

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

DATE: June 29, 2023

SUBJECT: Bexar-Medina-Atascosa Counties Water Control and  
Improvement District No. 1  
ADJ 3207  
CN600654115, RN102861747  
Application for an Extension of Time to Commence and Complete  
Construction for Certificate of Adjudication No. 21-3207A  
Texas Water Code § 11.145, Requiring Published and Mailed Notice  
Chacon Creek, Nueces River Basin  
Medina County

The application and fees were received on June 12, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on June 29, 2023. Published and mailed notice to water right holders in the Nueces River Basin is required pursuant to Title 30 Texas Administrative Code § 295.159(a).

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

*Lillian E. Beerman, Ph.D.*

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

OCC Mailed Notice Required  YES

NO

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Kelly Keel, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 29, 2023

Mr. George Weimer, President  
Bexar-Medina-Atascosa Counties  
Water Control and Improvement District No. 1  
P.O. Box 170  
Natalia, Texas 78059

VIA E-MAIL

RE: Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1  
ADJ 3207  
CN600654115, RN102861747  
Application for an Extension of Time to Commence and Complete  
Construction for Certificate of Adjudication No. 21-3207A  
Texas Water Code § 11.145, Requiring Published and Mailed Notice  
Chacon Creek, Nueces River Basin  
Medina County

Dear Mr. Weimer:

This acknowledges receipt, on June 12, 2023, of the referenced application and fees in the amount of \$1,140.02 (Receipt No. M317595, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on June 29, 2023. Staff will continue processing the application for consideration by the Executive Director.

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

If you have any questions concerning the application, please contact me via email at [lillian.beerman@tceq.texas.gov](mailto: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



14-JUN-23 04:24 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>Check Number</u>	<u>Card Auth.</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			M317595		47751						BS00103561	14-JUN-23	-\$1,140.02
	WUP			21-3207		061423		N				D3802809		
WATER USE PERMITS				BEKAR		RHDAVIS		CK						
				MEDINA										
				ATASCOSA										
				COUNTIES										
				WCID 1										

Total (Fee Code) : -\$1,140.02

Grand Total : -\$24,380.02

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**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
Water Availability Division - MC-160, P.O. Box 13087 Austin, Texas 78711-3087  
Telephone (512) 239-4691, FAX (512) 239-2214

**APPLICATION FOR AN EXTENSION OF TIME TO BEGIN AND/OR  
COMPLETE CONSTRUCTION OF AN AUTHORIZED PROJECT**  
Texas Water Code Section §11.145  
TO BE SUBMITTED PRIOR TO EXPIRATION DATE

1. **Applicant Information**

Permittee/Owner Name: Bexar Medina Atascosa Counties WCID#1

Point of Contact name: George Weimer /Bonnie Tapp Sallee / Brian Sullivan

Mailing Address: PO Box 170 Natalia, Texas 78059

Phone Number: 830-665-2132

Email Address: [REDACTED]

2. **Fees or penalties**

The application will not be processed unless 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 by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4691, prior to submitting your application.

Does Applicant or Co-Applicant owe any **fees** to the TCEQ?

Yes or No: No

If yes, provide the following information:

Account number: \_\_\_\_\_ Amount past due: \_\_\_\_\_

Does Applicant or Co-Applicant owe any **penalties** to the TCEQ?

Yes or No: No

If yes, please provide the following information:

Enforcement order number: \_\_\_\_\_ Amount past due: \_\_\_\_\_

3. **Project Data**

Certificate of Adjudication No.: 21-3207A or Permit No.: TX01783

and,

River Basin: Nueces

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4. **Project Dates**

**BEGINNING CONSTRUCTION DATE:**

Original (Date in water right): August 2, 2015

Current (From last extension granted,  
if applicable): August 1, 2022

Proposed: August 1, 2023

**COMPLETION DATE:**

Original: August 2, 2016

Current: August 1, 2023

Proposed: August 1, 2024

5. **Reason(s) for delay and why the proposed dates requested are necessary**

Under 30 TAC 295.72(b) the applicant must include\* why the extension should be granted and why the permit should not be forfeited if the commission finds that sufficient due diligence to begin and/or complete construction of the authorized project has not been demonstrated. Reasonable causes for delay include, but are not limited to, the operation of legal proceedings or other causes which were not within the reasonable control of the permittee and which were reasonably unforeseeable at the time of the appropriation or the last extension. Financial hardship shall not, by itself, constitute sufficient cause for the granting of an extension. Notice of the application, if required, will also indicate that the Commission will consider whether the appropriation shall be forfeited by the applicant, if the extension is denied.

*\* Please provide a statement setting forth the reasons why construction work could not be commenced or completed in the space below or attach a statement entitled*

**"Reasons Why Construction Work Could not be Commenced or Completed."**

Approval of U.S Army Corps approved permitting On September 14, 2021. BMA completed the permitting and approval of of Enviromental Permit on September 14, 2021 with a completion of Enviromental Requirements on November 1, 2022. The BMA is now out currently on bidding process phase with a bid end date set for June 12, 2023. The BMA is currently working on finacial instruments (loans, grants, etc to supplement the rise in cost of building materials at this time.

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6. **Application Fees**

(Please make checks payable to the Texas Commission on Environmental Quality or TCEQ)  
 A. All requests for extension of time require payment of the following fees:

Type	Description	Amount (\$)	
Filing Fee	Circle fee correlating to the total amount of water requested for any new appropriation and/or impoundment. Enter corresponding fee under <b>Amount (\$).</b> <b>In Acre-Feet</b>	250.00	
	a. Less than 100		\$100.00
	b. 100 - 5,000		\$250.00
	c. 5,001 - 10,000		\$500.00
	d. 10,001 - 250,000		\$1,000.00
	e. More than 250,000	\$2,000.00	
Recording Fee		\$12.50	
<b>TOTAL</b>		<b>\$262.50</b>	

B. Extensions of time that require mailed and published notice require additional fees. Mailed and published notice of the application is required if a new beginning date for construction is more than four years past the original issue date of the water right, or a new completion date for construction is more than five years past the original completion date. If the application requires mailed and published notice, pay the following fees in addition to the fees in section (A) above:

Type	Description	Amount (\$)
Extension Fee	Pursuant to 30 TAC §295.138, extension fees are equivalent to one-time use fees established under §295.133 <b>not to exceed \$1,000</b> . Enter corresponding extension fee under Amount (\$). Using the one-time use fees as follows:	<del>1000.00</del>
	<b>Agriculture Use Fee</b> - Only for those with an Irrigation Use. Multiply 50¢ x <u>2000</u> Number of acres that will be irrigated with State Water.	635.-
	<b>Use Fee</b> - Required for all Use Types, excluding Irrigation Use. Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet.	
	<b>Recreational Storage Fee</b> - For those with Recreational storage. Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
	<b>Storage Fee</b> - For Storage, excluding Recreational Storage. Multiply 50¢ x <u>1220</u> acre-feet of State Water to be stored at normal max operating level.	
	<b>Note - if the total extension fees in this column above exceed \$1,000 - enter \$1,000 under Amount (\$).</b>	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4691. (Different for each basin and the applicant will publish the notice in a locally circulated newspaper at its expense)	242.52
<b>TOTAL</b>		<b>\$ 1140.02</b>

7. Applicant Signature

I, George Weimer President  
(Typed or printed name) (Title)

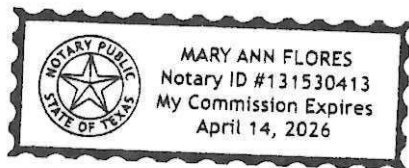
certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under Title 30 Texas Administrative Code §295.14 to sign and submit this document and I have submitted written evidence of my signature authority.

Signature: [Handwritten Signature] Date: 6/7/2023  
(Use blue ink)

Subscribed and Sworn to before me by the said  
on this 7 day of June, 20 23.  
My commission expires on the 14 day of April, 20 26.

[Handwritten Signature]  
Notary Public  
Medina  
County, Texas



[SEAL]

**If the Application includes Co-Applicants, each Applicant and Co-Applicant must submit an original, separate signature page.**

County, Texas

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Water Availability Division

BEXAR-MEDINA-ATASCOSA WATER CONTROL  
AND IMPROVEMENT DISTRICT NO. 1

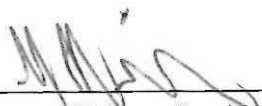
**RESOLUTION AND ORDER AUTHORIZING FILING OF APPLICATIONS  
WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO  
OBTAIN EXTENSION TO COMMENCE CONSTRUCTION BY AUGUST 1, 2023  
AND COMPLETE BY AUGUST 1, 2024.**

WHEREAS, the board of directors of the Bexar-Medina-Atascosa Water Control and Improvement District No. 1 ("BMA") finds that it is in the best interest of BMA and its customers to obtain authority from the Texas Commission on Environmental Quality to file for extension to complete work performed on the Chacon Dam and Reservoir.

NOW, THEREFORE, BE IT RESOLVED by the board of the directors, that:

1. The president of the board of directors is authorized and directed to sign and file, on behalf of BMA, an extension application with the Texas Commission on Environmental Quality ("TECQ") for the purpose described in this resolution and order.
2. The officers and managers of BMA are authorized and directed to take the actions required to submit the application and obtain favorable action by the TCEQ, subject to further orders of the board of the directors.

Adopted and effective this 8<sup>th</sup> day of May, 2023.



George Weimer, President,  
Board of Directors

Attest:



Christopher Friesenhahn, Secretary,  
Board of Directors

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George Weimer, President

Bob Roberts Jr., Vice President

Christopher Friesenhahn, Secretary/Treasurer



Dustin Navarro, Director

Morris Salzman, Director

Gordon Hitzfelder, Director

Garrett Wilson, Director

June 1, 2023

Texas Commission on Environmental Quality  
P.O. BOX 13087  
MC-160  
Austin, TX 78711-3087

**RE: Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1**  
**ADJ 21-3207A, CN600654115, RN102861747**  
**Certificate of Adjudication No. 21-3207A**  
**Texas Water Code §11.145, Request for Extension of Time to Begin and Complete Construction**  
**Chacon Creek, Nueces River Basin**  
**Medina County**

Dear Sir or Madam:

The Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 (BMA) requests that a time extension be granted to begin and complete construction of the Chacon Dam and Spillway Improvements.

The reasons for the delay are summarized as follows:

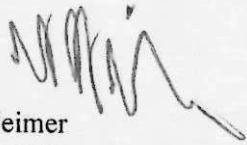
- Approval of U.S Army Corps approve permitting on September 14, 2021.
- Approval of Environmental Permit approved on September 14, 2021
- Completed Environmental requirements on November 1, 2022
- BMA is currently working on financial instruments (loans, grants, etc to supplement the rise in cost of building materials at this time).
- Bid process of project is to end on June 12, 2023

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We view these as reasonable causes for delay and request, by rule §295.159 of the Texas Administrative Code, that an extension of 2 years from the original construction commencement date, as shown on the Certificate of Adjudication No. 21-3207A, be granted.

I appreciate your assistance. Please feel free to contact me if you have any questions.

Sincerely,



George Weimer  
President, BMA

CC: Mr. Patrick Lindner, Davidson & Troilo  
Brian Sullivan, Field Manager  
Bonnie Tapp Sallee

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JUN 12  
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**B.M.A. WCID #1  
P.O. Box 170  
Natalia, Texas 78059**

**TCEQ  
Water Availability Division-MC-160  
PO Box 13087  
Austin, TX 78711-3087**

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April 18, 2022

Texas Commission on Environmental Quality  
P.O. BOX 13087  
MC-160  
Austin, TX 78711-3087

**RE: Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1  
ADJ 21-3207A, CN600654115, RN102861747  
Certificate of Adjudication No. 21-3207A  
Texas Water Code §11.145, Request for Extension of Time to Begin and Complete  
Construction  
Chacon Creek, Nueces River Basin in Medina County**

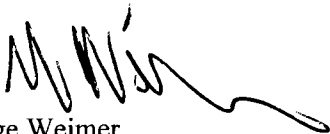
Dear Sir or Madam:

The Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 (BMA) requests that a time extension be granted to begin and complete construction of the Chacon Dam and Spillway Improvements due to U.S. Army Corps of Engineers Environmental Permitting application and approval that was sent on September 14, 2021 and Environmental Permitting was also approved. The BMA is evaluating financial instruments (loans, grants, etc) to supplement the rise in cost of building materials at this time. BMA is looking to bid the by the end of the 2022 calendar year.

We view these as reasonable causes for delay and request, by rule §295.159 of the Texas Administrative Code, that the extension from the original construction commencement date, as shown on the Certificate of Adjudication No. 21-3207A, be granted.

I appreciate your assistance. Please feel free to contact me if you have any questions.

Sincerely,



George Weimer  
President, BMA

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APR 26 2022

Water Availability Division



**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

P.O. Box 13087, MC-160, Austin, Texas 78711-3087  
Telephone No. (512) 239-4691 FAX (512) 239-4770

**APPLICATION FOR AN EXTENSION OF TIME TO BEGIN AND/OR  
COMPLETE CONSTRUCTION OF AN AUTHORIZED PROJECT  
§11.145, TEXAS WATER CODE  
TO BE SUBMITTED PRIOR TO EXPIRATION DATE**

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. Applicant Information**

Permittee/Owner Name: Bexar Medina Atascosa Counties WCID #1

Mailing Address: PO Box 170, Natalia, Texas, 78059

Telephone No(s) Home: (830) 665-2132 Office: (830) 665-2132

Social Security or Federal I.D. No.: \_\_\_\_\_

Email Address: \_\_\_\_\_ Fax: \_\_\_\_\_

**2. 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:

**3. Project Data**

Certificate of Adjudication No.: 21-3207A Permit No.: TX01783

Water Right Issue Date: August 02, 2013 Stream: Chacon Creek

River Basin: Nueces County: Medina & Atascosa

**4. Dates**

BEGINNING CONSTRUCTION DATE:

COMPLETION DATE:

Original (Date in water right): August 2, 2015

Original: August 2, 2016

Current (From last extension granted, if applicable): August 1, 2021

Current: August 1, 2022

Proposed: August 1, 2022

Proposed: August 1, 2023

**5. Reason(s) for delay and why the proposed dates requested are necessary.**

The applicant must include\* why the extension should be granted and why the permit should not be forfeited if the commission finds that sufficient due diligence to begin and/or complete construction of the authorized project has not been demonstrated. Reasonable causes for delay include, but are not limited to, the operation of legal proceedings or other causes which were not within the reasonable control of the permittee and which were reasonably unforeseeable at the time of the appropriation or the last extension. Financial hardship shall not, by itself, constitute sufficient cause for the granting of an extension. Notice of the application, if required, will also indicate that the Commission will consider whether the appropriation shall be forfeited by the applicant, if the extension is denied.

\* Please attach or enclose a statement setting forth the reasons why construction work could not be commenced or completed.

6. **Application Fees**

**Please make checks payable to the Texas Commission on Environmental Quality or TCEQ**

Note: Mailed and published notice of the application is required if a new beginning date for construction is more than four years past the original issue date of the water right, or a new completion date for construction is more than five years past the original completion date.

A. If the application does not require mailed and published notice, fees are as follows:


Filing	\$100.00
Recording (\$1.25 per page)	<u>2.50</u>
Total Fees	\$102.50

B. If the application does require mailed and published notice, fees are as follows:

Filing	\$100-\$2000 (depending on size of project)
Recording (\$1.25 per page)	\$2.50
Extension	{Includes storage (\$.50 per acre-foot, except for Recreation storage which is \$1.00 per acre-foot) and Use (\$1.00 per acre-foot, except for agricultural, which is \$.50 per acre to be irrigated)}
Notice	{Different for each basin and the applicant will publish the notice in a locally circulated newspaper at its expense}

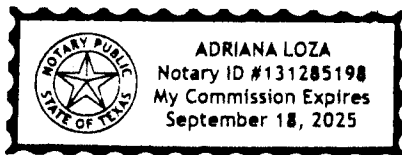
7. **Signature of Applicant(s)**

See Texas Administrative Code §295.14.

Signature(s)  \_\_\_\_\_  
Name (Sign) Name (Sign)

GEORGE WEINER \_\_\_\_\_  
Name (Printed) Name (Printed)

Subscribed and sworn to as being true and correct before me on this the 20<sup>th</sup> day of April, 2022.



 \_\_\_\_\_  
Notary Public, State of Texas