces intake of sediment

Lessen cavitation and vortex risk

Easily custom fabricated to required length

CATTLEMEN SOLAR PARK II LLC

SECRETARY'S CERTIFICATE

The undersigned hereby certifies that I am the duly elected, qualified, and acting Secretary of Cattlemen Solar Park II LLC, a limited liability company organized under the laws of Delaware (the "Company"), and further certify that Kristofer Cheney is the duly appointed Executive Vice President, Western and Central Regions, Mexico, Energy Storage Analytics and Environmental Affairs of the Company, and has due authorization to sign the Application for Temporary Water Use Permit on behalf of the Company.

IN WITNESS WHEREOF, I have hereunto set my hand as of March 21, 2024.

Meredith Berger Chambers

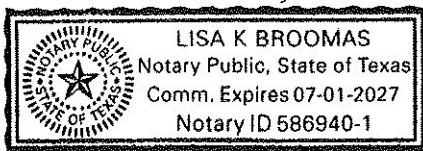
Meredith Berger Chambers
Secretary

TJB

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

On March 21, 2024, before me, Lisa K Broomas, Notary Public, State of Texas, personally appeared Meredith Berger Chambers, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument, the person or the entity upon behalf of which the person acted executed the instrument.

WITNESS my hand and official seal.



Lisa K. Broomas

Please reply during your own working hours and consider the environment before printing.

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Sent: Thursday, March 21, 2024 11:07 AM

To: MARTINA FACIANE <[REDACTED]>

Cc: SKYLER DOCKUM <[REDACTED]> Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: Re: Cattlemen Solar Park II LLC_13923_Request_for_Information

Martina,

This is a reminder that your response to TCEQ's Request for Information for Cattlemen Solar Park II's application for a water use permit (WRPERM no. 13923) is due tomorrow, Friday March 22, 2024.

If you have any questions or concerns, do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: MARTINA FACIANE <[REDACTED]>

Sent: Wednesday, February 21, 2024 12:02 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: SKYLER DOCKUM <[REDACTED]>

Subject: RE: Cattlemen Solar Park II LLC_13923_Request_for_Information

Thanks for clarifying.

Brian Hayes is actually no longer with the company. If possible, you can mark me as the official contact and person of correspondence. Skyler Dockum <[REDACTED]> is a good backup contact for me. She is the developer on this project.

Skyler Dockum
Project Developer
[REDACTED]

Best,



MARTINA C FACIANE she/her

EDP Renewables North America LLC

Development - Central Region

a. 1501 McKinney Street, Suite 1300, Houston, TX 77010 For USPS Mail: P.O. Box 3827, Houston, TX 77253

C. (713) 542-7285

PHONE MEMO

To: Martina Faciane EDP RENEWABLES NORTH AMERICA LLC	From: Lillian E. Beerman, Ph.D.
Phone No.: (713) 542-7285	Application: Cattlemen Solar Park II LLC App. No. 13923
Date: February 22, 2024	Re: RFI Question 2 & 5

Two phone calls

Martina left a voicemail regarding the RFI. She was concerned about question 2 which asked them to confirm the lat/long on an unnamed tributary of the Brazos River. Martina wanted clarification about the unnamed tributary and the location of diversion.

After speaking with the Hydrologist, I informed Martina that TCEQ uses the watercourse, not the name of a lake or a wetland to identify the location of a diversion point. Topographic maps indicate that the lake is located on an unnamed tributary of the Brazos River. She can view this on a GLO GIS or the WAD Map Viewer.

The application provided a diversion location which was in the water. TCEQ identifies the diversion location on the banks of the lake or watercourse.

I also explained to Martina the question regarding signature authority.

Lillian E. Beerman, Ph.D. February 22, 2024



From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Sent: Wednesday, February 21, 2024 11:44 AM
To: MARTINA FACIANE <[REDACTED]>
Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: Cattlemen Solar Park II LLC_13923_Request_for_Information

Mr. Hayes

Attached is a Request for Information (RFI) for Cattlemen Solar Parks' Application No. 13923 for a Water Use Permit.

Please review and respond to the RFI by COB Friday, March 22, 2024.

If you have any questions or concerns, do not hesitate to contact me.

Thank You,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

CONFIDENTIALITY NOTICE:

This message and the attached files may contain confidential and/or privileged information, which should not be disclosed, copied, saved or distributed, under the terms of current legislation.

If you have received this message in error, we ask that you do not disclose or use this information. Please notify the sender of this error, by email, and delete this message from your device.

AVISO DE CONFIDENCIALIDADE:

Esta mensagem e os ficheiros em anexo podem conter informação confidencial e/ou privilegiada, que não deverá ser divulgada, copiada, gravada ou distribuída, nos termos da lei vigente.

Se recebeu esta mensagem por engano, pedimos que não divulgue nem faça uso desta informação. Agradecemos que avise o remetente da mesma, por correio eletrónico, e apague este e-mail do seu sistema.

AVISO DE CONFIDENCIALIDAD:

Este mensaje y los archivos adjuntos pueden contener información confidencial y/o privilegiada, que no deberá ser divulgada, copiada, guardada o distribuida de acuerdo al cumplimiento de la ley vigente.

Si ha recibido este mensaje por error, le pedimos que no divulgue o haga uso de esta información. Le agradecemos que notifique el error al remitente enviándole un correo electrónico y elimine este email de su dispositivo.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 21, 2024

Brian Hayes
Cattlemen Solar Park II LLC
PO Box 3827
Houston, TX 77253-3827

RE: Cattlemen Solar Park II LLC
WRTP 13923
CN606151199, RN111757134
Application No. 13923 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Unnamed Tributary of the Brazos River, Brazos River Basin
Milam County

Dear Mr. Hayes:

This acknowledges receipt, on June 14, 2023, of the referenced application, and on June 28, 2023, of partial fees in the amount of \$270.50 (Receipt No. M318112, 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 is currently used solely for domestic and livestock purposes.
2. Confirm that the water will be diverted from an unnamed tributary of the Brazos River.
3. Confirm the location of the diversion point. The latitude and longitude provided in the application do not plot on the bank of the unnamed tributary of the Brazos River. Staff has calculated coordinates to be Latitude 31.091444° N, Longitude 96.827582° W.
4. 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.
5. Provide written evidence that Brian Hayes is authorized to sign the application for Cattlemen Solar Park II LLC, pursuant to Title 30 Texas Administrative Code (TAC) §295.14(5):

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

Mr. Brian Hayes
Cattlemen Solar Park II LLC
Application No. 13923
February 21, 2024
Page 2 of 2

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.

6. Remit fees in the amount of \$ **55.46**, as described below. Please make the check payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee	(WRTP = > 10 acre-feet)	\$	250.00
Recording Fee	(\$1.25 x 1 page)	\$	1.25
Use Fee	(\$1.00 x 19.25 acre-feet)	\$	19.25
Mailed Notice	(\$0.94 x 59 WR Holders)	\$	55.46
TOTAL FEES		\$	325.96
FEES RECEIVED		\$	270.50
TOTAL FEES DUE		\$	55.46

Please submit the requested information and fees by March 22, 2024, 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 lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability

Attachment



28-JUN-23 04:37 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>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP	M318111	9181516969		BS00103801	28-JUN-23	-\$13.76
	WUP	13918/13919	062823	N	D3802916		
	WATER USE PERMITS	ASSAF, KARIM	RHDAVIS	MO			
	WUP	M318112	164		BS00103801	28-JUN-23	-\$270.50
	WUP		062823	N	D3802916		
	WATER USE PERMITS	HALLORAN, EVAN K	RHDAVIS	CK			
Total (Fee Code):							-\$284.26

RECEIVED
JUL 05 2023
Water Availability Division

RECEIVED
JUL 05 2023
Water Availability Division

From: MARTINA FACIANE [REDACTED]
Sent: Wednesday, February 21, 2024 12:02 PM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Cc: SKYLER DOCKUM [REDACTED]
Subject: RE: Cattlemen Solar Park II LLC_13923_Request_for_Information

Thanks for clarifying.

Brian Hayes is actually no longer with the company. If possible, you can mark me as the official contact and person of correspondence. Skyler Dockum [REDACTED] is a good backup contact for me. She is the developer on this project.

Skyler Dockum
Project Developer
[REDACTED]

Best,

Martina Faciane

MARTINA C FACIANE *she/her*
EDP Renewables North America LLC
Development – Central Region
a. 1501 McKinney Street, Suite 1300, Houston, TX 77010
For USPS Mail: P.O. Box 3827, Houston, TX 77253
c. (713) 542-7285

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Sent: Wednesday, February 21, 2024 11:52 AM
To: MARTINA FACIANE <[REDACTED]>
Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: Re: Cattlemen Solar Park II LLC_13923_Request_for_Information

Mr. Faciane,

Thank you for your prompt response. I was trying to send to Evan Halloran. I did not have an email address for you, but I persisted.

Please confirm that I should forward all future correspondence to you and that Mr. Brian Hayes is still the official contact for the Texas Water Rights application for Cattlemen Solar Park. If there are any changes, please let me know.

The RFI is attached.

Thank You!

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

From: MARTINA FACIANE <[REDACTED]>
Sent: Wednesday, February 21, 2024 11:45 AM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Cc: SKYLER DOCKUM <[REDACTED]>
Subject: RE: Cattlemen Solar Park II LLC_13923_Request_for_Information

Hi Lillian,

Great to hear from you! Could you please resend the RFI? Looks like it was not attached to the last email.

Best,

Martina Faciane

MARTINA C FACIANE *she/her*
EDP Renewables North America LLC
Development – Central Region
a. 1501 McKinney Street, Suite 1300, Houston, TX 77010
For USPS Mail: P.O. Box 3827, Houston, TX 77253
c. (713) 542-7285

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Sent: Wednesday, February 21, 2024 11:44 AM

To: MARTINA FACIANE <[REDACTED]>
Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: Cattlemen Solar Park II LLC_13923_Request_for_Information

Mr. Hayes

Attached is a Request for Information (RFI) for Cattlemen Solar Parks' Application No. 13923 for a Water Use Permit.

Please review and respond to the RFI by COB Friday, March 22, 2024.

If you have any questions or concerns, do not hesitate to contact me.
Thank You,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

RE: Cattlemen_Solar_Park_13923_Temporary_Water_Use_Application

EVAN HALLORAN <[REDACTED]>

Tue 8/8/2023 10:41 AM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Thank you Lillian! I will have Ms. Faciane send you that email.



Evan Halloran

EDP Renewables North America LLC

Development – Central Region

a 1501 McKinney Street, Suite 1300, Houston, TX 77010

For USPS Mail: P.O. Box 3827, Houston, TX 77253

c 346.274.7509



Please reply during your own working hours and consider the environment before printing.

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Sent: Tuesday, August 8, 2023 10:36 AM

To: EVAN HALLORAN <[REDACTED]>

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: Re: Cattlemen_Solar_Park_13923_Temporary_Water_Use_Application

Mr. Evan Halloran,

Please have Ms. Martina Faciane send me an email with her title, phone number and USPS and Email Addresses. I will have the files for Cattlemen Solar Park updated.

I have attached a copy of the receipt.

ALL THE BEST in your future endeavors!

Thank You,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: EVAN HALLORAN <[REDACTED]>

Sent: Tuesday, August 8, 2023 10:07 AM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: MILAN DAS <[REDACTED]>; MARTINA FACIANE <[REDACTED]>; DRAKE YEITER

[REDACTED]
Subject: RE: Cattlemen_Solar_Park_13923_Temporary_Water_Use_Application

Lillian,

Hope you are doing well.

I just wanted to let you know that I will be departing EDPR next Wednesday, August 16. Please continue to coordinate with Martina Faciane for anything needed regarding this application.

Additionally – are you able to provide any sort of receipt or proof of payment for the application fee? Really appreciate all of the help.

Best,
Evan



Evan Halloran

EDP Renewables North America LLC

Development – Central Region

a 1501 McKinney Street, Suite 1300, Houston, TX 77010

For USPS Mail: P.O. Box 3827, Houston, TX 77253

c 346.274.7509



Please reply during your own working hours and consider the environment before printing.

From: EVAN HALLORAN

Sent: Wednesday, July 26, 2023 2:04 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: MILAN DAS <[N](#)> [REDACTED] MARTINA FACIANE <[N](#)> [REDACTED]; DRAKE YEITER <[N](#)> [REDACTED]

Subject: RE: Cattlemen_Solar_Park_13923_Temporary_Water_Use_Application

Lillian,

Thank you very much for the update. We will be on standby for any additional requests.

Best,
Evan



Evan Halloran

EDP Renewables North America LLC

Development – Central Region

a 1501 McKinney Street, Suite 1300, Houston, TX 77010
For USPS Mail: P.O. Box 3827, Houston, TX 77253
c 346.274.7509



Please reply during your own working hours and consider the environment before printing.

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Sent: Wednesday, July 26, 2023 2:02 PM
To: EVAN HALLORAN <[REDACTED]>
Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: Re: Cattlemen_Solar_Park_13923_Temporary_Water_Use_Application

Evan Halloran,
Your application, Cattlemen Solar Park WRTP Application No. 13823, is currently in Administrative Review.
I will contact you should the Water Rights Permitting Staff require additional information.
Thank You,

[Lillian E. Beerman, Ph.D.](#)

[Water Rights Permitting Team](#)

[Water Availability Division](#)

[512-239-4019](#)

lillian.beerman@tceq.texas.gov

From: EVAN HALLORAN <[REDACTED]>
Sent: Wednesday, July 26, 2023 8:37 AM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Cc: MILAN DAS <[REDACTED]> DRAKE YEITER <[REDACTED]> MARTINA FACIANE <[REDACTED]>
Subject: RE: Cattlemen_Solar_Park_13923_Temporary_Water_Use_Application

Good morning Lillian,

Hope you are doing well! Thank you very much for working with Martina on the subject application while I was out.

I just wanted to check in to see if there was anything needed from our end on the application, or any updates regarding timeline for processing. We are more than happy to help if needed. Really appreciate all of your support moving this along.

Best,
Evan

Re: Cattlemen_Solar_Park_13923_Temporary_Water_Use_Application

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Wed 7/5/2023 10:15 AM

To: EVAN HALLORAN <[REDACTED]>

Mr. Halloran,
Very much appreciated!
Lillian

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

From: EVAN HALLORAN <[REDACTED]>

Sent: Wednesday, July 5, 2023 10:04 AM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: MARTINA FACIANE <[REDACTED]>; MILAN DAS <[REDACTED]>; DRAKE YEITER <[REDACTED]>

Subject: RE: Cattlemen_Solar_Park_13923_Temporary_Water_Use_Application

Lillian,

I can confirm that I am the contact with EDP Renewables for the application. I appreciate you copying my colleagues on the emails while I am out.

Appreciate your assistance.

Best,
Evan



Evan Halloran

EDP Renewables North America LLC

Development – Central Region

a 1501 McKinney Street, Suite 1300, Houston, TX 77010

For USPS Mail: P.O. Box 3827, Houston, TX 77253

c 346.274.7509



Please reply during your own working hours and consider the environment before printing.

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Sent: Wednesday, July 5, 2023 9:53 AM

To: EVAN HALLORAN <[REDACTED]>
Cc: MARTINA FACIANE <[REDACTED]>; MILAN DAS <[REDACTED]>; DRAKE YEITER <[REDACTED]> Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: Cattlemen_Solar_Park_13923_Temporary_Water_Use_Application

Mr. Evan Halloran,

On June 14, 2023, TCEQ Water Availability Division received Application No. 13923 for a Temporary Water Use Permit from Cattlemen Solar Park II LLC (Applicant).

Applicant requests a temporary permit to divert and use not to exceed 19.25 acre-feet of water within a period of 19 months from a point on Ellison Lake.

I am preparing a Request for Information for Application No. 13923. Would you send an email confirming that you, Evan Halloran, are the Contact for this application. When I receive confirmation, I will be able to send the Request for Information, and future correspondence, to you and to copy your colleagues at EDP Renewables. An email stating that you, Evan Halloran, are the contact and that you are with EDP Renewables would be sufficient.

Your email is much appreciated.

Enjoy your holiday. And please, send confirmation before you depart if possible.

Thank you,

[Lillian E. Beerman, Ph.D.](#)

[Water Rights Permitting Team](#)

[Water Availability Division](#)

[512-239-4019](#)

lillian.beerman@tceq.texas.gov

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Se recebeu esta mensagem por engano, pedimos que não divulgue nem faça uso desta informação. Agradecemos que avise o remetente da mesma, por correio eletrónico, e apague este e-mail do seu sistema.

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Fw: 10202 Permit Application - Cattlemen Solar Park II LLC

Chris Kozlowski <chris.kozlowski@tceq.texas.gov>

Wed 7/5/2023 8:22 AM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

FYI

From: EVAN HALLORAN <[REDACTED]>

Sent: Wednesday, July 5, 2023 7:31 AM

To: Edward Valencia Jr <[REDACTED]> WRPT <WRPT@tceq.texas.gov>; MARTINA FACIANE

[REDACTED] MILAN DAS <[REDACTED]>; DRAKE YEITER

<[REDACTED]>

Cc: Tiffin Funaro <Tiffin.Funaro@tceq.texas.gov>; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>

Subject: RE: 10202 Permit Application - Cattlemen Solar Park II LLC

Good morning,

Hope everyone had a wonderful 4th of July.

I just wanted to let you know that I am going to be out of the office starting tomorrow until Thursday, July 20. For any inquiries regarding our permit application for Cattlemen Solar Park II LLC in my absence, please reach out to my colleagues [MARTINA FACIANE](#), [MILAN DAS](#), and [DRAKE YEITER](#) who are included on this email chain.

If there are any questions please do not hesitate to reach out.

Best,

Evan



Evan Halloran

EDP Renewables North America LLC

Development – Central Region

a 1501 McKinney Street, Suite 1300, Houston, TX 77010

For USPS Mail: P.O. Box 3827, Houston, TX 77253

c 346.274.7509



Please reply during your own working hours and consider the environment before printing.

From: EVAN HALLORAN

Sent: Wednesday, June 28, 2023 8:14 AM

To: Edward Valencia Jr <Edward.Valencia@tceq.texas.gov>; WRPT <WRPT@tceq.texas.gov>

Cc: MARTINA FACIANE <[REDACTED]>; MILAN DAS <[REDACTED]>; DRAKE YEITER

[REDACTED] Tiffin Funaro <Tiffin.Funaro@tceq.texas.gov>; Chris Kozlowski

<chris.kozlowski@tceq.texas.gov>

Subject: RE: 10202 Permit Application - Cattlemen Solar Park II LLC

Eddie,

Thank you very much for the confirmation. If anything is needed please do not hesitate to reach out.

Best,
Evan



Evan Halloran

EDP Renewables North America LLC

Development – Central Region

a 1501 McKinney Street, Suite 1300, Houston, TX 77010

For USPS Mail: P.O. Box 3827, Houston, TX 77253

c 346.274.7509



Please reply during your own working hours and consider the environment before printing.

From: Edward Valencia Jr <Edward.Valencia@tceq.texas.gov>

Sent: Wednesday, June 28, 2023 8:13 AM

To: EVAN HALLORAN [REDACTED]; WRPT [REDACTED]

Cc: MARTINA FACIANE [REDACTED]; MILAN DAS [REDACTED]; DRAKE YEITER [REDACTED]

[REDACTED]; Tiffin Funaro <Tiffin.Funaro@tceq.texas.gov>; Chris Kozlowski

<chris.kozlowski@tceq.texas.gov>

Subject: RE: 10202 Permit Application - Cattlemen Solar Park II LLC

Mr. Halloran,

Good morning Sir, yes both hard copy and payment have been received and the payment is currently being processed by our Cashier's Office.

Respectfully,

Eddie Valencia

Info Technology & Business Support Admin Asst V/ WAD ADSO

Water Availability Division / Office of Water

Texas Commission on Environmental Quality



**TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

From: EVAN HALLORAN <[REDACTED]>
Sent: Wednesday, June 28, 2023 8:11 AM
To: WRPT <WRPT@tceq.texas.gov>
Cc: MARTINA FACIANE <[REDACTED]>; MILAN DAS <[REDACTED]>; DRAKE YEITER <[REDACTED]>; Tiffin Funaro <Tiffin.Funaro@tceq.texas.gov>; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Edward Valencia Jr <Edward.Valencia@tceq.texas.gov>
Subject: RE: 10202 Permit Application - Cattlemen Solar Park II LLC

Water Rights Permitting Team,

Our hard copy application and payment is showing delivered on Friday, June 23. Could you please confirm that this was received?

Thank you,
Evan



Evan Halloran
EDP Renewables North America LLC
Development – Central Region
a 1501 McKinney Street, Suite 1300, Houston, TX 77010
For USPS Mail: P.O. Box 3827, Houston, TX 77253
c 346.274.7509



Please reply during your own working hours and consider the environment before printing.

From: EVAN HALLORAN
Sent: Thursday, June 22, 2023 3:01 PM
To: WRPT <WRPT@tceq.texas.gov>
Cc: MARTINA FACIANE <[REDACTED]>; MILAN DAS <[REDACTED]>; DRAKE YEITER <[REDACTED]>; Tiffin Funaro <Tiffin.Funaro@tceq.texas.gov>; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Edward Valencia Jr <Edward.Valencia@tceq.texas.gov>
Subject: RE: 10202 Permit Application - Cattlemen Solar Park II LLC

Eddie,

Thank you very much. We have sent in the hard copy of the permit and payment to the provided address. The USPS tracking number is 9470109105156528350454. If you have any questions or need anything else please let us know.

Best,
Evan



Evan Halloran

EDP Renewables North America LLC

Development – Central Region

a 1501 McKinney Street, Suite 1300, Houston, TX 77010

For USPS Mail: P.O. Box 3827, Houston, TX 77253

c 346.274.7509



Please reply during your own working hours and consider the environment before printing.

From: WRPT <WRPT@tceq.texas.gov>

Sent: Wednesday, June 21, 2023 7:18 AM

To: EVAN HALLORAN <[REDACTED]>

Cc: MARTINA FACIANE <[REDACTED]>; MILAN DAS <[REDACTED]>; DRAKE YEITER

<[REDACTED]>; Tiffin Funaro <Tiffin.Funaro@tceq.texas.gov>; Chris Kozlowski

<chris.kozlowski@tceq.texas.gov>; Edward Valencia Jr <Edward.Valencia@tceq.texas.gov>

Subject: RE: 10202 Permit Application - Cattlemen Solar Park II LLC

Mr. Halloran,

Good morning, we have received your temporary water permit application. In regards to payment, please include it with the hard copy of your application as ePay is unable to process payments for these types of applications. Please let me know if you have any further questions pertaining to the application process.

Respectfully,

Eddie Valencia

Info Technology & Business Support Admin Asst V/ WAD ADSO

Water Availability Division / Office of Water

Texas Commission on Environmental Quality



**TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

From: EVAN HALLORAN <[REDACTED]>

Sent: Tuesday, June 20, 2023 6:22 PM

To: WRPT <WRPT@tceq.texas.gov>

Cc: MARTINA FACIANE <[REDACTED]>; MILAN DAS <[REDACTED]>; DRAKE YEITER

Subject: 10202 Permit Application - Cattlemen Solar Park II LLC

Water Permitting Office,

Cattlemen Solar Park II LLC is applying for a Temporary Water Use Permit (TCEQ-10202) for use of a reservoir in Milam County, TX.

Please see the attached documents for all required forms, including the 10202 Permit, Core Data Form, map of the access location, and Water Use Agreement. Hard copies are also being sent to the PO Box address. Regarding payment of the \$270.50 – is it possible to pay via ePay online? If not, we will include payment in the hard copy package.

We appreciate your assistance during this process, and I am more than happy to provide you with any additional details. If there are any questions, comments, or concerns, do not hesitate to reach out.

Best,
Evan Halloran



Evan Halloran
EDP Renewables North America LLC
Development – Central Region
a 1501 McKinney Street, Suite 1300, Houston, TX 77010
For USPS Mail: P.O. Box 3827, Houston, TX 77253
c 346.274.7509



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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. 87-3613572

- A. Name: Cattlemen Solar Park II LLC
B. Mailing Address: PO Box 3827, Houston, TX 77253
C. Telephone Number: 346-274-7509 Fax Number: _____ E-mail Address: _____
D. Applicant owes fees or penalties? Yes ☒ No
If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:

- E. Describe Use of Water: Temporary water usage to support construction of a utility-scale solar project (construction water and dust control)
F. Description of Project (TDH Project No. if applicable) 150MW ac solar photovoltaic power plant
G. Highway Designation No. FM 2027 County: Milam

2. Type of Diversion (check one):

- ☐ From Stream ☒ From Reservoir

3. Rate of Diversion:

- A. Maximum 1200 gpm
(capacity of pump)

4. Amount and Source of Water:

19.25 acre-feet of water within a period of 19 months (specify term period not to exceed a three year term). The water is to be obtained from Ellison Lake, tributary of unnamed wetland feature (as depicted in map), tributary of Brazos River, tributary of N/A, Brazos 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. (Diversion point location calculated with ArcGIS)

At Latitude 31.091437°N, Longitude 96.827757°W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) FM 2027 (R-O-W) (Highway), located in Zip Code 76570, located 18.75 miles in a NE direction from _____
Cameron (County Seat), _____ Milam County, and 2.68 miles in a NE direction from Baileyville
_____, a nearby town shown on County road map. Note: Distance in straight line miles.

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

6. Access to Diversion Point (check one):

- ☐ Public right-of-way
☒ Private property
(A letter of permission from landowner is attached)
☐ Other (Explain)

7. Fees Enclosed:

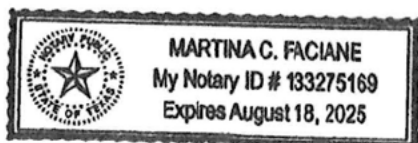
	10 ac-ft or less	greater than 10 ac-ft
Filing	\$ 100.00	\$ 250.00
Recording	\$ 1.25	\$ 1.25
Use (\$1.00 per ac-ft or fraction thereof)	\$ _____	\$ <u>19.25</u>
(Note: 1 ac-ft = 325,851 gals. Total)	\$ _____	\$ <u>270.50</u>
1 ac-ft = 7758.35 bbls.)		

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

[Signature]
Name (sign)

Brian Hayes
Name (print)

Subscribed and sworn to me as being true and correct before me this 14 day of June, 2023



[Signature]
Notary Public, State of Texas

RECEIVED
JUN 14 2023

Water Availability Division



TCEQ Core Data Form

For detailed instructions on completing this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided.)		
<input checked="" type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application.)		
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)		<input type="checkbox"/> Other
2. Customer Reference Number (if issued)	Follow this link to search for CN or RN numbers in Central Registry**	3. Regulated Entity Reference Number (if issued)
CN		RN 111699989

SECTION II: Customer Information

4. General Customer Information		5. Effective Date for Customer Information Updates (mm/dd/yyyy)		6/8/2023	
<input checked="" type="checkbox"/> New Customer <input type="checkbox"/> Update to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership					
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)					
<i>The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).</i>					
6. Customer Legal Name (If an individual, print last name first: eg: Doe, John)				<i>If new Customer, enter previous Customer below:</i>	
Cattlemen Solar Park II LLC					
7. TX SOS/CPA Filing Number		8. TX State Tax ID (11 digits)		9. Federal Tax ID	10. DUNS Number (if applicable)
0804321841		32081972484		(9 digits) 87-3613572	
11. Type of Customer:		<input checked="" type="checkbox"/> Corporation		<input type="checkbox"/> Individual	Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited
Government: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> Local <input type="checkbox"/> State <input type="checkbox"/> Other		<input type="checkbox"/> Sole Proprietorship		<input type="checkbox"/> Other:	
12. Number of Employees				13. Independently Owned and Operated?	
<input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input checked="" type="checkbox"/> 501 and higher				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
14. Customer Role (Proposed or Actual) – as it relates to the Regulated Entity listed on this form. Please check one of the following					
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Owner & Operator <input type="checkbox"/> Other:					
<input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Responsible Party <input type="checkbox"/> VCP/BSA Applicant					
15. Mailing Address:		Cattlemen Solar Park II LLC c/o EDP Renewables North America LLC			
		PO Box 3827			
City		Houston		State	TX
ZIP		77253		ZIP + 4	
16. Country Mailing Information (if outside USA)			17. E-Mail Address (if applicable)		
			[REDACTED]		
18. Telephone Number		19. Extension or Code		20. Fax Number (if applicable)	

SECTION III: Regulated Entity Information**21. General Regulated Entity Information** (If 'New Regulated Entity' is selected, a new permit application is also required.)☐ New Regulated Entity ☒ Update to Regulated Entity Name ☐ Update to Regulated Entity Information

The Regulated Entity Name submitted may be updated, in order to meet TCEQ Core Data Standards (removal of organizational endings such as Inc, LP, or LLC).

22. Regulated Entity Name (Enter name of the site where the regulated action is taking place.)

Cattlemen Solar Park II

23. Street Address of the Regulated Entity:

9758 FM2027

(No PO Boxes)

City

Rosebud

State

TX

ZIP

76570

ZIP + 4

24. County

Milam

If no Street Address is provided, fields 25-28 are required.

25. Description to**Physical Location:****26. Nearest City****State****Nearest ZIP Code**

Latitude/Longitude are required and may be added/updated to meet TCEQ Core Data Standards. (Geocoding of the Physical Address may be used to supply coordinates where none have been provided or to gain accuracy).

27. Latitude (N) In Decimal:**28. Longitude (W) In Decimal:**

Degrees

Minutes

Seconds

Degrees

Minutes

Seconds

29. Primary SIC Code**30. Secondary SIC Code****31. Primary NAICS Code****32. Secondary NAICS Code**

(4 digits)

(4 digits)

(5 or 6 digits)

(5 or 6 digits)

4911

221114

33. What is the Primary Business of this entity? (Do not repeat the SIC or NAICS description.)

Generating electricity

34. Mailing

PO Box 3827

Address:

City

Houston

State

TX

ZIP

77253

ZIP + 4

35. E-Mail Address:**36. Telephone Number****37. Extension or Code****38. Fax Number** (if applicable)

(346) 274-7509

() -

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

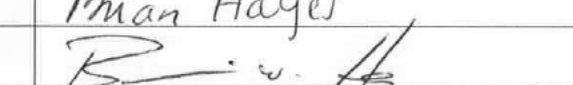
<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
<input type="checkbox"/> Sludge	<input checked="" type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
	TXR1547MD			
<input type="checkbox"/> Voluntary Cleanup	<input type="checkbox"/> Wastewater	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:

SECTION IV: Preparer Information

40. Name:	Evan Halloran	41. Title:	Development Project Manager
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
(346) 274-7509		() -	

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	Cattlemen Solar Park II LLC	Job Title:	EVP of Asset Operations
Name (In Print):	Mrian Hayes	Phone:	(281) 627 8648
Signature:		Date:	6/14/2025

WATER SUPPLY AGREEMENT

THIS WATER SUPPLY AGREEMENT (this “**Agreement**”) is executed as of APRIL 14, 2023, but effective as of March 1, 2023 (the “**Effective Date**”), by and between **Charles W. Ellison, Carol Ann Ellison a/k/a Carol Ellison, Sandy Ann Ellison Findley a/k/a Sandy Ann Findley, f/k/a Sandy Ann Ellison, Dusty Ann Ellison Mathis a/k/a Dusty Ann Mathis, f/k/a Dusty Ann Ellison, Misty Ann Ellison, Rainy Ann Ellison Kelley a/k/a Rainy Ann Kelley, f/k/a Rainy Ann Ellison, and Clay Charles Ellison** (collectively, “**Seller**”) and **CATTLEMEN SOLAR PARK II LLC**, a Delaware limited liability company (“**Buyer**”). Seller and Buyer may hereafter be referred to as, together, the “**Parties**” and each, a “**Party**”.

WHEREAS, Seller and Buyer (or their respective affiliates) entered into multiple Solar Energy Lease and Agreement with Grant of Easements in July, 2021 (collectively, the “**Leases**”), concerning certain real property described on Exhibit A attached hereto (the “**Property**”).

WHEREAS, pursuant to the Leases, Buyer is constructing a solar electrical generation facility on the Property (the “**Solar Project**”).

WHEREAS, Buyer desires to procure water to meet its needs for constructing the Solar Project during the Term (as defined below).

WHEREAS, Seller wishes to sell, and Buyer wishes to purchase from Seller, the unrestricted access to surface water on and under the Property during the Term (the “**Temporary Water Supply**”) under the terms of this Agreement as set forth below.

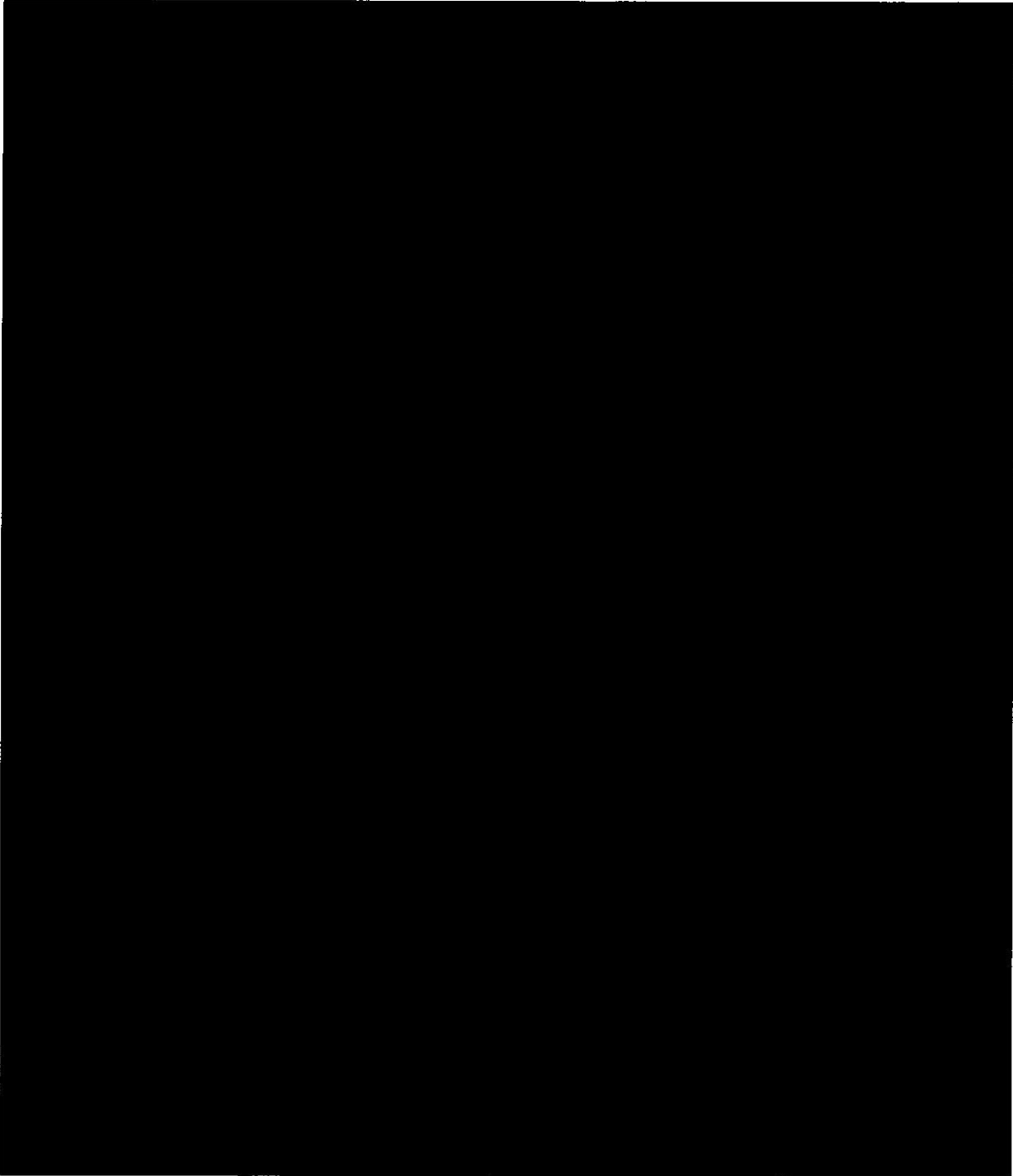
IN CONSIDERATION of the foregoing, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties hereto agree as follows:

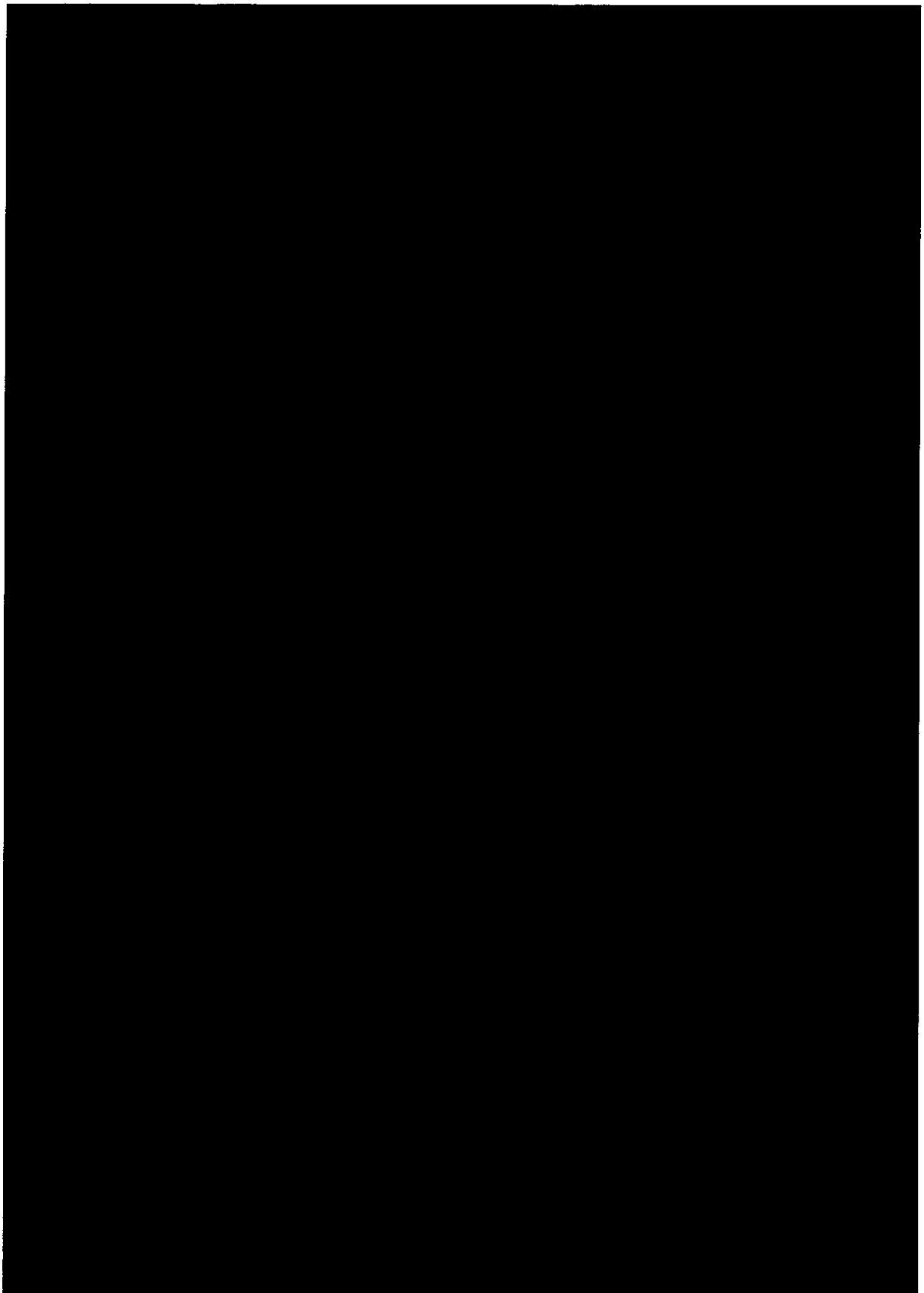
1. Agreement to Sell and Purchase Water. Seller hereby grants to Buyer the Temporary Water Supply, and Buyer agrees to purchase the Temporary Water Supply from Seller, in accordance with the terms and conditions of this Agreement.

3. Access to Water.

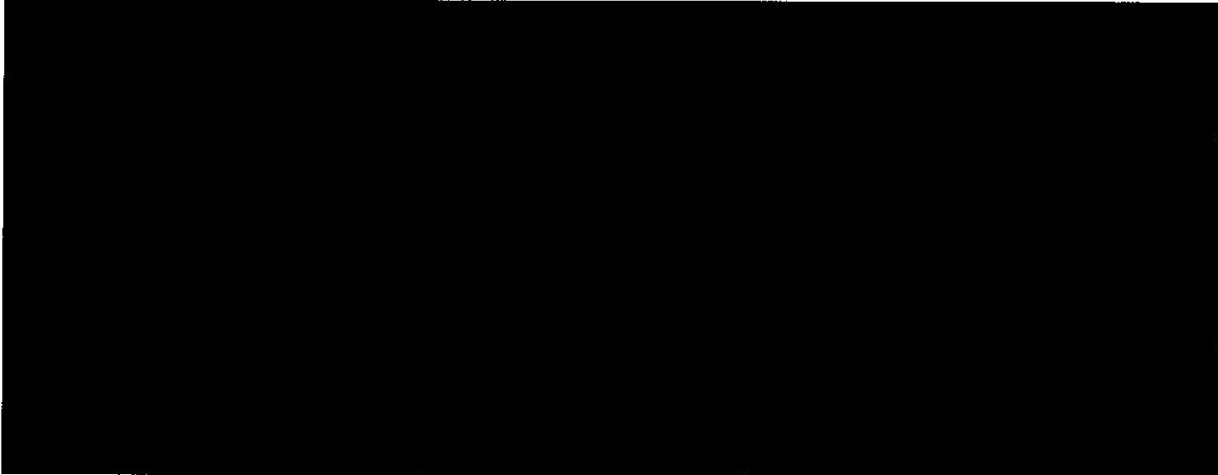
a. Prior to accessing water on the Property under the Temporary Water Supply, Buyer shall deliver written notice to Seller that Buyer intends to begin accessing water on the Property (“**Water Access Notice**”). The Water Access Notice shall state the date on which Buyer will begin accessing water on the Property under the Temporary Water Supply (“**Water Access Date**”).

b. During the Term following delivery of the Water Notice, Buyer may draw surface water from the Property. Buyer will have the right to install water conveyance mechanisms including above ground tanks, water truck filling system, and water treatment system on the Property ("**Buyer Water Equipment**"). Seller does not guarantee the functionality of the Buyer Water Equipment or that its flow rate will be sufficient to meet Buyer's quantity needs. Seller will have no obligation to repair or maintain the Buyer Water Equipment.



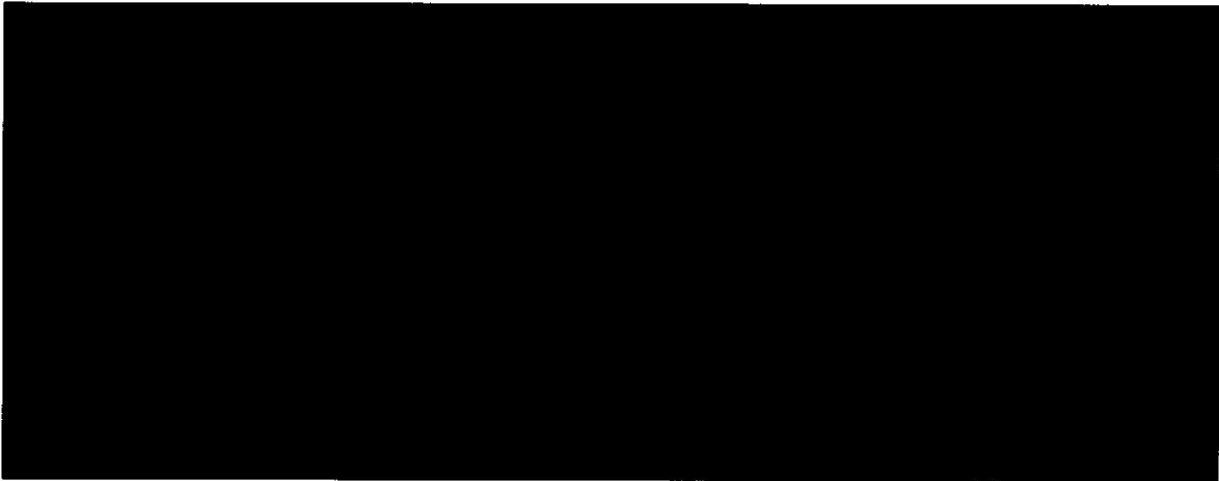


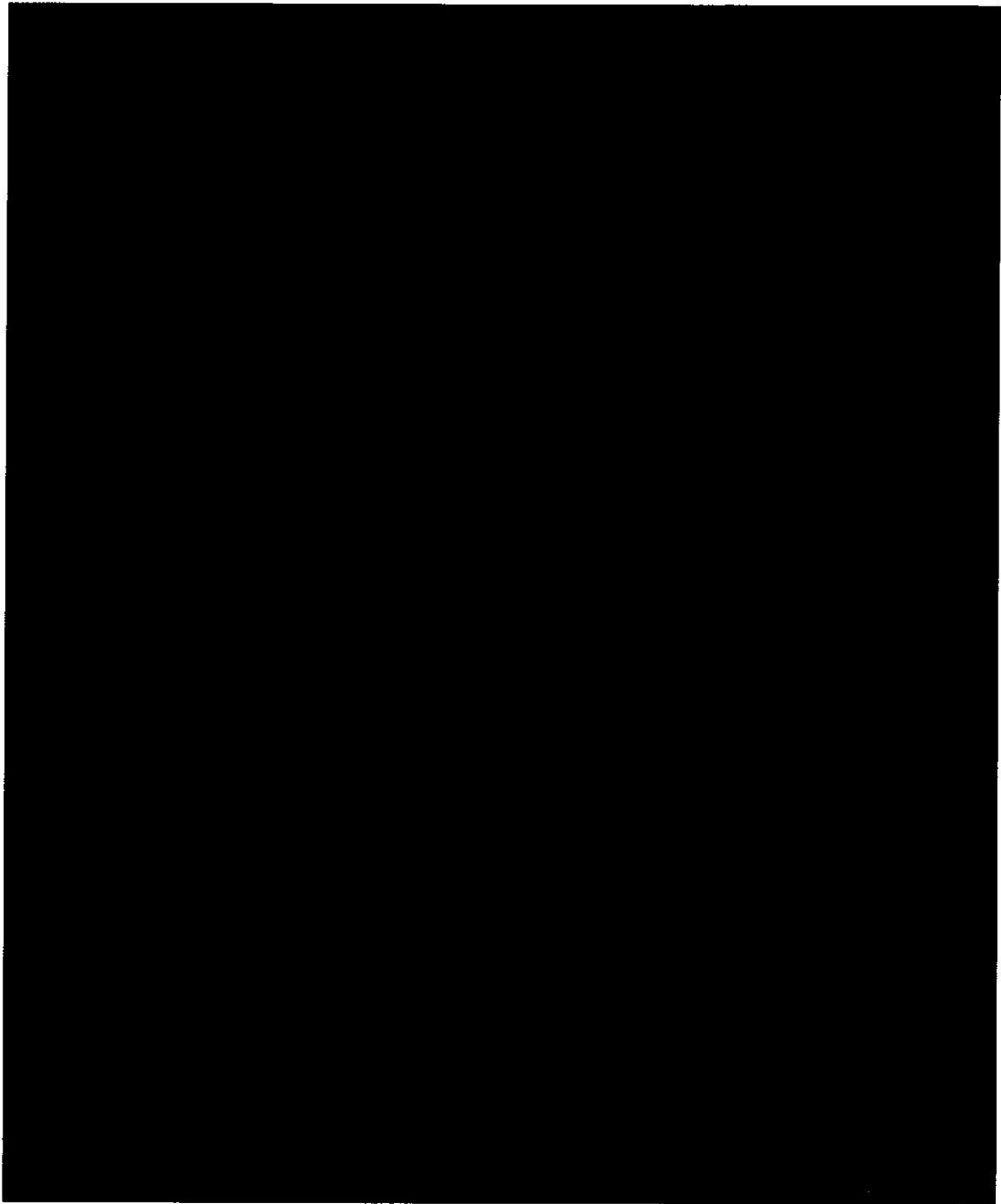
9. Binding on Successors. The terms, covenants and conditions hereof will be binding upon and will inure to the benefit of the heirs, executors, administrators, successors, and, subject to Section 14 below, assignees, of the respective Parties hereto.



13. Counterparts and Electronic Signatures. This Agreement may be signed and delivered (including by facsimile or electronic mail) by the Parties in different counterparts and the signature pages combined to create a document binding on all Parties. It will not be necessary for each Party to execute the same counterpart hereof. The Parties agree that this Agreement may be executed by electronic signatures. An "electronic signature" means any symbol or process intended by an individual signing this Agreement to represent their signature, including but not limited to (i) a digital signature; (ii) a faxed version of an original handwritten signature; or (iii) an electronically scanned and transmitted (for example by PDF document) of a handwritten signature.

14. Entire Agreement. This Agreement contains all of the agreements of the Parties hereto with respect to the matters contained herein, and no prior agreement or understanding pertaining to any such matter will be effective for any purpose. No provisions hereof may be amended or modified in any manner whatsoever except by an agreement in writing signed by duly authorized representatives of each of the Parties hereto.





IN WITNESS WHEREOF, the Parties have executed this Amendment as set forth below.

SELLER:

Charles W Ellison

Carol Ann Ellison

Sandy Ann Ellison Findley

Dusty Ann Ellison Mathis

Misty Ann Ellison

Rainy Ann Ellison Kelley

Clay Charles Ellison

BUYER:

CATTLEMEN SOLAR PARK II LLC, a
Delaware liability company

By: _____

Name: _____

Title: EXECUTIVE VICE PRESIDENT

IN WITNESS WHEREOF, the Parties have executed this Amendment as set forth below.

SELLER:


Charles W Ellison


Carol Ann Ellison

Sandy Ann Ellison Findley

Dusty Ann Ellison Mathis

Misty Ann Ellison

Rainy Ann Ellison Kelley

Clay Charles Ellison

BUYER:

CATTLEMEN SOLAR PARK II LLC, a
Delaware liability company

By: _____

Name: _____

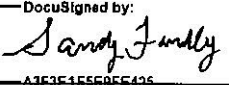
Title: _____

IN WITNESS WHEREOF, the Parties have executed this Amendment as set forth below.

SELLER:

Charles W Ellison

Carol Ann Ellison

DocuSigned by:

AJF3E15569FE436

Sandy Ann Ellison Findley

Dusty Ann Ellison Mathis

Misty Ann Ellison

Rainy Ann Ellison Kelley

Clay Charles Ellison

BUYER:

CATTLEMEN SOLAR PARK II LLC, a
Delaware liability company

By: _____

Name: _____

Title: _____


IN WITNESS WHEREOF, the Parties have executed this Amendment as set forth below.

SELLER:

Charles W Ellison

Carol Ann Ellison

Sandy Ann Ellison Findley

DocuSigned by:

418518ADA7B448A...

Dusty Ann Ellison Mathis

Misty Ann Ellison

Rainy Ann Ellison Kelley

Clay Charles Ellison

BUYER:

CATTLEMEN SOLAR PARK II LLC, a
Delaware liability company

By: _____

Name: _____

Title: _____

IN WITNESS WHEREOF, the Parties have executed this Amendment as set forth below.

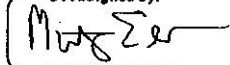
SELLER:

Charles W Ellison

Carol Ann Ellison

Sandy Ann Ellison Findley

Dusty Ann Ellison Mathis

DocuSigned by:

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Misty Ann Ellison

Rainy Ann Ellison Kelley

Clay Charles Ellison

BUYER:

CATTLEMEN SOLAR PARK II LLC, a
Delaware liability company

By: _____

Name: _____

Title: _____

IN WITNESS WHEREOF, the Parties have executed this Amendment as set forth below.

SELLER:

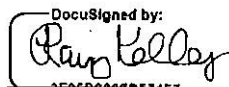
Charles W Ellison

Carol Ann Ellison

Sandy Ann Ellison Findley

Dusty Ann Ellison Mathis

Misty Ann Ellison

DocuSigned by:

3F55B000C0574F7

Rainy Ann Ellison Kelley

Clay Charles Ellison

BUYER:

CATTLEMEN SOLAR PARK II LLC, a
Delaware liability company

By: _____

Name: _____

Title: _____

IN WITNESS WHEREOF, the Parties have executed this Amendment as set forth below.

SELLER:

Charles W Ellison

Carol Ann Ellison

Sandy Ann Ellison Findley

Dusty Ann Ellison Mathis

Misty Ann Ellison

Rainy Ann Ellison Kelley

DocuSigned by:
Clay Charles Ellison
109058636AE6430...
Clay Charles Ellison

BUYER:

CATTLEMEN SOLAR PARK II LLC, a
Delaware liability company

By: _____

Name: _____

Title: _____

2604-Elison et al-Cattlemen II Water Purchase Agreement 230411

EXHIBIT A

Legal Description of the Property

THE FOLLOWING REAL PROPERTY LOCATED IN THE COUNTY OF MILAM, STATE OF TEXAS:

That certain 63 acre tract of land situated in the Levi Taylor League in Milam County, Texas, being described in a deed from John Smiley to C. W. Ellison, Richard Ellison, and Claude Ellison dated April 16, 1937, and recorded in Volume 220, page 130 of the Deed Records of Milam County, Texas, being the same land described as Tract Number 8 in a deed from Richard W. Ellison to Lois Helen Ellison dated February 4, 1954, and recorded in Volume 292, page 174 of the Deed Records of Milam County, Texas.

PIN: 17348

ALSO

That certain 58 acres of land situated in the Levi Taylor League in Milam County, Texas, being described in a deed from A. Taylor to R. W. Ellison dated September 1, 1882, recorded in Volume 10, page 429 of the Deed Records of Milam County, Texas, being the same land described as a part of Tract Number 32 in a deed from Richard W. Ellison to Lois Helen Ellison dated February 4, 1954, and recorded in Volume 292, page 174 of the Deed Records of Milam County, Texas.

PIN: 18020

ALSO

The South half of that 40 acre tract on the Samuel Frost League conveyed to Albert Morgan by R. K. Wimberly and wife, Blanchie Wimberly, by deed dated the ____ day of _____, 1906, recorded in Volume 81 page 227, of the Deed Records of Milam County, Texas, and described by metes and bounds as follows:

BEGINNING at the SW corner of said 40 acre tract;
THENCE N 30 E 412 5/10 vrs. to stake in West line in said 40 acre tract;
THENCE N 60 E 272 2/10 vrs to stake for corner in East line of said 40 acre tract;
THENCE S 30 E 412 5/10 vrs to stake for corner; same being the SE corner of Block 15 of the Hough and Conley Subdivision;

THENCE S 60 W 11 vrs to corner in East line of road;
THENCE N 30 W 8 vrs to corner at turn of road;
THENCE S 60 W 261 2/10 vrs to place of beginning.
Containing 20 acres of land, more or less.

PINS: 58858 & 24322

ALSO

That certain 175 acre tract of land situated in the Samuel Frost Survey in Milam County, Texas, being described in a deed from Alex Taylor, Sr. to R. W. Ellison dated December 28, 1909, and recorded in Volume 95, page 589 of the Deed Records of Milam County, Texas, being the same land described as Tract Number 30 in a deed from Richard W. Ellison to Lois Helen Ellison dated February 4, 1954, and recorded in Volume 292, page 174 of the Deed Records of Milam County, Texas.

SAVE AND EXCEPT THE LAND BOUNDED BY THE FOLLOWING COORDINATES:

31° 4'49.42"N, 96°51'8.25"W;
31° 4'55.10"N, 96°51'1.18"W;
31° 4'48.39"N, 96°50'54.35"W;
31° 4'43.97"N, 96°50'59.66"W.

(15.5 acres)

PIN: 58860 and Portion of PIN 25054

PLUS

That certain 53.5 acre tract of land of land, being the West portion of Lot Number 22 out of the Samuel Frost Survey in Milam County, Texas, described in a deed from James Wiseman to Wright Ellison dated October 21, 1929, and recorded in Volume 195, page 513 of the Deed Records of Milam County, Texas, and also in a deed from C. W. Ellison to Richard W. Ellison and Claud M. Ellison dated August 23, 1940, and recorded in Volume 230, page 374 of the Deed Records of Milam County, Texas, being the same land described as Tract Number 3 in a deed from Richard W. Ellison to Lois Helen Ellison dated February 4, 1954, and recorded in Volume 292, page 174 of the Deed Records of Milam County, Texas

PLUS

That certain 100 acre tract of land, being Lot Number 24 out of the Samuel Frost Survey in Milam County, Texas, being described in a deed from Helen Connolly to R. W. Ellison dated October 4, 1894, and recorded in Volume 39, page 104 of the Deed Records of Milam County, Texas, being the same land described as Part Two of Tract Number 22 in a deed from Richard W. Ellison to Lois Helen Ellison dated February 4, 1954, and recorded in Volume 292, page 174 of the Deed Records of Milam County, Texas.

PLUS

That certain 167 acre tract of land, being Lot Number 26 out of the subdivision of 2860 acres off the lower part of the Samuel Frost Survey in Milam County, Texas, being described in a deed from Elizabeth P. Hough to R. W. Ellison dated January 2, 1901, and recorded in Volume 63, page 167 of the Deed Records of Milam County, Texas, being the same land described as Tract Number Thirty-One in a deed from Richard W. Ellison to Lois Helen Ellison dated February 4, 1954, and recorded in Volume 292, page 174 of the Deed Records of Milam County, Texas

PIN: 25054

Being 50 acres of land, more or less, out of the Samuel Frost League, and being the West half of Lot No. 21 of the subdivision of 2860 acres of said League, in Milam County, Texas, the tract hereby conveyed being described as follows:

BEGINNING in the North line of the 2860 acres at the NE corner of Lot No. 19;

THENCE N 60 E with said line 357 vrs to corner;

THENCE S 30 E 805 vrs to corner;

THENCE S 60 W 357 vrs to corner;

THENCE N 30 W with the east line of Lot 19, 803½ vrs to the place of beginning.

PLUS

Being 101 acres of land, more or less, out of the Samuel Frost League in Milam County, Texas, and being all of Lot No. 17 of the subdivision of 2860 acres of said League as shown in the plat thereof in Vol. 34, page 224, Deed Records of Milam County, Texas said 101 acres being the same land conveyed by Alex Taylor et al to Judge Whitfield by deed dated December 28, 1909, recorded in Vol. 94, page 545 Deed Records of Milam County, Texas.

PLUS

Being 79 acres of land, more or less, out of the Samuel Frost League in Milam County, Texas, and being Lot No. 19 of the subdivision of 2860 acres of said League, and being more particularly described as follows:

BEGINNING at the SE corner of a tract of 4 acres for the Caddo Baptist Church, for the SW corner of this tract;

THENCE N 30 W 833 vrs to the north line of said 2860 acre tract;

THENCE N 60 E with said north line, 536 vrs to stake for corner;

THENCE S 30 E 834 vrs to stake for corner;

THENCE S 60 W 536 vrs to the place of beginning;

BEING the same land conveyed by Elizabeth Hough et al to E.M.W. Taylor by deed dated December 18, 1894, of record in the Deed Records of Milam County, Texas.

PIN: 24116

ALSO

Being 40 acres of land, more or less, a part of the Samuel Frost League, being a part of Block No. 15 of the Hough and Connally 2868 acre tract, and

BEGINNING in the north line of said Block No. 15, at the NE corner of a 20 acre tract surveyed for R.W. Ellison;

THENCE N 60 E 272.7 vrs to point for corner;

THENCE S 30 E 828 vrs to the SE corner of this tract;

THENCE S 60 W 272.7 vrs to the SE corner of the 20 acre tract surveyed for R.W. Ellison;

THENCE N 30 W 828 vrs to the place of beginning;

BEING the same land described in a deed from Leon Bonner and wife, Elenora Bonner to Wright Ellison, Richard Ellison and Claud Ellison, dated December 29, 1936 and recorded in Vol. 218, page 578, Deed Records of Milam County, Texas.

PINS: 24217 & 58857

ALSO

Being 20 acres of land, more or less, a part of the Samuel Frost League in Milam County, Texas, being a part of Block No. 15 of the Hough and Connally subdivision and being the north half of a 40 acre tract conveyed by R.K. Wimberly et ux to Albert Morgan by deed of record in Vol. 81, page 227, Deed Records of Milam County, Texas, the tract hereby conveyed being described as follows:

BEGINNING at the NW corner of said 40 acre tract;

THENCE N 60 E 272.2 vrs to the NE corner of said 40 acre tract, same being the NE corner of Block No. 15;

THENCE N 30 E 414 vrs to stake for corner in the east line of said 40 acre tract;

THENCE S 60 W 272.2 vrs to corner in the west line of said 40 acre tract;

THENCE N 30 W 412.2 vrs to the place of beginning.

Save & Except:

Beginning at the S.W. corner of Cade Church lot of 4 acres for the South East corner of this survey, a stake, from which a Post Oak 16 inches in dia. hrs. North 20 E. 33-1/2 vrs. marked H. Thence with 40 E. a distance of 140 one hundred and forty yards set a stake for the S.W. cor. of this survey.

Thence North 30 West for a distance of 140 one hundred and forty yards set a stake for the N. West cor. Thence North 60 E. a distance of 140 one hundred and forty yards set a stake for the North East cor. said stake set in the original church lot line.

Thence South 30 East with said church lot line a distance of 140 one hundred and forty yards to place of beginning 4 acres of land.

PIN: 24409

ALSO

Being 267.7 acres of land, more or less, a part of the Samuel Frost League, and being Lot No. 4 in the subdivision of the north half of said League, and described by metes and bounds as follows:

BEGINNING at the SW corner of Lot No. 3 for the SE corner of this;

THENCE N 30 W 852 vrs to the NW corner of Lot No. 3 for the NE corner of this;

THENCE S 60-6/10 W 1741 vrs to the NW corner of Lot No. 4;

THENCE S 30 E 885 vrs to the SW corner of Lot No. 4;

THENCE N 60 E 1741 vrs to the place of beginning;

BEING the same land described in a deed from Federal Land Bank of Houston to Wright Ellison, Richard Ellison and Claud Ellison, dated October 19, 1939 and recorded in Vol. 227, page 501, Deed Records of Milam County, Texas.

PIN: 24501

All that certain 46.5 acres described as Lot 22 being bounded as follows: Beginning in the southeast line of the said Frost league at the east corner of lot Number 20, a stake in flat branch from which S 68 W 8 varas bears a hackberry tree 10 inches diameter marked 75; Thence N 30 W with the N east line of a tract of 175 acres 803 varas to a stake; Thence N 60 E parallel with the southwest line of lot Number 21 and 30 feet from it 703 varas to a stake in old field, from which S 59 E 28 varas bears a black jack 16 inches in diameter marked H; Thence S 30 E 803 varas to a stake in the southeast league line from which S 25 W 2.5 varas bears a post oak 6 inches in diameter marked T; Thence S 60 W with said league line 703 varas to the place of beginning, containing 100 acres.

Being the same two tracts of land described in a deed from Theodore Connaly to R.W. Ellison dated October 4, 1894 and recorded in Volume 39 Page 99 of the Deed Records of Milam County, Texas.

Save and except from the above the following, being the same land described in a deed from R.W. Ellison and wife to James Wieseman dated November 1, 1910 and recorded in Volume 91 Page 315 of the Deed Records of Milam County, Texas.

All that certain tract or parcel of land out of the Samuel Frost league and being a part of the subdivision of the south half of said league, out of Block or Lot No. 22, in Milam County, Texas, and beginning at the southwest corner of said Lot No. 22, for the southwest corner of this from which a hackberry marked 75 bears S 68 W 8 varas; Thence N 30 W 803 varas to the northwest corner of said Lot No. 22 for the northwest corner of this; Thence N 69 E 379 varas to stake for northeast corner; Thence S 32.5 E 742 varas to the south line of said Lot No. 22; Thence S 60 W 401 varas to the place of beginning, and containing 53.5 acres of land.

PIN: 20520958

