

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

APPLICATION NO. 13824

LoHill Energy LLC seeks a temporary water use permit to divert and use not to exceed 90 acre-feet of water, within a period of two years, from Carpenters Bayou, tributary of the San Jacinto River, San Jacinto River Basin at a maximum diversion rate of 4.68 cfs (2,100 gpm) for industrial purposes in Harris County. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** LoHill Energy LLC, Applicant, 2053 Speckle Dr., Fort Worth, Texas 76131, 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 San Jacinto River Basin pursuant to Title 30 TAC § 295.154.

LoHill Energy LLC seeks a temporary water use permit to divert and use not to exceed 90 acre-feet of water, within a period of two years, from Carpenters Bayou, tributary of the San Jacinto River, San Jacinto River Basin at a maximum diversion rate of 4.68 cfs (2,100 gpm) for industrial purposes in Harris County.

The water will be diverted from a point located Latitude 29.824916° N, Longitude 95.157168° W in Harris County, ZIP Code 77049.

The application and fees were received on December 6, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on December 22, 2021.

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](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 May 16, 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 May 16, 2022. The Executive Director may approve the application unless a written request for a contested case hearing is filed by May 16, 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 WRTP 13824 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

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

Issued: April 27, 2022

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## TEMPORARY WATER USE PERMIT

PERMIT NO. 13824

TYPE § 11.138

Permittee: LoHill Energy LLC

Address: 2053 Speckle Dr.  
Fort Worth, Texas 76131

Received: December 6, 2021

Granted:

Watercourse: Carpenters Bayou, tributary of the  
San Jacinto River

County: Harris

Watershed: San Jacinto 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 90 acre-feet of water, within a period of two years, from a point on Carpenters Bayou, tributary of the San Jacinto River, San Jacinto River Basin for industrial purposes in Harris County.
3. The water will be diverted at a maximum diversion rate of 4.68 cfs (2,100 gpm) from a point located at Latitude 29.824916° N, Longitude 95.157168° W in Harris 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. 13824 is issued to LoHill Energy LLC subject to the following terms and conditions:

1. USE

Permittee is authorized to divert and use not to exceed 90 acre-feet of water, within a period of two years, from a point on Carpenters Bayou, San Jacinto River Basin for industrial purposes in Harris County.

2. DIVERSION

Permittee is authorized to divert:

- A. From a point located at Latitude 29.824916° N, Longitude 95.157168° W in Harris County.
- B. At a maximum diversion rate of 4.68 cfs (2,100 gpm).

3. SPECIAL CONDITIONS

- A. Permittee may only divert water when streamflow exceeds the following environmental flow standards plus the diversion rate at the time of the diversions, at USGS Gage No. 08068000 - West Fork San Jacinto River, Conroe, TX, as implemented in accordance with Paragraphs 3.B - 3.E.

Season	Subsistence	Base
Winter	23 cfs	42 cfs
Spring	24 cfs	52 cfs
Summer	10 cfs	19 cfs
Fall	10 cfs	22 cfs

cfs = cubic feet per second

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

**Subsistence Flow**

- C. Permittee shall not divert water unless streamflow at USGS Gage No. 08068000 is above the applicable subsistence flow standard for a season.
- D. If streamflow at USGS Gage No. 08068000 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. 08068000 falls below the applicable subsistence flow standard.

**Base Flow**

- E. If streamflow at USGS Gage No. 08068000 is above the applicable base flow standard for a season, Permittee may divert water so long as the streamflow at USGS Gage No. 08068000 does not fall below the applicable base flow standard.

- F. 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.
- G. This temporary water use permit is junior in priority to all existing water rights in the San Jacinto 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.

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For the Commission

DATE ISSUED:

## Natalia Ponebshek

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**From:** Jaime Roman [REDACTED] >  
**Sent:** Friday, April 8, 2022 3:56 PM  
**To:** Natalia Ponebshek  
**Subject:** Re: LoHill Energy LLC Application No. 13824 Draft Permit

Natalia,

This looks good to me. Thank you for your help!

Best regards,

Jaime Roman  
LoHill Energy  
817-707-2352

----- On Thu, 07 Apr 2022 17:24:11 -0500 Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov> wrote  
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Hello,

Please find the attached draft temporary permit and notice. Please provide any comments you may have by close of business on April 21, 2022.

Thank you,

Natalia Ponebshek, Project Manager

Water Rights Permitting Team

Water Rights Permitting and Availability Section

(512) 239-4641

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 7, 2022

Mr. Jaime Roman  
LoHill Energy LLC  
2053 Speckle Dr.  
Fort Worth, TX 76131

VIA E-MAIL

RE: LoHill Energy LLC  
WRTP 13824  
CN605752120, RN111383535  
Application No. 13824 for a Temporary Water Use Permit  
Texas Water Code § 11.138, Requiring Limited Mailed Notice  
Carpenters Bayou, San Jacinto River Basin  
Harris County

Dear Mr. Roman:

Drafts, subject to revision, of the public notice, proposed Temporary Water Use Permit No. 13824, 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 April 21, 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. 13824 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 [Natalia.Ponebshek@tceq.texas.gov](mailto:Natalia.Ponebshek@tceq.texas.gov) or at (512) 239-4641.

Sincerely,

*Natalia Ponebshek*

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachments

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## TEMPORARY WATER USE PERMIT

PERMIT NO. 13824

TYPE § 11.138

Permittee: LoHill Energy LLC

Address: 2053 Speckle Dr.  
Fort Worth, Texas 76131

Received: December 6, 2021

Granted:

Watercourse: Carpenters Bayou, tributary of the  
San Jacinto River

County: Harris

Watershed: San Jacinto 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 90 acre-feet of water, within a period of two years, from a point on Carpenters Bayou, tributary of the San Jacinto River, San Jacinto River Basin for industrial purposes in Harris County.
3. The water will be diverted at a maximum diversion rate of 4.68 cfs (2,100 gpm) from a point located at Latitude 29.824916° N, Longitude 95.157168° W in Harris 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. 13824 is issued to LoHill Energy LLC subject to the following terms and conditions:

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3. SPECIAL CONDITIONS

- A. Permittee may only divert water when streamflow exceeds the following environmental flow standards plus the diversion rate at the time of the diversions, at USGS Gage No. 08068000 - West Fork San Jacinto River, Conroe, TX, as implemented in accordance with Paragraphs 3.B - 3.E.

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**Subsistence Flow**

- C. Permittee shall not divert water unless streamflow at USGS Gage No. 08068000 is above the applicable subsistence flow standard for a season.
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**Base Flow**

- E. If streamflow at USGS Gage No. 08068000 is above the applicable base flow standard for a season, Permittee may divert water so long as the streamflow at USGS Gage No. 08068000 does not fall below the applicable base flow standard.

- F. 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.
- G. This temporary water use permit is junior in priority to all existing water rights in the San Jacinto 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.
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- 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.

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For the Commission

DATE ISSUED:

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

APPLICATION NO. 13824

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**APPLICATION.** LoHill Energy LLC, Applicant, 2053 Speckle Dr., Fort Worth, Texas 76131, 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 San Jacinto River Basin pursuant to Title 30 TAC § 295.154.

LoHill Energy LLC seeks a temporary water use permit to divert and use not to exceed 90 acre-feet of water, within a period of two years, from Carpenters Bayou, tributary of the San Jacinto River, San Jacinto River Basin at a maximum diversion rate of 4.68 cfs (2,100 gpm) for industrial purposes in Harris County.

The water will be diverted from a point located Latitude 29.824916° N, Longitude 95.157168° W in Harris County, ZIP Code 77049.

The application and fees were received on December 6, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on December 22, 2021.

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](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.

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held if the Executive Director determines that there is a significant degree of public interest in the application.

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

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

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

**INFORMATION.** Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering W RTP 13824 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

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

Issued:

# Texas Commission on Environmental Quality

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## INTEROFFICE MEMORANDUM

**To:** Natalia Ponebshek, Project Manager      **Date:** February 2, 2022  
Water Rights Permitting Team

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

**From:** Jade Rutledge, Aquatic Scientist  
Resource Protection Team

**Subject:** LoHill Energy LLC  
WRTP 13824  
CN605752120  
Carpenters Bayou, San Jacinto River Basin  
Harris 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

LoHill Energy LLC (Applicant) requests a temporary water use permit to divert a maximum of 90 acre-feet of water within a two-year period from a point on Carpenters Bayou, San Jacinto River Basin, at a maximum diversion rate of 4.68 cfs (2,100 gpm), for industrial purposes in Harris 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)(6), environmental flow standards were established at United States Geological Survey (USGS) Gage No. 08068000 – West Fork San Jacinto River near Conroe, TX, and the applicable environmental flow standards are shown in Table 1.

**Table 1. Environmental Flow Standards at USGS Gage No. 08068000 – West Fork San Jacinto River near Conroe, TX.**

<b>Season</b>	<b>Subsistence</b>	<b>Base</b>
Winter	23 cfs	42 cfs
Spring	24 cfs	52 cfs
Summer	10 cfs	19 cfs
Fall	10 cfs	22 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 90 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 plus the diversion rate at the time of the diversions, at USGS Gage No. 08068000 – West Fork San Jacinto River, Conroe, TX, as implemented in accordance with Special Conditions 3-6.

<b>Season</b>	<b>Subsistence</b>	<b>Base</b>
Winter	23 cfs	42 cfs
Spring	24 cfs	52 cfs
Summer	10 cfs	19 cfs
Fall	10 cfs	22 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. 08068000 is above the applicable subsistence flow standard for a season.
5. If streamflow at USGS Gage No. 08068000 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. 08068000 falls below the applicable subsistence flow standard.

#### **Base Flow Special Conditions**

6. If streamflow at USGS Gage No. 08068000 is above the applicable base flow standard for a season, Permittee may divert water so long as the streamflow at USGS Gage No. 08068000 does not fall below the applicable base flow standard.



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Jade Rutledge, Aquatic Scientist

**Texas Commission on Environmental Quality**

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INTEROFFICE MEMORANDUM

To: Natalia Ponebshek, Project Manager  
Water Rights Permitting Team

Date: March 22, 2022

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

<sup>TG</sup> Trent Gay, Team Leader  
Surface Water Availability Team

From: Jenny M. Torres, Hydrologist  
Surface Water Availability Team

Subject: LoHill Energy LLC  
WRTP 13824  
CN605752120  
Carpenters Bayou, San Jacinto River Basin  
Harris County

**HYDROLOGY REVIEW**

**Application Summary**

LoHill Energy LLC (Applicant) requests a temporary water use permit to divert a maximum of 90 acre-feet of water within a two-year period from a point on Carpenters Bayou, San Jacinto River Basin, at a maximum diversion rate of 4.68 cfs (2,100 gpm), for industrial purposes in Harris County.

The application was declared administratively complete on December 22, 2021.

**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. Specific instream flow requirements are included in Resource Protection staff's February 8, 2022 memorandum.

Staff reviewed current conditions in the San Jacinto River Basin to determine whether surplus water is available for this request. Staff notes that the most recent Drought Monitor (March 15, 2022) indicates Harris County, where the application is located, is experiencing abnormally dry conditions.

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 San Jacinto WAM, with the application included, to calculate the frequencies at which the volumes of freshwater inflows occur. Results of the analysis indicate that there is no reduction of the frequencies below the frequencies specified in the rule. 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 (2 years). The temporary permit will be junior to all existing water rights and subject to suspension if water is needed for those water rights. Staff's opinion is that existing water rights will not be affected by this short-term permit.

### **Conclusion**

Hydrology staff can support granting the application provided the permit includes Resource Protection Staff's recommendations.

  
\_\_\_\_\_  
Jenny M Torres, Hydrologist

# TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader  
Water Rights Permitting Team

FROM: Natalia Ponebshek, Project Manager  
Water Rights Permitting Team

DATE: December 22, 2021

SUBJECT: LoHill Energy LLC  
WRTP 13824  
CN605752120, RN111383535  
Application No. 13824 for a Temporary Water Use Permit  
Texas Water Code § 11.138, Requiring Limited Mailed Notice  
Carpenters Bayou, San Jacinto River Basin  
Harris County

The application and fees were received on December 6, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on December 22, 2021. Limited mailed notice to downstream water right holders of record in the San Jacinto 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.

*Natalia Ponebshek*

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Natalia Ponebshek, 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*

December 22, 2021

Mr. Jaime Roman  
LoHill Energy LLC  
2053 Speckle Dr.  
Fort Worth, TX 76131

RE: LoHill Energy LLC  
WRTP 13824  
CN605752120, RN111383535  
Application No. 13824 for a Temporary Water Use Permit  
Texas Water Code § 11.138, Requiring Limited Mailed Notice  
Carpenters Bayou, San Jacinto River Basin  
Harris County

Dear Mr. Roman:

This acknowledges receipt, on December 6, 2021, of the application and fees in the amount of \$341.25 (Receipt No. M206252, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on December 22, 2021. Staff will continue processing the application for consideration by the Executive Director.

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

If you have any questions concerning the application, please contact me via email at [Natalia.Ponebshek@tceq.texas.gov](mailto:Natalia.Ponebshek@tceq.texas.gov) or by telephone at (512) 239-4641.

Sincerely,

*Natalia Ponebshek*

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment



# Basis2 Receipt Report by Endorsement Number

DEC-20-21 04:47 PM

Acct. #: EMG

Account Name: TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE

<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
CARPENTERS BAYOU/BUFFALO BAYOU/SAN JACIN	M206252		LOHILL ENERGY LLC	CK	1082		BS00090873	07-DEC-21	\$341.25

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

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

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

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

- 1. Data on Applicant and Project: Social Security or Federal ID No. 82-2237583
A. Name: Lofhill Energy, LLC
B. Mailing Address: 2053 Spectle Dr, Fort Worth, TX 76131
C. Telephone Number: 817-707-2352 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 Tank hydro-test (New Construction)
F. Description of Project (TDH Project No. if applicable)
G. Highway Designation No. Hwy 90 County Harris

2. Type of Diversion (check one):

From Stream From Reservoir

3. Rate of Diversion:

A. Maximum 2,100 gpm (capacity of pump)

4. Amount and Source of Water:

90 acre-feet of water within a period of 2 year (specify term period not to exceed a three year term). The water is to be obtained from Carpenters Bayou tributary of Buffalo Bayou, tributary of San Jacinto Basin.

5. Location of Diversion Point: Provide Latitude and Longitude in decimal degrees to at least six decimal places, and indicate the method used to calculate the diversion point location.

At Latitude 29.8249155°N, Longitude -95.1571684°W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) Hwy 90 (R-O-W) (Highway), located in Zip Code 77049, located 12 miles in a NE direction from Houston (County Seat), Harris County, and 12 miles in a NE direction from Houston, a nearby town shown on County road map. Note: Distance in straight line miles.

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

6. Access to Diversion Point (check one):

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

7. Fees Enclosed:

Table with 3 columns: Fee Type, 10 ac-ft or less, greater than 10 ac-ft. Includes Filing (\$100.00), Recording (\$1.25), and Use (\$1.00 per ac-ft or fraction thereof) totaling \$391.25.

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

Signature of applicant: [Handwritten Signature]

Name (print): Jaime Roman

Subscribed and sworn to me as being true and correct before me this 3rd day of December, 2021

RECEIVED DEC 06 2021

Notary Public, State of Texas [Handwritten Signature]



# LoHill Energy, LLC

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December 3, 2021

To Whom it may concern,

This letter is notification that Jaime Roman, CEO, is authorized to sign any and all documents regarding LoHill Energy, LLC. Certificate of Formation is also included as verification.

Best regards,

Jaime Roman  
CEO  
LoHill Energy, LLC

[REDACTED]  
817-707-2352



Secretary of State  
P.O. Box 13697  
Austin, TX 78711-3697  
FAX: 512/463-5709

Filing Fee: \$300



**Certificate of Formation  
Limited Liability Company**

Filed in the Office of the  
Secretary of State of Texas  
Filing #: 802773619 07/21/2017  
Document #: 751627830002  
Image Generated Electronically  
for Web Filing

**Article 1 - Entity Name and Type**

The filing entity being formed is a limited liability company. The name of the entity is:

**LoHill Energy LLC**

**Article 2 - Registered Agent and Registered Office**

A. The initial registered agent is an organization (cannot be company named above) by the name of:

OR

B. The initial registered agent is an individual resident of the state whose name is set forth below:

Name:

**Jaime Roman**

C. The business address of the registered agent and the registered office address is:

Street Address:

**2053 Speckle Dr Fort Worth TX 76131**

**Consent of Registered Agent**

A. A copy of the consent of registered agent is attached.

OR

B. The consent of the registered agent is maintained by the entity.

**Article 3 - Governing Authority**

A. The limited liability company is to be managed by managers.

OR

B. The limited liability company will not have managers. Management of the company is reserved to the members.

The names and addresses of the governing persons are set forth below:

Manager 1: **Trent Yates**

Title: **Manager**

Address: **10 Brittany Ln Odessa TX, USA 79761**

**Article 4 - Purpose**

The purpose for which the company is organized is for the transaction of any and all lawful business for which limited liability companies may be organized under the Texas Business Organizations Code.

**Supplemental Provisions / Information**

[The attached addendum, if any, is incorporated herein by reference.]

**Organizer**

The name and address of the organizer are set forth below.

**Jaime Roman**      **2053 Speckle Dr, Fort Worth, TX 76131**

**Effectiveness of Filing**

A. This document becomes effective when the document is filed by the secretary of state.

**OR**

B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its signing. The delayed effective date is:

**Execution**

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

**Jaime Roman**

Signature of Organizer

**FILING OFFICE COPY**

# LoHill Energy, LLC

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December 3, 2021

To Whom it may concern,

This letter is acknowledgement that we will ensure there is a screen, or other mechanism, utilized on the suction end of our line to protect wildlife. Let me know if you have any questions or concerns.

Best regards,

Jaime Roman  
CEO  
LoHill Energy, LLC

[REDACTED]  
817-707-2352



# TCEQ Diversion Point

29.8249155N, -95.1571684





February 25, 2020

Texas Commission on Environmental Quality (TCEQ)  
Attn: Water Rights Permitting Team  
Houston, TX

**Subject: Access to Diversion Point  
Houston Tank Terminal  
TC Terminals LLC**

To Whom It May Concern:

TC Terminals LLC (TC Energy) hereby provides notice that LoHill Energy, LLC has permission to access the Houston Tank Terminal, located at 7101 Miller Road 2 Houston, TX 77049. Per section 6 of Form TCEQ-20425, this letter serves as LoHill Energy LLC's permission to access the diversion point located in Carpenters Bayou bordering TC Energy's terminal.

If you have questions, or require additional information, please contact Chris Salyer, at 832-320-5957 [REDACTED].

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Salyer", written over a faint circular stamp.

Chris Salyer  
TC Energy – Project Manager

 TC Energy  
700 Louisiana Street  
Houston, TX 77002

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**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**P.O. BOX 13087**  
**AUSTIN, TEXAS 78711-3087**  
**512/239-4600**

ATTN: WR PERMITS  
 WRTP NO. 13681

LoHill Energy LLC  
 2053 Speckle Dr.  
 Fort Worth, TX 76131

TEMPORARY PERMIT NO. 13681

Harris County

TAC Section 295.202(b) requires that "upon the expiration of the period for which a temporary permit was granted, the appropriator shall cease the taking of water and file a written report with the Executive Director, Texas Commission on Environmental Quality, stating the amount of water and the date of cessation." This form is provided for your convenience in reporting your water use.

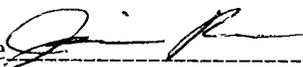
Report amounts in gallons

[Authorized Quantity 45 acre-feet/1 year]

Month\Year	20 20	20 21	20 ____	20 ____
January		0		
February		0		
March		0		
April		0		
May		0		
June		0		
July		0		
August		0		
September		0		
October	0	0		
November	0			
December	0			
TOTAL	0			

Date of final use was: 10/29/2021

I hereby certify that the above information is true and correct to the best of my knowledge and belief.

Signature:   
 Title: CEO