

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION FOR A TEMPORARY WATER USE PERMIT

APPLICATION NO. 13817

Granite Construction Company seeks a temporary water use permit to divert and use not to exceed 21 acre-feet of water, within a period of two years, from a point on a reservoir on Long Branch, tributary of Waxahachie Creek, Trinity River Basin, at a maximum diversion rate of 3.34 cfs (1,500 gpm), for industrial purposes in Ellis County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Granite Construction Company, Applicant, 701 E. Main St., Lewisville, TX 75057, 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 Trinity River Basin pursuant to Title 30 TAC § 295.154.

Granite Construction Company seeks a temporary water use permit to divert and use not to exceed 21 acre-feet of water, within a period of two years, from a point on a reservoir on Long Branch, tributary of Waxahachie Creek, tributary of Chambers Creek, tributary of the Trinity River, Trinity River Basin, at a maximum diversion rate of 3.34 cfs (1,500 gpm), for industrial purposes in Ellis County.

The water will be diverted from a point located at Latitude 32.451322° N, Longitude 96.897613° W in Ellis County, ZIP Code 75167.

The application and partial fees were received on October 28 and November 2, 2021. Additional information and fees were received on December 7, 15 and 17, 2021, January 24, 2022, and February 24 and 25, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on March 14, 2022.

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 and installing a measuring device for diversions. 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 August 08, 2022. 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 August 08, 2022. The Executive Director may approve the application unless a written request for a contested case hearing is filed by August 08, 2022.

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 13817 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: July 19, 2022

TEXAS COMMISSION QUALITY



TEMPORARY WATER USE PERMIT

PERMIT NO. 13817

TYPE § 11.138

Permittee:	Granite Construction Company	Address:	701 E. Main St. Lewisville, TX 75057
Received:	October 28, 2021	Granted:	
Purpose:	Industrial	County:	Ellis
Watercourse:	Long Branch, tributary of Waxahachie Creek, tributary of Chambers Creek	Watershed:	Trinity 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 21 acre-feet of water, within a period of two years, from a point on a reservoir on Long Branch, tributary of Waxahachie Creek, tributary of Chambers Creek, tributary of the Trinity River, Trinity River Basin for industrial purposes in Ellis County.
3. The water will be diverted at a maximum diversion rate of 3.34 cfs (1,500 gpm) from a point located at Latitude 32.451322° N, Longitude 96.897613° W in Ellis County.
4. Notice of this application was mailed to the downstream water right holders of record.

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. 13817 is issued to Granite Construction Company subject to the following terms and conditions:

1. USE

Permittee is authorized to divert and use not to exceed 21 acre-feet of water, within a period of two years, from a point on a reservoir on Long Branch, Trinity River Basin for industrial purposes in Ellis County.

2. DIVERSION

Permittee is authorized to divert:

- A. From a point located at Latitude 32.451322° N, Longitude 96.897613° W in Ellis County.
- B. At a maximum diversion rate of 3.34 cfs (1,500 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 at the diversion structure.
- B. Permittee may only divert water when streamflow exceeds the following environmental flow standards at USGS Gage No. 08065000 - Trinity River near Oakwood, as implemented in accordance with Paragraphs 3.C. - 3.F. below.

Season	Subsistence	Base
Winter	120 cfs	340 cfs
Spring	160 cfs	450 cfs
Summer	75 cfs	250 cfs
Fall	100 cfs	260 cfs

cfs = cubic feet per second

- C. Seasons are defined as follows: Winter (December through February), Spring (March through May), Summer (June through August), and Fall (September through November).

Subsistence Flow Special Conditions

- D. Permittee shall not divert water unless streamflow at USGS Gage No. 08065000 is above the applicable subsistence flow standard for a season.
- E. If streamflow at USGS Gage No. 08065000 is above the subsistence flow standard but below the applicable base flow standard for a season, Permittee may divert water unless streamflow at USGS Gage No. 08065000 falls below the applicable subsistence flow standard.

Base Flow Special Conditions

- F. If streamflow at USGS Gage No. 08065000 is above the applicable base flow standard for a season, Permittee may divert water so long as the streamflow at USGS Gage No. 08065000 does not fall below the applicable base flow standard.
- G. This temporary water use permit is junior in priority to all existing water rights in the Trinity River Basin.
- H. Upon diversion and use of the water authorized herein, this temporary water use permit shall expire and be of no further force and effect.
- I. This temporary water use permit shall expire and become null and void two years from the date of issuance with no further Commission action. Permittee also waives the right to notice and hearing on cancellation of this water right.
- J. 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.
- K. Permittee shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- L. Permittee shall allow representatives of the Texas Commission on Environmental Quality reasonable access to the property to inspect the measuring device and records.
- M. 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.

For the Commission

DATE ISSUED:

RE: Granite_Construction Company 13817_Draft_Permit_Notice_Technical Memos

Skillman, Ken [REDACTED]

Wed 7/6/2022 5:39 PM

To:

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

Cc:

- Greer, Andrew [REDACTED]
- Martin, Jason [REDACTED]

📎 1 attachments (2 MB)

Granite Construction 13817 Draft Permit Notice Memos 06.27.2022.pdf;

Ms. Beerman,

I am excited to see the temporary permit, notice, and technical memo in draft form. I reviewed the documents and do not have comments at this time. Thank you for all your help throughout the permitting process.

Ken Skillman, P.E. (Arizona)

Cell 469 781 8243

ken.skillman@gcinc.com

www.graniteconstruction.com



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

Sent: Monday, June 27, 2022 3:26 PM

To: Skillman, Ken [REDACTED]

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

Subject: Granite Construction Company 13817 Draft Permit Notice Technical Memos

CAUTION: This email originated from outside of Granite

Mr. Skillman,

Attached is the draft temporary permit, notice, and technical memoranda for Granite Construction. Please review and provide comments no later than COB Monday, July 11, 2022.

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

Granite_Construction_Company_13817_Draft_Permit_Notice_Technical Memos

Lillian Beerman Lillian.Beerman@Tceq.Texas.Gov

Mon 6/27/2022 3:25 PM

To:

- Skillman, Ken [REDACTED] >

Cc:

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

Mr Skillman,

Attached is the draft temporary permit, notice, and technical memoranda for Granite Construction. Please review and provide comments no later than COB Monday, July 11, 2022.

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

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 27, 2022

Mr. Kenneth Skillman
Granite Construction Company
701 E. Main St.
Lewisville, TX 75057-4123

VIA E-MAIL

RE: Granite Construction Company
WRTP 13817
CN600419063, RN111361143
Application No. 13817 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Long Branch, Trinity River Basin
Ellis County

Dear Mr. Skillman:

Drafts, subject to revision, of the public notice, proposed Temporary Water Use Permit No. 13817, and the related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the attached drafts. Please review the drafts and contact me no later than July 11, 2022 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. 13817 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

Attachments

TEXAS COMMISSION QUALITY



TEMPORARY WATER USE PERMIT

PERMIT NO. 13817

TYPE § 11.138

Permittee:	Granite Construction Company	Address:	701 E. Main St. Lewisville, TX 75057
Received:	October 28, 2021	Granted:	
Purpose:	Industrial	County:	Ellis
Watercourse:	Long Branch, tributary of Waxahachie Creek, tributary of Chambers Creek	Watershed:	Trinity 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 21 acre-feet of water, within a period of two years, from a point on a reservoir on Long Branch, tributary of Waxahachie Creek, tributary of Chambers Creek, tributary of the Trinity River, Trinity River Basin for industrial purposes in Ellis County.
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4. Notice of this application was mailed to the downstream water right holders of record.

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

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

For the Commission

DATE ISSUED:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION FOR A TEMPORARY WATER USE PERMIT

APPLICATION NO. 13817

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information section below, by _____. 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 _____. 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.

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Issued:

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Lillian Beerman, Project Manager
Water Rights Permitting Team

Date: April 8, 2022

Through: Leslie Patterson, Team Leader
 Resource Protection Team

From: Jade Rutledge, Aquatic Scientist
Resource Protection Team

Subject: Granite Construction Company
WRTP 13817
CN600419063
Long Branch, Trinity River Basin
Ellis 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

Granite Construction Company (Applicant) requests a temporary water use permit to divert a maximum of 21 acre-feet of water within a 24-month period from a point on a reservoir on Long Branch, Trinity River Basin, at a maximum diversion rate of 3.342 cfs (1,500 gpm), for industrial purposes in Ellis County.

ENVIRONMENTAL ANALYSIS

On April 20, 2011, the TCEQ adopted environmental flow standards for the Trinity and San Jacinto Rivers, and Galveston Bay (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter B). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC § 298.210).

The Applicant is requesting 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 B (Trinity and San Jacinto Rivers, and Galveston Bay). In Title 30 TAC §298.225(c)(3), environmental flow standards were established at United States Geological Survey (USGS) Gage No. 08065000 – Trinity River near Oakwood, and the applicable environmental flow standards are shown in Table 1.

Table 1. Environmental Flow Standards at USGS Gage No. 08065000 – Trinity River near Oakwood.

Season	Subsistence	Base
Winter	120 cfs	340 cfs
Spring	160 cfs	450 cfs
Summer	75 cfs	250 cfs
Fall	100 cfs	260 cfs

cfs=cubic feet per second

Subsistence and base flow standards vary depending on the seasons. Seasons are defined in Title 30 TAC §298.205 as follows: Winter (December through February), Spring (March through May), Summer (June through August), and Fall (September through November).

No special conditions for high flow pulses are required because the request for authorization to divert a maximum of 21 acre-feet of water is less than 10,000 acre-feet per year, as described in Title 30 TAC §298.230(b).

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

RECOMMENDATIONS

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 at the diversion structure.
2. Permittee may only divert water when streamflow exceeds the following environmental flow standards at USGS Gage No. 08065000 - Trinity River near Oakwood, as implemented in accordance with Special Conditions 3 – 6 below.

Season	Subsistence	Base
Winter	120 cfs	340 cfs
Spring	160 cfs	450 cfs
Summer	75 cfs	250 cfs
Fall	100 cfs	260 cfs

cfs = cubic feet per second

3. Seasons are defined as follows: Winter (December through February), Spring (March through May), Summer (June through August), and Fall (September through November).

Subsistence Flow Special Conditions

4. Permittee shall not divert water unless streamflow at USGS Gage No. 08065000 is above the applicable subsistence flow standard for a season.
5. If streamflow at USGS Gage No. 08065000 is above the subsistence flow standard but below the applicable base flow standard for a season, Permittee may divert water unless streamflow at USGS Gage No. 08065000 falls below the applicable subsistence flow standard.

Base Flow Special Conditions

6. If streamflow at USGS Gage No. 08065000 is above the applicable base flow standard for a season, Permittee may divert water so long as the streamflow at USGS Gage No. 08065000 does not fall below the applicable base flow standard.



Jade Rutledge, Aquatic Scientist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Lillian Beerman, Project Manager
Water Rights Permitting Team

Date: May 24, 2022

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

TG Trent Gay, Team Leader
Surface Water Availability Team

From: Andrew Garcia, Hydrologist
Surface Water Availability Team

Subject: Granite Construction Company
WRTP 13817
CN600419063
Long Branch, Trinity River Basin
Ellis County

HYDROLOGY REVIEW

Application Summary

Granite Construction Company (Applicant) requests a temporary water use permit to divert a maximum of 21 acre-feet of water within a 24-month period from a point on a reservoir on Long Branch, Trinity River Basin, at a maximum diversion rate of 3.342 cfs (1,500 gpm), for industrial purposes in Ellis County.

The application was declared administratively complete on March 14, 2022.

Hydrology Review

Pursuant to 30 Texas Administrative Code (TAC) §298 Subchapter B, Resource Protection staff recommends that the application be subject to instream flow requirements. See Resource Protection memo dated April 8, 2022.

Staff reviewed current conditions in the Trinity River Basin to determine whether surplus water is available for this request. Staff notes that the most recent Drought Monitor (May 17, 2022) indicates that Ellis County is experiencing severe drought conditions. Staff also notes that the Drought Outlook indicates that drought conditions are likely to persist.

On April 20, 2011, the commission adopted environmental flow standards for the Trinity River Basin. Pursuant to 30 TAC §298.225(a), a water right application in the Trinity River Basin, for a new appropriation of water, cannot reduce the long-term frequency, on either a seasonal or annual basis, at which specific volumes of

freshwater inflows to Galveston Bay occur. The specific frequency and volume requirements are included in the figure in subsection 298.225(a).

The Water Rights Analysis Package (WRAP) simulates management of the water resources of a river basin. TCEQ uses WRAP in the evaluation of water right permit applications using priority-based water allocations. WRAP is a generalized simulation model for application to any river basin, and input datasets must be developed for the particular river basin of concern. The TCEQ developed water availability models (WAMs) for Texas' river basins that include geographical information, water right information, naturalized flows, evaporation rates, and specific management assumptions. Hydrology staff utilizes WRAP to evaluate water rights applications to determine water availability and to ensure that senior water rights are protected.

The application was evaluated in accordance with 30 TAC §298.225(a) to determine whether the authorization requested in the application would reduce the long-term frequency on a seasonal or annual basis at which the volumes of freshwater inflows described in that subsection occur. Staff used the Full Authorization simulation of the Trinity WAM, with the application included, to calculate the frequencies at which the volumes of freshwater inflows occur. The application did not worsen existing conditions. Therefore, staff's opinion is that the application would not result in a reduction of freshwater inflows on a seasonal or annual basis.

The diversion requested in the application is for a short period of time (24 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 is of the opinion that the requirements imposed by Resource Protection staff would allow diversions only during higher flow times when surplus water is likely available. Staff acknowledges the Applicant's purpose of use is for dam rehabilitation. The requested diversion is from a reservoir; therefore, some water would likely be available to support the application for a short period of time.

Staff's opinion is that existing water rights would not be affected by this short-term temporary permit.

Conclusion

Staff can support granting the temporary application provided any temporary permit issued includes Resource Protection Staff's recommendations.

Andrew Garcia

Andrew Garcia, Hydrologist

Re: Granite_Construction_Company_13817_ADC

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

Fri 5/13/2022 4:29 PM

To: Skillman, Ken <[REDACTED]>

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

Mr. Skillman,

Granite Construction Company's Application No. 13817 for a Temporary Water Use Permit is in Technical Review as of March 14, 2022. Once Technical Review and water availability analysis are completed, the amendment will be drafted and reviewed, and you will have an opportunity to review and comment on the proposed permit and the technical supporting documents.

The next step is Public Notice. Granite Construction Company's Application No. 13817 will require mailed notice to downstream water right holders of record in the Trinity River Basin. Assuming the application is not contested, the final step is issuance of the permit.

The goal is to complete this process in less than a year. Applications are reviewed in the order they are received in a given river basin. However, Granite Construction Company's application is on a Fast Track, it will be given priority during Technical Review.

Please be assured that I will keep you apprised of the progress of the application. If you have any questions or concerns, do not hesitate to contact me. Respectfully,

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

From: Skillman, Ken <[REDACTED]>

Sent: Friday, May 13, 2022 1:07 PM

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

Cc: Cowden, Travis <[REDACTED]>; Greer, Andrew <[REDACTED]>

Subject: RE: Granite_Construction_Company_13817_ADC

Ms. Beerman,

I wanted to follow up on the Temporary Water Use Permit. Any new developments? Thank you for your help.

Ken Skillman, P.E. (Arizona)

Cell 469.781.8243

ken.skillman@gcinc.com

www.graniteconstruction.com



From: Skillman, Ken

Sent: Monday, March 14, 2022 10:53 AM

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

Cc: Cowden, Travis <[REDACTED]>; Shepherd, Joel <[REDACTED]>; Caward, Bolton <Bolton.Caward@gcinc.com>

Subject: RE: Granite_Construction_Company_13817_ADC

Thank you Ms. Beerman.

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

Sent: Monday, March 14, 2022 10:45 AM

To: Skillman, Ken <[REDACTED]>

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

Subject: Granite_Construction_Company_13817_ADC

CAUTION: This email originated from outside of Granite

Mr. Skillman,

Granite Construction Company's Application No. 13817 for a Temporary Water Use Permit is Administratively Complete.

The application will now progress to Technical Review.

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

Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019

RE: Granite_Construction_Company_13817_ADC

Skillman, Ken <[REDACTED]>

Mon 3/14/2022 10:53 AM

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

Cc: Cowden, Travis <[REDACTED]>; Shepherd, Joel <[REDACTED]>; Caward, Bolton <[REDACTED]>

Thank you Ms. Beerman.

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

Sent: Monday, March 14, 2022 10:45 AM

To: Skillman, Ken <[REDACTED]>

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

Subject: Granite_Construction_Company_13817_ADC

CAUTION: This email originated from outside of Granite

Mr. Skillman,
Granite Construction Company's Application No. 13817 for a Temporary Water Use Permit is Administratively Complete.
The application will now progress to Technical Review.
If you have any questions, 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

PHONE MEMO

Granite Construction WRTP Application No. 13817

From: Lillian E. Beerman	To: Ken Skillman, P.E. (Assistant)
Date: March 11, 2022	Permit: Granite Construction_13817
Phone: 469.781.8243	Re: Request of Information #2

Requested the RN for Granite construction. Wanted to know if the number was the same for the application with the Region and HQ. Answer: it is the same RN.

Lillian E. Beerman, Ph.D. March 11, 2022

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

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

DATE: March 14, 2022

SUBJECT: Granite Construction Company
WRTP 13817
CN600419063, RN111361143
Application No. 13817 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Long Branch, Trinity River Basin
Ellis County

The application and partial fees were received on October 28 and November 2, 2021. Additional information and fees were received on December 7, 15, and 17, 2021, January 24, 2022, and February 24 and 25, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on March 14, 2022. Mailed notice to the downstream water right holders of record in the Trinity River Basin is required pursuant to Title 30 Texas Administrative Code § 295.154.

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*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 14, 2022

Mr. Kenneth Skillman, P.E.
Granite Construction Company
701 E. Main St.
Lewisville, TX 75057-4123

VIA E-MAIL

RE: Granite Construction Company
WRTP 13817
CN600419063, RN111361143
Application No. 13817 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Long Branch, Trinity River Basin
Ellis County

Dear Mr. Skillman:

This acknowledges receipt, on February 24 and 25, 2022, of additional information and on January 24, 2022, of fees in the amount of \$47.25 (Receipt Nos. M209607A & M209607B, copies attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on March 14, 2022. Staff will continue processing the application for consideration by the Executive Director.

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

If you have any questions concerning 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

Attachment



19-JAN-22 12:01 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Code</u>	<u>Ref#1</u>	<u>Check Number</u>	<u>CC Type</u>	<u>Slip Key</u>		
<u>Account#</u>	<u>Ref#2</u>	<u>Card Auth.</u>	<u>Tran Code</u>	<u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
<u>Fee Description</u>	<u>Account Name</u>	<u>Paid In By</u>	<u>User Data</u>	<u>Rec Code</u>		
NOTICE FEES-WUP-	PTGU	M209607B	254		BS00091927	19-JAN-22
WATER USE PERM	PTGU	13817	011822	N	D2801596	-\$23.50
L. BEERMAN	NOTICE FEES WUP WATER USE	LASUZZO,	VHERNAND	CK		
	PERMITS	TRACEE				
					Total (Fee Code):	-\$23.50

RECEIVED
JAN 24 2022
Water Availability Division

Mr. Kenneth Skillman
Granite Construction Company
Application No. 13817
November XX, 2021
Page 2 of 2

PAY TO THE ORDER
OF STATE COMPTROLLER
TCEQ

209607 5188

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. Provide a recorded copy of legal documents establishing ownership of the proposed diversion point, or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion point, pursuant to Title 30 TAC §295.10.
7. Provide documentation of consent from the owner of the reservoir, allowing the Applicant to divert from the reservoir. If the reservoir is a project of the Soil Conservation Service, U.S. Department of Agriculture, a copy of a duly acknowledged document evidencing consent from the Soil and Water Conservation District and any others having jurisdiction over the reservoir will be required pursuant to Title 30 TAC § 295.12.
8. Before the application can be declared administratively complete, remit fees in the amount of \$ 47.25, as described below. Please make the check payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fees	(Temporary Water Use Permit)	\$ 250.00
Recording Fee		\$ 25.00
Use Fees	(\$1.00 x 21 Acre-Feet)	\$ 21.00
Mailed Notice	(\$0.94 X xx Holders)	\$ 23.50
TOTAL FEES		\$ 319.50
FEES RECEIVED		\$ 272.25
TOTAL FEES DUE		\$ 47.25

Please submit the requested information and fees by December 22, 2021 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 I
Water R
Water R

Attachm

Le

TRACEE LASUZZO Permit Chambers
GRANITE CONSTRUCTION CO Creek

254

1-14-2022 68-1/510
Date

Pay to the order of Texas Commission on Environmental Quality \$ 47.25/47
forty seven dollars and 25/100 Dollars

Void after 60 days

F



19-JAN-22 12:01 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	M209607A	254		BS00091927	19-JAN-22	-\$23.75
	WUP	13817	011822	N	D2801596		
L. BERKMAN WATER USE PERMITS		LASUZZO,	VHERNAND	CK			
		TRACEE					
					Total (Fee Code):		-\$23.75
					Grand Total:		-\$14,289.50

RECEIVED
JAN 24 2022
Water Availability Division

PHONE MEMO

Granite Construction WRTP Application No. 13817

From: Lillian E. Beerman	To: Ken Skillman, P.E.
Date: February 25, 2022	Permit: Granite Construction_13817
Phone: 469.781.8243	Re: Request of Information #2

Spoke this afternoon with Ken Skillman regarding his submission for the second Request for Information.

The Second RFI had two basic parts: (1) Consent from landowners to access the point of diversion and (2) Consent from owner to divert from the reservoir.

Applicant provided the following information in response to our request:

1. Letter of Permission from the Army Corps of Engineers to the Ellis-Prairie Soil and Water Conservation Service giving Ellis-Prairie SWCS permission to work at the USACE reservoir in compliance with all state and federal regulations.
2. Contract between Ellis-Prairie and Granite Construction
 - a. Signature page (submitted with RFI #1).
 - b. Section of Contract for the diversion of surface water and removal of water from the reservoir (submitted RFI #2).
 - c. Granite's removal of water plan that was submitted to Ellis-Prairie (submitted RFI #2).
3. Letter from Ellis-Prairie February 22, 2022 approving the plans of Contractor, Granite Construction Company, including the specifications to access and divert from the reservoir.

At this point, Granite Construction Company does not have an application for a Temporary permit with the Region.

Lillian E. Beerman, Ph.D. February 25, 2022

RE: Granite_Contruction_13817_RFI#2

Skillman, Ken <Ken.Skillman@gcinc.com>

Thu 2/24/2022 1:47 PM

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

Cc: Morrow, Cyrus <[REDACTED]>; Cowden, Travis <[REDACTED]>; Shepherd, Joel <[REDACTED]>; Caward, Bolton <[REDACTED]>

 5 attachments (4 MB)

Granite_Construction_13817_RFI#2_Sent_02.15.2022.pdf; CC 10 USACE Letter of Permission.pdf; CS 11 - Removal of Water.pdf; CC10 Removal of Water Rev04.pdf; CC 10_Submittal #8_Approval Letter_022222.pdf;

Ms. Beerman,

Glad to hear from you. I've attached four documents in response to the second RFI:

1. USACE Letter of Permission
2. Construction Specification 11 – Removal of Water
3. Removal of Water Plans ("CC10 Removal of Water Rev04") approved by Ellis Prairie Soil & Water Conservation District
4. Letter from Ellis Prairie Soil & Water Conservation District approving the Removal of Water Plans ("CC10_Submittal #8_Approval Letter_022222")

Please do not hesitate to contact me for anything else you may need. Thank you so much.

Ken Skillman, P.E. (Arizona)

Cell 469.781.8243

[REDACTED]

www.graniteconstruction.com



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

Sent: Tuesday, February 15, 2022 11:31 AM

To: Skillman, Ken <[REDACTED]>

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

Subject: Granite_Contruction_13817_RFI#2

CAUTION: This email originated from outside of Granite

Mr. Skillman,

Attached is a second Request for Information for Application No. 13817.

Please provide a response by COB Thursday, March 17, 2022.

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

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 15, 2022

Mr. Kenneth Skillman
Granite Construction Company
701 E Main St.
Lewisville, TX 75057-4123

VIA E-MAIL

RE: Granite Construction Company
WRTP 13817
CN600419063, RN111361143
Application No. 13817 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Long Branch, Trinity River Basin

Dear Mr. Skillman:

This acknowledges receipt, on December 15, 2021, of additional information and fees in the amount of \$47.25 (Receipt No. M207663, copy attached).

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

1. Provide a recorded copy of legal documents establishing ownership of the proposed diversion point, or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion point, pursuant to Title 30 Texas Administrative Code (TAC) §295.10.
2. Provide documentation of consent from the owner of the reservoir, allowing the Applicant to divert from the reservoir. If the reservoir is a project of the Soil Conservation Service, U.S. Department of Agriculture, a copy of a duly acknowledged document evidencing consent from the Soil and Water Conservation District and any others having jurisdiction over the reservoir will be required pursuant to Title 30 TAC § 295.12.

Staff acknowledge receipt of the signature page (Page 27 of 74) of the contract agreement between the owner, Ellis-Prairie Soil and Water Conservation District (SWCD), and the contractor, Granite Construction Company. However, the signature page alone does not evidence the owner's consent for the contractor to access and divert from the reservoir. Proper documentation can include the portions of the contract or a letter from Ellis-Prairie SWCD stating Granite Construction Company's right to access and divert from their reservoir.

Please submit the requested information by March 17, 2022 or the application may be returned pursuant to Title 30 TAC § 281.18.

Mr. Kenneth Skillman
Granite Construction Company
Application No. 13817
February 15, 2022
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

Attachment



21-DEC-21 02:17 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	M207663	216		BS00091336	21-DEC-21	-\$47.25
	WUP	13817	122121	N	D2801301		
L. Beumen — WATER USE PERMITS		LASUZZO,	JARIVERA	CK			
	WUP	M207664	14637		BS00091336	21-DEC-21	-\$112.50
	WUP	194240	122121	N	D2801301		
J. Evans — WATER USE PERMITS		RIO GRANDE	JARIVERA	CK			
	WUP	M207665	2444		BS00091336	21-DEC-21	-\$100.00
	WUP	232779	122121	N	D2801301		
	WATER USE PERMITS	REDIMD LLC	JARIVERA	CK			
	WUP	M207666	1235		BS00091336	21-DEC-21	-\$100.00
	WUP	ADJ24886	122121	N	D2801301		
K. Brockley — WATER USE PERMITS		MURPHY,	JARIVERA	CK			
		JEFF/TAMI					
Total (Fee Code):							-\$359.75

RECEIVED

DEC 23 2021

Water Availability Division



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

February 11, 2021

Regulatory Division

SUBJECT: Project Number SWF-2020-00181, Rehabilitation of Floodwater Retarding Structures No. 10 & 11 of the Chambers Creek Watershed

Mr. Tom Sulak
Ellis-Prairie Soil and Water Conservation District
1822 Farm to Market 66, Suite 102
Waxahachie, Texas 75167-5507
[REDACTED]

Dear Mr. Sulak:

This letter is in regard to information received September 16, 2020, and subsequent information received February 2 and 5, 2021, concerning a proposal by Ellis-Prairie Soil and Water Conservation District to rehabilitate two dams located in the City of Waxahachie, Ellis County, Texas. This project has been assigned Project Number SWF-2020-00181. Please include this number in all future correspondence concerning this project.

Under Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged and fill material into waters of the United States, including wetlands. USACE responsibility under Section 10 of the Rivers and Harbors Act of 1899 is to regulate any work in, or affecting, navigable waters of the United States. Based on the description of the proposed work, and other information available to us, we have determined this project will involve activities subject to the requirements of Section 404.

We have reviewed this project under the pre-construction notification procedures of Nationwide Permit General Condition 32 (Federal Register, Vol. 82, No. 4, Friday, January 6, 2017). We have determined the discharge of dredged or fill materials into waters of the United States associated with this project is authorized by Nationwide Permit 43 for Stormwater Management Facilities. To use this permit, the permittee must ensure the work is in compliance with the specifications and conditions for the permit listed above, found at <https://www.swf.usace.army.mil/Missions/Regulatory/Permitting/Nationwide-General-Permits/>, and the special condition listed below. Additionally, all activities must comply with the water quality certification conditions of the Texas Commission on Environmental Quality (TCEQ) located at <http://www.swf.usace.army.mil/Portals/47/Users/053/21/821/NWP%202017%20Texas%20401cert.pdf>. The special conditions are as follows:

- 1) The permittee shall prepare and submit a wetland restoration report demonstrating the reestablishment of 0.81 acres of emergent wetland at the impact site one year after

project completion. If the wetland is not fully reestablished in both form and function, a restoration plan will be developed and submitted to the USACE for approval.

Failure to comply with these specifications and conditions invalidates the authorization and may result in a violation of the Clean Water Act.

Our verification for the construction of this activity under this nationwide permit is valid until March 18, 2022, unless prior to that date the nationwide permit is suspended, revoked, or modified such that the activity would no longer comply with the terms and conditions of the nationwide permit on a regional or national basis. The USACE will issue a public notice announcing the changes when they occur. Furthermore, activities that have commenced, or are under contract to commence, in reliance on a nationwide permit will remain authorized provided the activity is completed within 12 months of the date of the nationwide permit's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5(c) or (d). Continued confirmation that an activity complies with the specifications and conditions, and any changes to the nationwide permit, is the responsibility of the permittee.

The USACE based this decision on a preliminary jurisdictional determination (PJD) that there are waters of the United States on the project site. A PJD is not appealable. At any time you have the right to request and obtain an Approved Jurisdictional Determination (AJD), which can be appealed. If it is your intent to request an AJD, do not begin work until one is obtained.

Our review of this project also addressed its effects on threatened and endangered species. Based on the information provided, we have determined this project will not affect any species listed as threatened or endangered by the U.S. Fish and Wildlife Service within our permit area. However, please note you are responsible for meeting the requirements of General Condition 18 on endangered species.

The permittee must sign and submit to us the enclosed certification that the work, including any proposed mitigation, was completed in compliance with the nationwide permit. The permittee should submit the certification within 30 days of the completion of work.

This permit should not be considered as an approval of the design features of any activity authorized or an implication that such construction is considered adequate for any purpose intended. It does not authorize any damages to private property, invasion of private rights, or any infringement of federal, state, or local laws or regulations.

Thank you for your interest in our nation's water resources. If you have any questions concerning our regulatory program, please refer to our website at <http://www.swf.usace.army.mil/Missions/Regulatory> or contact Mr. Frederick J. Land at the address above, by telephone (817) 886-1729, or by email [REDACTED], and refer to your assigned project number.

Please help the regulatory program improve its service by completing the survey on the following website: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

Sincerely,

Brandon W. Mobley
Chief, Regulatory Division

Enclosure

Copy Furnished:

Mr. Michael Lane
Freese and Nichols, Inc.
[REDACTED]

Mr. Rex McAliley
NRCS
[REDACTED]

PERMIT COMPLIANCE CERTIFICATION

U.S. Army Corps of Engineers Project Number: SWF-2020-00181

Name of Permittee: Ellis-Prairie Soil and Water Conservation District 1822 Farm to Market
66, Suite 102 Waxahachie, Texas, 75167-5507

Date of Issuance: 02/11/2021

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

Regulatory Division
CESWF-DE-R
U.S. Army Corps of Engineers
P.O. Box 17300
Fort Worth, Texas 76102-0300

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Construction Specification 11—Removal of Water

1. Scope

The work consists of the removal of surface water and ground water as necessary to perform the construction required by the contract in accordance with the specifications. It shall include: (1) constructing, installing, building, and maintaining all necessary temporary water containment facilities, channels, and diversions; (2) furnishing, installing, and operating all necessary pumps, piping, and other facilities and equipment; and (3) removing all such temporary works and equipment after their intended function is no longer required.

2. Diverting surface water

The contractor shall install, maintain, and operate all cofferdams, channels, flumes, sumps, and all other temporary diversion and protective works needed to divert streamflow and other surface water through or around the construction site. Control of surface water shall be continuous during the period that damage to construction work could occur. Unless otherwise specified and/or approved, the diversion outlet shall be into the same drainageway that the water would have reached before being diverted.

The contractor shall furnish the contracting officer, in writing, a proposed plan for diverting surface water before beginning any construction activities for which a diversion is required, unless waived in section 8 of this specification. Acceptance of this plan or the waiving of the plan requirement will not relieve the contractor of the responsibilities related to this activity during the process of completing the work as specified.

3. Dewatering the construction site

Foundations, cutoff trenches, and all other parts of the construction site shall be dewatered and kept free of standing water and muddy conditions as necessary for the proper execution of the work. The contractor shall furnish, install, operate, and maintain all drains, sumps, pumps, casings, well points, and all other equipment required to properly dewater the site as specified. Dewatering systems that cause a loss of soil fines from the foundation areas will not be permitted.

The contractor shall furnish the contracting officer, in writing, a proposed plan for dewatering before commencing with any construction activity for which dewatering may be required, unless waived in section 8 of this specification. Acceptance of this plan or the waiving of the plan requirement will not relieve the contractor of the responsibilities for completing the specified work.

4. Dewatering borrow areas

The contractor shall maintain all borrow areas free of surface water or otherwise provide for timely and effective removal of surface and subsurface water that accumulates within the borrow area, unless waived in section 8 of this specification. Borrow material shall be processed as necessary to achieve proper and uniform moisture content at the time of placement.

If pumping to dewater borrow areas is included as a bid item of work in the bid schedule, each pump discharge pipe shall be equipped with a water meter. The meter shall be such that the measured quantity of water is accurate within 3 percent of the true quantity. The contractor shall provide necessary support to perform accuracy tests of the water meter when requested by the contracting officer.

5. Erosion and pollution control

Removal of water from the construction site, including the borrow areas, shall be accomplished so that erosion and the transporting of sediment and other pollutants are minimized. Dewatering activities shall be accomplished in a manner that the water table water quality is not altered. Pollution control activities shall not conflict with the requirements of Construction Specification 5, Pollution Control, if it is a part of this contract.

6. Removal of temporary works

When temporary works are no longer needed, the contractor shall remove and return the area to a condition similar to that which existed before construction. Areas where temporary works were located shall be graded for slightly appearance with no obstruction to natural surface waterflows or the proper functioning and access to the works of improvement installed. The contractor shall exercise extreme care during the removal stages to minimize the loss of soil sediment and debris that was trapped during construction.

Pipes, casings, and any other material used to dewater the site shall be removed from temporary wells. The wells shall be filled to ground level with clean gravel or other suitable material approved by the contracting officer. The contractor shall exercise extreme care to prevent pollution of the ground water by these actions.

7. Measurement and payment

Method 1—Items of work listed in the bid schedule for removal of water, diverting surface water, and dewatering construction sites and borrow areas are paid for at the contract lump sum prices. Such payment will constitute full compensation for all labor, equipment, tools, and all other items necessary and incidental to the completion of the work.

Method 2—Items of work listed in the bid schedule for removal of water, diverting surface water, dewatering construction sites, and dewatering borrow areas are paid for at the contract lump sum prices. Such payment will constitute full compensation for furnishing, installing, operating, and maintaining the necessary trenches, drains, sumps, pumps, and piping and for all labor, equipment, tools, and all other items necessary and incidental to the completion of the work. The exception is that additional payment for pumping to dewater borrow areas and the removal of water will be made as described in the following paragraph.

If pumping to dewater borrow areas is a contract bid item, payment is made at the contract unit price, which shall be the price per 1,000 gallons shown in the bid schedule. Such payment will constitute full compensation for pumping only. Compensation for equipment and preparation and for other costs associated with pumping is included in the lump sum payment for removal of water or the lump sum payment for dewatering the borrow areas. Payment is made only for pumping that is necessary to dewater borrow areas that cannot be effectively drained by gravity or that must have the water table lowered to be usable as a suitable borrow source. Pumping for other purposes will not be included for payment under this item.

All Methods—The following provisions apply to all methods of measurement and payment. Compensation for any item of work described in the contract, but not listed in the bid schedule is included in the payment for the contract line item to which it is made subsidiary. Such items and the items to which they are made subsidiary are identified in section 8 of this specification.

8. Items of work and construction details

8. Items of work and construction details

Items of work to be performed in conformance with this specification and the construction details are:

a. Bid Item 10, Removal of Water

1. This item shall consist of all operations necessary to accomplish the work defined in Section 1 of this specification, including work required to control water from entering the new principal spillway and labyrinth weir spillway.
2. In Section 2, Diverting Surface Water,
 - i. Written plans for protection of construction from reservoir water and surface runoff are required a minimum of 14 days prior to beginning any construction activities for which a diversion is required in accordance with the requirements of Section 2, Diverting Surface Water. The means of protection shall be designed, complete with drawings and shall be sealed by a Professional Engineer licensed in Texas. Refer to paragraph (2) (vii) (1) and (2) (viii) (1) for protection requirements.
 - ii. The Contractor is responsible for obtaining hydrologic data to fully understand the hydrologic conditions at the site, and in development and implementation of the Contractor's diversion system plan.
 - iii. Contractor shall establish an "operating pool" elevation for the reservoir which must be maintained during normal inflows for the entire contract period. The operating pool elevation shall be less than or equal to the normal pool elevation (642.8 feet) and be greater than or equal to the minimum reservoir elevation allowed by this specification.
 - iv. There is no minimum reservoir elevation required to be maintained during the contract period. Drawdown of the reservoir shall be the responsibility of the Contractor and shall be coordinated and approved by the Contracting Officer.
 - v. Contractor shall implement the approved water control plan prior to beginning any construction activities. Removal of reservoir control facilities shall require written approval of the Contracting Officer.
 - vi. The construction area shall be protected from the entry of water from the reservoir by cofferdam, steel sheet piling, or other means. Sheet piling may not be installed within 50-feet of the proposed embankment centerline. All cofferdam material must be removed before completion of the project.
 - vii. The new principal spillway installation area shall be protected from the entry of water from the reservoir until the dam is reconstructed to the full design cross-section over the conduit. During the time of construction for the new principal spillway, the existing principal spillway may be used for diverting surface water. Water will not be permitted to enter the new

principal spillway conduit until all components of the principal spillway structure are constructed and fully operational including the outlet into the labyrinth spillway stilling basin.

1. At a minimum, the diversion system and cofferdams around the principal spillway shall be designed to protect the construction activities from being impacted by a 10-year (10% Annual Exceedance Probability) storm. The starting reservoir elevation must be the operating pool elevation as established in this specification. The plan must include provisions to draw down the reservoir from the peak 10-year water surface elevation to the operating pool elevation within 10-days of the precipitation event.
- viii. The new labyrinth weir spillway area shall be protected from the entry of water from the reservoir until the labyrinth weir spillway is complete and the dam is reconstructed to the full design cross-section adjacent to the labyrinth weir spillway. Water will not be permitted to enter the new labyrinth weir until all components of the labyrinth weir spillway, including rock riprap, are constructed and fully operational.
1. At a minimum, the labyrinth weir spillway open excavation shall be protected from entry of water from the reservoir up to elevation 659.8 feet, corresponding to two feet above the earthen auxiliary spillway crest elevation. The plan must include provisions to draw down the reservoir from the peak 100-year water surface elevation to the operating pool elevation within 10-days of the precipitation event.
3. Material from the required excavation shall not be used for the cofferdam.
 4. In Section 3, Dewatering the Construction Site,
 - i. Excavation required for construction, including but not limited to, excavation for the principal spillway inlet, conduit, and outlet structures, shall be kept free of water during excavation, placement of concrete and other structures, and backfilling. The water table shall be maintained a minimum of 3 feet below the subgrade and cut slope face in the immediate vicinity of the work during required excavations. The water table for construction of concrete structures shall be kept a minimum of 2 feet below the subgrade of the concrete during and for a minimum of 48 hours after concrete placement. The water table at a backfill location shall be maintained a minimum of 2 feet below the backfill surface.
 - ii. Written plans for dewatering the site are required a minimum of 30 days prior to beginning any construction activities for which dewatering is required in accordance with the requirements of Section 3, Dewatering the Construction Site. The Contractor's proposed dewatering system shall be designed, complete with plans, specifications, analyses, and engineering evaluation criteria, and sealed by a Professional Engineer licensed in Texas. The dewatering system plan shall include the type of materials to be used and manufacturer's data for commercially available equipment to

be included in the dewatering system and shall be submitted to the Contracting Officer for review and approval prior to the start of construction operations.

- iii. The Contractor shall provide dewatering capacity sufficient to maintain a water level which allows excavation in the borrow area to the grades specified on the drawings. Additional dewatering capacity to draw the water level down to this level within 10 days shall be provided in the event of flooding which inundates the borrow area.

- 5. In Section 7, Measurement and Payment, Method 1 shall apply. Payment will be made as the work proceeds after documentation of direct costs by the contractor showing specific costs for removal of water and supporting evidence of charges of subcontractors, suppliers and others.



TRANSMITTAL OF SHOP DRAWINGS, EQUIPMENT DATA, MATERIAL SAMPLES, OR MANUFACTURER'S CERTIFICATES OF COMPLIANCE					Transmittal No: 25		Rev No: 04		
					Date: 02/16/2022				
TO: Brannon Sledge / USDA - NRCS Temple Watershed Construction Office 101 South Main Temple, TX 76501					FROM: Ken Skillman, PE Granite Construction Company 701 E Main St, Lewisville, TX 75057				
SPECIFICATION SEC. NO. (Cover only one section with each transmittal) Construction Specification 11 – Removal of Water					PROJECT TITLE AND LOCATION Chambers Creek Watershed: Floodwater Retarding Structure No. 10 Rehabilitation Waxahachie, Ellis County, TX				
CHECK ONE					THIS TRANSMITTAL IS FOR: (Check one)				
<input type="checkbox"/> THIS IS A NEW TRANSMITTAL					<input checked="" type="checkbox"/> Approval		<input checked="" type="checkbox"/> Revised & Resubmitted		
<input checked="" type="checkbox"/> THIS IS A RESUBMITTAL OF TRANSMITTAL					<input type="checkbox"/> FIO		<input type="checkbox"/> Other:		
ITEM NO	REV NO.	DESCRIPTION OF SUBMITTAL ITEM	SUBMITTAL TYPE	NO OF COPIES	CONTRACT DOCUMENT REFERENCE				
					SPEC PARA NO.	DRAWING SHEET NO.			
1	04	Diverting Surface Water Plan	Drawings	1	8.a.2.i.				
2	04	Dewatering the Construction Site Plan	Drawings	1	8.a.4.ii.				
REMARKS: Revision includes signed and sealed comment resolution form addressing the comments from Mr. Sledge.					I certify the above submitted items had been reviewed in detail and are correct and in strict conformance with contract drawings and specifications except as otherwise stated				
					Ken Skillman				
					NAME OF CONTRACTOR			SIGNATURE OF CONTRACTOR	

Removal of Water Plans

Chambers Creek Watershed | Floodwater Retarding Structure No. 10

Granite Construction

701 E Main Street, Lewisville, TX 75057

Author: Ken Skillman / Phone: 469.781.8243

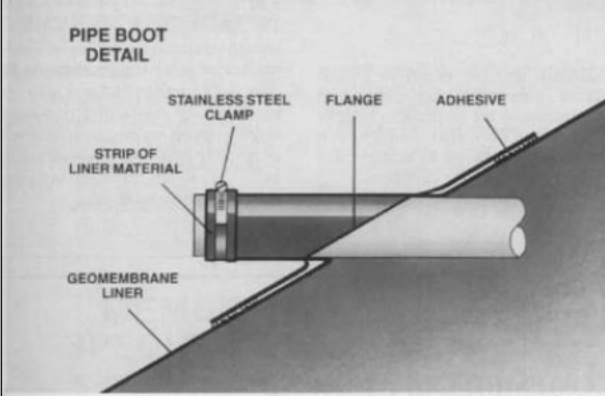
Additional Contact: Cyrus Morrow / Phone: 214.732.3030

Project	<u>Chambers Creek Watershed: Floodwater Retarding Structure 10</u>	Project Number
Owner	<u>Ellis-Prairie Soil and Water Conservation District</u>	<u>EP-CHAM10-RHB-FED-004-21</u>
Contractor	<u>Granite Construction, Inc.</u>	<u>1137446</u>
Construction Manager	<u>USDA-NRCS</u>	
Design Professional	<u>Freese and Nichols, Inc.</u>	

Document No. RD-001 Description Diverting Surface Water Plan & Dewatering the Construction Site Plan

Specification Construction Specification 11 – Removal of Water

Drawing No. N/A Detail Description N/A

Number	By	Comment
1	USDA - NRCS	<p><u>Water Diversion Plan, Cofferdam Construction, Step 2:</u> This step discusses placing density controlled earthen fill only, and not the limestone as well; Also it only discusses compaction for earthen fill, without addressing the limestone material as well.</p> <p>ANS: Construction Specification 23 – Earthfill states, “Earthfill is composed of natural earth materials that can be placed and compacted by construction equipment operated in a conventional manner.” The density controlled earthen fill material mentioned in Step 2 is the limestone borrow material called out on Sheet 1 of 4 of the coffer dam detail exhibits. The limestone material will be compacted to 95% of the standard proctor density.</p>
2	USDA - NRCS	<p>Will placement and compaction meet the requirements of CS 23? If so this needs to be addressed?</p> <p>ANS: Yes, placement and compaction will meet the requirement of CS 23. The limestone material will be compacted to 95% of the standard proctor density and 0% to +3% optimum moisture. The contractor will utilize dozer rippers and/or excavator bucket teeth for moisture conditioning of the limestone material and scarification of lifts. A disk can not be used in these instances due to the use of limestone rock for coffer dam construction.</p>
3	USDA - NRCS	<p>How will water be sealed off around the pipe and kept from seeping through the cofferdam, if the 48” pipe will be puncturing the liner by going through the cofferdam?</p> <p>ANS: A boot (as shown below) will be used to seal the cofferdam where the 48” pipe penetrates the liner.</p>  <p>Illustration of pipe boot detail—A pipe boot was constructed from an additional piece of geomembrane liner.</p>



Water Diversion Plan

Installation of Diversion System

During all construction activities, the construction site shall be protected from the entry of water from the reservoir. The protection of the proposed facility will be accomplished utilizing a coffer dam and dewatering processes as described below.

Coffer Dam Construction

- Step 1: The Contractor shall create a sump just upstream of the proposed coffer dam location to capture existing flow through the reservoir basin and provide pumps to pump this flow over the existing dam returning the water to the existing stream be taking care to ensure erosion does not occur.
- Step 2: Dewater and demuck coffer dam area. Once complete, create keyway to a depth necessary to allow for compaction to be achieved. Place density controlled earthen fill up to the elevation as shown on Sheet 1 of the coffer dam detail exhibits. A 48" HDPE pipe will be installed through the coffer dam with the upstream elevation at the top of the pipe being 642.8'. The 48" HDPE pipe will serve to meet the dewatering requirements.

Coffer dam will tie into the existing dam at stations 3+50 and 7+50, approximately. Slopes will be constructed with a 1.5:1 slope and compacted to 95% standard Proctor density within -0% to +3% optimum moisture. The coffer dam will have a 10' wide top width and an elevation of 660.8'. The upstream face of the coffer dam will be lined with 60 mil HDPE liner to prevent water conveyance.

Dewatering Plan

In addition to the coffer dam construction described above, additional dewatering activities may be needed to ensure the construction site is kept relatively free of water and muddy conditions required to properly excavate and construct the proposed outlet structure and labyrinth weir.

To accomplish this, the site will be graded and excavated in such a manner that rainfall and incidental water can flow out of the excavation and construction site. Once the elevation of the proposed dam reaches a level where flow out of the site is not attainable, a sump area will be created in an area where construction activities can continue without interruption. Grading upstream of the proposed dam will then direct water to the sump. Where necessary, small drainage channels will be excavated to direct water to the sump location. Pump(s) will then be utilized to remove the water from the sump. Discharge points for dewatering flows will be located such that erosion will not occur.

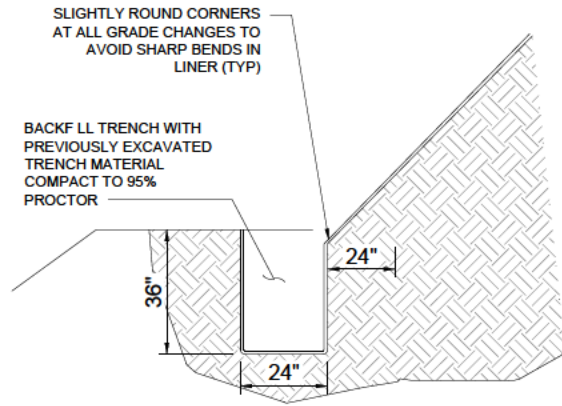
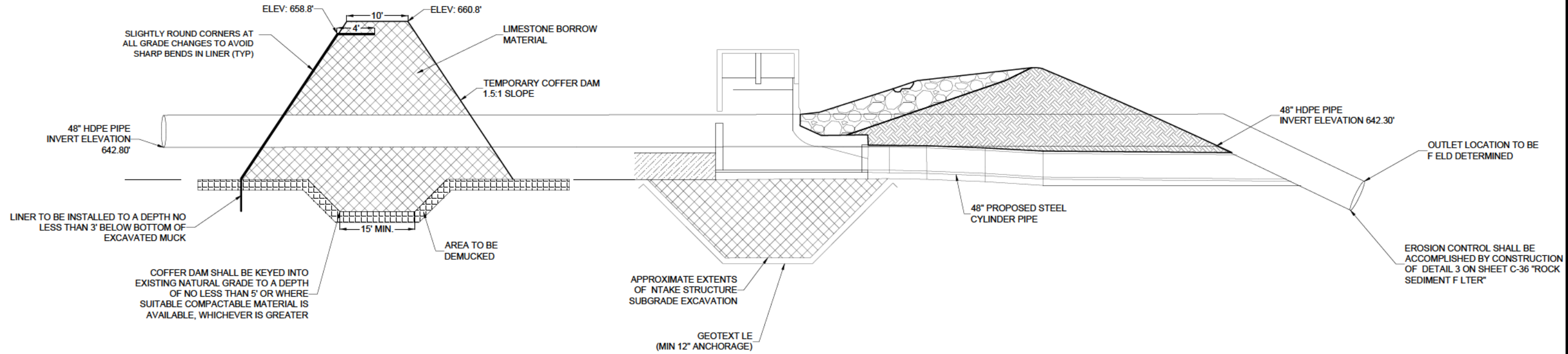
Lake Draw Down Plan

The closest streamflow meter location to the site is located in Waxahachie Creek approximately 11 miles from the site. This site has a median flow of approximately 46 cfs with a drainage area of 60.4 mi². The location of the proposed project has drainage area of approximately 4.11 mi². A proportionate median flow based on drainage basin area is approximately 3.13 cfs. The proposed 48" HDPE pipe will convey a far greater volume than the normal creek flow. The 48" pipe will be sufficient to keep the upstream water level to a manageable depth.

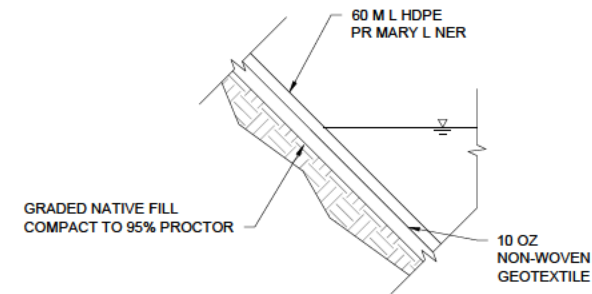
Per CS-11 Section 8.a.2.viii.1, the lake must be drawn down to an elevation of 642.8' within 10 days of a 100-year storm event. To accomplish this, the contractor will install a 48" HDPE pipe through the coffer dam and through the permanent dam adjacent to the location of the proposed labyrinth weir. The 48" pipe will have sufficient conveyance capacity to draw down the lake within the 10-day time frame. The draw down calculations are included on Sheet 2 of the coffer dam details. The 48" pipe will be removed as part of the labyrinth weir backfill activities.

Removal of Temporary Works

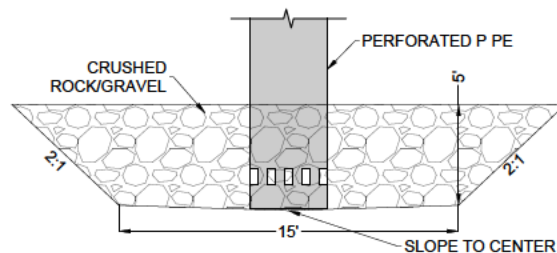
The contractor will be responsible for removing the temporary works (coffer dam, pumps, etc.) when they are no longer needed. The rip rap along the face of the dam will be replaced in accordance with the rip rap placement requirements of the proposed dam construction rip rap. All waste material shall be removed from the construction site. Material utilized to construct the coffer dam will be hauled to a location outlined by the design engineer/owner.



TYPICAL ANCHOR TRENCH
NTS



LINER SYSTEM
NTS



SUMP DETAIL
NTS

NOTES:

- WATER LEVEL SHALL BE MAINTAINED AT 642.8' OR LOWER
- WATER LEVEL WILL RETURN TO 642.8' OR LOWER WITHIN 10 DAYS FOLLOWING A 100-YR STORM EVENT
- COFFER DAM SHALL BE CONSTRUCTED OF AVAILABLE MATERIAL IN THE BORROW AREA DESIGNATED IN THE CONSTRUCTION PLANS
- EMBANKMENT SHALL BE COMPACTED TO 95% STANDARD PROCTOR AT 0 TO 3% MOISTURE LIMITS

CONSTRUCTION SITE DEWATERING NOTES:

- BASED ON THE GEOTECHNICAL REPORT PROVIDED, GROUNDWATER IS NOT EXPECTED TO BE ENCOUNTERED WITHIN THE AREAS OUTLINED IN THE SPECIFICATIONS.
- WHENEVER POSSIBLE, EXCAVATION WILL BE GRADED IN A MANNER TO DRAIN WATER OUT OF THE CONSTRUCTION AREA.
- PUMPS WILL BE AVAILABLE TO REMOVE INCIDENTAL WATER AS NECESSARY TO ACCOMPLISH THE EXCAVATION AND CONSTRUCTION AS SPECIFIED.

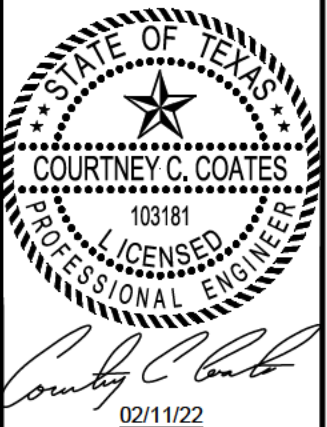


1400 EVERMAN PARKWAY, STE. 146
FORT WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512
FAX: (817) 744-7548
WWW.TOPOGRAPHIC.COM
TEXAS FIRM NO. 18409

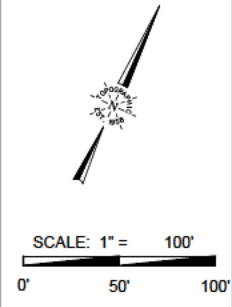
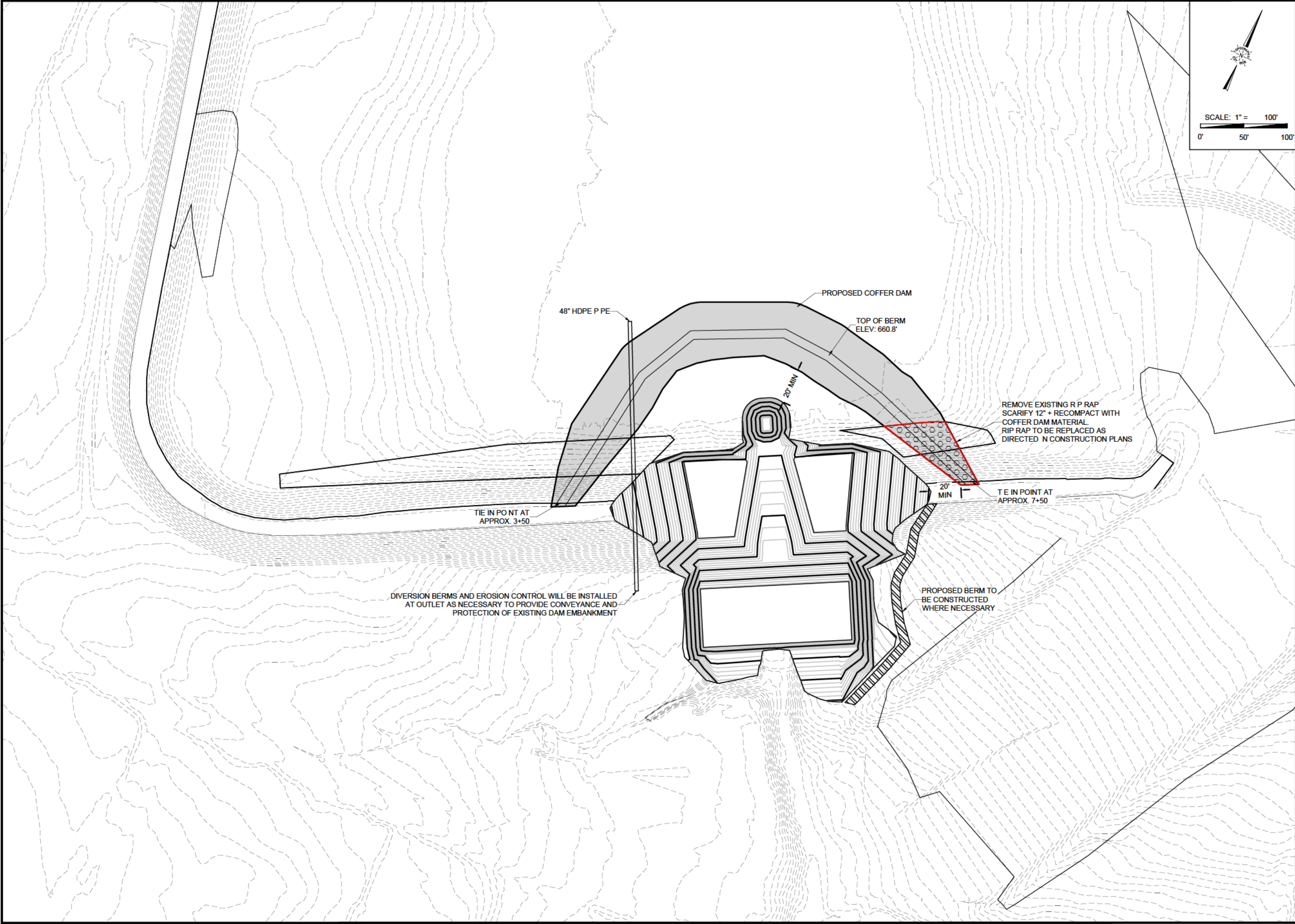
TEMPORARY COFFER DAM

CHAMBERS CREEK WATERSHED

GRANITE CONSTRUCTION



DATE:	02/11/22	DRAWN BY:	ARG	REVIEWED BY:	CCC	SCALE:	N/A	SHEET:	1 OF 4	REVISION:	XXX	XXX	XXX
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TOP VIEW PROPOSED LOCATION

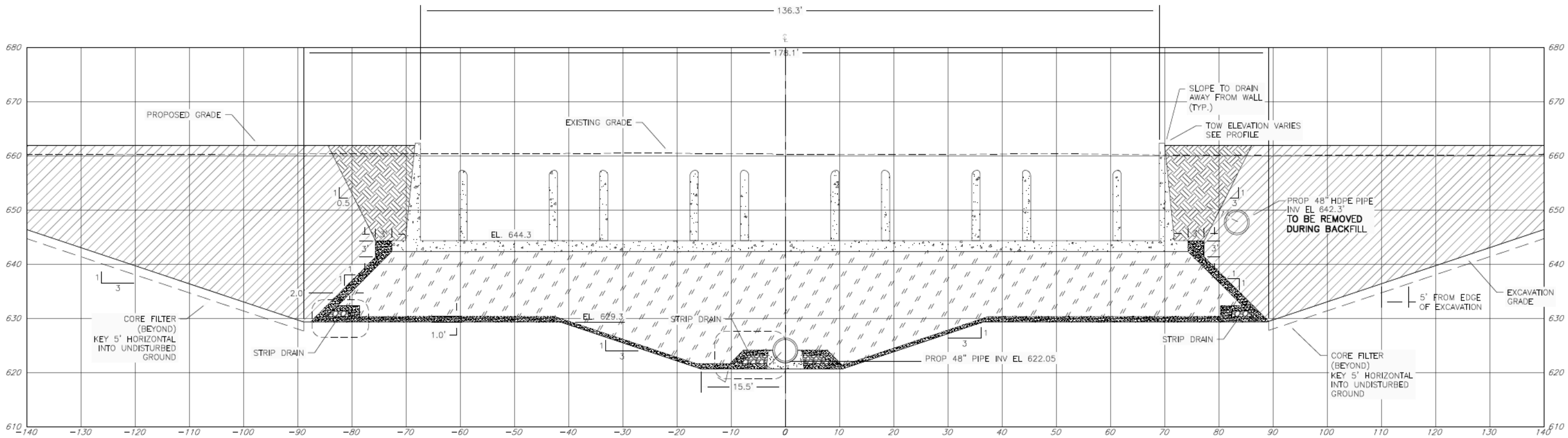
CHAMBERS CREEK WATERSHED

GRANITE CONSTRUCTION



Courtney C. Coates
02/11/22

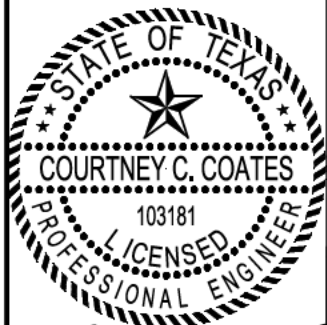
DATE:	02/11/22
DRAWN BY:	ARG
REVIEWED BY:	CCC
SCALE:	1" = 100'
SHEET:	2 OF 4
REVISION:	
XXX	XXXXXX
XXX	XXXXXX
XXX	XXXXXX



FRONT VIEW

CHAMBERS CREEK WATERSHED

GRANITE CONSTRUCTION



Courtney C. Coates
02/11/22

DATE:	02/11/22
DRAWN BY:	ARG
REVIEWED BY:	CCC
SCALE:	N/A
SHEET:	3 OF 4
REVISION:	
XXX	XXXXXX
XXX	XXXXXX
XXX	XXXXXX



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FORT WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512
FAX: (817) 744-7548
WWW.TOPOGRAPHIC.COM
TEXAS FIRM NO. 18409

NOAA ATLAS 14 RAINFALL DEPTH		
2-YR 24-HR STORM	3.98	in
10-YR 24-HR STORM	6.02	in
100-YR 24-HR STORM	9.75	in

Sheet flow		
n	0.2	
L	35	ft
P ₂	3.98	in
S	0.012	ft/ft
T	0.10	hr

Shallow concentrated flow		
L	7,563.62	ft
S	0.0085	ft/ft
V	1.6	ft/s
T	1.31	hr

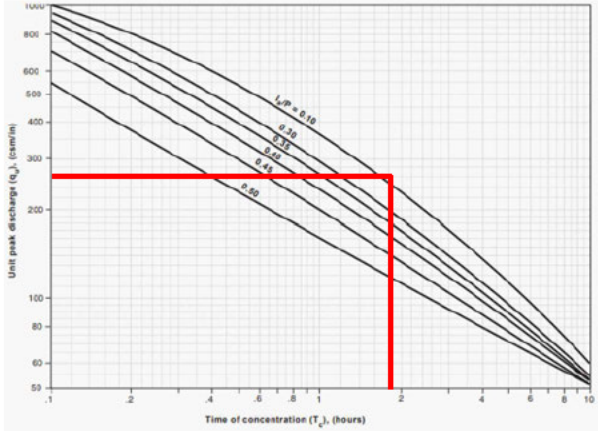
Channel flow		
r (avg)	3.58	ft
s (avg)	0.0056	ft/ft
n	0.03	
V	8.69	ft/s
L	12,773.38	ft
T	0.41	hr

T total	1.82	hr
---------	------	----

P	9.75	in
CN	85	
S	1.76	
Q	7.91	in

l	0.35	in
l/P	0.04	
T	1.82	hr
q _u	265.00	csm/in

q _u	265	csm/in
A	4.11	mi ²
Q	7.91	in
q _p	8,615.18	cfs



100-YR STORM VOLUME		
Q	7.91	in
Basin area	2630	acres
Volume	75,515,979	ft ³
Time to Drain	10	days
Flow required	87.40	cfs

Time to Drain				
Water height (ft)	Pipe flow capacity (cfs)	Volume per foot (cu ft)	Water drained (cu ft)	Time to drain 1ft of water (days)
18	238.69	4,459,164.60	75,515,979.00	
17	231.93	4,459,237.20	71,056,814.40	0.22
16	224.96	4,459,237.20	66,597,577.20	0.23
15	217.77	5,193,223.20	62,138,340.00	0.24
14	210.33	4,508,460.00	56,945,116.80	0.29
13	202.62	4,508,024.40	52,436,656.80	0.26
12	194.60	4,508,460.00	47,928,632.40	0.27
11	197.92	4,508,024.40	43,420,172.40	0.26
10	189.17	3,584,552.40	38,912,148.00	0.28
9	179.96	3,584,552.40	35,327,595.60	0.23
8	170.22	3,584,552.40	31,743,043.20	0.24
7	159.84	3,584,552.40	28,158,490.80	0.26
6	148.68	2,762,575.20	24,573,938.40	0.28
5	136.52	2,763,010.80	21,811,363.20	0.23
4	123.04	2,762,575.20	19,048,352.40	0.26
3	82.92	5,428,447.20	16,285,777.20	0.39
2	40.07	5,428,447.20	10,857,330.00	1.57
1	14.59	5,428,882.80	5,428,882.80	4.31
0	0.00	0.00	0.00	0.00
Total time				9.81



Ellis County Engineering Department

Ted L. Kantor, P.E. Ellis County Engineer
109 S. Jackson St. Suite 114
Waxahachie, Texas 75165
972-825-5112

Subject:
Contract No. EP-CHAM10-RHB-FED-004-21
Chambers Creek Watershed Site #10 Rehab

Date: 2/22/2022

To:
Ken Skillman, PE
Granite Construction Company
701 E Main St, Lewisville, TX 75057

File code: 120-11-11-13-5

Re: Submittal #8

I have received and recommend the approval of the following submittals for the subject contract:

1. Alternate Water Removal Plan (incorporating limestone/earthen fill) 10
 - a. New Spillway Protection (Coffer Dam Construction)
 - b. Dewatering the Site/Borrow Area
 - c. **Include the following exceptions**
 - i. **Maximum lift thickness and processing for the cofferdam material shall meet the requirements of Construction Specification 23**

I have received and approve of the following **material** submittals for the subject contract:

1. 18" x 18" Slide Gate Series HG560 (Hydro Gate) 8

Items that I have yet to receive for the following submittals for the subject contract:

1. Subcontractor SWPPP Certifications as needed**

** - Not needed to Mobilize, but Required

A handwritten signature in cursive script, reading "Alyssa Searcy".

Alyssa Searcy, EIT
Contracting Officer

Cc: Tom Sulak, Alternate Contracting Officer, Ellis-Prairie SWCD, Waxahachie, TX
Adam Rangel, Construction Inspector, NRCS, Temple, TX
Micah Hargrave, Freese & Nichols, Inc., Arlington, TX
Brannon Sledge, Government Representative, NRCS, Temple, TX
Cyrus Morrow, Granite Construction Co., Lewisville, TX

Granite_Contruction_13817_RFI#2

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

Tue 2/15/2022 11:30 AM

To: Skillman, Ken <[REDACTED]>

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

 1 attachments (337 KB)

Granite_Construction_13817_RFI#2_Sent_02.15.2022.pdf;

Mr. Skillman,

Attached is a second Request for Information for Application No. 13817.

Please provide a response by COB Thursday, March 17, 2022.

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

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 15, 2022

Mr. Kenneth Skillman
Granite Construction Company
701 E Main St.
Lewisville, TX 75057-4123

VIA E-MAIL

RE: Granite Construction Company
WRTP 13817
CN600419063, RN111361143
Application No. 13817 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Long Branch, Trinity River Basin

Dear Mr. Skillman:

This acknowledges receipt, on December 15, 2021, of additional information and fees in the amount of \$47.25 (Receipt No. M207663, copy attached).

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

1. Provide a recorded copy of legal documents establishing ownership of the proposed diversion point, or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion point, pursuant to Title 30 Texas Administrative Code (TAC) §295.10.
2. Provide documentation of consent from the owner of the reservoir, allowing the Applicant to divert from the reservoir. If the reservoir is a project of the Soil Conservation Service, U.S. Department of Agriculture, a copy of a duly acknowledged document evidencing consent from the Soil and Water Conservation District and any others having jurisdiction over the reservoir will be required pursuant to Title 30 TAC § 295.12.

Staff acknowledge receipt of the signature page (Page 27 of 74) of the contract agreement between the owner, Ellis-Prairie Soil and Water Conservation District (SWCD), and the contractor, Granite Construction Company. However, the signature page alone does not evidence the owner's consent for the contractor to access and divert from the reservoir. Proper documentation can include the portions of the contract or a letter from Ellis-Prairie SWCD stating Granite Construction Company's right to access and divert from their reservoir.

Please submit the requested information by March 17, 2022 or the application may be returned pursuant to Title 30 TAC § 281.18.

Mr. Kenneth Skillman
Granite Construction Company
Application No. 13817
February 15, 2022
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

Attachment



21-DEC-21 02:17 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	M207663	216		BS00091336	21-DEC-21	-\$47.25
	WUP	13817	122121	N	D2801301		
L. Beumen — WATER USE PERMITS		LASUZZO,	JARIVERA	CK			
	WUP	M207664	14637		BS00091336	21-DEC-21	-\$112.50
	WUP	194240	122121	N	D2801301		
J. Evans — WATER USE PERMITS		RIO GRANDE	JARIVERA	CK			
	WUP	M207665	2444		BS00091336	21-DEC-21	-\$100.00
	WUP	232779	122121	N	D2801301		
	WATER USE PERMITS	REDIMD LLC	JARIVERA	CK			
	WUP	M207666	1235		BS00091336	21-DEC-21	-\$100.00
	WUP	ADJ24886	122121	N	D2801301		
K. Brockley — WATER USE PERMITS		MURPHY,	JARIVERA	CK			
		JEFF/TAMI					
Total (Fee Code):							-\$359.75

RECEIVED

DEC 23 2021

Water Availability Division

RE: TCEQ Temporary Water Use Permit

Carol Moulton <carol.moulton@tceq.texas.gov>

Wed 1/12/2022 8:31 AM

To: Skillman, Ken <[REDACTED]>

Cc: Cowden, Travis <[REDACTED]>; Prilepskiy, Leonid <[REDACTED]> Morrow, Cyrus <[REDACTED]>; Lillian Beerman <[REDACTED]>

Good morning Mr. Skillman,

I am preparing to go into the field today, and I wanted to let you know I received your voice mail yesterday and your email this morning regarding the temporary permit. I did attempt to call you yesterday at the number provided however the voice mail box was full and I was not able to leave a message.

I returned from two weeks of medical leave yesterday and need to familiarize myself with Mr. Otorino's investigation findings. As for extending the processing window, we cannot do so. The Region has 30 days from receiving the application and fee to complete the review process and respond to the applicant.

I will give you a call later today if time permits after my field visit, or tomorrow, Thursday, to further discuss the temporary permit and what can be done moving forward.

Thank you,

Carol Moulton

TCEQ DFW Wastewater Work Leader
817/588-5894

If you would like to comment on my customer service, you can use the following link:

<http://www.tceq.texas.gov/customersurvey>; or you can contact my supervisor directly at: brent.candler@tceq.texas.gov

From: Skillman, Ken <[REDACTED]>

Sent: Wednesday, January 12, 2022 7:04 AM

To: Carol Moulton <carol.moulton@tceq.texas.gov>

Cc: Cowden, Travis <[REDACTED]> Prilepskiy, Leonid <[REDACTED]> Morrow, Cyrus <[REDACTED]>; Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: RE: TCEQ Temporary Water Use Permit

Importance: High

Carol,

I received a call from Mr. Bizmark yesterday notifying me that the TCEQ Fort Worth Office is denying my permit for temporary water use due to needing additional information. I am requesting that instead of denying the permit, we extend the 30 day processing window to allow for any and all questions you may have to be answered. I am more than willing to respond to any RFIs and provide additional clarification as needed.

Please call me this morning to discuss an acceptable path forward for all parties involved. Thank you in advance.

Ken Skillman, P.E. (Arizona)

Cell 469.781.8243

ken.skillman@gcinc.com
www.graniteconstruction.com



From: Skillman, Ken
Sent: Tuesday, December 14, 2021 10:10 AM
To: carol.moulton@tceq.texas.gov
Cc: Cowden, Travis <[REDACTED]>; Prilepskiy, Leonid <[REDACTED]>
Subject: TCEQ Temporary Water Use Permit

Carol,

Working on a temporary water use permit for a project in Waxahachie, TX. I have a few questions. Please give me a call at 469-781-8243.

Ken Skillman, P.E. (Arizona)

Cell 469.781.8243



www.graniteconstruction.com



RE: Check 216

Lasuzzo, Tracee <[REDACTED]>

Wed 1/5/2022 6:03 PM

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

Thank you so much for following up with me and taking the time to help resolve this. I will keep a look out and give it another week or so and will resend the check if it does not end up clearing.

Let me know if you hear anything else.

Thanks again Lillian! I really appreciate your help.

Tracee L. Lasuzzo

Central Region Administrator

Direct: [972-353-6272](tel:972-353-6272) | **Cell:** [214-557-8909](tel:214-557-8909)

Email: [REDACTED]

www.graniteconstruction.com

GRANITE[®]



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

Sent: Wednesday, January 5, 2022 6:01 PM

To: Lasuzzo, Tracee <[REDACTED]>

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

Subject: Check 216

CAUTION: This email originated from outside of Granite

Ms. Tracee Lasuzzo,

I received the response below from Finance:

The customer will need to reach out to their bank as to why that check didn't clear. As of right now I don't show that check being returned to us by the bank and we usually don't know for about 3 or 4 weeks. This check was received on 12/21.

Tracee, I will keep you informed of any updates from Finance. I will check back with them at the end of the month. Please keep me informed.

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, January 5, 2022 2:24 PM

To: Lasuzzo, Tracee [REDACTED]

Subject: Re: Check 216

Tracee,

I am sending you the receipt for the funds. Finance will verify whether they were received.

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, January 5, 2022 2:06 PM

To: Lasuzzo, Tracee <[REDACTED]>

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

Subject: Re: Check 216

Ms. Tracee Lasuzzo,

I have contacted Finance and explained the situation regarding your check for Granite Construction Company, Application No. 13817. I will let you know their response.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Lasuzzo, Tracee <[REDACTED]>

Sent: Tuesday, January 4, 2022 4:28 PM

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

Subject: Check 216

Hi Lillian,

Per our conversation, can you please check to see if this check went through your bank? It is not showing on my end and my account that this check was written out of was compromised. If this check was returned, please let me know and I will send a new check overnight. Just let me know what address you would like it sent to.

I apologize for any inconvenience this may cause. I appreciate your time and help with this matter.

Thanks so much!

Tracee L. Lasuzzo

Central Region Administrator

Direct: [972-353-6272](tel:972-353-6272) | **Cell:** [214-557-8909](tel:214-557-8909)

Email: [REDACTED]

www.graniteconstruction.com

GRANITE[®]





21-DEC-21 02:17 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	M207663	216		BS00091336	21-DEC-21	-\$47.25
	WUP	13817	122121	N	D2801301		
L. Beumen — WATER USE PERMITS		LASUZZO,	JARIVERA	CK			
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	WUP	194240	122121	N	D2801301		
J. Evans — WATER USE PERMITS		RIO GRANDE	JARIVERA	CK			
	WUP	M207665	2444		BS00091336	21-DEC-21	-\$100.00
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K. Brockley — WATER USE PERMITS		MURPHY,	JARIVERA	CK			
		JEFF/TAMI					
Total (Fee Code):							-\$359.75

RECEIVED

DEC 23 2021

Water Availability Division

PHONE MEMO

Granite Construction Application No. 13817

From: Tracee Lasuzzo	To: Lillian E. Beerman
Date: January 4, 2022	Permit: 13817
Phone: 972-353-6272	Re: Granite Construction - Fees

Spoke with Ms. Lasuzzo regarding the check for fees that Granite Construction provided with the RFI response. The check has not cleared their bank.

I followed up and corresponded with Finance. The check has not been returned.

Lillian E. Beerman, Ph.D. January 4, 2022

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. 94-0519552
 - Name: Granite Construction Co.
 - Mailing Address: 701 E Main St, Lewisville, TX 75057
 - Telephone Number: 469-781-8247 Fax Number: _____ E-mail Address: _____
 - 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:
Fees due (\$47.25) have been sent via mail.
 - Describe Use of Water Process embankment material for dam rehabilitation and irrigation.
 - Description of Project (TDH Project No. if applicable) Chamber Creek Floodwater Structure No. 10 Rehabilitation
 - Highway Designation No. _____ County Ellis County
- Type of Diversion (check one):** ☐ From Stream ☒ From Reservoir
 - Rate of Diversion:**
 - Maximum 1,500 gpm
(capacity of pump)
- Amount and Source of Water:** 24
21 acre-feet of water within a period of 24 months (specify term period not to exceed a three year term). The water is to be obtained from Long Branch, tributary of Waxahachie Creek tributary of _____, tributary of Trinity River 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 32.451322 °N, Longitude 96.897613 °W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) 287 (R-O-W) (Highway) located in Zip Code 75167, located 5.6 miles in a NW direction from Waxahachie (County Seat), Ellis County, and 4.8 miles in a SE direction from Midlothian, 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.

- Access to Diversion Point (check one):**
 - ☐ Public right-of-way
 - ☐ Private property (A letter of permission from landowner is attached)
 - ☒ Other (Explain)
Contractor for Ellis-Prairie Soil and Water Conservation District
- Fees Enclosed:**

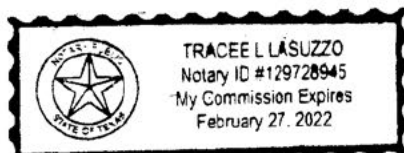
	10 ac-ft or less	greater than 10 ac-ft
Filing	\$ 100.00	\$ 250.00
Recording	\$ 1.25	\$ 1.25
Use (\$1.00 per ac-ft or fraction thereof)	\$ _____	\$ _____
(Note: 1 ac-ft = 325,851 gals. Total)	\$ _____	\$ _____
1 ac-ft = 7758.35 bbls.)		

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.

Matthew J. Shepherd
Name (sign)

Matthew J. Shepherd, Vice President
Name (print)

Subscribed and sworn to me as being true and correct before me this 15th day of December, 2021



Tracee L. LaSuzzo
Notary Public, State of Texas

DEC 17 2021

15 DEC 2021

RFI responses and additional documentation sent to Lillian E. Beerman, Ph.D. via e-mail. I have also ^{included} document with the additional fees due (\$47.25) to assist TCEQ staff in identifying which permit application to apply payment to.



Ken Skillman

RECEIVED

DEC 17 2021

Water Availability Division

ARTICLE IV. The contract documents that comprise the Contract between Owner and Contractor, attached hereto and made a part hereof, consist of the following: This Contract Agreement:

- (1) Contractor's Bid: Exhibits A - F.
- (2) Addenda Numbers 1, 2 & 3
- (3) Post-bid information and supplementary information submitted by Contractor prior to execution of this Contract Agreement.
- (4) Notice of Award.
- (5) PART II – General Conditions.
- (6) PART III – Supplemental Conditions.
- (7) PART IV – Construction Specifications.
- (8) PART V – Drawings No. TX-EN-0800.
- (9) PART VI – Prevailing Wage Rates Determination.
- (10) PART VII – Storm Water Pollution Prevention Plans
- (11) Notice to Proceed.
- (12) Any modifications (change orders) duly delivered or supplemental agreements duly entered into after execution of this Contract Agreement.
- (13) Notices of Final Completion and Acceptance.

IN WITNESS WHEREOF, the parties hereto have executed this Contract Agreement the day and year first above written.

OWNER
ELLIS-PRAIRIE SWCD

By Scott Born

Scott Born
Chairman

CONTRACTOR

Granite Construction Company

By Matthew J. Shepherd

Title Matthew J. Shepherd, Vice President

(CORPORATE SEAL)

Attest C. R. R. R.

Address for giving notices:
Ellis-Prairie SWCD
1822 HWY 66,
Waxahachie, Texas 75167

This action authorized at an official meeting
of the Ellis-Prairie SWCD on
Oct 4, 2021

Waxahachie, Texas

Matthew J. Shepherd
Ellis-Prairie SWCD/Vice Chairman

Attest See Attached Certificate of Secretary

Address for giving notices

701 E. Main Street, Lewisville, TX 75057

License No. N/A

Agent for service of process:

CT Corporation System

(If CONTRACTOR is a corporation, attach



GRANITE CONSTRUCTION COMPANY

CERTIFICATE OF SECRETARY

I, M. Craig Hall, Secretary of GRANITE CONSTRUCTION COMPANY, a California corporation (the "Company"), do hereby certify that the following is a true and correct copy of resolutions duly adopted effective March 12, 2021 by a Unanimous Written Consent of the Board of Directors in accordance with the provisions of Article III, Section 9 of the Bylaws of the Company; that the Directors acting were duly and regularly elected; and that the resolutions adopted have not been repealed and are still in full force and effect:

RESOLVED, that, effective March 12, 2021 through December 31, 2021, the individuals named on the attached Exhibit 1 are authorized to negotiate, execute and/or attest electronic and paper documents and contracts necessary for the conduct of the Company's affairs with respect to the submission and execution of construction project bids, bid proposals, bid addenda and all other bid-related documents prepared and submitted on behalf of the Company not to exceed \$25 million, relating to any and all domestic construction projects arising out of the Company's operations.

RESOLVED, that, effective March 12, 2021 through December 31, 2021, the individuals named on the attached Exhibit 2 are authorized to negotiate, execute and attest electronic and paper documents and contracts necessary for the conduct of the Company's affairs with respect to the submission and execution of construction project bids, bid proposals, bid addenda and all other bid-related documents prepared and submitted on behalf of the Company not to exceed \$75 million, relating to any and all domestic construction projects arising out of the Company's operations.

RESOLVED FURTHER, that the authority provided for herein shall be in accordance with applicable policies, procedures, and limits of authority previously approved and the Granite Construction Incorporated Delegation of Authority and Policy then in effect.

Dated: March 12, 2021


M. Craig Hall



EXHIBIT 1

AUTHORIZED SIGNERS
Granite Construction Company
Heavy Civil Group
Central Region

AUTHORIZED SIGNERS
Matthew J. Shepherd, VP Regional Operations
R. Jay Simms, Chief Estimator

ATTESTORS
Matthew J. Shepherd, VP Regional Operations
Bruce Jamieson, Project Executive
Bob Fitzner, Project Executive
R. Jay Simms, Chief Estimator
Javaid Iqbal, Senior Estimator
Craig Christian, Senior Estimator
Huriel Gonzalez, Senior Estimator

EXHIBIT 2

AUTHORIZED SIGNERS **Granite Construction Company** **Heavy Civil Group**

AUTHORIZED SIGNERS
Dave Richards, SVP Group Operations
Bret Barton, VP Regional Operations, Southeast Region
Matthew J. Shepherd, VP Regional Operations, Central Region
Andrew Ghofrani, VP Regional Operations, West Region

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 22, 2021

Mr. Kenneth Skillman
Granite Construction Company
701 E Main St.
Lewisville, TX 75057-4123

VIA E-MAIL

RE: Granite Construction Company
WRTP No. 13817
CN600419063, RN111361143
Application No. 13817 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Long Branch, tributary of Waxahachie Creek, Trinity River Basin

Dear Mr. Skillman:

This acknowledges receipt, on October 28, 2021, of the referenced application and fees in the amount of \$272.25 (Receipt No. M202502, copy attached).

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

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.

1. Confirm that the reservoir is currently used solely for domestic and livestock purposes.
2. Confirm the reservoir is located on Long Branch, tributary of Waxahachie Creek, Trinity River Basin.
3. Confirm the coordinates of the reservoir. Staff has calculated the coordinates of the reservoir at the centerline of the dam to be Latitude 32.451322° N and Longitude 96.897613° 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).
5. Provide documentation evidencing that Kenneth Skillman has the authority to sign for Granite Construction Company 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. Kenneth Skillman
Granite Construction Company
Application No. 13817
November XX, 2021
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. Provide a recorded copy of legal documents establishing ownership of the proposed diversion point, or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion point, pursuant to Title 30 TAC §295.10.
7. Provide documentation of consent from the owner of the reservoir, allowing the Applicant to divert from the reservoir. If the reservoir is a project of the Soil Conservation Service, U.S. Department of Agriculture, a copy of a duly acknowledged document evidencing consent from the Soil and Water Conservation District and any others having jurisdiction over the reservoir will be required pursuant to Title 30 TAC § 295.12.
8. Before the application can be declared administratively complete, remit fees in the amount of \$ 47.25, as described below. Please make the check payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fees	(Temporary Water Use Permit)	\$ 250.00
Recording Fee		\$ 25.00
Use Fees	(\$1.00 x 21 Acre-Feet)	\$ 21.00
Mailed Notice	(\$0.94 X xx Holders)	\$ 23.50
TOTAL FEES		\$ 319.50
FEES RECEIVED		\$ 272.25
TOTAL FEES DUE		\$ 47.25

Please submit the requested information and fees by December 22, 2021 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 Section

Attachment



02-NOV-21 09:08 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

Fee Code
Account#
Account Name

WTR USE PERMITS
WUP
WUP
WATER USE PERMITS
L. Berman

Ref#1
Ref#2
Paid In By

M202502
813817
LASUZZO,
TRACEE

Check Number
Card Auth.
User Data

213
110121
VHERNAND
CK

Slip Key
Document#
Tran Date
Tran Amount

BS00089726
D2800483
02-NOV-21
-\$272.25

Total (Fee Code):

-\$272.25

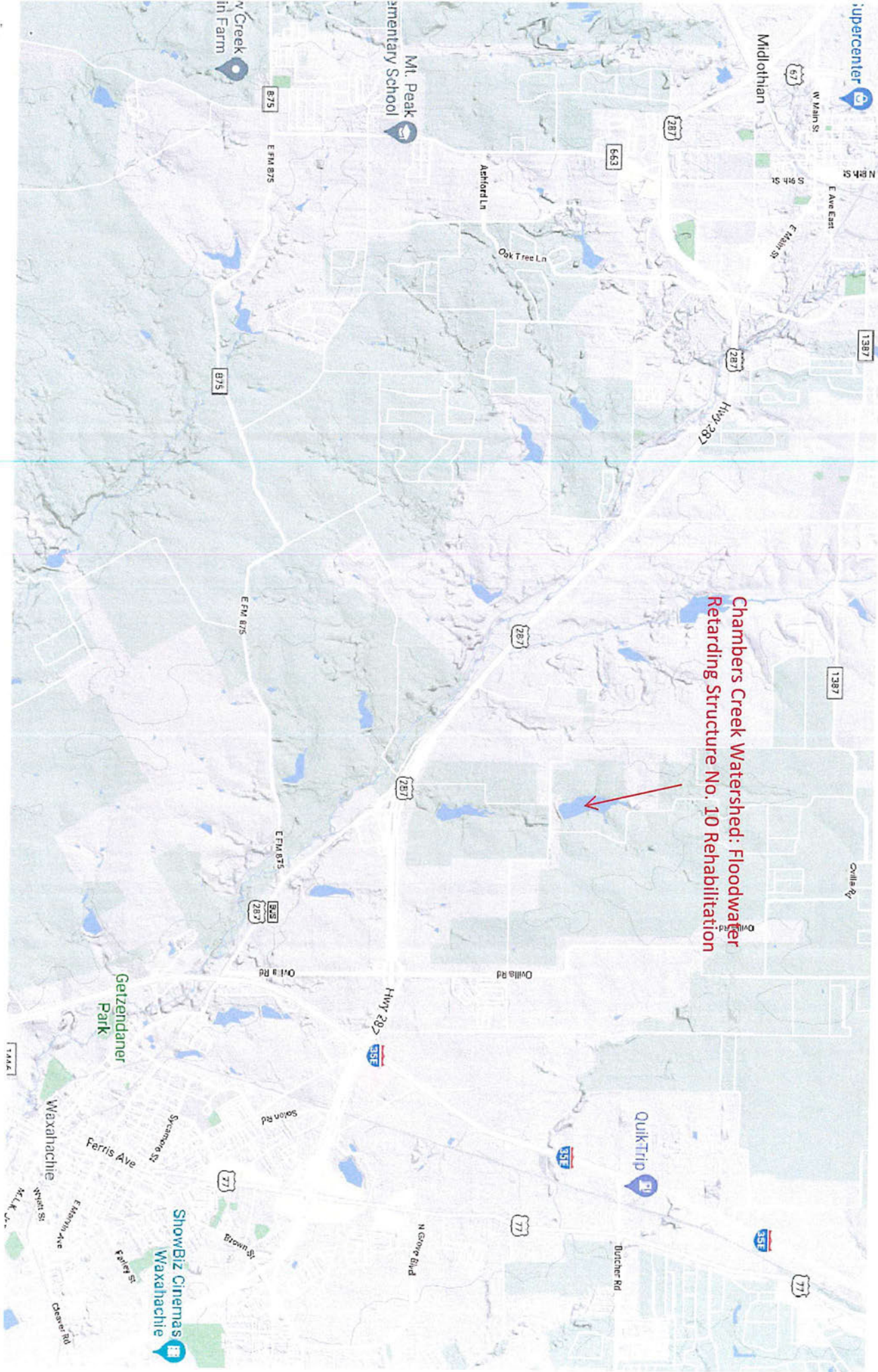
Grand Total:

-\$374.75

RECEIVED

NOV 03 2021

Water Availability Division



RE: Granite_Construction_Company_WRTP_No. 13817_Request for Information

Skillman, Ken [REDACTED]

Wed 12/15/2021 11:22 AM

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

Cc: Cowden, Travis <Travis.Cowden@gcinc.com>; Prilepskiy, Leonid <Leonid.Prilepskiy@gcinc.com>; Morrow, Cyrus <Cyrus.Morrow@gcinc.com>; Shepherd, Matt <Matt.Shepherd@gcinc.com>; Lasuzzo, Tracee <Tracee.Lasuzzo@gcinc.com>

📎 1 attachments (523 KB)

CC 10_TCEQ-10202_Rev01_signed.pdf;

Lillian,

We have decided to continue moving forward with this permit application. Application signed by Matthew Shepherd, Vice President is attached. This is a revision from the previous version that was signed by me. Responses to TCEQ RFIs are below.

1. The reservoir was used for livestock purposes. The livestock were relocated (off site) at the start of construction.
2. Yes, the reservoir is located on Long Branch, tributary of Waxahachie Creek, Trinity River Basin.
3. Yes, the coordinates of the reservoir are the same determined by the TCEQ staff. Latitude 32.451322 degrees N and Longitude 96.897613 degrees W.
4. Granite Construction Company will use suction strainers (aka "trash screens") on pump inlets to avoid impingement and entrainment of aquatic organisms. Suction strainers will have 3/8in round perforations.
5. Revised application attached with signature by Matthew Shepherd, Vice President. Granite Construction Company Certificate of Secretary also included to show signature authority.
6. Executed contract between Ellis-Prairie Soil & Water Conservation District and Granite Construction Company attached.
7. Executed contract between Ellis-Prairie Soil & Water Conservation District and Granite Construction Company attached.
8. A check for \$47.25 was sent to TCEQ this morning via overnight mail.

For your situational awareness, Granite Construction Company has decided to also apply for a Temporary Water Use Permit for less than 10 Acre-Feet through the TCEQ Region 4 DFW Office. I spoke with Sally this morning. Based on the phone conversations you and I had yesterday and earlier this week the more than 10-Acre Feet permit will take anywhere from 3-6 months to receive. We have a more immediate need for a smaller quantity of water to begin dirtwork construction activities.

Please let me know if there are any questions or further documentation needed from our end. Thanks again to you and your staff for helping me with this permit process.

Ken Skillman, P.E. (Arizona)



GRANITE

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. 94-0519552
 - Name: Granite Construction Co.
 - Mailing Address: 701 E Main St, Lewisville, TX 75057
 - Telephone Number: 469-781-8247 Fax Number: _____ E-mail Address: _____
 - 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:
Fees due (\$47.25) have been sent via mail.
 - Describe Use of Water: Process embankment material for dam rehabilitation and irrigation.
 - Description of Project (TDH Project No. if applicable): Chambers Creek Floodwater Structure No. 10 Rehabilitation
 - Highway Designation No. _____ County: Ellis County
- Type of Diversion (check one):** ☐ From Stream ☒ From Reservoir
 - Maximum 1,500 gpm (capacity of pump)
- Amount and Source of Water:** 24 acre-feet of water within a period of 24 months (specify term period not to exceed a three year term). The water is to be obtained from Long Branch, tributary of Waxahachie Creek, tributary of Trinity River 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 32.451322 °N, Longitude 96.897613 °W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) 287 (R-O-W) (Highway), located in Zip Code 75167, located 5.6 miles in a NW direction from Waxahachie (County Seat), Ellis County, and 4.8 miles in a SE direction from Midlothian, 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.

- Access to Diversion Point (check one):**
☐ Public right-of-way
☐ Private property
☒ Other (Explain)
Contractor for Ellis-Prairie Soil and Water Conservation District
- Fees Enclosed:**

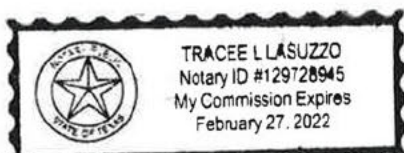
	10 ac-ft or less	greater than 10 ac-ft
Filing	\$ 100.00	\$ 250.00
Recording	\$ 1.25	\$ 1.25
Use (\$1.00 per ac-ft or fraction thereof)	\$ _____	\$ _____
(Note: 1 ac-ft = 325,851 gals. Total)	\$ _____	\$ _____
1 ac-ft = 7758.35 bbls.)		

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.

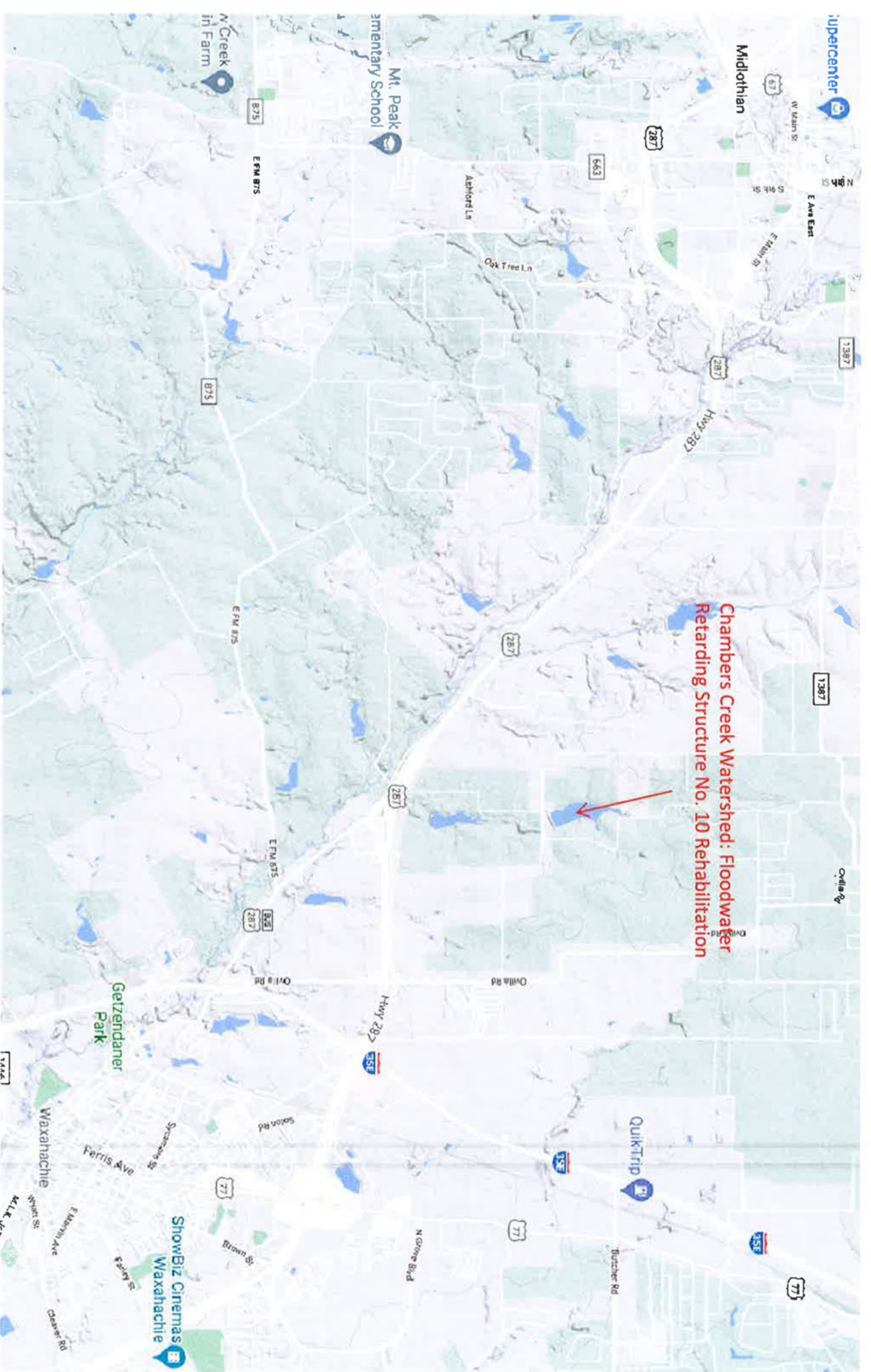
Max J.
Name (sign)

Matthew J. Shepherd, Vice President
Name (print)

Subscribed and sworn to me as being true and correct before me this 15th day of December, 2021



Tracee Lasuzzo
Notary Public, State of Texas



ARTICLE IV. The contract documents that comprise the Contract between Owner and Contractor, attached hereto and made a part hereof, consist of the following: This Contract Agreement:

- (1) Contractor's Bid: Exhibits A - F.
- (2) Addenda Numbers 1, 2 & 3
- (3) Post-bid information and supplementary information submitted by Contractor prior to execution of this Contract Agreement.
- (4) Notice of Award.
- (5) PART II – General Conditions.
- (6) PART III – Supplemental Conditions.
- (7) PART IV – Construction Specifications.
- (8) PART V – Drawings No. TX-EN-0800.
- (9) PART VI – Prevailing Wage Rates Determination.
- (10) PART VII – Storm Water Pollution Prevention Plans
- (11) Notice to Proceed.
- (12) Any modifications (change orders) duly delivered or supplemental agreements duly entered into after execution of this Contract Agreement.
- (13) Notices of Final Completion and Acceptance.

IN WITNESS WHEREOF, the parties hereto have executed this Contract Agreement the day and year first above written.

OWNER
ELLIS-PRAIRIE SWCD

By Scott F. Born

Scott Born
Chairman

Attest C. J. Raloff

Address for giving notices:
Ellis-Prairie SWCD
1822 HWY 66,
Waxahachie, Texas 75167

This action authorized at an official meeting
of the Ellis-Prairie SWCD on

Oct 4, 2021

Waxahachie, Texas

Mark F. [Signature]
Ellis-Prairie SWCD/Vice Chairman

CONTRACTOR

Granite Construction Company

By Matthew J. Shepherd

Title Matthew J. Shepherd, Vice President

(CORPORATE SEAL)

Attest See Attached Certificate of Secretary

Address for giving notices

701 E. Main Street, Lewisville, TX 75057

License No. N/A

Agent for service of process:

CT Corporation System

(If CONTRACTOR is a corporation, attach



GRANITE CONSTRUCTION COMPANY

CERTIFICATE OF SECRETARY

I, M. Craig Hall, Secretary of GRANITE CONSTRUCTION COMPANY, a California corporation (the "Company"), do hereby certify that the following is a true and correct copy of resolutions duly adopted effective March 12, 2021 by a Unanimous Written Consent of the Board of Directors in accordance with the provisions of Article III, Section 9 of the Bylaws of the Company; that the Directors acting were duly and regularly elected; and that the resolutions adopted have not been repealed and are still in full force and effect:

RESOLVED, that, effective March 12, 2021 through December 31, 2021, the individuals named on the attached Exhibit 1 are authorized to negotiate, execute and/or attest electronic and paper documents and contracts necessary for the conduct of the Company's affairs with respect to the submission and execution of construction project bids, bid proposals, bid addenda and all other bid-related documents prepared and submitted on behalf of the Company not to exceed \$25 million, relating to any and all domestic construction projects arising out of the Company's operations.

RESOLVED, that, effective March 12, 2021 through December 31, 2021, the individuals named on the attached Exhibit 2 are authorized to negotiate, execute and attest electronic and paper documents and contracts necessary for the conduct of the Company's affairs with respect to the submission and execution of construction project bids, bid proposals, bid addenda and all other bid-related documents prepared and submitted on behalf of the Company not to exceed \$75 million, relating to any and all domestic construction projects arising out of the Company's operations.

RESOLVED FURTHER, that the authority provided for herein shall be in accordance with applicable policies, procedures, and limits of authority previously approved and the Granite Construction Incorporated Delegation of Authority and Policy then in effect.

Dated: March 12, 2021


M. Craig Hall



EXHIBIT 1

AUTHORIZED SIGNERS
Granite Construction Company
Heavy Civil Group
Central Region

AUTHORIZED SIGNERS
Matthew J. Shepherd, VP Regional Operations
R. Jay Simms, Chief Estimator

ATTESTORS
Matthew J. Shepherd, VP Regional Operations
Bruce Jamieson, Project Executive
Bob Fitzner, Project Executive
R. Jay Simms, Chief Estimator
Javaid Iqbal, Senior Estimator
Craig Christian, Senior Estimator
Huriel Gonzalez, Senior Estimator

EXHIBIT 2

AUTHORIZED SIGNERS **Granite Construction Company** **Heavy Civil Group**

AUTHORIZED SIGNERS
Dave Richards, SVP Group Operations
Bret Barton, VP Regional Operations, Southeast Region
Matthew J. Shepherd, VP Regional Operations, Central Region
Andrew Ghofrani, VP Regional Operations, West Region

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 22, 2021

Mr. Kenneth Skillman
Granite Construction Company
701 E Main St.
Lewisville, TX 75057-4123

VIA E-MAIL

RE: Granite Construction Company
WRTP No. 13817
CN600419063, RN111361143
Application No. 13817 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Long Branch, tributary of Waxahachie Creek, Trinity River Basin

Dear Mr. Skillman:

This acknowledges receipt, on October 28, 2021, of the referenced application and fees in the amount of \$272.25 (Receipt No. M202502, copy attached).

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

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.

1. Confirm that the reservoir is currently used solely for domestic and livestock purposes.
2. Confirm the reservoir is located on Long Branch, tributary of Waxahachie Creek, Trinity River Basin.
3. Confirm the coordinates of the reservoir. Staff has calculated the coordinates of the reservoir at the centerline of the dam to be Latitude 32.451322° N and Longitude 96.897613° 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).
5. Provide documentation evidencing that Kenneth Skillman has the authority to sign for Granite Construction Company 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

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. Provide a recorded copy of legal documents establishing ownership of the proposed diversion point, or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion point, pursuant to Title 30 TAC §295.10.
7. Provide documentation of consent from the owner of the reservoir, allowing the Applicant to divert from the reservoir. If the reservoir is a project of the Soil Conservation Service, U.S. Department of Agriculture, a copy of a duly acknowledged document evidencing consent from the Soil and Water Conservation District and any others having jurisdiction over the reservoir will be required pursuant to Title 30 TAC § 295.12.
8. Before the application can be declared administratively complete, remit fees in the amount of \$ 47.25, as described below. Please make the check payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fees	(Temporary Water Use Permit)	\$ 250.00
Recording Fee		\$ 25.00
Use Fees	(\$1.00 x 21 Acre-Feet)	\$ 21.00
Mailed Notice	(\$0.94 X xx Holders)	\$ 23.50
TOTAL FEES		\$ 319.50
FEES RECEIVED		\$ 272.25
TOTAL FEES DUE		\$ 47.25

Please submit the requested information and fees by December 22, 2021 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 Section

Attachment



02-NOV-21 09:08 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u>		<u>Ref#</u>		<u>Check Number</u>		<u>CC Type</u>		<u>Slip Key</u>		<u>Tran Date</u>	<u>Tran Amount</u>
	<u>Account#</u>	<u>Account Name</u>	<u>Ref#1</u>	<u>Ref#2</u>	<u>Card Auth.</u>	<u>User Data</u>	<u>Tran Code</u>	<u>Rec Code</u>	<u>Document#</u>			
WTR USE PERMITS <i>L. Beerman</i>	WUP		M202502		213				BS00089726		02-NOV-21	- \$272.25
	WUP		813817		110121		N		D2800483			
		WATER USE PERMITS	LASUZZO,		VHERNAND		CK					
			TRACEE									

Total (Fee Code) :

- \$272.25

Grand Total:

- \$374.75

RECEIVED

NOV 03 2021

Water Availability Division

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Sent: Wednesday, December 15, 2021 9:32 AM
To: Skillman, Ken [REDACTED]
Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: Re: Granite_Construction_Company_W RTP_No. 13817_Request for Information

CAUTION: This email originated from outside of Granite

Ken Skillman,
I checked with my supervisor:

- Respond to the RFI I sent you. You can include a note in the Email that you have applied for a Temporary permit with the region. You do not need to alter application, at this point, for a two year period.

I called Region 4:

- I spoke with Sally Currier - 817-588-5882. She should be reaching out to you shortly.
- I told her that you were also applying for a Temporary with HQ.

Any other questions or issues that need clarification, please let me know.

Thank You,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

F

PHONE MEMO

Granite Construction WRTP Application No. 13817

From: Lillian E. Beerman	To: Ken Skillman, P.E.
Date: December 14, 2021	Permit: Granite Construction_13817
Phone: 469.781.8243	Re: Temporary Permit from the Region

Mr. Skillman will not withdraw Granite's application for a temporary. He is responding to the RFI. He will also apply for the temporary permit with the region. He will use the same diversion location.

The temporary with HQ will only be good for two years. He will still ask for 21 A-F.

Lillian E. Beerman, Ph.D. December 14 2021

Re: Granite_Construction_Company_W RTP_No. 13817_Request for Information

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

Mon 12/13/2021 11:34 AM

To: Skillman, Ken <[REDACTED]>

Mr. Skillman,

Here is the information we discussed on the phone.

CONTACT INFORMATION FOR THE REGION

Ellis County is located in Region 4. Brent Candler can be reached through the main line. I accidentally gave you the fax number. Apologies.

The main number is 817-588-5800. He will likely assign your request to another individual.

TEMPORARY APPLICATION WITH REGION

Application for a temporary water use permit FOR UP TO 10 ACRE-FEET OF WATER, and/or for a diversion period up to ONE calendar year.

- Application for a temporary water use permit (TCEQ-20425) (TCEQ-20425) [PDF](#).

The link to the application is:

<https://www.tceq.texas.gov/assets/public/permitting/forms/20425.pdf>

I have also attached a copy of the application form.

Remember every application for a temporary permit must have a different point of diversion.

NEXT STEPS

If you decide to continue with your application for a Temporary > 10 A-F for a period of less than three years and greater than one-year, you will have to complete the *Request for Information*.

If you decide to *Withdraw* your application, then you must submit an Email requesting Withdrawal.

If you have any further questions, 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: Skillman, Ken <[REDACTED]>

Sent: Monday, December 13, 2021 10:56 AM

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

Subject: RE: Granite_Construction_Company_W RTP_No. 13817_Request for Information

Lillian,

I have a meeting at 1:30pm today, but can take your call anytime before or after. Thanks.

PHONE MEMO

Granite Construction WRTP Application No. 13817

From: Lillian E. Beerman	To: Ken Skillman, P.E.
Date: December 13, 2021	Permit: Granite Construction_13817
Phone: 469.781.8243	Re: Temporary Permit from the Region

Mr. Skillman is considering withdrawing Granite's application and applying for a temporary from the Region.

He will contact me once he has discussed the option with the Region.

Information I provided him is in an email dated Dec 13, 2021.

Lillian E. Beerman, Ph.D. December 13, 2021

Ken Skillman, P.E. (Arizona)



From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Sent: Saturday, December 11, 2021 9:13 AM
To: Skillman, Ken <[REDACTED]>
Subject: Re: Granite_Construction_Company_W RTP_No. 13817_Request for Information

CAUTION: This email originated from outside of Granite

Mr. Skillman,
I received your voicemail and your email. I was out of the office on Friday. I will provide you with the instructions on temporary permits issued by the Region when I return to work on Monday. I should clarify that Temporary Permits issued by the Region are for less than 10 acre-feet of water in a period of one year; however, with modification, you may request one the following year. I will call to clarify.
Thank You,

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

From: Skillman, Ken <[REDACTED]>
Sent: Friday, December 10, 2021 12:51 PM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Cc: Cowden, Travis <[REDACTED]> Prilepskiy, Leonid <[REDACTED]>
Subject: RE: Granite_Construction_Company_W RTP_No. 13817_Request for Information

Lillian,

Agreed. I will respond to RFI as such.

I just left you a phone message. After we spoke earlier this week, my boss checked my math and we believe that our water usage is going to be less than 10 ac-ft. I had originally estimated 21 ac-ft based on the scheduled months of usage that we anticipated when submitting the application for permit. Usage is significantly reduced due to a revised construction schedule.

Should the permit application be routed to our local TCEQ since less than 10 ac-ft usage or what is the process from here?

Ken Skillman, P.E. (Arizona)





From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Sent: Tuesday, December 7, 2021 4:18 PM
To: Skillman, Ken [REDACTED]
Subject: Re: Granite_Construction_Company_W RTP_No. 13817_Request for Information

CAUTION: This email originated from outside of Granite

Mr. Skillman,
I called and double checked with the Hydrologist. Long Branch is a stream segment, as well as a road. So if you are in agreement, you can confirm the question of the tributary chain.
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: Tuesday, December 7, 2021 11:33 AM
To: Skillman, Ken <[REDACTED]>
Subject: Re: Granite_Construction_Company_W RTP_No. 13817_Request for Information

Mr. Skillman,
I received your voicemail. I will call you after 2 pm.
Thank you,

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

From: Skillman, Ken [REDACTED]
Sent: Tuesday, December 7, 2021 11:03 AM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Cc: Cowden, Travis <[REDACTED]> Prilepskiy, Leonid <[REDACTED]>
Subject: RE: Granite_Construction_Company_W RTP_No. 13817_Request for Information

Lillian,

Please call when you have a moment this afternoon. Would like to discuss RFI responses before I submit to minimize any back and forth. Thank you.

PHONE MEMO

Granite Construction WRTP No. 13817

From: Lillian E. Beerman	To: Ken Skillman
Date: December 7, 2021	Permit: WRTP No. 13817
Phone: 469.781.8243	Re: RFI

I returned the call of Mr. Skillman with Granite Construction regarding our Request for Information. He said that the reservoir was being used for livestock and flood control.

I need to check on two issues:

- 1) is Long Branch a tributary or a street?
- 2) is his contract with the County sufficient for access? The individual signing the contract is with the Soil Conservation District.

I will get back with him regarding these questions.

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Sent: Tuesday, December 7, 2021 11:33 AM
To: Skillman, Ken [REDACTED]
Subject: Re: Granite_Construction_Company_W RTP_No. 13817_Request for Information

Mr. Skillman,
I received your voicemail. I will call you after 2 pm.
Thank you,

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

From: Skillman, Ken [REDACTED]
Sent: Tuesday, December 7, 2021 11:03 AM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Cc: Cowden, Travis [REDACTED] Prilepskiy, Leonid [REDACTED]
Subject: RE: Granite_Construction_Company_W RTP_No. 13817_Request for Information

Lillian,

Please call when you have a moment this afternoon. Would like to discuss RFI responses before I submit to minimize any back and forth. Thank you.

Ken Skillman, P.E. (Arizona)

[REDACTED]
[REDACTED]
[REDACTED]



From: Skillman, Ken
Sent: Tuesday, November 23, 2021 3:49 PM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: RE: Granite_Construction_Company_W RTP_No. 13817_Request for Information

Lillian,

Thank you. We will work on getting RFI responses back to you as soon as possible.

Ken Skillman, P.E. (Arizona)



From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Sent: Monday, November 22, 2021 7:06 PM
To: Skillman, Ken <[REDACTED]>
Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: Granite_Construction_Company_W RTP_No. 13817_Request for Information

CAUTION: This email originated from outside of Granite

Mr. Skillman,
Thank you for your timely email. Attached is the Request for Information for Granite Construction Company's Application No. 13817 for a Temporary Water Use Permit.
Response is due COB Wednesday, December 22, 2021.
Please 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

Granite_Construction_Company_W RTP_No. 13817_Request for Information

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

Mon 11/22/2021 7:06 PM

To: Skillman, Ken <[REDACTED]>

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

Mr. Skillman,

Thank you for your timely email. Attached is the Request for Information for Granite Construction Company's Application No. 13817 for a Temporary Water Use Permit.

Response is due COB Wednesday, December 22, 2021.

Please 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

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 22, 2021

Mr. Kenneth Skillman
Granite Construction Company
701 E Main St.
Lewisville, TX 75057-4123

VIA E-MAIL

RE: Granite Construction Company
WRTP No. 13817
CN600419063, RN111361143
Application No. 13817 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Long Branch, tributary of Waxahachie Creek, Trinity River Basin

Dear Mr. Skillman:

This acknowledges receipt, on October 28, 2021, of the referenced application and fees in the amount of \$272.25 (Receipt No. M202502, copy attached).

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

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.

1. Confirm that the reservoir is currently used solely for domestic and livestock purposes.
2. Confirm the reservoir is located on Long Branch, tributary of Waxahachie Creek, Trinity River Basin.
3. Confirm the coordinates of the reservoir. Staff has calculated the coordinates of the reservoir at the centerline of the dam to be Latitude 32.451322° N and Longitude 96.897613° 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).
5. Provide documentation evidencing that Kenneth Skillman has the authority to sign for Granite Construction Company 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. Kenneth Skillman
Granite Construction Company
Application No. 13817
November XX, 2021
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. Provide a recorded copy of legal documents establishing ownership of the proposed diversion point, or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion point, pursuant to Title 30 TAC §295.10.
7. Provide documentation of consent from the owner of the reservoir, allowing the Applicant to divert from the reservoir. If the reservoir is a project of the Soil Conservation Service, U.S. Department of Agriculture, a copy of a duly acknowledged document evidencing consent from the Soil and Water Conservation District and any others having jurisdiction over the reservoir will be required pursuant to Title 30 TAC § 295.12.
8. Before the application can be declared administratively complete, remit fees in the amount of \$ 47.25, as described below. Please make the check payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fees	(Temporary Water Use Permit)	\$ 250.00
Recording Fee		\$ 25.00
Use Fees	(\$1.00 x 21 Acre-Feet)	\$ 21.00
Mailed Notice	(\$0.94 X xx Holders)	\$ 23.50
TOTAL FEES		\$ 319.50
FEES RECEIVED		\$ 272.25
TOTAL FEES DUE		\$ 47.25

Please submit the requested information and fees by December 22, 2021 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 Section

Attachment



02-NOV-21 09:08 AM

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	M202502	213		BS00089726	02-NOV-21	-\$272.25
L. Beerman	WUP	813817	110121	N	D2800483		
	WATER USE PERMITS	LASUZZO,	VHERNAND	CK			
		TRACEE					
						Total (Fee Code):	-\$272.25
						Grand Total:	-\$374.75

RECEIVED
NOV 03 2021
Water Availability Division

RE: Chambers Creek 10 | Temp. Water Use Permit

Skillman, Ken <[REDACTED]>

Mon 11/22/2021 2:01 PM

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

Cc: Cowden, Travis <[REDACTED]> Prilepskiy, Leonid <[REDACTED]>

Ma'am,

Checking in to make sure that I didn't miss the RFI from your technical and administrative staff. Will that be coming electronically or via mail? Do you have an ETA?

Ken Skillman, P.E. (Arizona)

[REDACTED]

[REDACTED]



From: Skillman, Ken

Sent: Tuesday, November 16, 2021 11:19 AM

To: Lillian Beerman <Lillian.Beerman@tceq.texas.gov>

Cc: Cowden, Travis <[REDACTED]> Prilepskiy, Leonid <[REDACTED]>

Subject: Re: Chambers Creek 10 | Temp. Water Use Permit

Thanks for the update and I appreciate your quick response. We will be on the lookout for the RFIs and will provide response to keep this ball moving forward. Thanks again.

Sent from my iPhone

On Nov 16, 2021, at 9:50 AM, Lillian Beerman <Lillian.Beerman@tceq.texas.gov> wrote:

CAUTION: This email originated from outside of Granite

Mr. Skillman,

On October 28, 2021, I received Granite Construction Company's Application for a Temporary Water Use Permit. Technical and administrative staff has initially reviewed your application and I am currently preparing a Request for Information to answer questions needed for administrative completeness and subsequent technical review. You should be receiving these questions shortly.

Please be assured that we are committed to the timely processing of your application. If you have any further questions, do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Re: Chambers Creek 10 | Temp. Water Use Permit

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

Tue 11/16/2021 9:50 AM

To: Skillman, Ken [REDACTED]

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

Mr. Skillman,

On October 28, 2021, I received Granite Construction Company's Application for a Temporary Water Use Permit. Technical and administrative staff has initially reviewed your application and I am currently preparing a Request for Information to answer questions needed for administrative completeness and subsequent technical review. You should be receiving these questions shortly.

Please be assured that we are committed to the timely processing of your application. If you have any further questions, 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: Skillman, Ken [REDACTED]

Sent: Tuesday, November 16, 2021 9:38 AM

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

Cc: Cowden, Travis [REDACTED] Prilepskiy, Leonid [REDACTED] >

Subject: FW: Chambers Creek 10 | Temp. Water Use Permit

Ma'am,

I was informed that you were assigned as the Project Manager for the attached application for temporary water use permit. Can you please provide a status update? Is there anything further needed from Granite Construction at this time?

Ken Skillman, P.E. (Arizona)

[REDACTED]

[REDACTED]

[REDACTED]

GRANITE

Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

From: Skillman, Ken <[REDACTED]>
Sent: Tuesday, November 16, 2021 9:38 AM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Cc: Cowden, Travis <[REDACTED]>; Prilepskiy, Leonid <[REDACTED]>
Subject: FW: Chambers Creek 10 | Temp. Water Use Permit

Ma'am,

I was informed that you were assigned as the Project Manager for the attached application for temporary water use permit. Can you please provide a status update? Is there anything further needed from Granite Construction at this time?

Ken Skillman, P.E. (Arizona)
Cell 469.781.8243



<image001.jpg>

From: Skillman, Ken
Sent: Friday, November 12, 2021 11:28 AM
To: lillian.beerman@tceq.texas.gov
Cc: Cowden, Travis <[REDACTED]>; Morrow, Cyrus <[REDACTED]>
Prilepskiy, Leonid <[REDACTED]>; Martin, Jason <[REDACTED]>
Lasuzzo, Tracee <[REDACTED]>
Subject: FW: Chambers Creek 10 | Temp. Water Use Permit

Ma'am,

I called TCEQ this morning to request an update on the attached application for temporary water use permit. I was informed that you were assigned as the Project Manager.

Can you please provide a status update? Is there anything further needed from me at this time?

Ken Skillman, P.E. (Arizona)



<image001.jpg>

From: Skillman, Ken

Sent: Thursday, October 28, 2021 10:25 AM

To: WRPT@tceq.texas.gov

Cc: Cowden, Travis <[REDACTED]>; Morrow, Cyrus <[REDACTED]>
Martin, Jason <[REDACTED]>; Lasuzzo, Tracee <[REDACTED]>

Subject: Chambers Creek 10 | Temp. Water Use Permit

Sir / Ma'am,

Application for a temporary water use permit is attached. Hard copy with the required payment will be mailed to the TCEQ Central Office today.

Ken Skillman, P.E. (Arizona)



<image001.jpg>

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. 94-0519552
 - A. Name: Granite Construction Co.
 - B. Mailing Address: 701 E Main St, Lewisville, TX 75057
 - C. Telephone Number: 469-781-8243 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: Process embankment material for dam rehabilitation
 - F. Description of Project (TDH Project No. if applicable): Chambers Creek Floodwater Structure No. 10 Rehabilitation
 - G. Highway Designation No. _____ County: Ellis County
2. Type of Diversion (check one): ☐ From Stream ☐ From Reservoir
3. Rate of Diversion:
 - A. Maximum 1500 gpm (capacity of pump)
4. Amount and Source of Water:

21 acre-feet of water within a period of 30 months (specify term period not to exceed a three year term). The water is to be obtained from Soil Conservation Site 10 Reservoir, tributary of Upper Waxahachie Creek, tributary of Waxahachie Creek, tributary of Chambers, Trinity River Basin.
5. Location of Diversion Point: Provide Latitude and Longitude in decimal degrees to at least six decimal places, and indicate the method used to calculate the diversion point location.

At Latitude 32.453971 °N, Longitude -96.899157 °W, ((at) or (near) the stream crossing of), (at a reservoir) in the vicinity of 287 (R-O-W) Highway, located in Zip Code 75167, located 5.6 miles in a NW direction from Waxahachie (County Seat), Ellis County, and 4.8 miles in a SE direction from Midlothian, 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.

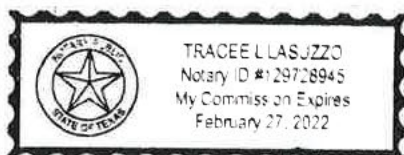
- | | | | | | | | | | | | | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----------|-----------|-----------------|---------|---------|--------------------------------------------|----------|-----------------|---------------------------------------|----------|------------------|--------------------------|--|--|
| 6. Access to Diversion Point (check one): <ul style="list-style-type: none"> <input type="checkbox"/> Public right-of-way <input type="checkbox"/> Private property (A letter of permission from landowner is attached) <input checked="" type="checkbox"/> Other (Explain): <u>Contractor for Ellis-Prairie Soil and Water Conservation District</u> | 7. Fees Enclosed: <table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Filing</td> <td style="width: 20%;">\$ 100.00</td> <td style="width: 20%;">\$ 250.00</td> </tr> <tr> <td>Recording</td> <td>\$ 1.25</td> <td>\$ 1.25</td> </tr> <tr> <td>Use (\$1.00 per ac-ft or fraction thereof)</td> <td>\$ _____</td> <td>\$ <u>21.00</u></td> </tr> <tr> <td>(Note: 1 ac-ft = 325,851 gals. Total)</td> <td>\$ _____</td> <td>\$ <u>272.25</u></td> </tr> <tr> <td>1 ac-ft = 7758.35 bbls.)</td> <td></td> <td></td> </tr> </table> | Filing | \$ 100.00 | \$ 250.00 | Recording | \$ 1.25 | \$ 1.25 | Use (\$1.00 per ac-ft or fraction thereof) | \$ _____ | \$ <u>21.00</u> | (Note: 1 ac-ft = 325,851 gals. Total) | \$ _____ | \$ <u>272.25</u> | 1 ac-ft = 7758.35 bbls.) | | |
| Filing | \$ 100.00 | \$ 250.00 | | | | | | | | | | | | | | |
| Recording | \$ 1.25 | \$ 1.25 | | | | | | | | | | | | | | |
| Use (\$1.00 per ac-ft or fraction thereof) | \$ _____ | \$ <u>21.00</u> | | | | | | | | | | | | | | |
| (Note: 1 ac-ft = 325,851 gals. Total) | \$ _____ | \$ <u>272.25</u> | | | | | | | | | | | | | | |
| 1 ac-ft = 7758.35 bbls.) | | | | | | | | | | | | | | | | |

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

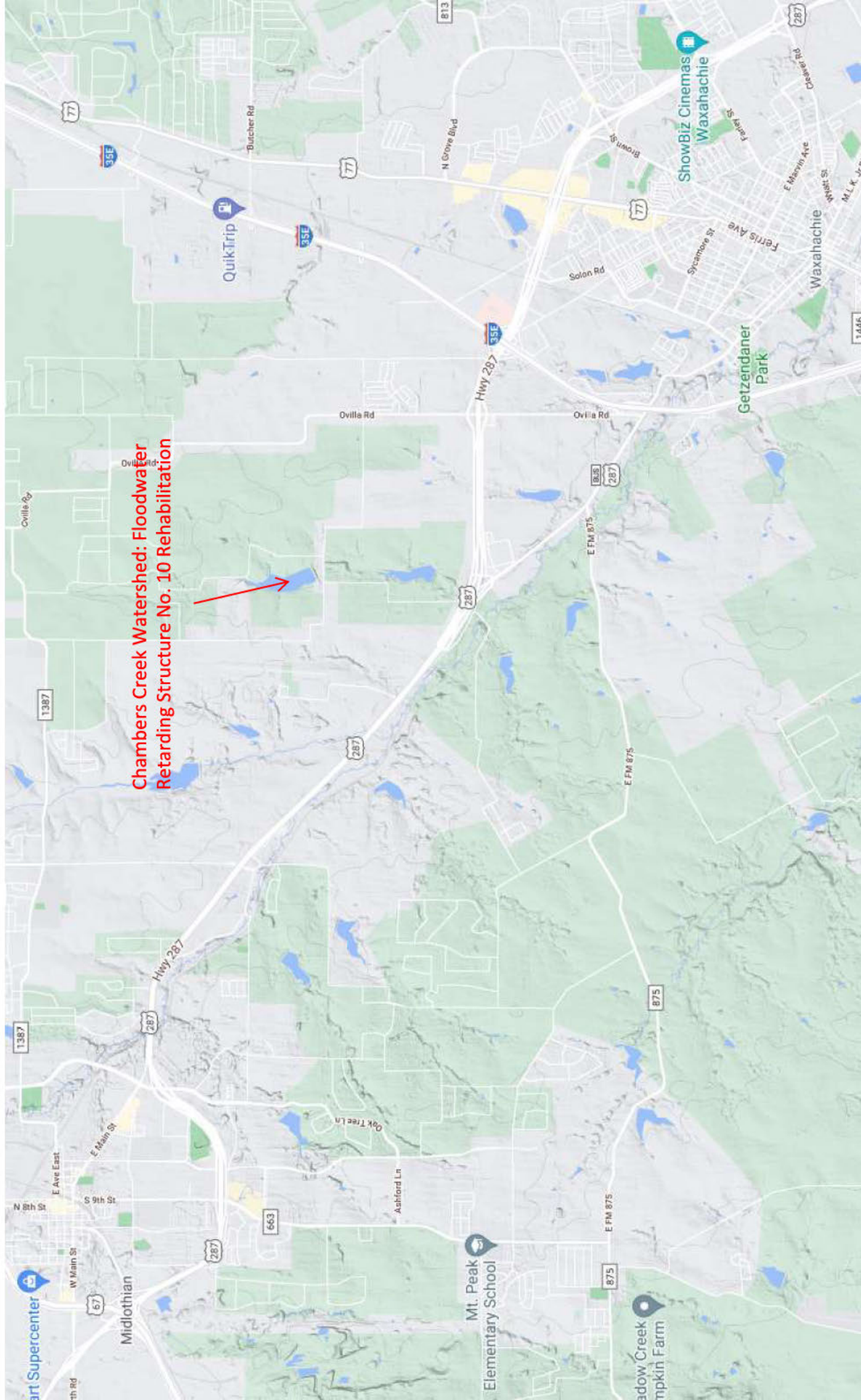
[Signature]
Name (sign)

Kenneth Skillman
Name (print)

Subscribed and sworn to me as being true and correct before me this 28th day of October, 2021



Tracee Lasuzzo
Notary Public, State of Texas



Chambers Creek Watershed: Floodwater
Retarding Structure No. 10 Rehabilitation