

# 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: November 23, 2021

SUBJECT: Ramiro Jaime Flores and Rufino Garza  
ADJ 339  
CN601273063, CN602610875, RN104241427  
Application No. 23-339I to Amend Certificate of Adjudication 23-339  
Texas Water Code § 11.122, Not Requiring Notice  
Rio Grande, Rio Grande Basin  
Hidalgo and Zapata counties

The application and fees were received on August 26, 2021. Additional information was received on November 4, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on November 23, 2021. Notice is not required pursuant to Title 30 Texas Administrative Code § 303.42.

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*

November 23, 2021

Mr. Ernesto Montez  
CAPA  
3609 W Palma Vista Dr.  
Palmview, TX 78572

**VIA E-MAIL**

RE: Ramiro Jaime Flores and Rufino Garza  
ADJ 339  
CN601273063, CN602610875, RN104241427  
Application No. 23-339I to Amend Certificate of Adjudication 23-339  
Texas Water Code § 11.122, Not Requiring Notice  
Rio Grande, Rio Grande Basin  
Hidalgo and Zapata counties

Dear Mr. Montez:

This acknowledges receipt, on November 4, 2021, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on November 23, 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  
Texas Commission on Environmental Quality

## Natalia Ponebshek

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**From:** Ernest Montez <[REDACTED]>  
**Sent:** Thursday, November 4, 2021 1:14 PM  
**To:** Natalia Ponebshek  
**Subject:** RE: [WARNING]Ramiro Jaime Flores & Rufino Garza\_23-339I RFI  
**Attachments:** doc01348920211104102514.pdf

Afternoon.

The pump is a Weinman Centrifugal pump with a metering device that measures the amount of gallons per minute that are being diverted. The accuracy of the meter will be within the tolerable range of plus or minus 5.0% of the Water Conservation plan.

I've attached an updated map using the coordinates from worksheet 3.

Please advise if this information will suffice for the pending RFI responses.

Thanks,

Ernesto Montez  
CFO



Magic Valley Concrete | Rio Valley Pipe | Upper Valley Materials  
3609 West Palma Vista Drive  
Palmview, TX. 78572  
Office: 956-580-2502  
Fax: 956-585-8675  
Mobile: 956-821-0093

**From:** Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>  
**Sent:** Friday, October 29, 2021 2:06 PM  
**To:** Ernest Montez [REDACTED]  
**Subject:** [WARNING]Ramiro Jaime Flores & Rufino Garza\_23-339I RFI

**[WARNING, CAREFULLY REVIEW IF THIS EMAIL IS LEGIT BEFORE YOU CLICK ANY LINK OR DOWNLOAD A FILE]**

**This email originated from outside of CAPA organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

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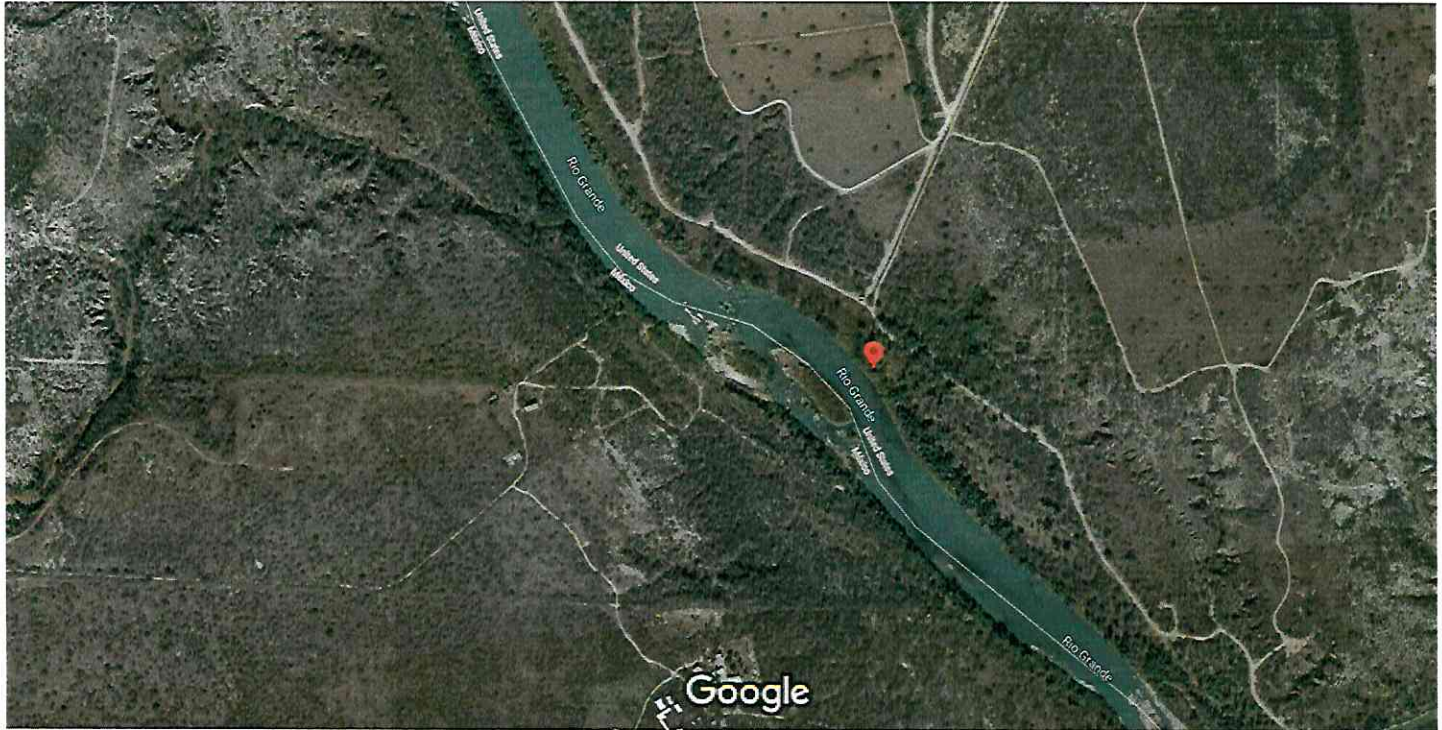
Please find the attached request for information for the abovementioned application. A response is due by November 29, 2021. Please let me know if you have any questions.

Thank you,

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
(512) 239-4641

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Google Maps 27°13'00.5"N 99°26'20.2"W



Imagery ©2021 Maxar Technologies, USDA Farm Service Agency, Map data ©2021 INEGI 200 ft

## Natalia Ponebshek

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**From:** Natalia Ponebshek  
**Sent:** Friday, October 29, 2021 2:06 PM  
**To:** [REDACTED]  
**Subject:** Ramiro Jaime Flores & Rufino Garza\_23-339I RFI  
**Attachments:** Ramiro\_Jaime\_Flores\_&\_Rufino\_Garza\_23-339I\_RFI\_1\_10.29.2021.pdf; Flores\_&\_Garza\_339I\_Receipt.pdf

Please find the attached request for information for the abovementioned application. A response is due by November 29, 2021. Please let me know if you have any questions.

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*

October 29, 2021

Mr. Ernesto Montez  
CAPA  
3609 W Palma Vista Dr.  
Palmview, TX 78572

**VIA E-MAIL**

RE: Ramiro Jaime Flores and Rufino Garza  
ADJ 339  
CN601273063, CN602610875, RN104241427  
Application No. 23-339I to Amend Certificate of Adjudication 23-339  
Texas Water Code § 11.122, Not Requiring Notice  
Rio Grande, Rio Grande Basin  
Hidalgo and Zapata counties

Dear Mr. Montez:

This acknowledges receipt, on August 26, 2021, of the referenced application and fees in the amount of \$112.50 (Receipt No. M200219, copy enclosed).

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

1. Provide additional information concerning the submitted water conservation plan for mining use to comply with Title 30 Texas Administrative Code (TAC) § 288.3.
  - a. Confirm that the device used to measure and account for the amount of water diverted from the source of supply, described in Section II.B.3. of the water conservation plan (TCEQ-20840, Page 5), is within an accuracy of plus or minus 5.0%. Staff recognizes that this section of the water conservation plan indicates a metered water pump will be used; however, information about the pump's accuracy is not included in this section.
2. Confirm the location of the diversion point. The latitude and longitude provided in Worksheet 3 of the application are not consistent with the coordinates provided on the map. Confirm that the coordinates of the diversion point are Latitude 27.217012° N, Longitude 99.439319° W.

Please provide the requested information by November 29, 2021 or the application may be returned pursuant to Title 30 TAC § 281.18.

Mr. Ernesto Montez  
Application No. 23-339I  
October 29, 2021  
Page 2 of 2

If you have any questions concerning this matter, please contact me via e-mail 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  
Texas Commission on Environmental Quality

Attachment



Basis2 Receipt Report by Endorsement Number

SEP-17-21 11:54 AM

<u>Acct. #:</u> WUP		<u>Account Name:</u> WATER USE PERMITS							
<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>
AMEND	M200219	23339	UPPER VALLEY MATERIALS LLC	CK	67530		BS00088619	08-SEP-21	\$112.50

## **Natalia Ponebshek**

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**From:** Natalia Ponebshek  
**Sent:** Friday, September 3, 2021 2:32 PM  
**To:** [REDACTED]  
**Cc:** Humberto Galvan  
**Subject:** Ramiro Jaime Flores & Rufino Garza\_23-339H

Hello,

Per our phone conversation, I am confirming that your requested place of use is only for parts of Webb, Zapata, and Hidalgo counties within the Rio Grande Basin.

Thank you,

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
(512) 239-4641

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## TCEQ WATER RIGHTS PERMITTING APPLICATION

### ADMINISTRATIVE INFORMATION CHECKLIST

Complete and submit this checklist for each application. See Instructions Page. 5.

APPLICANT(S): Ramiro Jaime Flores & Rufino Garza

Indicate whether the following items are included in your application by writing either Y (for yes) or N (for no) next to each item (all items are not required for every application).

Y/N

Y Administrative Information Report  
Y Additional Co-Applicant Information  
Y Additional Co-Applicant Signature Pages  
Y Written Evidence of Signature Authority  
Y Technical Information Report  
Y USGS Map (or equivalent)  
N Map Showing Project Details  
N Original Photographs  
N Water Availability Analysis  
N Worksheet 1.0  
N Recorded Deeds for Irrigated Land  
N Consent For Irrigation Land  
N Worksheet 1.1  
N Addendum to Worksheet 1.1  
N Worksheet 1.2  
N Addendum to Worksheet 1.2  
N Worksheet 2.0  
N Additional W.S 2.0 for Each Reservoir  
N Dam Safety Documents  
N Notice(s) to Governing Bodies  
N Recorded Deeds for Inundated Land  
N Consent For Inundation Land

Y/N

Y Worksheet 3.0  
N Additional W.S 3.0 for each Point  
Y Recorded Deeds for Diversion Points  
N Consent For Diversion Access  
N Worksheet 4.0  
N TPDES Permit(s)  
N WWTP Discharge Data  
N 24-hour Pump Test  
N Groundwater Well Permit  
N Signed Water Supply Contract  
Y Worksheet 4.1  
N Worksheet 5.0  
Y Addendum to Worksheet 5.0  
Y Worksheet 6.0  
Y Water Conservation Plan(s)  
N Drought Contingency Plan(s)  
N Documentation of Adoption  
N Worksheet 7.0  
N Accounting Plan  
Y Worksheet 8.0  
Y Fees

**For Commission Use Only:**

Proposed/Current Water Right Number: \_\_\_\_\_

Basin: \_\_\_\_\_ Watermaster area Y/N: \_\_\_\_\_

# ADMINISTRATIVE INFORMATION REPORT

The following information is required for all new applications and amendments.

**\*\*\* Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Staff to discuss Applicant's needs prior to submitting an application. Call the Water Rights Permitting Team to schedule a meeting at (512) 239-4691.**

## 1. TYPE OF APPLICATION (Instructions, Page. 6)

Indicate, by marking X, next to the following authorizations you are seeking.

☐ New Appropriation of State Water

☒ Amendment to a Water Right \*

☐ Bed and Banks

***\*If you are seeking an amendment to an existing water rights authorization, you must be the owner of record of the authorization. If the name of the Applicant in Section 2, does not match the name of the current owner(s) of record for the permit or certificate or if any of the co-owners is not included as an applicant in this amendment request, your application could be returned. If you or a co-applicant are a new owner, but ownership is not reflected in the records of the TCEQ, submit a change of ownership request (Form TCEQ-10204) prior to submitting the application for an amendment. See Instructions page. 6. Please note that an amendment application may be returned, and the Applicant may resubmit once the change of ownership is complete.***

Please summarize the authorizations or amendments you are seeking in the space below or attach a narrative description entitled "Summary of Request."

Request to add new place of use and a new diversion point for 125 acre ft of Class B Water  
for mining purposes.

## 2. APPLICANT INFORMATION (Instructions, Page. 6 )

### a. Applicant

Indicate the number of Applicants/Co-Applicants 2  
(Include a copy of this section for each Co-Applicant, if any)

What is the Full Legal Name of the individual or entity (applicant) applying for this permit?

**Ramiro Jaime Flores**

*(If the Applicant is an entity, the legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal documents forming the entity.)*

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?  
You may search for your CN on the TCEQ website at

<http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN : 601273063 ( leave blank if you do not yet have a CN).

What is the name and title of the person or persons signing the application? Unless an application is signed by an individual applicant, the person or persons must submit written evidence that they meet the signatory requirements in 30 TAC § 295.14.

First/Last Name: **Ramiro Jaime Flores**

Title:

Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application? **Yes**

What is the applicant's mailing address as recognized by the US Postal Service (USPS)? You may verify the address on the USPS website at

<https://tools.usps.com/go/ZipLookupAction!input.action>.

Name: **Ramiro Jaime Flores**

Mailing Address: **2804 North Shary Road**

City: **Mission**

State: **TX**

ZIP Code: **78574**

Indicate an X next to the type of Applicant:

<input checked="" type="checkbox"/> Individual	<input type="checkbox"/> Sole Proprietorship-D.B.A.
<input type="checkbox"/> Partnership	<input type="checkbox"/> Corporation
<input type="checkbox"/> Trust	<input type="checkbox"/> Estate
<input type="checkbox"/> Federal Government	<input type="checkbox"/> State Government
<input type="checkbox"/> County Government	<input type="checkbox"/> City Government
<input type="checkbox"/> Other Government	<input type="checkbox"/> Other _____

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: \_\_\_\_\_ SOS Charter (filing) Number: \_\_\_\_\_

### 3. APPLICATION CONTACT INFORMATION (Instructions, Page. 9)

If the TCEQ needs additional information during the review of the application, who should be contacted? Applicant may submit their own contact information if Applicant wishes to be the point of contact.

First and Last Name: **Ernesto Montez**

Title: **CFO**

Organization Name: **CAPA**

Mailing Address: **3609 West Palma Vista Dr**

City: **Palmview**

State: **TX**

ZIP Code: **78572**

Phone No.: **956-821-0093**

Extension:

Fax No.: **956-585-8675**

E-mail Address: **[REDACTED]**

#### 4. WATER RIGHT CONSOLIDATED CONTACT INFORMATION (Instructions, Page. 9)

This section applies only if there are multiple Owners of the same authorization. Unless otherwise requested, Co-Owners will each receive future correspondence from the Commission regarding this water right (after a permit has been issued), such as notices and water use reports. Multiple copies will be sent to the same address if Co-Owners share the same address. Complete this section if there will be multiple owners and all owners agree to let one owner receive correspondence from the Commission. Leave this section blank if you would like all future notices to be sent to the address of each of the applicants listed in section 2 above.

I/We authorize all future notices be received on my/our behalf at the following:

First and Last Name:

Title:

Organization Name:

Mailing Address:

City:

State:

ZIP Code:

Phone No.:

Extension:

Fax No.:

E-mail Address:

## 5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

- a. 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.

1. Does Applicant or Co-Applicant owe any fees to the TCEQ? Yes / No **No**

If yes, provide the following information:

Account number:

Amount past due:

2. Does Applicant or Co-Applicant owe any penalties to the TCEQ? Yes / No **No**

If yes, please provide the following information:

Enforcement order number:

Amount past due:

- b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicant's may check their status with the Comptroller at <https://mycpa.cpa.state.tx.us/coa/>

Is the Applicant or Co-Applicant in good standing with the Comptroller? Yes / No **N/A**

- c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use - if required. See TWC §16.012(m) and 30 TAC § 297.41(a)(5).

Applicant has submitted all required TWDB surveys of groundwater and surface water? Yes / No **N/A**

**6. SIGNATURE PAGE (Instructions, Page. 11)**

Applicant:

I, Ramiro Jaime Flores

(Typed or printed name)

MANAGING PARTNER

(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: *Ramiro Flores*  
(Use blue ink)

Date: 08/23/2021

Subscribed and Sworn to before me by the said

on this 23rd day of Aug, 2021.

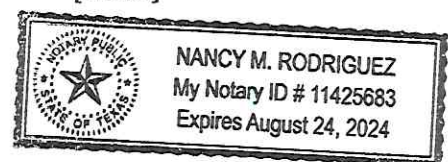
My commission expires on the 24th day of Aug, 2024.

*[Signature]*

Notary Public

County, Texas

[SEAL]



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

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## TCEQ WATER RIGHTS PERMITTING APPLICATION

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Y Administrative Information Report  
Y Additional Co-Applicant Information  
Y Additional Co-Applicant Signature Pages  
Y Written Evidence of Signature Authority  
Y Technical Information Report  
Y USGS Map (or equivalent)  
N Map Showing Project Details  
N Original Photographs  
N Water Availability Analysis  
N Worksheet 1.0  
N Recorded Deeds for Irrigated Land  
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N Addendum to Worksheet 1.2  
N Worksheet 2.0  
N Additional W.S 2.0 for Each Reservoir  
N Dam Safety Documents  
N Notice(s) to Governing Bodies  
N Recorded Deeds for Inundated Land  
N Consent For Inundation Land

Y/N

Y Worksheet 3.0  
N Additional W.S 3.0 for each Point  
Y Recorded Deeds for Diversion Points  
N Consent For Diversion Access  
N Worksheet 4.0  
N TPDES Permit(s)  
N WWTP Discharge Data  
N 24-hour Pump Test  
N Groundwater Well Permit  
N Signed Water Supply Contract  
Y Worksheet 4.1  
N Worksheet 5.0  
Y Addendum to Worksheet 5.0  
Y Worksheet 6.0  
Y Water Conservation Plan(s)  
N Drought Contingency Plan(s)  
N Documentation of Adoption  
N Worksheet 7.0  
N Accounting Plan  
Y Worksheet 8.0  
Y Fees

**For Commission Use Only:**

Proposed/Current Water Right Number: \_\_\_\_\_

Basin: \_\_\_\_\_ Watermaster area Y/N: \_\_\_\_\_

# ADMINISTRATIVE INFORMATION REPORT

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for mining purposes.

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**Rufino Garza**

*(If the Applicant is an entity, the legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal documents forming the entity.)*

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?  
You may search for your CN on the TCEQ website at

<http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN : 602610875 ( leave blank if you do not yet have a CN).

What is the name and title of the person or persons signing the application? Unless an application is signed by an individual applicant, the person or persons must submit written evidence that they meet the signatory requirements in 30 TAC § 295.14.

First/Last Name: **Rufino Garza**

Title:

Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application? **Yes**

What is the applicant's mailing address as recognized by the US Postal Service (USPS)? You may verify the address on the USPS website at

<https://tools.usps.com/go/ZipLookupAction!input.action>.

Name: **Rufino Garza**

Mailing Address: **3779 N Bentsen Palm Dr.**

City: **Mission**

State: **TX**

ZIP Code: **78574**

Indicate an X next to the type of Applicant:

<input checked="" type="checkbox"/> Individual	<input type="checkbox"/> Sole Proprietorship-D.B.A.
<input type="checkbox"/> Partnership	<input type="checkbox"/> Corporation
<input type="checkbox"/> Trust	<input type="checkbox"/> Estate
<input type="checkbox"/> Federal Government	<input type="checkbox"/> State Government
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For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: \_\_\_\_\_ SOS Charter (filing) Number: \_\_\_\_\_

### 3. APPLICATION CONTACT INFORMATION (Instructions, Page. 9)

If the TCEQ needs additional information during the review of the application, who should be contacted? Applicant may submit their own contact information if Applicant wishes to be the point of contact.

First and Last Name: **Ernesto Montez**

Title: **CFO**

Organization Name: **CAPA**

Mailing Address: **3609 West Palma Vista Dr**

City: **Palmview**

State: **TX**

ZIP Code: **78572**

Phone No.: **956-821-0093**

Extension:

Fax No.: **956-585-8675**

E-mail Address: **emontez@capatexas.cc**

#### 4. WATER RIGHT CONSOLIDATED CONTACT INFORMATION (Instructions, Page. 9)

This section applies only if there are multiple Owners of the same authorization. Unless otherwise requested, Co-Owners will each receive future correspondence from the Commission regarding this water right (after a permit has been issued), such as notices and water use reports. Multiple copies will be sent to the same address if Co-Owners share the same address. Complete this section if there will be multiple owners and all owners agree to let one owner receive correspondence from the Commission. Leave this section blank if you would like all future notices to be sent to the address of each of the applicants listed in section 2 above.

I/We authorize all future notices be received on my/our behalf at the following:

First and Last Name:

Title:

Organization Name:

Mailing Address:

City:

State:

ZIP Code:

Phone No.:

Extension:

Fax No.:

E-mail Address:

## 5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

- a. 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.

1. Does Applicant or Co-Applicant owe any fees to the TCEQ? Yes / No **No**

If yes, provide the following information:

Account number:

Amount past due:

2. Does Applicant or Co-Applicant owe any penalties to the TCEQ? Yes / No **No**

If yes, please provide the following information:

Enforcement order number:

Amount past due:

- b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicant's may check their status with the Comptroller at <https://mycpa.cpa.state.tx.us/coa/>

Is the Applicant or Co-Applicant in good standing with the Comptroller? Yes / No **N/A**

- c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use – if required. See TWC §16.012(m) and 30 TAC § 297.41(a)(5).

Applicant has submitted all required TWDB surveys of groundwater and surface water? Yes / No **N/A**

## 6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Rufino Garza

(Typed or printed name)

MANAGING PARTNER

(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: X

(Use blue ink)

Date: 08/23/21

Subscribed and Sworn to before me by the said

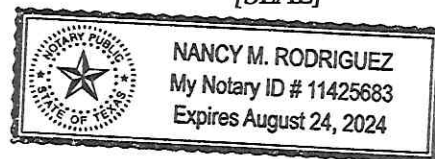
on this 23rd day of Aug, 2021.

My commission expires on the 24th day of Aug, 2024.

[Signature]  
Notary Public

County, Texas

[SEAL]



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

# TECHNICAL INFORMATION REPORT

## WATER RIGHTS PERMITTING

This Report is required for applications for new or amended water rights. Based on the Applicant's responses below, Applicants are directed to submit additional Worksheets (provided herein). A completed Administrative Information Report is also required for each application.

***Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4691 to schedule a meeting.*** Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N **N** (If yes, date : \_\_\_\_\_).

### 1. New or Additional Appropriations of State Water. Texas Water Code (TWC) § 11.121 (Instructions, Page. 12)

**State Water is:** *The water of the ordinary flow, underflow, and tides of every flowing river, natural stream, and lake, and of every bay or arm of the Gulf of Mexico, and the storm water, floodwater, and rainwater of every river, natural stream, canyon, ravine, depression, and watershed in the state. TWC § 11.021.*

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y / N **N**
- b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? Y / N **N** (If yes, indicate the Certificate or Permit number: \_\_\_\_\_)

*If Applicant answered yes to (a) or (b) above, does Applicant also wish to be considered for a term permit pursuant to TWC § 11.1381?* **N** Y / N

- c. Applicant requests to extend an existing Term authorization or to make the right permanent? Y / N **N** (If yes, indicate the Term Certificate or Permit number: \_\_\_\_\_)

*If Applicant answered yes to (a), (b) or (c), the following worksheets and documents are required:*

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir requested in the application)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point and/or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach requested in the application)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees**
- **Fees calculated on Worksheet 8.0 – see instructions Page. 34.**
- **Maps – See instructions Page. 15.**
- **Photographs – See instructions Page. 30.**

*Additionally, if Applicant wishes to submit an alternate source of water for the project/authorization, see Section 3, Page 3 for Bed and Banks Authorizations (Alternate sources may include groundwater, imported water, contract water or other sources).*

**Additional Documents and Worksheets may be required (see within).**

## 2. Amendments to Water Rights. TWC § 11.122 (Instructions, Page. 12)

This section should be completed if Applicant owns an existing water right and Applicant requests to amend the water right. *If Applicant is not currently the Owner of Record in the TCEQ Records, Applicant must submit a Change of Ownership Application (TCEQ-10204) prior to submitting the amendment Application or provide consent from the current owner to make the requested amendment. See instructions page. 6.*

Water Right (Certificate or Permit) number you are requesting to amend: 23-339

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? Y / N **N** (if yes, complete chart below):

List of water rights to sever	Combine into this ONE water right

- a. Applicant requests an amendment to an existing water right to increase the amount of the appropriation of State Water (diversion and/or impoundment)? Y / N **N**

*If yes, application is a new appropriation for the increased amount, complete Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.*

- b. Applicant requests to amend existing Term authorization to extend the term or make the water right permanent (remove conditions restricting water right to a term of years)? Y / N **N**

*If yes, application is a new appropriation for the entire amount, complete Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.*

- c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? Y / N **Y**

*If yes, submit:*

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 1.2 - Notice: “Marshall Criteria”**

- d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? Y / N **Y**

*If yes, submit: Worksheet 3.0 - Diversion Point Information Worksheet (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)*

- e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? Y / N **N**

*If yes, submit: Worksheet 2.0 - Impoundment/Dam Information Worksheet (submit one worksheet for each impoundment or reservoir)*

- f. Other - Applicant requests to change any provision of an authorization not mentioned above? Y / N **N** *If yes, call the Water Availability Division at (512) 239-4691 to discuss.*

**Additionally, all amendments require:**

- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page.34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

### 3. Bed and Banks. TWC § 11.042 (Instructions, Page 13)

- a. Pursuant to contract, Applicant requests authorization to convey, stored or conserved water to the place of use or diversion point of purchaser(s) using the bed and banks of a watercourse? TWC § 11.042(a). Y/N **N**

*If yes, submit a signed copy of the Water Supply Contract pursuant to 30 TAC §§ 295.101 and 297.101. Further, if the underlying Permit or Authorization upon which the Contract is based does not authorize Purchaser's requested Quantity, Purpose or Place of Use, or Purchaser's diversion point(s), then either:*

- 1. Purchaser must submit the worksheets required under Section 1 above with the Contract Water identified as an alternate source; or*
- 2. Seller must amend its underlying water right under Section 2.*

- b. Applicant requests to convey water imported into the state from a source located wholly outside the state using the bed and banks of a watercourse? TWC § 11.042(a-1). Y / N **N**

*If yes, submit: worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps and fees from the list below.*

- c. Applicant requests to convey Applicant's own return flows derived from privately owned groundwater using the bed and banks of a watercourse? TWC § 11.042(b). Y / N **N**

*If yes, submit: worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.*

- d. Applicant requests to convey Applicant's own return flows derived from surface water using the bed and banks of a watercourse? TWC § 11.042(c). Y / N **N**

*If yes, submit: worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 6.0, 7.0, 8.0, Maps, and fees from the list below.*

***\*Please note, if Applicant requests the reuse of return flows belonging to others, the Applicant will need to submit the worksheets and documents under Section 1 above, as the application will be treated as a new appropriation subject to termination upon direct or indirect reuse by the return flow discharger/owner.***

- e. Applicant requests to convey water from any other source, other than (a)-(d) above, using the bed and banks of a watercourse? TWC § 11.042(c). Y / N **N**

*If yes, submit: worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.*

*Worksheets and information:*

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)
- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

#### 4. General Information, Response Required for all Water Right Applications (Instructions, Page 15)

- a. Provide information describing how this application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement (*not required for applications to use groundwater-based return flows*). Include citations or page numbers for the State and Regional Water Plans, if applicable. Provide the information in the space below or submit a supplemental sheet entitled "Addendum Regarding the State and Regional Water Plans":

**This application is not inconsistent with the State and Regional Water Plans.**

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- b. Did the Applicant perform its own Water Availability Analysis? Y / N **N**

*If the Applicant performed its own Water Availability Analysis, provide electronic copies of any modeling files and reports.*

- C. Does the application include required Maps? (Instructions Page. 15) Y / N **Y**

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

### 1. New Authorizations (Instructions, Page. 16)

Submit the following information regarding quantity, purpose and place of use for requests for new or additional appropriations of State Water or Bed and Banks authorizations:

Quantity (acre- feet) (Include losses for Bed and Banks)	State Water Source (River Basin) or Alternate Source <i>*each alternate source (and new appropriation based on return flows of others) also requires completion of Worksheet 4.0</i>	Purpose(s) of Use	Place(s) of Use <i>*requests to move state water out of basin also require completion of Worksheet 1.1 Interbasin Transfer</i>

\_\_\_\_\_ Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

If the Purpose of Use is Agricultural/Irrigation for any amount of water, provide:

#### 1. Location Information Regarding the Lands to be Irrigated

i) Applicant proposes to irrigate a total of \_\_\_\_\_ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of \_\_\_\_\_ acres in \_\_\_\_\_ County, TX.

ii) Location of land to be irrigated: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_.

***A copy of the deed(s) or other acceptable instrument describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds.***

***If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.***

***Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.***

## 2. Amendments - Purpose or Place of Use (Instructions, Page. 12)

- a. Complete this section for each requested amendment changing, adding, or removing Purpose(s) or Place(s) of Use, complete the following:

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
125 Class B	Mining		Hidalgo County	Hidalgo, Webb & Zapata County within Rio Grande Basin

*\*If the request is to add additional purpose(s) of use, include the existing and new purposes of use under "Proposed Purpose(s) of Use."*

*\*\*If the request is to add additional place(s) of use, include the existing and new places of use under "Proposed Place(s) of Use."*

*Changes to the purpose of use in the Rio Grande Basin may require conversion. 30 TAC § 303.43.*

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- i) Applicant proposes to irrigate a total of \_\_\_\_\_ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of \_\_\_\_\_ acres in \_\_\_\_\_ County, TX.

- ii) Location of land to be irrigated: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_.

***A copy of the deed(s) describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds. If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other legal right for Applicant to use the land described.***

***Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.***

- c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
- d. See Worksheet 1.2, Marshall Criteria, and submit if required.
- e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

# **WORKSHEET 1.1**

## **INTERBASIN TRANSFERS, TWC § 11.085**

Submit this worksheet for an application for a new or amended water right which requests to transfer State Water from its river basin of origin to use in a different river basin. A river basin is defined and designated by the Texas Water Development Board by rule pursuant to TWC § 16.051.

Applicant requests to transfer State Water to another river basin within the State? **Y / N**

### **1. Interbasin Transfer Request (Instructions, Page. 20)**

- a. Provide the Basin of Origin. \_\_\_\_\_
- b. Provide the quantity of water to be transferred (acre-feet). \_\_\_\_\_
- c. Provide the Basin(s) and count(y/ies) where use will occur in the space below:  
\_\_\_\_\_

### **2. Exemptions (Instructions, Page. 20), TWC § 11.085(v)**

Certain interbasin transfers are exempt from further requirements. Answer the following:

- a. The proposed transfer, which in combination with any existing transfers, totals less than 3,000 acre-feet of water per annum from the same water right. **Y/N**
- b. The proposed transfer is from a basin to an adjoining coastal basin? **Y/N**
- c. The proposed transfer from the part of the geographic area of a county or municipality, or the part of the retail service area of a retail public utility as defined by Section 13.002, that is within the basin of origin for use in that part of the geographic area of the county or municipality, or that contiguous part of the retail service area of the utility, not within the basin of origin? **Y/N**
- d. The proposed transfer is for water that is imported from a source located wholly outside the boundaries of Texas, except water that is imported from a source located in the United Mexican States? **Y/N**

### **3. Interbasin Transfer Requirements (Instructions, Page. 20)**

For each Interbasin Transfer request that is not exempt under any of the exemptions listed above Section 2, provide the following information in a supplemental attachment titled "Addendum to Worksheet 1.1, Interbasin Transfer":

- a. the contract price of the water to be transferred (if applicable) (also include a copy of the contract or adopted rate for contract water);
- b. a statement of each general category of proposed use of the water to be transferred and a detailed description of the proposed uses and users under each category;
- c. the cost of diverting, conveying, distributing, and supplying the water to, and treating the water for, the proposed users (example - expert plans and/or reports documents may be provided to show the cost);

- d. describe the need for the water in the basin of origin and in the proposed receiving basin based on the period for which the water supply is requested, but not to exceed 50 years (the need can be identified in the most recently approved regional water plans. The state and regional water plans are available for download at this website: (<http://www.twdb.texas.gov/waterplanning/swp/index.asp>);
- e. address the factors identified in the applicable most recently approved regional water plans which address the following:
  - (i) the availability of feasible and practicable alternative supplies in the receiving basin to the water proposed for transfer;
  - (ii) the amount and purposes of use in the receiving basin for which water is needed;
  - (iii) proposed methods and efforts by the receiving basin to avoid waste and implement water conservation and drought contingency measures;
  - (iv) proposed methods and efforts by the receiving basin to put the water proposed for transfer to beneficial use;
  - (v) the projected economic impact that is reasonably expected to occur in each basin as a result of the transfer; and
  - (vi) the projected impacts of the proposed transfer that are reasonably expected to occur on existing water rights, instream uses, water quality, aquatic and riparian habitat, and bays and estuaries that must be assessed under Sections 11.147, 11.150, and 11.152 in each basin (*if applicable*). If the water sought to be transferred is currently authorized to be used under an existing permit, certified filing, or certificate of adjudication, such impacts shall only be considered in relation to that portion of the permit, certified filing, or certificate of adjudication proposed for transfer and shall be based on historical uses of the permit, certified filing, or certificate of adjudication for which amendment is sought;
- (f) proposed mitigation or compensation, if any, to the basin of origin by the applicant; and
- (g) the continued need to use the water for the purposes authorized under the existing Permit, Certified Filing, or Certificate of Adjudication, if an amendment to an existing water right is sought.

## WORKSHEET 1.2

### NOTICE. “THE MARSHALL CRITERIA”

This worksheet assists the Commission in determining notice required for certain **amendments** that do not already have a specific notice requirement in a rule for that type of amendment, and *that do not change the amount of water to be taken or the diversion rate*. The worksheet provides information that Applicant **is required** to submit for such amendments which include changes in use, changes in place of use, or other non-substantive changes in a water right (such as certain amendments to special conditions or changes to off-channel storage). These criteria address whether the proposed amendment will impact other water right holders or the on-stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

*This worksheet is **not required** for Applications in the Rio Grande Basin requesting changes in the purpose of use, rate of diversion, point of diversion, and place of use for water rights held in and transferred within and between the mainstems of the Lower Rio Grande, Middle Rio Grande, and Amistad Reservoir. See 30 TAC § 303.42.*

*This worksheet is **not required** for amendments which are only changing or adding diversion points, or request only a bed and banks authorization or an IBT authorization. However, Applicants may wish to submit the Marshall Criteria to ensure that the administrative record includes information supporting each of these criteria*

#### 1. The “Marshall Criteria” (Instructions, Page. 21)

Submit responses on a supplemental attachment titled “Marshall Criteria” in a manner that conforms to the paragraphs (a) – (g) below:

- a. Administrative Requirements and Fees. Confirm whether application meets the administrative requirements for an amendment to a water use permit pursuant to TWC Chapter 11 and Title 30 Texas Administrative Code (TAC) Chapters 281, 295, and 297. An amendment application should include, but is not limited to, a sworn application, maps, completed conservation plan, fees, etc.
- b. Beneficial Use. Discuss how proposed amendment is a beneficial use of the water as defined in TWC § 11.002 and listed in TWC § 11.023. Identify the specific proposed use of the water (e.g., road construction, hydrostatic testing, etc.) for which the amendment is requested.
- c. Public Welfare. Explain how proposed amendment is not detrimental to the public welfare. Consider any public welfare matters that might be relevant to a decision on the application. Examples could include concerns related to the well-being of humans and the environment.
- d. Groundwater Effects. Discuss effects of proposed amendment on groundwater or groundwater recharge.

- e. State Water Plan. Describe how proposed amendment addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement. The state and regional water plans are available for download at:  
<http://www.twdb.texas.gov/waterplanning/swp/index.asp>.
- f. Waste Avoidance. Provide evidence that reasonable diligence will be used to avoid waste and achieve water conservation as defined in TWC § 11.002. Examples of evidence could include, but are not limited to, a water conservation plan or, if required, a drought contingency plan, meeting the requirements of 30 TAC Chapter 288.
- g. Impacts on Water Rights or On-stream Environment. Explain how proposed amendment will not impact other water right holders or the on-stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

## WORKSHEET 2.0

### Impoundment/Dam Information

This worksheet is **required** for any impoundment, reservoir and/or dam. Submit an additional Worksheet 2.0 for each impoundment or reservoir requested in this application.

*If there is more than one structure, the numbering/naming of structures should be consistent throughout the application and on any supplemental documents (e.g. maps).*

#### 1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: \_\_\_\_\_
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: \_\_\_\_\_.
- c. The impoundment is on-channel \_\_\_\_\_ or off-channel \_\_\_\_\_ (mark one)
  1. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4691? Y / N
  2. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / N
- d. Is the impoundment structure already constructed? Y / N
  - i. For already constructed **on-channel** structures:
    1. Date of Construction: \_\_\_\_\_
    2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N
      - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N
      - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N
    3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N
      - a. If yes, provide the Site No. \_\_\_\_\_ and watershed project name \_\_\_\_\_;
      - b. Authorization to close "ports" in the service spillway requested? Y / N
  - ii. For **any** proposed new structures or modifications to structures:
    1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? Y / N  
Provide the date and the name of the Staff Person \_\_\_\_\_
    2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
      - a. No additional dam safety documents required with the Application. Y / N
      - b. Plans (with engineer's seal) for the structure required. Y / N
      - c. Engineer's signed and sealed hazard classification required. Y / N
      - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N

3. Applicants **shall** give notice by certified mail to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir to be constructed, will be located. (30 TAC § 295.42). Applicant must submit a copy of all the notices and certified mailing cards with this Application. Notices and cards are included? **Y / N**
- iii. Additional information required for **on-channel** storage:
1. Surface area (in acres) of on-channel reservoir at normal maximum operating level:\_\_\_\_\_.
  2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option.  
Applicant has calculated the drainage area. **Y/N**  
If yes, the drainage area is \_\_\_\_\_ sq. miles.  
(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4691).

## 2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name):\_\_\_\_\_
- b. Zip Code: \_\_\_\_\_
- c. In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, \_\_\_\_\_ County, Texas.  
*\* A copy of the deed(s) with the recording information from the county records must be submitted describing the tract(s) that include the structure and all lands to be inundated.*  
*\*\*If the Applicant is not currently the sole owner of the land on which the structure is or will be built and sole owner of all lands to be inundated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.*
- d. A point on the centerline of the dam (on-channel) or anywhere within the impoundment (off-channel) is:  
Latitude \_\_\_\_\_°N, Longitude \_\_\_\_\_°W.  
*\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*
- di. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):\_\_\_\_\_
- dii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. **Y / N**

## WORKSHEET 3.0

### DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet is **required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

*The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g. maps).*

#### 1. Diversion Information (Instructions, Page. 24)

a. This Worksheet is to add new (select 1 of 3 below):

1. X \_\_\_\_\_ Diversion Point No.
2. \_\_\_\_\_ Upstream Limit of Diversion Reach No.
3. \_\_\_\_\_ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** \_\_\_\_\_ cfs (cubic feet per second)  
or 800 \_\_\_\_\_ gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N** N  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* \_\_\_\_\_ cfs or \_\_\_\_\_ gpm

d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / N** N

*\*\* An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
<span style="color: red;">X</span>	Directly from stream	<span style="color: red;">Proposed</span>
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. **Y / N** N

If yes, the drainage area is \_\_\_\_\_ sq. miles.

*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)*

## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Rio Grande
- b. Zip Code: 78076
- c. Location of point: In the Dolores Subd of the J Vas Borrego Grant Original Survey No. \_\_\_\_\_, Abstract No. 209, Zapata County, Texas.

*A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.*

- d. Point is at:  
Latitude 27.216797°N, Longitude -99.438930°W.  
*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Maps
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 4.0

### DISCHARGE INFORMATION

This worksheet required for any requested authorization to discharge water into a State Watercourse for conveyance and later withdrawal or in-place use. Worksheet 4.1 is also required for each Discharge point location requested. **Instructions Page. 26. Applicant is responsible for obtaining any separate water quality authorizations which may be required and for insuring compliance with TWC, Chapter 26 or any other applicable law.**

- a. The purpose of use for the water being discharged will be \_\_\_\_\_.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses \_\_\_\_\_% and explain the method of calculation:\_\_\_\_\_

Is the source of the discharged water return flows? **Y / N**      If yes, provide the following information:

1. The TPDES Permit Number(s).\_\_\_\_\_ (attach a copy of the **current** TPDES permit(s))
2. Applicant is the owner/holder of each TPDES permit listed above? **Y / N**

*PLEASE NOTE: If Applicant is not the discharger of the return flows, the application should be submitted under Section 1, New or Additional Appropriation of State Water, as a request for a new appropriation of state water. If Applicant is the discharger, then the application should be submitted under Section 3, Bed and Banks.*

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
  4. The percentage of return flows from groundwater\_\_\_\_\_, surface water\_\_\_\_\_?
  5. If any percentage is surface water, provide the base water right number(s) \_\_\_\_\_.
- c. Is the source of the water being discharged groundwater? **Y / N**      If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped:\_\_\_\_\_
  2. Any 24 hour pump test for the well if one has been conducted. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers\_\_\_\_\_.
  3. Indicate how the groundwater will be conveyed to the stream or reservoir.
  4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.
- ci. Is the source of the water being discharged a surface water supply contract? **Y / N**  
If yes, provide the signed contract(s).
- cii. Identify any other source of the water\_\_\_\_\_

## WORKSHEET 4.1 DISCHARGE POINT INFORMATION

This worksheet is required for **each** discharge point. Submit one Worksheet 4.1 for each discharge point. If there is more than one discharge point, the numbering of the points should be consistent throughout the application and on any supplemental documents (e.g. maps).

**Instructions, Page 27.**

**For water discharged at this location provide:**

- a. The amount of water that will be discharged at this point is \_\_\_\_\_ acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of \_\_\_\_\_ cfs or \_\_\_\_\_ gpm.
- c. Name of Watercourse as shown on Official USGS maps: \_\_\_\_\_
- d. Zip Code: 78076
- f. Location of point: In the Dolores Subd of the J Vas Borrego Grant Original Survey No. \_\_\_\_\_, Abstract No. 209, Zapata County, Texas.
- g. Point is at:  
Latitude \_\_\_\_\_°N, Longitude \_\_\_\_\_°W.  
***\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- h. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): \_\_\_\_\_

**Map submitted must clearly identify each discharge point. See instructions Page. 15.**

## WORKSHEET 5.0

### ENVIRONMENTAL INFORMATION

This worksheet is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for: requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. **Instructions, Page 28.**

#### **1. New Appropriations of Water (Canadian, Red, Sulphur, and Cypress Creek Basins only) and Changes in Diversion Point(s)**

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location),

a. Identify the appropriate description of the water body.

☐ Stream

☐ Reservoir

Average depth of the entire water body, in feet: \_\_\_\_\_

☐ Other, specify: \_\_\_\_\_

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

☐ Intermittent – dry for at least one week during most years

☐ Intermittent with Perennial Pools – enduring pools

☐ Perennial – normally flowing

Check the method used to characterize the area downstream of the new diversion location.

☐ USGS flow records

☐ Historical observation by adjacent landowners

☐ Personal observation

☐ Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the stream segments affected by the application and the area surrounding those stream segments.

- ☐ Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional
- ☐ Natural Area: trees and/or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored
- ☐ Common Setting: not offensive; developed but uncluttered; water may be colored or turbid
- ☐ Offensive: stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

#### d. Waterbody Recreational Uses

Are there any known recreational uses of the stream segments affected by the application?

- ☐ Primary contact recreation (swimming or direct contact with water)
- ☐ Secondary contact recreation (fishing, canoeing, or limited contact with water)
- ☐ Non-contact recreation

Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the map submitted with the application indicating the location of the photograph and the direction of the shot.
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).
3. If the application includes a proposed reservoir, also include:
  - i. A brief description of the area that will be inundated by the reservoir.
  - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
  - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

## 2. Alternate Sources of Water and/or Bed and Banks Applications

For all bed and banks applications:

- a. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).

- b. An assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

If the alternate source is treated return flows, provide the TPDES permit number \_\_\_\_\_

If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:

- a. Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

\* Temperature must be measured onsite at the time the groundwater sample is collected.

- b. If groundwater will be used, provide the depth of the well \_\_\_\_\_ and the name of the aquifer from which water is withdrawn \_\_\_\_\_.

## WORKSHEET 6.0

### Water Conservation/Drought Contingency Plans

This form is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plans is required and to specify the requirements for plans.

**Instructions, Page 31.**

*The TCEQ has developed guidance and model plans to help applicants prepare plans. Applicants may use the model plan with pertinent information filled in. For assistance submitting a plan call the Resource Protection Team (Water Conservation staff) at 512-239-4691, or e-mail [wras@tceq.texas.gov](mailto:wras@tceq.texas.gov). The model plans can also be downloaded from the TCEQ webpage. Please use the most up-to-date plan documents available on the webpage.*

#### 1. Water Conservation Plans

- a. The following applications must include a completed Water Conservation Plan (30 TAC § 295.9) for each use specified in 30 TAC, Chapter 288 (municipal, industrial or mining, agriculture – including irrigation, wholesale):

1. Request for a new appropriation or use of State Water.
2. Request to amend water right to increase appropriation of State Water.
3. Request to amend water right to extend a term.
4. Request to amend water right to change a place of use.  
*\*does not apply to a request to expand irrigation acreage to adjacent tracts.*
5. Request to amend water right to change the purpose of use.  
*\*applicant need only address new uses.*
6. Request for bed and banks under TWC § 11.042(c), when the source water is State Water  
*\*including return flows, contract water, or other State Water.*

- b. If Applicant is requesting any authorization in section (1)(a) above, indicate each use for which Applicant is submitting a Water Conservation Plan as an attachment:

1. ☐ Municipal Use. See 30 TAC § 288.2. \*\*
2. ☒ Industrial or Mining Use. See 30 TAC § 288.3.
3. ☐ Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. ☐ Wholesale Water Suppliers. See 30 TAC § 288.5. \*\*

**\*\*If Applicant is a water supplier, Applicant must also submit documentation of adoption of the plan. Documentation may include an ordinance, resolution, or tariff, etc. See 30 TAC §§ 288.2(a)(1)(J)(i) and 288.5(1)(H). Applicant has submitted such documentation with each water conservation plan? Y / N**

- c. Water conservation plans submitted with an application must also include data and information which: supports applicant's proposed use with consideration of the plan's water conservation goals; evaluates conservation as an alternative to the proposed

appropriation; and evaluates any other feasible alternative to new water development.  
See 30 TAC § 288.7.

Applicant has included this information in each applicable plan? Y / N **Y**

## 2. Drought Contingency Plans

- a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above - indicate each that applies:
  - 1. \_\_\_\_Municipal Uses by public water suppliers. See 30 TAC § 288.20.
  - 2. \_\_\_\_Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
  - 3. \_\_\_\_Wholesale Water Suppliers. See 30 TAC § 288.22.
- b. If Applicant must submit a plan under section 2(a) above, Applicant has also submitted documentation of adoption of drought contingency plan (*ordinance, resolution, or tariff, etc.* See 30 TAC § 288.30) Y / N **N**

# WORKSHEET 7.0

## ACCOUNTING PLAN INFORMATION WORKSHEET

The following information provides guidance on when an Accounting Plan may be required for certain applications and if so, what information should be provided. An accounting plan can either be very simple such as keeping records of gage flows, discharges, and diversions; or, more complex depending on the requests in the application. Contact the Surface Water Availability Team at 512-239-4691 for information about accounting plan requirements, if any, for your application. **Instructions, Page 34.**

### 1. Is Accounting Plan Required

Accounting Plans are generally required:

- For applications that request authorization to divert large amounts of water from a single point where multiple diversion rates, priority dates, and water rights can also divert from that point;
- For applications for new major water supply reservoirs;
- For applications that amend a water right where an accounting plan is already required, if the amendment would require changes to the accounting plan;
- For applications with complex environmental flow requirements;
- For applications with an alternate source of water where the water is conveyed and diverted; and
- For reuse applications.

### 2. Accounting Plan Requirements

- a. A **text file** that includes:
  1. an introduction explaining the water rights and what they authorize;
  2. an explanation of the fields in the accounting plan spreadsheet including how they are calculated and the source of the data;
  3. for accounting plans that include multiple priority dates and authorizations, a section that discusses how water is accounted for by priority date and which water is subject to a priority call by whom; and
  4. Should provide a summary of all sources of water.
- b. A **spreadsheet** that includes:
  1. Basic daily data such as diversions, deliveries, compliance with any instream flow requirements, return flows discharged and diverted and reservoir content;
  2. Method for accounting for inflows if needed;
  3. Reporting of all water use from all authorizations, both existing and proposed;
  4. An accounting for all sources of water;
  5. An accounting of water by priority date;
  6. For bed and banks applications, the accounting plan must track the discharged water from the point of delivery to the final point of diversion;
  7. Accounting for conveyance losses;
  8. Evaporation losses if the water will be stored in or transported through a reservoir. Include changes in evaporation losses and a method for measuring reservoir content resulting from the discharge of additional water into the reservoir;
  9. An accounting for spills of other water added to the reservoir; and
  10. Calculation of the amount of drawdown resulting from diversion by junior rights or diversions of other water discharged into and then stored in the reservoir.

# WORKSHEET 8.0

## CALCULATION OF FEES

This worksheet is for calculating required application fees. Applications are not Administratively Complete until all required fees are received. **Instructions, Page. 34**

### 1. NEW APPROPRIATION

	Description	Amount (\$)
<b>Filing Fee</b>	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under <b>Amount (\$)</b> . <u>In Acre-Feet</u> 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	
<b>Recording Fee</b>		\$25.00
<b>Agriculture Use Fee</b>	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
<b>Use Fee</b>	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
<b>Recreational Storage Fee</b>	<i>Only for those with Recreational Storage.</i> 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>	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
<b>Mailed Notice</b>	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4691.	
<b>TOTAL</b>		<b>\$</b>

### 2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
<b>Filing Fee</b>	Amendment: \$100	100.00
	OR Sever and Combine: \$100 x ___ of water rights to combine	
<b>Recording Fee</b>		\$12.50
<b>Mailed Notice</b>	Additional notice fee to be determined once application is submitted.	
<b>TOTAL INCLUDED</b>		<b>\$ 112.50</b>

### 3. BED AND BANKS

	Description	Amount (\$)
<b>Filing Fee</b>		\$100.00
<b>Recording Fee</b>		\$12.50
<b>Mailed Notice</b>	Additional notice fee to be determined once application is submitted.	
<b>TOTAL INCLUDED</b>		<b>\$</b>



## 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

### Mining Water Conservation Plan

This form is provided to assist entities in developing a water conservation plan for mining water use. If you need assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4691.

Additional resources such as best management practices (BMPs) are available on the Texas Water Development Board's website <http://www.twdb.texas.gov/conservation/BMPs/index.asp>. The practices are broken out into sectors such as Agriculture, Commercial and Institutional, Industrial, Municipal and Wholesale. BMPs are voluntary measures that water users use to develop the required components of Title 30, Texas Administrative Code, Chapter 288. BMPs can also be implemented in addition to the rule requirements to achieve water conservation goals.

#### Contact Information

Name: Ramiro Jaime Flores or Rufino Garza  
Address: 3609 West Palma Vista Drive  
Telephone Number: (956) 580-2502 Fax: (956) 585-8675  
Form Completed By: Ernest Montez  
Title: CFO  
Signature:  Date: 8/23/2021

A water conservation plan for mining use must include the following requirements (as detailed in 30 TAC Section 288.3). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.

#### I. BACKGROUND DATA

##### A. Water Use

1. Annual diversion appropriated or requested (in acre-feet):

125

2. Maximum diversion rate (cfs):

1.78

##### B. Water Sources

1. Please indicate the maximum or average annual amounts of water currently used and anticipated to be used (in acre-feet) for mining purposes:

<i>Source</i>	<i>Water Right No.(s)</i>	<i>Current Use</i>	<i>Anticipated Use</i>
Surface Water	125	0	17.2
Groundwater			
Purchased			
<b>Total</b>			

2. How was the surface water data and/or groundwater data provided in B(1) obtained?

Master meter ; Customer meter ; Estimated X; Other

3. Was purchased water raw or treated?

If both, % raw ; % treated ; and Supplier(s)

### C. Mining Information

1. Major product(s) or service(s) produced by applicant:

Sand and Gravel

2. North American Industry Classification System (NAICS):

212320

## II. WATER USE AND CONSERVATION PRACTICES

### A. Water Use in Mining Processes

<i>Mining Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Hydraulic Fracturing					
Drilling					
Washing Sand/gravel		100			125
Dust Control					
Oil Field Repressuring					

Other \_\_\_\_\_

<i>Facility Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
---------------------	----------------------	------------------------	-----------------------	------------------------	-------------------------------

Pond(s) \_\_\_\_\_

Sanitary & drinking water \_\_\_\_\_

Irrigation & dust control \_\_\_\_\_

Other \_\_\_\_\_

1. Was fresh water recirculated at this facility? ☐ Yes ☒ No

2. Provide a detailed description of how the water will be utilized in the mining process.

The water will be used to wash sand and gravel

3. Estimate the quantity of water consumed in production and mining processes and is therefore unavailable for reuse, discharge, or other means of disposal.

30%

4. Monthly water consumption for previous year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Consumption</i>
January	0		
February	0		
March	0		
April	0		
May	0		
June	0		
July	0		

August	0		
September	0		
October	0		
November	0		
December	0		
<b>Totals</b>	0		

5. Projected monthly water consumption for next year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Consumption</i>
January	4	70	2.8
February	1.2	70	2.8
March	1.2	70	2.8
April	1.2	70	2.8
May	1.2	70	2.8
June	1.2	70	2.8
July	1.2	70	2.8
August	1.2	70	2.8
September	1.2	70	2.8
October	1.2	70	2.8
November	1.2	70	2.8
December	1.2	70	2.8
<b>Totals</b>	17.2	70	2.8

*B. Specific and Quantified Conservation Goal*

Water conservation goals for the mining sector are generally established either for (1) the amount of water recycled, (2) the amount of water reused, or (3) the amount of water not lost or consumed, and therefore is available for return flow.

1. Water conservation goal (water use efficiency measure)

Type of goal(s):

reused water

70% of water not consumed and therefore returned

Other (specify)

2. Provide specific, quantified 5-year and 10-year targets for water savings and the basis for development of such goals for this water use/facility.

Water that isn't consumed in the washing process will be collected in a tailing dam.

Quantified 5-year and 10-year targets for water savings:

- a. 5-year goal: 10%
  - b. 10-year goal: 15%
3. Describe the device(s) and/or method(s) used to measure and account for the amount of water diverted from the supply source, and verify the accuracy is within plus or minus 5%.

Metered water pump

4. Provide a description of the leak-detection and repair, and water-loss accounting measures used.

Equipment and connections will be monitored regularly to ensure a secure connection any deviation will be reported and equipment inspected to ensure leaks aren't present.

5. Describe the application of state-of-the-art equipment and/or process modifications used to improve water use efficiency.

Frequent inspections of the flow of water to and from the mine to ensure that the system is running efficiently.

6. Describe any other water conservation practice, method, or technique which the user shows to be appropriate for achieving the stated goal or goals of the water conservation plan:

Same as our response to question 5.

### III. Water Conservation Plans submitted with a Water Right Application for New or Additional State Water

Water Conservation Plans submitted with a water right application for New or Additional State Water must include data and information which:

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;
2. evaluates conservation as an alternative to the proposed appropriation; and
3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

Additionally, it shall be the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists and that the requested amount of appropriation is necessary and reasonable for the proposed use.

### Addendum to Worksheet 5.0

The diversion point will have screens on the diversion structure to prevent the entanglement and entrapment of aquatic organisms.

GF# 220081-DS

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

### WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS                    §  
    §    KNOW ALL MEN BY THESE PRESENTS:  
 COUNTY OF ZAPATA                    §

THAT THE UNDERSIGNED **Mary Josephine H. Garcia**, hereinafter called "Grantor," whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration to the undersigned in hand paid by the Grantee herein named, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by the Grantee of that one certain promissory note of even date herewith in the principal sum of FOUR HUNDRED SIXTY THREE THOUSAND TWO HUNDRED FIFTY AND NO CENTS (\$463,250.00), payable to the order of **ZAPATA NATIONAL BANK**, as therein specified, providing for acceleration of maturity and for attorney's fees, the payment of which note is secured by the vendor's lien herein retained, and is additionally secured by a deed of trust of even date herewith to R. DAVID GUERRA TRUSTEE, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto **JOSE LUIS GUEVARA, JR., a single male**, herein referred to as the "Grantee," whether one or more, all the interest in and to the following described real property in Zapata County, Texas, to wit:

Situated in Zapata County, Texas and being 258.741 acres, more or less, comprised of 236.9207 acres, more or less, described as Tract III, Share IV and 21.8203 acres, more or less, described as Parcel No. 4B, out of the Maria Vidaurri Herbst Share 4 of the La Laja Ranch and Tracts IV and V, La Laja Farm Tracts, located in the Dolores Subdivision of the Jose Vasquez Borrego Grant, Abstract No. 209, and being the same land set aside to Mary Josephine H. Garcia in Partition Deed dated September 2, 1998 and recorded in Volume 603, pages 521-558, Official Records of Zapata County, Texas and being more particularly described by metes and bounds in Exhibit "A".

**Mineral Reservation:**

Grantor reserves for themselves, their heirs and assigns, all interest of the oil, gas and other minerals owned by Grantor, including, but not limited to all oil, gas hydrocarbons, Sulphur, coal, lignite, uranium, thorium, and other fissionable materials, magnesium and iron, in, on and under said land, forever, together with all rights of ingress and egress for exploring for, developing and taking said oil, gas and other minerals, together with the corresponding rights to execute leases for oil, gas, and other minerals that are part of the property and to receive from each lessee the bonuses, delay rentals, royalties, and other benefits associated with the lease.

Grantor, for the same consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and **Warranty, grants, sells, and conveys, to Grantee, without express or implied warranty, the strips or gores**, if any, between the Property and abutting properties and land lying in or under any public thoroughfare, opened or proposed, abutting or adjacent to Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. All warranties that might arise by common law as well as the warranties in section 5.023 of the Texas Property Code (or its successor) are excluded as to the property conveyed by this paragraph.

As a material part of the consideration for this deed, Grantor and Grantee agree that Grantee is taking the property "AS IS" with any and all latent and pertinent defects and that there is no warranty by Grantor that the property is fit for a particular purpose. Grantee acknowledges that it is not relying upon any representation, statement, assertion or nonassertion by Grantor or Grantor's agents with respect to the property condition but is relying solely upon its own examination of the

property. Grantee takes the property under the express understanding there are no express or implied warranties except for warranties of title set forth in this document.

This conveyance is made and accepted subject to the following matters, to the extent same are in effect at this time: Easements, rights of way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the property; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, but only to the extent that they are still in effect, relating to the hereinabove described property; specifically this conveyance is made subject to the following:

1. Subject to terms and conditions for roads as therein stated in Certified Copy of Amended Report of Commissioners and Final Order filed November 22, 1974, recorded in Volume 185, pages 506-530, File No. 37912 and pages 531-534, File No. 37913, Zapata County Deed Records.
2. Subject to terms, conditions, provisions, covenants, and reservations hereinafter contained in Surface Partition Deed dated September 2, 1998, executed by and between Mary Josephine H. Garcia, Alfredo J. Herbst, Francis Matthew Herbst, Jr. Rosemarie Ann Geary and Edward J. Herbst, recorded in Volume 603, pages 521-558, File No. 114706, Zapata County Official Records.
3. Subject to all roadways and easements, which said easements are perpetual and to be considered as covenants running with the land as therein stated in Surface Partition Deed September 2, 1998, recorded in Volume 603, pages 521-558, File No. 114706, Zapata County Official Records.
4. Certificate of Adjudication: 23-2775 dated August 15, 1983, executed by Texas Water Commission to Anita L. Vidaurri, Roberto Vidaurri, Maria Vidaurri Herbst, Rosa Vidaurri, Maria Luisa Vidaurri Scott and the Juan Vidaurri Heirs, recorded in Volume 277, pages 767-769, File No. 61491, Zapata County Deed Records. Title to water rights not traced further.
5. Conveyance of an undivided 1/5th. interest in and to 1301-acre feet of water as further described in Deed dated July 31, 1986, executed by Rosa Vidaurri to Maria Vidaurri Herbst, recorded in Volume 342, pages 571-572, File No. 71989, Zapata County Official Records.
6. Oil and Gas Lease dated May 4, 1942, executed by Antonia M. De Vidaurri, et al to Radcliffe Killam, recorded in Volume 49, pages 97-100, Zapata County Deed Records.
7. Oil, Gas and Mineral Lease dated May 10, 1968, executed by Maria Vidaurri Herbst, et vir, Francis M. Herbst, et al to James A. Mayo, recorded in Volume 156, pages 284-289, File No. 29510, Zapata County Deed Records.
8. Oil and Gas Leases dated October 2, 1979, executed by Commissioner of the General Land Office to Border Exploration Company, recorded in Volume 234, pages 241-245, File No. 50532 and pages 246-250, File No. 50533, Zapata County Deed Records.
9. Oil and Gas Lease dated October 6, 1987, executed by Commissioner of the General Land Office to Chevron U. S. A., Inc., recorded in Volume 385, pages 673-681, File No. 78461, Zapata County Official Records.
10. Oil and Gas Leases dated April 5, 1994, executed by Commissioner of the General Land Office to Trans Texas Gas Corporation, recorded in Volume 501, pages 94-100, File No. 98425, pages 101-107, File No. 98426 and pages 108-114, File No. 98427, Zapata County Official Records.

11. Oil and Gas Lease dated December 3, 1997, executed by Commissioner of the General Land Office to Chevron U. S. A. Production Company, recorded in Volume 586, pages 47-53, File No. 111615, Zapata County Official Records.
12. Unit Declaration dated December 8, 1997, executed by Chevron U. S. A. Production Company to The Public, recorded in Volume 586, pages 182-185, File No. 111638, Zapata County Official Records.
13. Pooling Agreement dated December 17, 1997, executed by Commissioner of the General Land Office to Chevron U. S. A. Production Company, recorded in Volume 588, pages 554-561, File No. 112068, Zapata County Official Records.
14. Pooling Agreements dated September 21, 2006 and June 11, 2007, executed by Commissioner of the General Land Office to Chevron U. S. A., Inc., recorded in Volume 775, pages 157-167, File No. 144591, and in Volume 795, pages 318-328, File No. 147903, Zapata County Official Records.
15. Designation of Pool Units dated November 16, 2006 and September 20, 2007, executed by Chevron U. S. A., Inc. to The Public, recorded in Volume 777, pages 781-786, File No. 145028 and in Volume 802, pages 42-48, File No. 148992, Zapata County Official Records.
16. Easement and Right of Way dated June 11, 1945, executed by Alejandro Vidaurri, et al to Central Power and Light Company, recorded in Volume 57, pages 315-317, Zapata County Deed Records.
17. Easement and Right of Way dated June 11, 1945, executed by Alejandro Vidaurri, et al to Central Power and Light Company, recorded in Volume 57, pages 349-350, Zapata County Deed Records.
18. Easement and Right of Way dated December 4, 1950, executed by Robert J. Vidaurri to Southwestern Bell Telephone Company, recorded in Volume 67, Page 5, Zapata County Deed Records.
19. Easement and Right of Way dated January 11, 1952, executed by Robert J. Vidaurri to Central Power and Light Company, recorded in Volume 76, pages 208-209, Zapata County Deed Records.
20. Easement and Right of Way dated January 6, 1982, executed by Maria Vidaurri Herbst and husband, Francis M. Herbst to Central Power and Light Company, recorded in Volume 257, pages 693-694, File 56311, Zapata County Deed Records.
21. Pipeline Right of Way Permit dated May 23, 1985, executed by Maria Vidaurri Herbst to GHR Pipeline Corp., recorded in Volume 314, pages 376-382, File No. 68422, Zapata Official Deed Records.
22. Pipeline Right of Way dated September 10, 1985, executed by Roberto Vidaurri to GHR Pipeline Corp., recorded in Volume 314, pages 272-281, File No. 68408, Zapata County Official Records.
23. Pipeline Right of Way dated April 9, 1985 and May 24, 1985, executed by Julia Vidaurri, Trustee, et al to GHR Pipeline Corp., recorded in Volume 304, pages 64-73, File No. 66868 and Volume 314, pages 356-365, File No. 68420 and pages 366-375, File No. 68421, Zapata County Official Records.
24. Right of Way Agreement dated January 4, 1988, executed by Maria V. Herbst to Gulf Energy Pipe Line Co., recorded in Volume 390, pages 192-195, File No. 79350, Zapata County Official Records.

25. Surface Site Lease Agreement dated January 24, 1990, executed by Edward James Herbst, Individually and as Executor of the Estate of Maria Vidaurri Herbst, deceased to Chevron U. S. A., Inc., recorded in Volume 421, pages 699-703, File No. 84816, Zapata County Official Records.
26. Pipeline Right of Way dated January 26, 1990, executed by Edward James Herbst, Individually and as Executor of the Estate of Maria Vidaurri Herbst, deceased to Chevron U. S. A., Inc., recorded in Volume 423, pages 109-114, File No. 84999, Zapata County Official Records.
27. Pipeline Right of Way dated April 16, 1990, executed by Edward James Herbst, Independent Executor of the Estate of Maria Vidaurri Herbst to Gulf Energy Pipeline Company, recorded in Volume 429, pages 862-866, File No. 86386, Zapata County Official Records.
28. Easement and Right of Way dated February 26, 1996, executed by Edward James Herbst, Independent Executor of the Estate of Maria Vidaurri Herbst to Central Power and Light Company, recorded in Volume 540, pages 271-274, File No. 104912, Zapata County Official Records.
29. Pipeline Right of Way and Easement Agreement dated August 3, 1998, executed by Rosemarie Ann Geary to Tejas Energy Operating Company, recorded in Volume 601, pages 555-562, File No. 114410, Zapata County Official Records.
30. Pipeline Right of Way and Easement Agreement dated July 31, 1998, executed by Francis Matthew Herbst, Jr. to Tejas Energy Operating Company, recorded in Volume 601, pages 573-581, File No. 114412, Zapata County Official Records.
31. Non-Exclusive Term Pipeline Right of Way and Surface Facility dated August 15, 1998, executed by Mary Josephine H. Garcia to Tejas Energy Operating Company, recorded in Volume 601, pages 582-593, Zapata County Official Records.
32. Surface Site Lease and Road Use Agreement dated February 22, 2000, executed by Mary Josephine Herbst Garcia to Chevron U. S. A. Inc., recorded in Volume 628, pages 874-883, File No. 119137, Zapata County Official Records.
33. Surface Site Lease and Road Use Agreement dated December 2, 2002, executed by Mary Josephine Herbst Garcia to Chevron U. S. A. Inc., recorded in Volume 752, pages 357-366, File No. 140443, and Amended by First Amendment filed December 1, 2011 and recorded in Volume 900, pages 734-737, File No. 163376, Zapata County Official Records.
34. Mineral Deed dated August 22, 1930, executed by Juan Vidaurri and wife to M. J. Raymond, recorded in Volume 24, pages 96-97, Zapata County Deed Records.
35. Royalty Deed dated October 11, 1948, executed by Antonia M. Vda. de Vidaurri and Alejandro Vidaurri to M. J. Raymond, recorded in Volume 62, pages 496-498, Zapata County Deed Records.
36. Mineral Deed dated October 11, 1948, executed by M. J. Raymond to Antonia M. Vda. de Vidaurri and Alejandro Vidaurri, recorded in Volume 62, pages 499-500, Zapata County Deed Records.
37. Royalty Deed dated October 11, 1948, executed by Antonia M. Vda de Vidaurri, et al to John G. Hurd, recorded in Volume 63, pages 574-577, Zapata County Deed Records.
38. Royalty Deed dated March 22, 1951, executed by Fred S. Dibble to Chester V. Crawford, et ux, recorded in Volume 67, pages 320-322, Zapata County Deed Records.
39. Royalty Deed dated March 22, 1951, executed by Fred S. Dibble to C. V. Crawford, recorded in Volume 67, pages 322-324, Zapata County Deed Records.

40. Royalty Deed dated March 22, 1951, executed by Fred S. Dibble to Dr. F. Paul Burow, recorded in Volume 67, pages 324-326, Zapata County Deed Records.
41. Royalty Deed dated March 17, 1951, executed by Trans-Tex Royalty Corp. to Fred S. Dibble, recorded in Volume 68, pages 215-217, Zapata County Deed Records.
42. Royalty Deed dated March 22, 1951, executed by Fred S. Dibble to H. E. Turley, recorded in Volume 68, pages 222-224, Zapata County Deed Records.
43. Royalty Deed dated March 22, 1951, executed by Fred S. Dibble to H. G. Schulte, recorded in Volume 68, pages 228-230, Zapata County Deed Records.
44. Royalty Deeds dated March 22, 1951, executed by Fred S. Dibble to Joe A. Goeth and Ralph C. Goeth, recorded in Volume 68, pages 264-266 and pages 266-268, Zapata County Deed Records.
45. Royalty Deeds dated March 22, 1951, executed by Fred S. Dibble to Edward M. Letlow, Matthew E. Perry, and W. Dudley Hunter, recorded in Volume 68, pages 383-384, pages 385-386 and pages 387-388, Zapata County Deed Records.
46. Royalty Deed dated February 2, 1951, executed by John G. Hurd to Trans-Tex Royalty Corp., recorded in Volume 68, pages 462-464, Zapata County Deed Records.
47. Royalty Deed dated November 6, 1951, executed by Trans-Tex Royalty Corporation to W. D. Blaydes, recorded in Volume 69, pages 262-264, Zapata County Deed Records.
48. Royalty Deed dated November 6, 1951, executed by Trans-Tex Royalty Corporation to Robert Lee Hunter, Jr., recorded in Volume 71, pages 354-356, Zapata County Deed Records.
49. Royalty Deed dated January 30, 1952, executed by Trans-Tex Royalty Corporation to Fred S. Dibble, recorded in Volume 71, pages 490-493, Zapata County Deed Records.
50. Royalty Deed dated February 19, 1952, executed by Trans-Tex Royalty Corporation to Creshaw Royalty Corporation, recorded in Volume 73, pages 41-43, Zapata County Deed Records.
51. Royalty Deeds dated February 4, 1952, executed by Fred S. Dibble to Mrs. George R. Jordan, Jr. and Mrs. N. M. Harrel, Jr., recorded in Volume 73, pages 53-55 and pages 55-57, Zapata County Deed Records.
52. Royalty Deed dated April 24, 1952, executed by Fred S. Dibble to Walter S. Myrick, recorded in Volume 74, pages 105-107, Zapata County Deed Records.
53. Royalty Deeds dated October 6, 1952, executed by Fred S. Dibble to Edward R. Pierce, Howard A. Pierce and George H. Tilson, recorded in Volume 75, pages 240-242, pages 242-244 and pages 244-246, Zapata County Deed Records.
54. Royalty Deed dated October 8, 1952, executed by Fred S. Dibble to J. A. Droege, Jr., recorded in Volume 75, pages 246-248, Zapata County Deed Records.
55. Royalty Deed dated October 6, 1952, executed by Fred S. Dibble to Chester V. Crawford, recorded in Volume 75, pages 268-269, Zapata County Deed Records.
56. Royalty Deed dated April 25, 1952, executed by Fred S. Dibble to Herbert H. Ulbricht, recorded in Volume 76, pages 215-217, Zapata County Deed Records.
57. Royalty Deed dated October 15, 1955, executed by A. C. Smith to Trans-Tex Royalty Corporation, recorded in Volume 84, pages 534-536, Zapata County Deed Records.

58. Royalty Deed dated July 1, 1957, executed by Fred S. Dibble to Mr. & Mrs. Bruce R. Royal, recorded in Volume 89, pages 215-217, Zapata County Deed Records.
59. Royalty Deed filed January 21, 1963, executed by Trans-Tex Royalty Corporation to Robert E. Coen, recorded in Volume 115, pages 128-129, File No. 21911, Zapata County Deed Records.
60. Subject to undivided interest as stated therein deed dated Jul 3, 1975, executed by Rosa Vidaurri and Anita L. Vidaurri to Maria Vidaurri Herbst, recorded in Volume 190, pages 363-366, File No. 39145, Zapata County Deed Records.
61. Royalty Deed dated February 2, 1976, executed by Trans-Tex Royalty Corporation to F. Bailey Summers, recorded in Volume 198, pages 367-370, File No. 41466, Zapata County Deed Records.
62. Royalty Deed filed July 13, 1976, executed by Trans-Tex Royalty Corp. to George E. Votruba, recorded in Volume 201, pages 204-205, File No. 42334, Zapata County Deed Records.
63. Conveyance of Non-Participating Royalty Interest dated December 20, 1977, executed by John G. Hurd to Killam & Hurd, Ltd., recorded in Volume 214, pages 115-118, File No. 45715, and Conveyed to Killam Oil Co. and Hurd Enterprises, Ltd. in Volume 375, pages 657-678, File No. 76858, Zapata County Deed Records.
64. Mineral and Royalty Deed dated March 25, 1983, executed by Myrl Motheral to Dorothy M. Cloud, recorded in Volume 272, pages 681-684, File No. 60173, Zapata County Deed Records.
65. Royalty Deed dated July 2, 1985, executed by Mary Ruth Blaydes to InterFirst Bank Dallas, N. A., as Trustee of the Mary Ruth Blaydes Revocable Trust, recorded in Volume 308, pages 800-802, File No. 67669, Zapata County Official Records.
66. Royalty Deed dated July 17, 1987, executed by Kenneth R. Chupik, Executor of the Estate of Theo D. Letlow, deceased to Kenneth R. Chupik, recorded in Volume 366, pages 709-720, File No. 75658, Zapata County Official Records.
67. Royalty Deed effective June 1, 1988, executed by Billie Jean Minot a/k/a Mrs. Stephen S. Minot to RLD Investments, Inc., recorded in Volume 391, pages 214-216, File No. 79579, Zapata County Official Records.
68. Royalty Deed effective June 1, 1988, executed by Janie Briner Poteet to RLD Investments, Inc., recorded in Volume 391, pages 791-793, File No. 79705, Zapata County Official Records.
69. Royalty Deed effective June 1, 1988, executed by Paul J. Wingert to RLD Investments, Inc., recorded in Volume 392, pages 396-398, File No. 79780, Zapata County Official Records.
70. Quitclaim Mineral Deed dated July 22, 1988, executed by Paul L. Minot to Billie Jean Minot a/k/a Mrs. Stephen S. Minot, recorded in Volume 392, pages 726-727, File No. 79866, Zapata County Official Records.
71. Royalty Deed effective June 1, 1988, executed by RLD Investments, Inc. to KerrCo., Ltd. and TAC Resources, Inc., recorded in Volume 392, pages 804-807, File No. 79879, Zapata County Official Records.
72. Royalty Deed effective June 1, 1988, executed by J. Paul Wingert, Jr. to RLD Investments, Inc., recorded in Volume 396, pages 819-821, File No. 80539, Zapata County Official Records.

73. Royalty Deed effective June 1, 1988, executed by RLD Investments, Inc. to KerrCo., Ltd. and TAC Resources, Inc., recorded in Volume 397, pages 495-497, File No. 80641, Zapata County Official Records.
74. Royalty Deed effective June 1, 1988, executed by TAC Resources, Inc. to D. W. short and Scott Graef, recorded in Volume 398, pages 407-410, File No. 80779, Zapata County Official Records.
75. Royalty Deed dated October 22, 1988, executed by TAC Resources, Inc. and KerrCo., Ltd. to George E. Votruba, recorded in Volume 399, pages 876-882, File No. 81046, Zapata County Official Records.
76. Quitclaim Mineral and Royalty Deed dated February 22, 1990, executed by Myrl Motheral to Dorothy M. Cloud, recorded in Volume 422, pages 63-65, File No. 84843, Zapata County Official Records.
77. Royalty Deed dated February 12, 1990, executed by Joe R. Motheral to Joe R. Motheral, et al, Trustees, recorded in Volume 425, pages 591-592, File No. 85482, Zapata County Official Records.
78. Mineral and Royalty Deeds filed February 23, 1995, executed by Dorothy Darlene Gamble Stoll, Individually and as Executor of Estate of W. Dudley Hunter, deceased, Bob Roy Hunter and Sharon Cabbell Roy to Resaca Royalty Partners, Lechuza Energy Co. and Saxet Petroleum Co., recorded in Volume 513, pages 862-864, File No. 100662, pages 865-867, File No. 100663 and pages 868-870, File No. 1000664, Zapata County Official Records.
79. Mineral Estate Executor's Deed dated April 2, 1996, executed by Edward J. Herbst, Independent Executor of the Estate of Maria Vidaurri Herbst, deceased to Mary Josephine H. Garcia, et al, recorded in Volume 544, pages 776-785, File No. 105597, Zapata County Official Records.
80. Mineral Estate Interest as set forth in Executor's Correction Deed dated July 10, 1996, executed by Edward J. Herbst, Independent Executor of the Estate of Maria Vidaurri Herbst, deceased to Mary Josephine H. Garcia, et al, recorded in Volume 545, pages 95-98, File No. 105634, Zapata County Official Records.
81. Royalty Deed dated July 29, 1997, executed by Joe A. Goeth to Goeth Mineral Partnership, recorded in Volume 578, pages 471-473, File No. 110207, Zapata County Official Records.
82. Mineral Deed dated December 18, 2001, executed by F. Bailey Summers, aka Frank Bailey Summers, et al to Pal-Sum, Ltd., recorded in Volume 664, pages 85-89, File No. 125029, Zapata County Official Records.
83. General Mineral Warranty Deed dated December 17, 2002, executed by F. Bailey Summers, et al to F. Bailey Summers, recorded in Volume 674, pages 731-735, File No. 126684, Zapata County Official Records.
84. Royalty Interest Warranty Deed dated November 30, 2002, executed by Killam Oil Co., Ltd. to Killam Investments, Ltd., recorded in Volume 687, pages 480-481, File No. 128950, Zapata County Official Records.
85. Quitclaim Mineral Deed dated March 16, 1994, executed by Delores R. Pack to the Trustee(s) of the Delores R. Pack Revocable Trust, recorded in Volume 699, pages 491-492, File No. 131122, Zapata County Official Records.
86. Subject to undivided mineral interest as set forth in Distribution Deed dated April 21, 2005, executed by Jennifer Herbst Vergara, Temporary Administrator of the Estate of Francis Matthew Herbst, Jr., deceased to Jennifer Herbst Vergara and Sandra Ann Herbst, recorded in Volume 737, pages 283-284, File No. 137625, Zapata County Official Records.

87. Royalty Deed dated April 1, 2007, executed by Bank of America, N. A., as Trustee to Barton Dudley Blaydes, as Executor of the Estate of Mary Ruth Blaydes, recorded in Volume 792, pages 912-916, File No. 147457, Zapata County Official Records.
88. Royalty Deed dated May 24, 2007, executed by Barton Dudley Blaydes, as Independent Executor of the Estate of Mary Ruth Blaydes to Barton Dudley Blaydes and Sharon Blaydes Callison, recorded in Volume 792, pages 917-920, File No. 147458, Zapata County Official Records.
89. Conveyance of Mineral and Royalty interest as set forth in Distribution Deed dated July 1, 2007, executed by Bank of America, N. A., as Trustee to Barton D. Blaydes, recorded in Volume 796, pages 841-843, File No. 148139, and Corrected in Volume 828, pages 880-885, File No. 152791, Zapata County Official Records.
90. Mineral Deeds dated July 20, 2010, executed by Gloria R. Woods to Woods Tres, L. L. C., recorded in Volume 879, pages 644-651, File No. 160197, pages 652-655, File No. 160198, pages 656-660, File No. 160199, pages 661-670, File No. 160200, pages 671-680, File No. 160201, pages 681-685, File No. 160202 and pages 686-689, File No. 160203, Zapata County Official Records.
91. Mineral and Royalty Deed dated December 19, 2011, executed by Royalty Interests Partnership, LP to Saxet Petroleum, Inc., recorded in Volume 902, pages 405-408, File No. 163598, Zapata County Official Records.

TO HAVE AND TO HOLD the above described premises, together with all the rights and appurtenances lawfully accompanying it, by the Grantee, Grantee's heirs, executors, administrators, successors and/or assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, successors and/or assigns to WARRANT AND FOREVER DEFEND all the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors and/or assigns, against every person whomsoever claiming or to claim the same or any part thereof.

But it is expressly agreed that the Vendor's Lien, as well as Superior Title in and to the above-described premises, is retained against the above-described property, premises and improvements until the above-described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute. **ZAPATA NATIONAL BANK**, ("Lender"), at the instance and request of the Grantee herein, having advanced and paid in cash to the Grantor herein that portion of the purchase price of the herein described property as is evidenced by the hereinabove described Note, the Vendor's Lien, together with the Superior Title to said property, is retained herein for the benefit of said Lender and the same are hereby TRANSFERRED AND ASSIGNED to said Lender, its successors, and assigns.

The use of any pronoun herein to refer to Grantor or Grantee shall be deemed a proper reference even though Grantor and/or Grantee may be an individual (either male or female), a corporation, a partnership or a group of two or more individuals, corporations and/or partnerships, and when this Deed is executed by or to a corporation, or trustee, the words heirs, executors and administrators or heirs and assigns shall, with respect to such corporation or trustee, be construed to mean "successors and assigns."

Current ad valorem taxes on the property having been prorated, the payment thereof is assumed by Grantee.

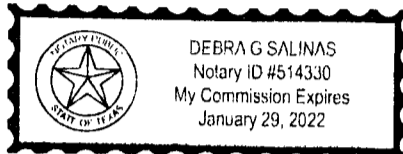
EXECUTED this 8 day of DECEMBER 2020.

Mary Josephine H. Garcia  
Mary Josephine H. Garcia

THE STATE OF TEXAS     §

COUNTY OF WEBB         §

The foregoing instrument was acknowledged before me on the 8 day of December 2020,  
by Mary Josephine H. Garcia.



[Signature]  
NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME OF NOTARY \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

Grantee's Address:

1801 Carla St.  
Zapata Tx 78076

EXHIBIT 'A

Situated in Zapata County, Texas and being:

TRACT III, SHARE IV

FIELDNOTES OF A 236.9207 ACRES (10320264.7919 SQ. FT.) TRACT OF LAND, more or less, out of the Maria Vidaurri Herbst Share 4, of the La Laja Farm and Ranch Partition located in the Dolores Subdivision of the Jose Vasques Borrego Grant, Abstract 209, Zapata County, Texas, with reference to Final Order Confirming Partition of the La Laja Farm Partition, Cause 28,230, issued by the 49th Judicial District, dated November 19, 1974; and the Partition Map prepared from a survey by C. V. Howland Jr., directed by 49th District Court in Cause No. 28,230 and certified to as amended on July 17, 1974 by C. V. Howland Jr., Registered Public Surveyor and more fully described as follows:

BEGINNING at a point on a fence line, a south line of Tract V of the La Laja Farm Partition, Cause #28,230, the north line of the Maria Vidaurri Herbst Share 4, of the La Laja Farm and Ranch Partition, (Lambert Coordinates N:568064.97, E:1696525.50), the most northerly northwest corner hereof, which point bears N75°54'19" W, a distance of 568.08' from the most westerly corner of Tract V;

THENCE along the common boundary between Tract V and Share 4, the following:

S75°54'19" E, a distance of 568.08' the west corner of Tract V;  
S75°54'13.6" E, a distance of 723.0111';  
S09°31'35" W, a distance of 827.76';  
S75°19'33" E, a distance of 201.9733' for the most easterly northeast corner hereof;

THENCE S02°41'12.9" E, along a common line with Tract 2, Share 4 of this Partition, a distance of 3605.5704' the most easterly southeast corner hereof, the southwest corner of Tract 2, Share 4;

THENCE along the north line of the 307.0' elevation tract acquired by the U. S. Government, the following bearings and distances:

S64°54'00" W, a distance of 215.3315'  
N17°54'00" W, a distance of 504.4199'  
S16°32'00" W, a distance of 333.8100'  
S15°31'00" E, a distance of 280.2200'  
S61°32'00" W, a distance of 671.1901'  
N44°27'00" W, a distance of 735.4200'  
N81°52'00" W, a distance of 318.1900'  
N29°20'00" W, a distance of 1020.8300'  
N57°15'00" W, a distance of 850.1900'  
N53°39'00" W, a distance of 77.0252' the most westerly corner hereof;

THENCE N25°25'53.1" E, a distance of 846.6119' a deflection left;

THENCE N25°25'39.0" E, a distance of 2850.882' to the PLACE OF BEGINNING.

NOTE: Basis of bearings taken from the C. V. Howland survey of the La Laja Portion, dated July 17, 1974, beginning with the Highway Bearing from Lambert N:571559.77, E:1701618.52.

Exhibit A, Page 2 of 2

**PARCEL #4B**

A 21.8203 acre tract of land, more or less, out of Tracts IV and V each one a 108.239 acre tract, out of the La Laja Farm and Ranch Partition in the Dolores Subdivision in the Jose Vasquez Borrego Grant, Abstract #209, Zapata County, Texas, said La Laja Farm Partition described in Amended Report of Commissioners dated August 7, 1974, of the Partition of the La Laja Farm and Ranch and finally approved by Final Order of the 49th Judicial Court on February 6, 1985, in Cause No. 28,230 and 33,734 (consolidated), 49th Judicial District, Webb County, Texas; this 43.2957 acre parcel being more fully described as follows:

BEGINNING at a point, the southwest corner of Tract III, of the La Laja Ranch Partition, (Lambert coordinates north 570,891.71 East 1,701,665.87 Texas South Zone) in the center of U.S. Highway 83, on the west line of Share 3 of the La Laja Ranch Partition; this point being S04°03'15"E, a distance of 669.7359' from a point in the center of U.S. Highway 83, the northwest corner of Share 3 and southeast corner of Share 2 of the La Laja Ranch Partition Lambert coordinates N 571,559.77 E 1,701,618.52;

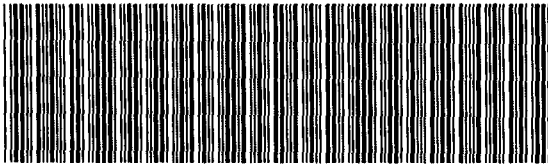
THENCE S39°35'51.1"W, a distance of 4401.2335' to the point of beginning for the description of this Parcel 4B, being the northeast corner of this parcel;

THENCE S07°19'40.0"W, a distance of 863.8200' to a point being the southeast corner hereof;

THENCE N75°19'33.0"W, a distance of 1147.0800' to a point, said point being the southwest corner of this parcel;

THENCE N09°31'35.0"E, a distance of 827.7600' to a corner being the northwest corner hereof;

THENCE S76°59'30.0"E, a distance of 1111.3657' to the place of beginning.



\*VG-1119-2020-184524\*

**Zapata County**  
**Mary Jayne Villarreal-Bonoan**  
Zapata County Clerk

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**Instrument Number: 184524**

Real Property Recordings

WARRANTY DEED WITH VENDOR'S LI

Recorded On: December 17, 2020 02:05 PM

Number of Pages: 12

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**" Examined and Charged as Follows: "**

Total Recording: \$66.00

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**\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\***

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 184524  
Receipt Number: 20201217000007  
Recorded Date/Time: December 17, 2020 02:05 PM  
User: Lorena G  
Station: CCLERK03

**Record and Return To:**

NEEL TITLE CORPORATION CORPORATION  
P.O. BOX 450029  
LAREDO TX 78045



STATE OF TEXAS  
COUNTY OF ZAPATA

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Zapata County, Texas.

Mary Jayne Villarreal-Bonoan  
Zapata County Clerk  
Zapata County, TX

Google Maps 27°13'01.2"N 99°26'21.6"W



imagery ©2021 Maxar Technologies, Map data ©2021 NEG 200 ft



27°13'01.2"N 99°26'21.6"W

27.217012, 99.439319



Directions



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Nearby



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phone



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North America

6H86+R7 El Cenizo, Texas

## Photos



Photos

## **SURFACE MATERIAL LEASE**

**This agreement is made and entered into by and between JOSE LUIS GUEVARA, JR., hereinafter collectively called "Lessor," and UPPER VALLEY MATERIALS, LLC, hereinafter called "Lessee," in Hidalgo County, Texas.**

### **AGREEMENT**

Now therefore, for good and valuable consideration, the Parties agree as follows:

1. Lessor hereby leases to Lessee commencing on July 1, 2021, and for the purposes described below, that certain real property situated in Zapata County, Texas, and being more particularly described in Exhibit A, which is attached hereto and made a part hereof for all purposes (the "Property"), Lessor agrees to mark and stake the boundaries of the Property.

This Lease is for the sole purpose of excavating from the Property sand and gravel surface material excluding oil, gas and similar minerals. Lessee shall have the exclusive right to excavate on the property. Lessee shall have the right to place any equipment on the Property, including processing equipment that is necessary and incident to the purposes for which the Property is leased. In the event materials are exhausted, Lessee has the right to remove any and all equipment on said property.

2. Lessee shall have the right of ingress and egress to the Property at all times, and shall have the right to make any and all improvements necessary for the proper handling of the sand and gravel surface material to be excavated, processed and/or marketed under this consent in writing, which consent shall be reasonably granted, and provided further that such written consent may provide for disposition of said improvements upon termination of this Lease.

3. The right herein granted by Lessor to Lessee for the removal of sand and gravel surface material shall be exclusive to Lessee, and not to any other third party. UPPER VALLEY MATERIALS, LLC shall have the right of first refusal to lease the property owned by Lessor.

4. Lessee is hereby granted the right to dynamite hard surfaces on the leased premises to facilitate the removal of surface material.

5. Lessee agrees to pay Lessor the sum of \$1.50 per ton sales royalty for sand and gravel material removed from this Lease property. Commencing October 1<sup>st</sup>, 2021, Lessee agrees to pay Lessor a minimum monthly royalty of \$4,000.00, this minimum monthly royalty will be credited against any sales royalty each month and can carry to subsequent months. Lessee agrees to honor existing material sales agreement between Lessor and Hawk Ready Mix, Lessor will pay Lessee \$14.50 per ton for concrete sand and \$13.50 for concrete gravel sold to Hawk Ready Mix. Such amounts shall be payable on or before the 15<sup>th</sup> day following each month.

6. Lessor shall have the exclusive and sole use of all land not actually being used by Lessee in its operation for the excavation, processing and/or marketing of surface material. Lessee agrees to carry on all operations in a workmanlike manner and to confine said operations to the minimum area necessary for economical operation. The parties acknowledge that the use of the Property by virtue of this Lease will necessarily alter the condition of the Property from what it was on the date of commencement to this Lease. At the end of this Lease, Lessee shall deliver the Property substantially free of trash and similar debris.

7. Lessor represents and warrants that Lessor has good and indefeasible title to the Real Property and the right and power to convey the Property to Lessee for the use provided in this Lease.

8. Upon notification by Lessee that Lessee has obtained the necessary permits, Lessee, if needed, shall cause to be drilled on the Property one or more water wells at the location selected by the water well driller to produce the best source of water and sufficient to supply enough water for Lessee's operations on the Property. Such well or wells shall be drilled at the expense of Lessee.

9. Lessee hereby agrees to indemnify and hold harmless Lessor, Jose Luis Guevara, Jr., (Individually and collectively "Indemnified Person") from and for any and all liability for liens, claims, damages arising from the mining operation.

10. Lessee will be responsible for providing a big truck scale for weighing materials sold. If, at any given time, the big truck scale is inoperable, Lessee shall provide an alternate scale before any materials will be hauled out.

11. The Company will allow Lessor or Lessor's employees to inspect the Property at any time.

12. This lease shall inure to the benefit of and shall be binding on the heirs, legal representatives, successors and assigns of Lessee. Lessor's address is 1801 Carla Street Zapata, Texas 78076. Lessee's address is 3609 West Palma Vista Drive Palmview, Texas 78572.

13. All notices required to be given hereunder and all payments shall be given to the respective party at such addresses above, as the parties respectively have designated by written notice.

14. This lease shall inure to the benefit of and shall be binding on the heirs and assignees of Lessees. This lease is transferable and assignable by Lessees.

Executed this the 23<sup>rd</sup> day of July, 2021.

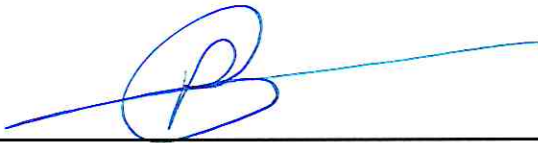
**LESSOR:**

**JOSE LUIS GUEVARA, JR.**

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**LESSEE:**

**UPPER VALLEY MATERIALS, LLC**



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**By: Rufino Garza, Managing Partner**

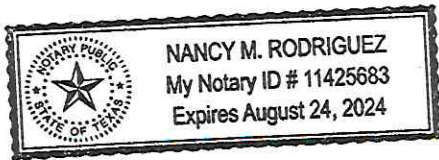


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**By: Ramiro J. Flores, Managing Partner**

STATE OF TEXAS       §  
                                  §  
COUNTY OF HIDALGO   §

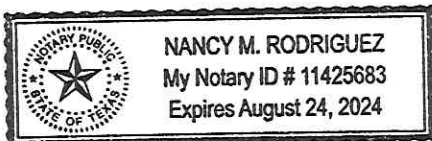
ON THIS 18<sup>th</sup> day of Aug., 2021, before me appeared RUFINO GARZA, to me personally known, who, being by me duly sworn, did say that he is the MANAGER of UPPER VALLEY MATERIALS, LLC and that the foregoing instrument was signed on behalf of said limited liability corporation, and said RUFINO GARZA acknowledges said instrument to be a free act and deed of said corporation.



/s/ [Signature]  
Notary Public in and for  
State of Texas  
Name: Nancy M. Rodriguez

STATE OF TEXAS       §  
                                  §  
COUNTY OF HIDALGO   §

ON THIS 18<sup>th</sup> day of Aug., 2021, before me appeared RAMIRO J. FLORES, to me personally known, who, being by me duly sworn, did say that he is the MANAGER of UPPER VALLEY MATERIALS, LLC and that the foregoing instrument was signed on behalf of said limited liability corporation, and said RAMIRO J. FLORES acknowledges said instrument to be a free act and deed of said corporation.



/s/ [Signature]  
Notary Public in and for  
State of Texas  
Name: Nancy M. Rodriguez

the Real Property and the right and power to convey the Property to Lessee for the use provided in this Lease.

8. Upon notification by Lessee that Lessee has obtained the necessary permits, Lessee, if needed, shall cause to be drilled on the Property one or more water wells at the location selected by the water well driller to produce the best source of water and sufficient to supply enough water for Lessee's operations on the Property. Such well or wells shall be drilled at the expense of Lessee.

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12. This lease shall inure to the benefit of and shall be binding on the heirs, legal representatives, successors and assigns of Lessee. Lessor's address is 1801 Carla Street Zapata, Texas 78076. Lessee's address is 3609 West Palma Vista Drive Palmview, Texas 78572.

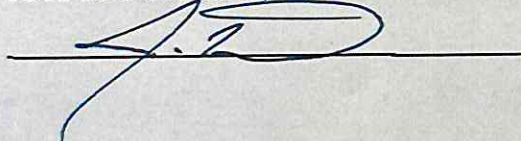
13. All notices required to be given hereunder and all payments shall be given to the respective party at such addresses above, as the parties respectively have designated by written notice.

14. This lease shall inure to the benefit of and shall be binding on the heirs and assignees of Lessees. This lease is transferable and assignable by Lessees.

Executed this the 23<sup>rd</sup> day of July, 2021.

LESSOR:

JOSE LUIS GUEVARA, JR.



LESSEE:

UPPER VALLEY MATERIALS, LLC

By: Rufino Garza, Managing Partner

By: Ramiro J. Flores, Managing Partner

ACKNOWLEDGMENTS

STATE OF TEXAS

§

COUNTY OF ZAPATA

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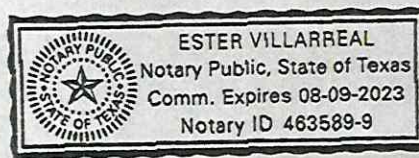
ON THIS 23<sup>rd</sup> day of July, 2021, before me appeared, to me personally known, and said Lessor, Jose Luis Guevara, Jr. and acknowledges said instrument to be a free act and deed.

/s/

Notary Public in and for  
State of Texas

Name:

Esther Villarreal  
Esther M. Villarreal



STATE OF TEXAS

§

§

COUNTY OF HIDALGO

§

ON THIS \_\_\_\_ day of \_\_\_\_\_, 2021, before me appeared RUFINO GARZA, to me personally known, who, being by me duly sworn, did say that he is the MANAGER of UPPER VALLEY MATERIALS, LLC and that the foregoing instrument was signed on behalf of said limited liability corporation, and said RUFINO GARZA acknowledges said instrument to be a free act and deed of said corporation.

/s/

Notary Public in and for  
State of Texas

Name: \_\_\_\_\_

STATE OF TEXAS

§

§

COUNTY OF HIDALGO

§

ON THIS \_\_\_\_ day of \_\_\_\_\_, 2021, before me appeared RAMIRO J. FLORES, to me personally known, who, being by me duly sworn, did say that he is the MANAGER of UPPER VALLEY MATERIALS, LLC and that the foregoing instrument was signed on

## EXHIBIT 'A

Situated in Zapata County, Texas and being:

### TRACT III, SHARE IV

FIELDNOTES OF A 236.9207 ACRES (10320264.7919 SQ. FT.) TRACT OF LAND, more or less, out of the Maria Vidaurri Herbst Share 4, of the La Laja Farm and Ranch Partition located in the Dolores Subdivision of the Jose Vasques Borrego Grant, Abstract 209, Zapata County, Texas, with reference to Final Order Confirming Partition of the La Laja Farm Partition, Cause 28,230, issued by the 49th Judicial District, dated November 19, 1974; and the Partition Map prepared from a survey by C. V. Howland Jr., directed by 49th District Court in Cause No. 28,230 and certified to as amended on July 17, 1974 by C. V. Howland Jr., Registered Public Surveyor and more fully described as follows:

BEGINNING at a point on a fence line, a south line of Tract V of the La Laja Farm Partition, Cause #28,230, the north line of the Maria Vidaurri Herbst Share 4, of the La Laja Farm and Ranch Partition, (Lambert Coordinates N:568064.97, E:1696525.50), the most northerly northwest corner hereof, which point bears N75°54'19" W, a distance of 568.08' from the most westerly corner of Tract V;

THENCE along the common boundary between Tract V and Share 4, the following:

S75°54'19" E, a distance of 568.08' the west corner of Tract V;  
S75°54'13.6" E, a distance of 723.0111';  
S09°31'35" W, a distance of 827.76';  
S75°19'33" E, a distance of 201.9733' for the most easterly northeast corner hereof;

THENCE S02°41'12.9" E, along a common line with Tract 2, Share 4 of this Partition, a distance of 3605.5704' the most easterly southeast corner hereof, the southwest corner of Tract 2, Share 4;

THENCE along the north line of the 307.0' elevation tract acquired by the U. S. Government, the following bearings and distances:

S64°54'00" W, a distance of 215.3315'  
N17°54'00" W, a distance of 504.4199'  
S16°32'00" W, a distance of 333.8100'  
S15°31'00" E, a distance of 280.2200'  
S61°32'00" W, a distance of 671.1901'  
N44°27'00" W, a distance of 735.4200'  
N81°52'00" W, a distance of 318.1900'  
N29°20'00" W, a distance of 1020.8300'  
N57°15'00" W, a distance of 850.1900'  
N53°39'00" W, a distance of 77.0252' the most westerly corner hereof;

THENCE N25°25'53.1" E, a distance of 846.6119' a deflection left;

THENCE N25°25'39.0" E, a distance of 2850.882' to the PLACE OF

Exhibit A, Page 2 of 2

**PARCEL #4B**

A 21.8203 acre tract of land, more or less, out of Tracts IV and V each one a 108.239 acre tract, out of the La Laja Farm and Ranch Partition in the Dolores Subdivision in the Jose Vasquez Borrego Grant, Abstract #209, Zapara County, Texas, said La Laja Farm Partition described in Amended Report of Commissioners dated August 7, 1974, of the Partition of the La Laja Farm and Ranch and finally approved by Final Order of the 49th Judicial Court on February 6, 1985, in Cause No. 28,230 and 33,734 (consolidated), 49th Judicial District, Webb County, Texas; this 43.2957 acre parcel being more fully described as follows:

BEGINNING at a point, the southwest corner of Tract III, of the La Laja Ranch Partition, (Lambert coordinates north 570,891.71 East 1,701,665.87 Texas South Zone) in the center of U.S. Highway 83, on the west line of Share 3 of the La Laja Ranch Partition; this point being S04°03'15"E, a distance of 669.7359' from a point in the center of U.S. Highway 83, the northwest corner of Share 3 and southeast corner of Share 2 of the La Laja Ranch Partition Lambert coordinates N 571,559.77 E 1,701,618.52;

THENCE S39°35'51.1"W, a distance of 4401.2335' to the point of beginning for the description of this Parcel 4B, being the northeast corner of this parcel;

THENCE S07°19'40.0"W, a distance of 863.8200' to a point being the southeast corner hereof;

THENCE N75°19'33.0"W, a distance of 1147.0800' to a point, said point being the southwest corner of this parcel;

THENCE N09°31'35.0"E, a distance of 827.7600' to a corner being the northwest corner hereof;

THENCE S76°59'30.0"E, a distance of 1111.3657' to the place of beginning.