

# 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: Hal E. Bailey, Jr., Project Manager  
Water Rights Permitting Team

DATE: November 7, 2022

SUBJECT: JMRS Partners, Ltd.  
ADJ 2149  
CN606048874, RN102122637  
Application No. 19-2149A to Amend Certificate of Adjudication  
No. 19-2149  
Texas Water Code § 11.122, Not Requiring Notice  
Leon Creek, San Antonio River Basin  
Bexar County

The application was received on October 10, 2022. Application fees were received on October 20, 2022, and additional information was received on October 28 and 31, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on November 7, 2022. No notice is required pursuant to House Bill 1964 and 30 Texas Administrative Code (TAC) §§ 295.158(c)(2)(A) and 295.158(c)(2)(B).

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

*Hal E. Bailey, Jr.*

Hal E. Bailey, Jr., 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 7, 2022

Mr. Devin "Buck" Benson  
Barton Benson Jones PLLC.  
745 E. Mulberry Ave., Suite 550  
San Antonio, Texas 78212

VIA E-MAIL

RE: JMRS Partners, Ltd.  
ADJ 2149  
CN606048874, RN102122637  
Application No. 19-2149A to Amend Certificate of Adjudication No. 19-2149  
Texas Water Code § 11.122, Not Requiring Notice  
Leon Creek, San Antonio River Basin  
Bexar County

Dear Mr. Benson:

This acknowledges receipt, on October 28 and 31, 2022, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on November 7, 2022. Staff will continue processing the application for consideration by the Executive Director.

If you have any questions concerning the application, please contact me via email at [hal.bailey@tceq.texas.gov](mailto:hal.bailey@tceq.texas.gov) or at (512) 239-4615.

Sincerely,

A handwritten signature in cursive script that reads "Hal E. Bailey, Jr.".

Hal E. Bailey, Jr., Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

## Hal Bailey

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**From:** Buck Benson [REDACTED]  
**Sent:** Monday, October 31, 2022 10:04 AM  
**To:** Hal Bailey  
**Subject:** FW: JMRS Partners, Ltd. Application No. 19-2149A Deeds  
**Attachments:** SKM\_C65822103021570.pdf

Hal

My apologies – the parcels (parcel #1091760 for 13.53 acres and parcel #1112998 for 17.1863 acres) should not have been included. I have added up what's in the deeds and what is BCAD. See attached. Could we just use the 368.704 acres?



### DEVIN "BUCK" BENSON

Member | Barton Benson Jones PLLC

Office: (210) 610-5335  
Direct: (210) 640-9146

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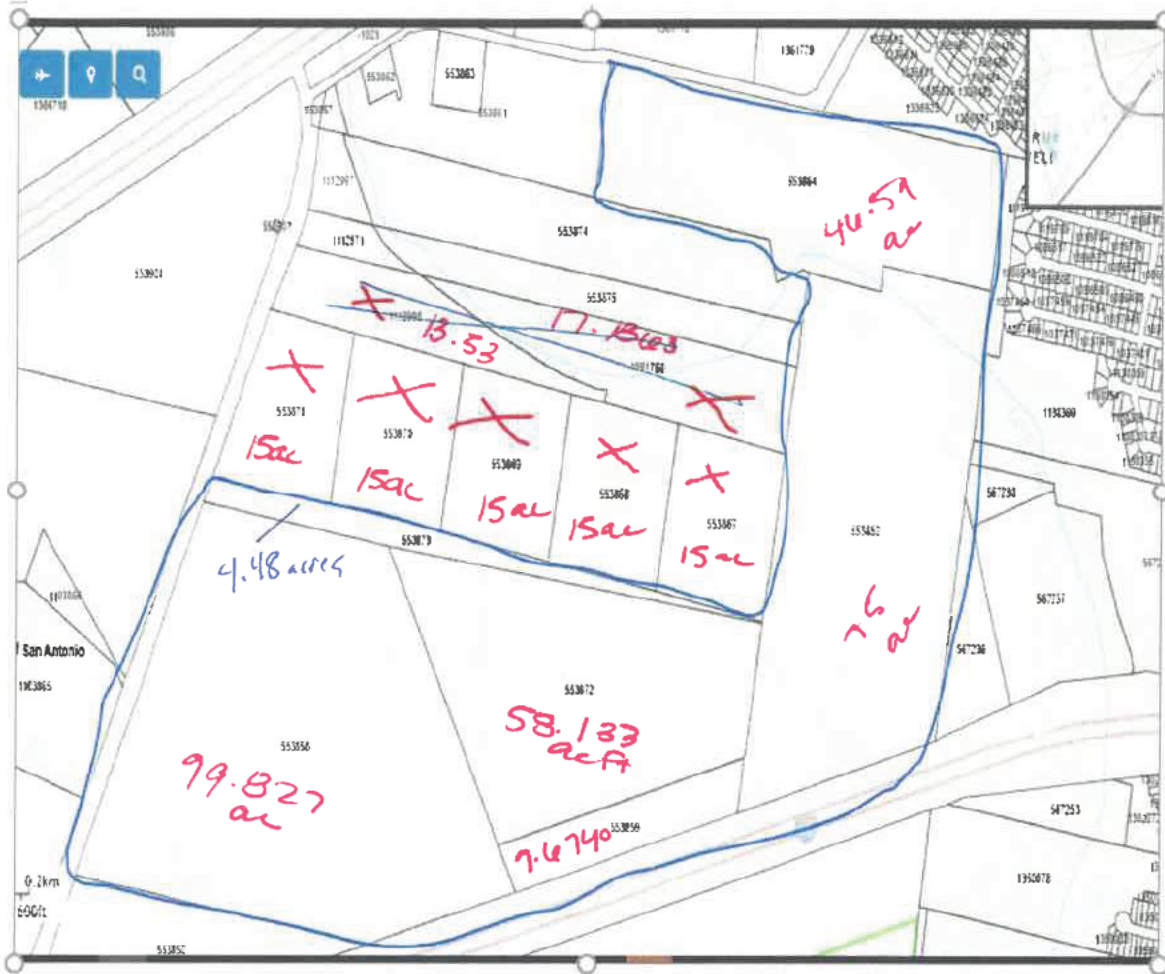
**From:** Hal Bailey <Hal.Bailey@tceq.texas.gov>  
**Sent:** Monday, October 31, 2022 9:25 AM  
**To:** Buck Benson <[REDACTED]>  
**Subject:** JMRS Partners, Ltd. Application No. 19-2149A Deeds

Good morning Buck,

It doesn't appear that the deeds submitted with the application cover the increased acreage you referenced in the RFI response. I have tried several times, but I can't get the acreage to add up to 394.94 to match the map you submitted. Also, when I compared the map to the Bexar CAD, it shows that 2 of the parcels (parcel #1091760 for 13.53 acres and parcel #1112998) are not owned by JMRS Partners, Ltd. Has the applicant recently acquired that land? I may be missing something. Can you please assist? I'm trying to avoid having to send you another RFI.

Thank you,

*Hal E. Bailey, Jr.*  
*Natural Resources Specialist III*  
*Water Rights Permitting Team*  
*Water Availability Division*  
*Texas Commission on Environmental Quality*  
512-239-4615 [Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)



207.8

-18.00  
-2.5

+99.827  
+62.617  
+46.59

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396.334

Deeds

~~396.334~~

46.59  
75.00  
58.133  
9.674

99.827

75

4.48

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368.704

BCAD



## Hal Bailey

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**From:** Buck Benson <[REDACTED]>  
**Sent:** Friday, October 28, 2022 1:43 PM  
**To:** Hal Bailey  
**Subject:** RE: JMRS Partners, Ltd. Application No. 19-2149A RFI

The 394.94 acres includes the 15.3 acres



### DEVIN "BUCK" BENSON

Member | Barton Benson Jones PLLC

Office: (210) 610-5335

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**From:** Hal Bailey <Hal.Bailey@tceq.texas.gov>  
**Sent:** Friday, October 28, 2022 1:41 PM  
**To:** Buck Benson <[REDACTED]>  
**Subject:** RE: JMRS Partners, Ltd. Application No. 19-2149A RFI

Good afternoon Buck,

Does the 394.94 acres include the 15.3 acres they are currently authorized for, or is that the additional acreage?

Thank you,

*Hal E. Bailey, Jr.*  
*Natural Resources Specialist III*  
*Water Rights Permitting Team*  
*Water Availability Division*  
*Texas Commission on Environmental Quality*  
512-239-4615 [Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)

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**From:** Buck Benson <[REDACTED]>  
**Sent:** Friday, October 28, 2022 1:30 PM  
**To:** Hal Bailey <[Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)>  
**Cc:** Chris Kozlowski <[chris.kozlowski@tceq.texas.gov](mailto:chris.kozlowski@tceq.texas.gov)>  
**Subject:** RE: JMRS Partners, Ltd. Application No. 19-2149A RFI

Good afternoon Hal

Please see the attached responses. I went back and looked at the acreage I original identified and where the operation currently resides. I believe I missed some parcels and think I should probably amend the place of use to 394.94 acres. I think that is bigger than what will actually be used but I would rather cover more than less.



**DEVIN "BUCK" BENSON**  
Member | Barton Benson Jones PLLC

Office: (210) 610-5335  
Direct: (210) 640-9146

---

**From:** Hal Bailey <[Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)>  
**Sent:** Wednesday, October 26, 2022 3:25 PM  
**To:** Buck Benson <[REDACTED]>  
**Cc:** Chris Kozlowski <[chris.kozlowski@tceq.texas.gov](mailto:chris.kozlowski@tceq.texas.gov)>  
**Subject:** JMRS Partners, Ltd. Application No. 19-2149A RFI

Good afternoon Mr. Benson,

Attached is a Request for Information (RFI) letter for application no. 12-2149A.

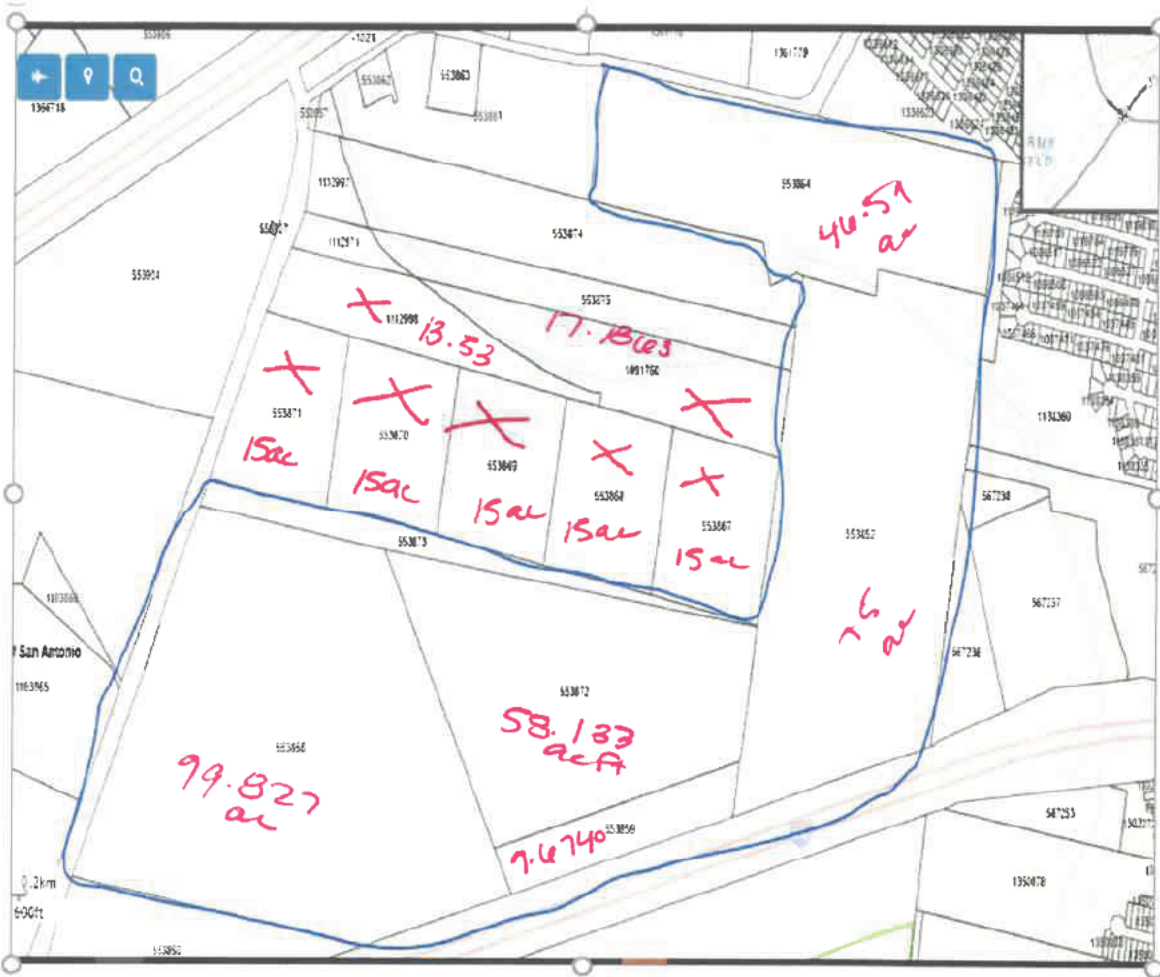
Please provide the requested additional information by COB on 11/28/2022.

Should you have any questions, please let me know.

Thank you,

*Hal E. Bailey, Jr.  
Natural Resources Specialist III  
Water Rights Permitting Team  
Water Availability Division  
Texas Commission on Environmental Quality  
512-239-4615 [Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)*





## Reponses to TCEQ RFI for application

- a. Confirm that the method(s) and/or device(s) 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-20839, Page number 5), is within an accuracy of plus or minus 5.0%. Staff recognizes that this section of the water conservation plan indicates a meter will be used; however, information about the meter's accuracy is not included in this section.

### RESPONSE

The meter that will be installed will have an accuracy of plus or minus 5.0%.

- b. Describe the application of state-of-the-art equipment and/or process modifications to improve water use efficiency as described in Section II. B.5. of the water conservation plan (TCEQ-20839, Page number 5). If this is not applicable, include an explanation of why the requirement is not applicable.

### RESPONSE

The applicant will be utilizing an aggregate material washer to assist in washing the material to help recycle the maximum amount of water.

- c. Describe any other water conservation practices, methods, or techniques which the user shows to be appropriate for achieving the stated goal or goals of the water conservation plan as described in Section II. B.6. of the water conservation plan (TCEQ-20839, Page number 5). If not applicable, include an explanation of why the requirement is not applicable.

### RESPONSE

The applicant will utilize two settling ponds to assist in recycling the maximum amount of water. Applicant will also preform routine inspections of the recycling system to ensure there are no leaks and that it is operating properly.

2. Confirm the proposed place of use is 187.5 acres in Bexar County. Staff notes Page 2 of the *Administrative Information Report* states the applicant is requesting to add 172 acres to the existing 15.3 acres, resulting in a total of 187.3 acres.

### RESPONSE

The proposed place of us should be 394.94 acres.

## Hal Bailey

---

**From:** Hal Bailey  
**Sent:** Wednesday, October 26, 2022 3:25 PM  
**To:** [REDACTED]  
**Cc:** Chris Kozlowski  
**Subject:** JMRS Partners, Ltd. Application No. 19-2149A RFI  
**Attachments:** JMRS\_Partners\_Ltd.\_19-2149A\_RFI\_Sent\_10.26.2022.pdf

Good afternoon Mr. Benson,

Attached is a Request for Information (RFI) letter for application no. 12-2149A.

Please provide the requested additional information by COB on 11/28/2022.

Should you have any questions, please let me know.

Thank you,

*Hal E. Bailey, Jr.  
Natural Resources Specialist III  
Water Rights Permitting Team  
Water Availability Division  
Texas Commission on Environmental Quality  
512-239-4615 [Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)*

Jon Niermann, *Chairman*  
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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 26, 2022

Mr. Devin "Buck" Benson  
Barton Benson Jones PLLC.  
745 E. Mulberry Ave., Suite 550  
San Antonio, Texas 78212

VIA E-MAIL

RE: JMRS Partners, Ltd.  
ADJ 2149  
CN606048874, RN102122637  
Application No. 19-2149A to Amend Certificate of Adjudication No. 19-2149  
Texas Water Code § 11.122, Not Requiring Notice  
Leon Creek, San Antonio River Basin  
Bexar County

Dear Mr. Benson:

This acknowledges receipt, on October 10, and 20, 2022, of the referenced application and fees in the amount of \$112.50 (Receipt No. M301730, copy attached).

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

1. Provide additional information concerning the submitted water conservation plan for industrial use to comply with Title 30 Texas Administrative Code (TAC) § 288.3.
  - a. Confirm that the method(s) and/or device(s) 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-20839, Page number 5), is within an accuracy of plus or minus 5.0%. Staff recognizes that this section of the water conservation plan indicates a meter will be used; however, information about the meter's accuracy is not included in this section.
  - b. Describe the application of state-of-the-art equipment and/or process modifications to improve water use efficiency as described in Section II. B.5. of the water conservation plan (TCEQ-20839, Page number 5). If this is not applicable, include an explanation of why the requirement is not applicable.
  - c. Describe any other water conservation practices, methods, or techniques which the user shows to be appropriate for achieving the stated goal or goals of the water conservation plan as described in Section II. B.6. of the water conservation plan (TCEQ-20839, Page number 5). If not applicable, include an explanation of why the requirement is not applicable.
2. Confirm the proposed place of use is 187.5 acres in Bexar County. Staff notes Page 2 of the *Administrative Information Report* states the applicant is requesting to add 172 acres to the existing 15.3 acres, resulting in a total of 187.3 acres.

Mr. Devin "Buck" Benson  
Application No. 19-2149A  
October 26, 2022  
Page 2 of 2

Please provide the requested information by November 28, 2022, or the application may be returned pursuant to Title 30 TAC § 281.18.

Be aware that the amendment request to add uses to Certificate of Adjudication No. 19-2149 may result in annual Water Use Assessment Fees (WUF). For more detailed information on these fees, see the attached *Water Use Assessment Fee (WUF): Frequently Asked Questions* fact sheet or contact the Water Quality Monitoring & Assessment Section at (512) 239-3838.

If you have any questions concerning this matter, please contact me via email at [hal.bailey@tceq.texas.gov](mailto:hal.bailey@tceq.texas.gov) or by telephone at (512) 239-4615.

Sincerely,



Hal E. Bailey, Jr., Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachments





20-OCT-22 03:05 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP	M301730	2934		BS00098062	20-OCT-22	-\$112.50
H. BAILEY	WUP		102022	N	D3800322		
	WATER USE PERMITS	BARTON	RHDAVIS	CK			
		BENSON					
		JONES PLLC					
Total (Fee Code):							-\$112.50
Grand Total:							-\$54,745.25

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OCT 24 2022  
Water Availability Division

# Water Use Assessment Fee (WUF) Frequently Asked Questions

## What Is This Fee?

The Water Use Assessment Fee is a fee that is assessed annually on applicable water rights permits. Texas Water Code, §26.0135 & 26.0291 authorizes the TCEQ to establish fees to recover the reasonable costs of water quality assessment programs from wastewater and water right permit holders. TCEQ rules, Title 30 Texas Administrative Code (TAC), §21.1-21.4, set out the methodology for assessing water use fees, described below.

## Why are you billed?

If you hold a water right and do not fall under an exemption, then you are subject to the Water Use Assessment Fee. Unless the water right is amended to fall under an exemption, you will be billed for this water right on an annual basis.

Amendments can also make a water right that was not previously billed now billable. If you have not been billed in the past but are now receiving a WUF invoice, this is most likely because your water right has been amended and is now considered billable.

If the water under your water right is being sold to a wastewater treatment plant that pays the Consolidated Water Quality Fee, and you can provide proof of these sales, please contact us using the information at the end of this document.

## What are reasons for exemption?

Exemptions are listed in 30 TAC, § 21.3(c). Exemptions from the Water Use Assessment Fee include: municipal or industrial water rights directly associated with a facility that is assessed a Consolidated Water Quality Fee; agriculture (irrigation) water rights; non-priority hydroelectric water rights for a facility with a capacity of less than 2 megawatts; consumptive authorization less than 250 acre-feet; and non-consumptive authorization less than 2,500 acre-feet.

## How Is the Fee Assessed?

Fees are based on the authorized annual use, not actual use. The total fee is the sum of the separate fees for each authorized water use in each of the following categories for each permit.

The fee rate of **\$0.385** per acre-foot per year applies to authorized consumptive use (municipal, industrial, or mining purposes) if the specified limit is more than 250 acre-feet per year.

The fee rate of **\$0.021** per acre-foot per year applies to authorized non-consumptive use (including hydroelectric and some recreation) if the specified limit is more than 2,500 acre-feet per year.

The maximum water use fee for a single permit is \$127,770, which may be adjusted annually using the latest Consumer Price Index.

## How are Diversion Amounts Distributed Among Uses?

For permits with multiple uses that do not specify the amount per use, the total authorized amount is divided equally among all uses.

**Example:** 10,000 ac-ft for irrigation, municipal, industrial, and mining  
10,000/4 = 2,500 ac-ft per use  
Irrigation is exempt; municipal not billed because wastewater treatment plant that uses the water pays the Consolidated Water Quality Fee; industrial billed \$962.50 for 2,500 ac-ft; mining billed \$962.50 for 2,500 ac-ft.

### **Why do I have Multiple Invoice Numbers?**

Multiple invoice numbers are generated when the water right has multiple uses such as municipal (code 1), industrial (code 2), and mining (code 4). The bill is divided by use for accounting purposes.

### **What If I Have More Than One Account?**

You may send all your payments in one envelope, but please enclose a separate check for each coupon. Do not send a check for the total amount. If the number of checks does not equal the number of coupons, the agency will be unable to determine which accounts to credit. Also, TCEQ will not be able to process your transactions by the automated process, and your account may not be credited in time to avoid late fees.

### **Where Do I Get More Information?**

For copies of the fee rules (30 TAC, §21.1-21.4), refer to the TCEQ rules from the Texas Administrative Code on the Secretary of State's web site at [www.sos.state.tx.us](http://www.sos.state.tx.us). To learn more about the fee, please visit:

<https://www.tceq.texas.gov/agency/financial/fees/water-related-fees>

For billing and account balance information, call the TCEQ's Financial Administration Division, Revenue Section at (512) 239-0369.

If you have any questions about the Water Use Assessment Fee or the rates for your water right, contact the Water Quality Monitoring & Assessment Section at (512) 239-3838, or via email at [wateruse@tceq.texas.gov](mailto:wateruse@tceq.texas.gov), or write to:

Texas Commission on Environmental Quality  
Water Quality Monitoring & Assessment, MC 234  
Water Use Fees  
P.O. Box 13087  
Austin, TX 78711-3087

October 5, 2022

Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: JMRS Partners, Ltd. Application

To whom it may concern:

Enclosed in this package you will find:

1. TCEQ Water Rights Permitting Application
2. Industrial Conservation Plan Application
3. Letter of Authority
4. Marshall Criteria
5. Recorded Deeds for Permit Amendment
6. Maps of Property
7. Check 2934 in the amount of \$112.50

Customer sent  
check NOT  
signed. Cashiers  
office returned  
check # 2934  
- Thanks Veronica Torrez

Respectfully,  
Abigail Escobar  
Legal Secretary to Devin "Buck" Benson

**RECEIVED**

OCT 10 2022

Water Availability Division

# 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): JMRS Partners, Ltd.

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/N	
<u>Y</u>	<b>Administrative Information Report</b>	<u>N</u>	<b>Worksheet 3.0</b>
<u>N</u>	Additional Co-Applicant Information	<u>N</u>	Additional W.S 3.0 for each Point
<u>N</u>	Additional Co-Applicant Signature Pages	<u>N</u>	Recorded Deeds for Diversion Points
<u>Y</u>	Written Evidence of Signature Authority	<u>N</u>	Consent For Diversion Access
<u>Y</u>	<b>Technical Information Report</b>	<u>N</u>	<b>Worksheet 4.0</b>
<u>Y</u>	USGS Map (or equivalent)	<u>N</u>	TPDES Permit(s)
<u>Y</u>	Map Showing Project Details	<u>N</u>	WWTP Discharge Data
<u>N</u>	Original Photographs	<u>N</u>	Groundwater Well Permit
<u>N</u>	Water Availability Analysis	<u>N</u>	Signed Water Supply Contract
<u>Y</u>	<b>Worksheet 1.0</b>	<u>N</u>	<b>Worksheet 4.1</b>
<u>N</u>	Recorded Deeds for Irrigated Land	<u>N</u>	<b>Worksheet 5.0</b>
<u>N</u>	Consent For Irrigation Land	<u>N</u>	Addendum to Worksheet 5.0
<u>N</u>	<b>Worksheet 1.1</b>	<u>N</u>	<b>Worksheet 6.0</b>
<u>N</u>	Addendum to Worksheet 1.1	<u>Y</u>	Water Conservation Plan(s)
<u>Y</u>	<b>Worksheet 1.2</b>	<u>N</u>	Drought Contingency Plan(s)
<u>N</u>	Additional W.S 2.0 for Each Reservoir	<u>N</u>	Documentation of Adoption
<u>N</u>	Dam Safety Documents	<u>N</u>	<b>Worksheet 7.0</b>
<u>N</u>	Notice(s) to Governing Bodies	<u>N</u>	Accounting Plan
<u>N</u>	Recorded Deeds for Inundated Land	<u>Y</u>	<b>Worksheet 8.0</b>
<u>N</u>	Consent For Inundation Land	<u>Y</u>	Fees

**RECEIVED**

OCT 10 2022

Water Availability Division

# 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) 239-4600.**

## 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."

Applicant is seeking to add industrial use as another authorized purpose of use. Applicant is also seeking to expand the place of use to an additional 172 acres owned by Applicant.

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

### a. Applicant

Indicate the number of Applicants/Co-Applicants 1  
(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?

JMRS Partners, Ltd.

*(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: 606048874 (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: Devin "Buck" Benson

Title: authorized representative

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

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: JMRS Partners, Ltd.

Mailing Address: 11814 Mill Rock

City: San Antonio State: TX ZIP Code: 78230

Indicate an X next to the type of Applicant:

<input type="checkbox"/> Individual	<input type="checkbox"/> Sole Proprietorship-D.B.A.
<input checked="" 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: Devin "Buck" Benson

Title: authorized representative

Organization Name: Barton Benson Jones PLLC

Mailing Address: 745 E. Mulberry Ave., Suite 550

City: San Antonio State: TX ZIP Code: 78212

Phone Number: (210) 640-9146

Fax Number: (210) 600-9796

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: N/A

Title: N/A

Organization Name: N/A

Mailing Address: N/A

City: N/A State: N/A ZIP Code: N/A

Phone Number: N/A

Fax Number: N/A

E-mail Address: N/A

**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) 239-4600, 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: N/A Amount past due: N/A

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: N/A Amount past due: N/A

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. Applicants 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** Yes

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). Applicants should check survey status on the TWDB website prior to filing:

[https://www3.twdb.texas.gov/apps/reports/WU/SurveyStatus\\_PriorThreeYears](https://www3.twdb.texas.gov/apps/reports/WU/SurveyStatus_PriorThreeYears)

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

Applicant has not received surveys before.

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

Applicant:

I, Devin "Buck" Benson  
(Typed or printed name)

authorized representative  
(Title)

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

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

Signature: [Handwritten Signature] Date: 7/28/22  
(Use blue ink)

Subscribed and Sworn to before me by the said

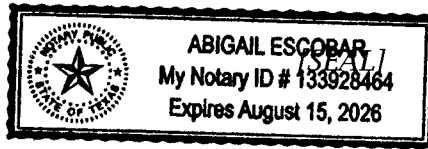
on this 28<sup>th</sup> day of September, 2022.

My commission expires on the 15<sup>th</sup> day of August, 2026.

[Handwritten Signature]

Notary Public

Bexar  
County, Texas



***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 REQUIRED 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 contact the Water Availability Division at (512) 239-4600 or [WRPT@tceq.texas.gov](mailto:WRPT@tceq.texas.gov) to schedule a meeting.**

Date of pre-application meeting: 09/20/22

### 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: n/a)

*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? 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: n/a)

*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. If the application does not contain consent from the current owner to make the requested amendment, TCEQ will not begin processing the amendment application until the Change of Ownership has been completed and will consider the Received Date for the application to be the date the Change of Ownership is completed. See instructions page. 6.*

Water Right (Certificate or Permit) number you are requesting to amend: 19-2149

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 N  
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)
- **Worksheet 5.0 – Environmental Information** (Required for any new diversion points that are not already authorized in a water right)

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) 239-4600 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”:

Applicant JMRS Partners, Ltd. is located within Region L Planning Group. The state and regional plans generally do not address every possible change individual rights. The application is consistent with the 2021 Region L Water Plan and 2022 Water Plan because there isn't anything in the plans that conflict with the application.

- 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) <i>(Include losses for Bed and Banks)</i>	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>
N/A	N/A	N/A	N/A

  N/A   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:

a. Location Information Regarding the Lands to be Irrigated

- i) Applicant proposes to irrigate a total of   N/A   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   N/A   acres in   N/A   County, TX.
- ii) Location of land to be irrigated: In the   N/A   Original Survey No.   N/A  , Abstract No.   N/A  .

***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**
32	Irrigation	Irrigation Industrial	15.3 acres	Irrigation-187.5 acres Industrial-187.5 acres

\*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 187.5 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 187.5 acres in Bexar County, TX.
- ii. Location of land to be irrigated: In the J.A. Navarro Original Survey No. 5, Abstract No. 12.

***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 N/A

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

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

### 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 amendments 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 the 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: N/A
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: N/A.
- c. The impoundment is on-channel N/A or off-channel N/A (mark one)
  - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? **Y / N** N/A
  - ii. 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: N/A
    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. N/A and watershed project name N/A ;
      - 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** N/A  
Provide the date and the name of the Staff Person N/A
    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** N/A
      - b. Plans (with engineer's seal) for the structure required. **Y / N** N/A
      - c. Engineer's signed and sealed hazard classification required. **Y / N** N/A
      - 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 N/A

iii. Additional information required for **on-channel** storage:

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: N/A.
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 N/A  
If yes, the drainage area is N/A sq. miles.  
(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

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

- a. On Watercourse (if on-channel) (USGS name): N/A
- b. Zip Code: N/A
- c. In the N/A Original Survey No. N/A, Abstract No. N/A,  
N/A 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/A°N, Longitude N/A°W.

***\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***

- i. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): N/A
- ii. 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. \_\_\_ 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** N/A cfs (cubic feet per second)  
or N/A gpm (gallons per minute)

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

d. For amendments, is Applicant seeking to increase combined diversion rate? Y / 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
Directly from stream	
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/A

If yes, the drainage area is N/A sq. miles.  
*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application)*



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

- a. On watercourse (USGS name): N/A
- b. Zip Code: N/A
- c. Location of point: In the N/A Original Survey No. N/A, Abstract No. N/A, \_\_\_\_\_ 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 N/A °N, Longitude N/A °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): N/A
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- 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 N/A.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses N/A (% or amount) and explain the method of calculation: N/A.
- c. Is the source of the discharged water return flows? Y / N N/A If yes, provide the following information:
  1. The TPDES Permit Number(s). N/A (attach a copy of the **current** TPDES permit(s))
  2. Applicant is the owner/holder of each TPDES permit listed above? Y / N N/A

*PLEASE NOTE: If Applicant is not the discharger of the return flows, or the Applicant is not the water right owner of the underlying surface water right, or the Applicant does not have a contract with the discharger, 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, the surface water right holder, or the contract holder, 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 N/A, surface water N/A ?
  5. If any percentage is surface water, provide the base water right number(s) N/A.
- d. 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: N/A
    2. 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 N/A.
    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.
  - di. Is the source of the water being discharged a surface water supply contract? Y / N N/A  
If yes, provide the signed contract(s).
  - dii. Identify any other source of the water N/A

## 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 N/A 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 N/A cfs or N/A gpm.
- c. Name of Watercourse as shown on Official USGS maps: N/A
- d. Zip Code N/A
- e. Location of point: In the N/A Original Survey No. N/A, Abstract No. N/A, County, Texas.
- f. Point is at:  
Latitude N/A'N, Longitude N/A'W.  
***\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- g. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): N/A

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

## WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

### 1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 28.**

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

This section is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins and in all basins for requests to change a diversion point. **Instructions, Page 30.**

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:   N/A  

Other, specify:   N/A  

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:  N/A

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

e. 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 maps submitted with the application indicating the location of the photograph and the direction of the shot.
2. 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.

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

This section is required for applications using an alternate source of water and bed and banks applications in any basins. **Instructions, page 31.**

a. For all bed and banks applications:

- i. Submit 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.

b. For all alternate source applications:

- i. If the alternate source is treated return flows, provide the TPDES permit number N/A
- ii. If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:  
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.

- iii. If groundwater will be used, provide the depth of the well N/A and the name of the aquifer from which water is withdrawn N/A.

# 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 512-239-4600, 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/N/A

## **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/A



# 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 512-239-4600 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) 239-4600.	
<b>TOTAL</b>		<b>\$</b>

### 2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
<b>Filing Fee</b>	Amendment: \$100 OR Sever and Combine: \$100 x _____ of water rights to combine	\$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>\$ 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) 239-4600, FAX (512) 239-2214**

**Industrial Water Conservation Plan**

This form is provided to assist entities in developing a water conservation plan for industrial 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) 239-4600.

*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: JMRS Partners, Ltd.  
 Address: 11814 Mill Rock, San Antonio, Texas 78230  
 Telephone Number: ( ) Fax: ( )  
 Form Completed By: Devin "Buck" Benson  
 Title: Authorized Representative  
 Signature: \_\_\_\_\_ Date: //

**A water conservation plan for industrial 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): 32 ac ft.
2. Maximum diversion rate (cfs): 450 gpm

*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 industrial purposes: 2021 8.07 ac. ft., 2022 16 ac ft.

<i>Source</i>	<i>Water Right No.(s)</i>	<i>Current Use</i>	<i>Anticipated Use</i>
Surface Water	_____	_____	_____
Groundwater	_____	_____	_____
Purchased	_____	2021 8.7ac. ft.	2022 16 ac. ft.
<b>Total</b>	_____	_____	_____

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

Master meter; Customer meter; Estimated; Other

3. Was purchased water raw or treated? 100% treated

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

*C. Industrial Information*

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

Recycle concrete and asphalt

2. North American Industry Classification System (NAICS):

212312 crushed and broken limestone

**II. WATER USE AND CONSERVATION PRACTICES**

*A. Water Use in Industrial Processes*

<i>Production Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Cooling, condensing, & refrigeration	_____	_____	_____	_____	_____
Processing, washing, transport	_____	_____	_____	_____	_____
Boiler feed	_____	_____	_____	_____	_____
Incorporated into product	_____	_____	_____	_____	_____
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>
Cooling tower(s)	_____	_____	_____	_____	_____
Pond(s)	_____	_____	_____	_____	_____
Once through	_____	_____	_____	_____	_____
Sanitary & drinking water	_____	_____	_____	_____	_____
Irrigation & dust control	_____	_____	_____	100%	2021 8.7

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

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

Water will be used for dust control on the crushers, screws, stockpiles, and roadways. Water will also be used to rinse recycled concrete.

3. Estimate the quantity of water consumed in production 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	_____	_____	0.61
February	_____	_____	0.61
March	_____	_____	0.90
April	_____	_____	1.15
May	_____	_____	0.40
June	_____	_____	0.54
July	_____	_____	0.26
August	_____	_____	0.60

September		1.06
October		0.67
November		0.70
December		0.57
<b>Totals</b>		<b>8.07</b>

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			2.0
February			2.0
March			2.0
April			2.0
May			2.0
June			2.0
July			2.0
August			2.0
September			2.0
October			2.0
November			2.0
December			2.0
<b>Totals</b>			<b>24</b>

*B. Specific and Quantified Conservation Goal*

Water conservation goals for the industrial 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 Water used for dust control is not reusable or recycled

90-95% 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 is only used as needed

Quantified 5-year and 10-year targets for water savings: 90-95% of water used in rinse process is reused

a. 5-year goal:

b. 10-year goal:

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%.  
Meter  
Meter
4. Provide a description of the leak-detection and repair, and water-loss accounting measures used. Water distribution line will be inspected routinely.
5. Describe the application of state-of-the-art equipment and/or process modifications used to improve water use efficiency.
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:

### **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.

September 20, 2022

Texas Commission on Environmental Quality

To whom it may concern:

Please allow this correspondence to serve as permission for Devin "Buck" Benson of Barton Benson Jones, PLLC, to apply to the TCEQ to amend Certificate of Adjudication No. 19-2149.

JMRS Partners, Ltd., a  
Texas limited partnership

By: JMRS Management, LLC, a Texas limited liability company,  
its General Partner

By:

  
Randall S. Preissig, Manager

By:

  
Judith M. Preissig, Manager



## **WORKSHEET 1.2 MARSHALL CRITERIA**

**Administrative Requirements and Fees** – The Application meets the administrative requirements for an amendment to a water use permit pursuant to TWC Chapter 11 and Title 30 Tex. Admin. Code Chs. 281, 295, and 297. The Application includes a sworn application, maps, completed conservation plan, and all necessary fees.

**Beneficial Use** – Irrigation, Mining and Industrial uses are beneficial uses as defined and listed in TWC Ch. 11.

**Public Welfare** – The amendment of the authorized uses and place of use is not detrimental to the public welfare.

**Groundwater Effects** – The proposed amendment will not affect groundwater recharge. Use of the surface water for irrigation, mining, and industrial uses will lessen the reliance on groundwater at the place of use.

**State Water Plan** – The state and regional water plans generally do not address every possible change in individual water rights. The application is consistent with the 2021 Region L Water Plan and the 2022 State Water Plan because there is nothing in the plans that conflict with the application.

**Waste Avoidance** – Applicant will institute conservation methods and only use the surface water when necessary. A water conservation plan is attached.

**Impacts on Water Rights or On-stream Environment** – Amending the place of use and authorized uses has no impact on any water right holders or the on-stream environment. The diversion point is not being moved.

Certificate of Adjudication 19-2149 – ownership history

Exhibit 1 - Current irrigated acreage of 15.3 acres of land was part of 46.59 acres described in Warranty Deed with Vendor's Lien from Arnold A. Kierum, et. al. to Randall Preissig, Trustee (volume 3650 page 708) –

Exhibit 2 - Randall Preissig, Trustee conveyed the 46.59 acres to Randall S. Preissig and Judith M. Preissig (doc. no. 20060272536)

Exhibit 3 - Randall S. Preissig and Judith M. Preissig conveyed the 46.59 acres to JMRS Management, LLC (2% interest) and JMRS Partners, Ltd. (98% interest) (doc. no. 20060272537)

Exhibit 4 - JMRS Management, LLC conveyed its 2% interest in 46.59 acres to JMRS Partners, Ltd. (doc. no. 20060272538)

JMRS Partners, Ltd. is now the owner

1/25  
349712

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 19-2149

*Act*  
OWNER: Mrs. Henry Kierum  
Route 5, Box 461  
San Antonio, TX 78211

COUNTY: Bexar

PRIORITY DATE: June 9, 1925

WATERCOURSE: Leon Creek, tributary  
of Medina River

Basin: San Antonio River

WHEREAS, by final decree of the 224th District Court of Bexar County, Texas, in Cause No. 78-CI-16903, In Re: The Adjudication of Water Rights in the Medina River of the San Antonio Basin (Exceptions of Edward Walsh, Harry Walsh, Frank Walsh, Bessie Walsh, Anita Walsh and Mary Walsh), dated November 12, 1980, a right was recognized under Permit 880 (Application 933) authorizing Mrs. Henry Kierum to appropriate waters of the State of Texas as set forth below

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the San Antonio River Basin is issued to Mrs. Henry Kierum, subject to the following terms and conditions:

1. USE

Owner is authorized to divert and use not to exceed 32 acre-feet of water per annum from Leon Creek to irrigate a maximum of 15.3 acres of land out of a 15.3 acre tract located in the Angel Navarro Survey 5, Abstract 12, Bexar County, Texas, said 15.3 acre tract being described as follows:

- (1) BEGINNING at a point which bears S 80°E, 6948 feet from the northwest corner of the Angel Navarro League No. 5;
- (2) THENCE S 80°00'E, 138 feet to the northeast corner of this tract;
- (3) THENCE S 32°45'E, 372 feet to a point;
- (4) THENCE S 06°45'W, 204 feet to a point;
- (5) THENCE N 77°00'W, 603 feet to a point;
- (6) THENCE S 10°15'W, 129 feet to a point;
- (7) THENCE N 80°00'W, 766 feet to a point;
- (8) THENCE N 10°00'E, 560 feet to the northwest corner of this tract, which is 6 feet S 10°W of the north line of said league;
- (9) THENCE S 80°00'E, 968 feet to the place of beginning.

2. DIVERSION

A. Location:

At a point on the north bank of Leon Creek which is S 74°30'E, 6980 feet from the northwest corner of the Angel Navarro Survey 5, Abstract 12, Bexar County, Texas.

B. Maximum Rate: 1.0 cfs (450 gpm).

3. PRIORITY

The time priority of owner's right is June 9, 1925.

1001

3 MAY 285

The locations of pertinent features related to this certificate are shown on Page 11 of the Medina River Watershed Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Department of Water Resources and the office of the County Clerk.

This certificate of adjudication is issued subject to all terms, conditions and provisions provided for in the final decree of the 224th District Court of Bexar County, Texas, in Cause No. 78-CI-16903, In Re: The Adjudication of Water Rights in the Medina River of the San Antonio Basin (Exceptions of Edward Walsh, Harry Walsh, Frank Walsh, Bessie Walsh, Anita Walsh and Mary Walsh), dated November 12, 1980, and supersedes all rights of the owner asserted in that Cause.

This certificate of adjudication is issued subject to senior and superior water rights in the San Antonio River Basin.

This certificate of adjudication is issued subject to the Rules of the Texas Department of Water Resources and its continuing right of supervision of State water resources consistent with the public policy of the State as set forth in the Texas Water Code.

This water right is appurtenant to the above-described land within which irrigation is authorized, unless and until severed from the land. A transfer of any portion of the above-described land includes, unless otherwise specified, that portion of the water right which is appurtenant to the transferred land at the time of the transaction.

TEXAS WATER COMMISSION

*Felix McDonald*  
Felix McDonald, Chairman

DATE ISSUED:

AUG 28 1981

ATTEST:

*Mary Ann Heffner*  
Mary Ann Heffner, Chief Clerk

FILED IN MY OFFICE  
ROBERT D. GREEN  
COUNTY CLERK BEXAR CO.  
1981 SEP 9 AM 8 32

STATE OF TEXAS  
COUNTY OF BEXAR

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the RECORDS of Bexar County, Texas, as indicated hereon by me.

WATER PERMIT

SEP 10 1981



*Robert D. Green*  
COUNTY CLERK  
BEXAR COUNTY, TEXAS

2 090981 01

\$5.00 17013240

VOL. 3 PAGE 286

**1**

1125554

Prepared by the State Bar of Texas for use by lawyers only. Revised 1-1-76. Revised to include grantee's address (art. 6626, RCS) 1-1-82.

### WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS  
COUNTY OF BEXAR

} KNOW ALL MEN BY THESE PRESENTS:

That **ARNOLD A. KIERUM, SR.,** and wife, **JUANITA L. KIERUM, CALVIN A. KIERUM, JR., CHARLES KIERUM,** and **IVAN KIERUM** and wife, **LAURIE KIERUM,**

of the County of **Bexar** and State of **Texas** for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)**

~~DOLLARS~~

and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by Grantee of his one (1) certain Promissory Note of even date herewith, in the principal sum of **ONE HUNDRED FORTY THOUSAND AND NO/100 DOLLARS (\$140,000.00)** payable to the order of Grantors in monthly installments and bearing interest as therein provided, containing the usual clauses providing for acceleration of maturity and for attorney's fees,

03/25/86 482 170286 \$9.00 Y 1 230

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 **LARRY L. HOOD,** Trustee, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto **RANDALL S. PREISSIG, TRUSTEE,**

of the County of **Bexar** and State of **Texas**, all of the following described real property in **Bexar** County, Texas, to-wit:

46.59 acres of land, more or less, out of the J.A. Navarro Survey No. 5, Abstract No. 12, Bexar County, Texas, more particularly described in Exhibit "A" attached hereto and made a part hereof.

VOL 3650 PAGE 708

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said grantee, his successors ~~heirs~~ and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said grantee, his successors ~~heirs~~ and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

But it is expressly agreed that the VENDOR'S LIEN, as well as the 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.

This conveyance is made and accepted subject to:

1. Electric and gas easement granted to City of San Antonio by instrument recorded in Volume 2921, Page 551, Deed Records, Bexar County, Texas.
2. Certificate of Adjudication of Water Rights recorded in Volume 3, Page 285, Water Rights Records of Bexar County, Texas.

EXECUTED this 20th day of March, A. D. 19 86

Juanita L. Kierum  
JUANITA L. KIERUM

Laurie D. Kierum  
LAURIE KIERUM

Arnold A. Kierum, Sr.  
ARNOLD A. KIERUM, SR.

Calvin A. Kierum, Jr.  
CALVIN A. KIERUM, JR.

Charles Kierum  
CHARLES KIERUM

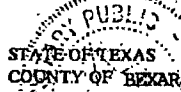
Ivan Kierum  
IVAN KIERUM

VOL 3650 PAGE 709

Mailing address of each grantee:

Name: Randall S. PRELSSIG, TRUSTEE  
Address: c/o Jim Cliffe  
1919 Oakwell Farms Parkway, Suite 105  
San Antonio, TX 78218

Name:  
Address:



(Acknowledgment)

This instrument was acknowledged before me on the 20th day of March, 1986, by ARNOLD A. KIERUM, SR., and wife, JUANITA L. KIERUM, CALVIN A. KIERUM, JR., CHARLES KIERUM, and IVAN KIERUM and wife, LAURIE KIERUM.

My commission expires:

5/29/89

Notary Public, State of Texas  
Notary's printed name: EVERETT DAVID WALKER

(Acknowledgment)

STATE OF TEXAS  
COUNTY OF

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_

My commission expires:

Notary Public, State of Texas  
Notary's printed name:

(Acknowledgment)

STATE OF TEXAS  
COUNTY OF

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_

My commission expires:

Notary Public, State of Texas  
Notary's printed name:

(Corporate Acknowledgment)

STATE OF TEXAS  
COUNTY OF

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_ of \_\_\_\_\_ corporation, on behalf of said corporation.

My commission expires:

Notary Public, State of Texas  
Notary's printed name:

AFTER RECORDING RETURN TO:  
RANDALL S. PRESSIG, TRUSTEE  
c/o Jim Cliffe  
1919 Oakwell Farms Parkway, Suite 105  
San Antonio, TX 78218

PREPARED IN THE LAW OFFICE OF:  
LARRY L. HOOD  
A Professional Corporation  
3003 N. W. Loop 410  
San Antonio, Texas, 78230  
(512) 349-3892

VOL 3650 PAGE 710



FIELD NOTES

EXHIBIT "A"

46.59 ACRES - SOMERSET ROAD

ESTATE OF HENRY KIERUM

A certain tract of land containing FORTY SIX AND FIFTY NINE HUNDREDTHS (46.59) ACRES formerly out of the Anna Kierum 214.20 acres tract, J. A. Navarro Survey 5, Abstract 12, County Block 4295, fronting on the South line of Somerset Road about 8 miles in a Southwesterly direction from the courthouse in Bexar County, Texas, being more particularly described as follows:

BEGINNING at an axle on the South line of Somerset Road for the Northwest corner of this tract, being the Northeast corner of Hyman Friedman Et. Ux. 25.07 acres tract 3, recorded in Volume 2293, Page 401, Deed Records, Bexar County, Texas;

THENCE with fence along the North line of this tract being the South line of Somerset Road South 81 deg. 04' 30" East, 1530.38 feet to a steel rod at angle, being an angle in the Somerset Road;

THENCE continuing with fence along the North line of this tract, South 81 deg. 12' 30" East, 1324.09 feet to a steel rod, the Northeast corner of this tract, being the Northwest corner of a drainage ditch;

THENCE with the West line of said drainage ditch, South 9 deg. 05' West, 676.56 feet to an iron pipe, the Southeast corner of this tract, being the Northeast corner of a 74.89 acres tract;

THENCE with fence along the North line of said 74.89 acres tract, North 81 deg. 13' West, 771.60 feet to a steel rod, an interior corner of this tract;

THENCE South 4 deg. 56' West, crossing the Leon Creek, to a distance of 126.30 feet to a steel rod on the South bank of said Leon Creek, an exterior corner of this tract;

THENCE continuing with the North line of said 74.89 acres tract and the North line of a 25.90 acres tract, North 79 deg. 39' West, 568.10 feet to an axle in concrete at angle and South 71 deg. 28' West, crossing the Leon Creek 197.90 feet to an iron pipe fence post set in concrete;

THENCE with fence North 14 deg. 30' West, 222.45 feet to an iron pipe fence post set in concrete, an interior corner of this tract;

THENCE with fence along the South line of this tract North 81 deg. 01' West, 1256.87 feet to a concrete monument, the Southwest corner of this tract, being the Southeast corner of said 25.07 acres tract;

THENCE with the West line of this tract, being the East line of said 25.07 acres tract, North 8 deg. 50' 30" East, 673.10 feet to the place of BEGINNING.

Surveyed September and November, 1984

*Richard R. Fainke*  
Registered Public Surveyor No. 262  
ADAMS LAND SURVEY COMPANY

VOL 3650 PAGE 711

FILED IN MY OFFICE  
ROBERT D. GREEN  
COUNTY CLERK, BEXAR CO.

1986 MAR 24 PM 2 24 *ML*

STATE OF TEXAS  
COUNTY OF BEXAR  
I hereby certify that this instrument was FILED in File Number  
Sequence on the date and at the time stamped herein by me, and  
was duly RECORDED in the Official Public Records of Real Property  
of Bexar County Texas. *ml*

MAR 25 1986



*Robert D. Green*  
COUNTY CLERK BEXAR COUNTY TEXAS

**2**

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

**SCANNED**

**SPECIAL WARRANTY DEED**



STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BEXAR

§

That **RANDALL S. PREISSIG, TRUSTEE** ("Grantor" herein), for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** paid to Grantor and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has **GRANTED, SOLD and CONVEYED** and does hereby **GRANT, SELL and CONVEY** unto **RANDALL S. PREISSIG and JUDITH M. PREISSIG** ("Grantee" herein) all of the following described real property situated in Bexar County, Texas, to-wit:

The real property more particularly described on Exhibit "A" attached hereto and incorporated herein by reference for all purposes, together with all improvements located thereon (such real property and improvements being collectively referred to herein as the "Property").

With respect to the physical condition of any and all improvements and personal property covered hereby and included in this conveyance, the same are conveyed **AS IS, WITH ALL FAULTS** and without warranty, except the warranty of title contained therein.

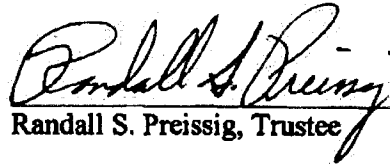
This conveyance is made and accepted **SUBJECT TO** any existing indebtedness, all easements, restrictions, covenants, conditions and other instruments of record in the Real Property Records of Bexar County, Texas which affect the Property.

**TO HAVE AND TO HOLD** the Property, subject to the Permitted Exceptions, unto Grantee and Grantee's heirs, executors, administrators, successors and assigns forever; and Grantor does hereby bind Grantor and Grantor's successors and assigns to **WARRANT AND FOREVER DEFEND** the Property unto Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.



EXECUTED the date of the acknowledgments below to be effective for all purposes on December 26, 2005.

**GRANTOR:**

  
Randall S. Preissig, Trustee

**Grantee's Address:**

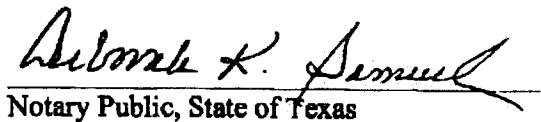
Randall S. Preissig and Judith M. Preissig  
11814 Mill Rock Rd.  
San Antonio, Texas 78230-2624

**GRANTOR'S ACKNOWLEDGMENT**

STATE OF TEXAS                   §  
  §  
COUNTY OF BEXAR               §

The above and foregoing instrument was acknowledged before me on the 30th day of October, 2006, by the said **RANDALL S. PREISSIG, TRUSTEE**.



  
Notary Public, State of Texas

**PREPARED IN THE LAW OFFICES OF:**

DUNCAN, WEAKLEY & BRESSLER, INC.  
1020 N.E. Loop 410, Suite 500  
San Antonio, TX 78209-1224  
Telephone: (210) 224-0781  
Telecopier: (210) 224-6958

**AFTER RECORDING RETURN TO:**

Stephen A. Bressler  
DUNCAN, WEAKLEY & BRESSLER, INC.  
1020 N.E. Loop 410, Suite 500  
San Antonio, TX 78209-1224

**EXHIBIT "A"**

A certain tract of land containing FORTY SIX AND FIFTY NINE HUNDREDTHS (46.59) ACRES formerly out of the Anna Kierum 214.20 acres tract, J. A. Navarro Survey 5, Abstract 12, County Block 4295, fronting on the South line of Somerset Road about 8 miles in a Southwesterly direction from the courthouse in Bexar County, Texas, being more particularly described as follows:

BEGINNING at an axle on the South line of Somerset Road for the Northwest corner of this tract, being the Northeast corner of Hyman Friedman Et. Ux. 25.07 acres tract 3, recorded in Volume 2293, Page 401, Deed Records, Bexar County, Texas;

THENCE with fence along the North line of this tract being the South line of Somerset Road South 81 deg. 04' 30" East, 1530.38 feet to a steel rod at angle, being an angle in the Somerset Road;

THENCE continuing with fence along the North line of this tract, South 81 deg. 12' 30" East, 1324.09 feet to a steel rod, the Northeast corner of this tract, being the Northwest corner of a drainage ditch;

THENCE, with the West line of said drainage ditch, South 9 deg. 05' West, 676.56 feet to an iron pipe, the Southeast corner of this tract, being the Northeast corner of a 74.89 acres tract;

THENCE with fence along the North line of said 74.89 acres tract, North 81 deg. 13' West, 771.60 feet to a steel rod, an interior corner of this tract;

THENCE South 4 deg. 56' West, crossing the Leon Creek, to a distance of 126.30 feet to a steel rod on the South bank of said Leon Creek, an exterior corner of this tract;

THENCE continuing with the North line of said 74.89 acres tract and the North line of a 25.90 acres tract, North 79 deg. 39' West, 568.10 feet to an axle in concrete at angle and South 71 deg. 28' West, crossing the Leon Creek 197.90 feet to an iron pipe fence post set in concrete;

THENCE with fence North 14 deg. 30' West, 222.45 feet to an iron pipe fence post set in concrete, an interior corner of this tract;

THENCE with fence along the South line of this tract North 81 deg. 01' West, 1256.87 feet to a concrete monument, the Southwest corner of this tract, being the Southeast corner of said 25.07 acres tract;

THENCE with the West line of this tract, being the East line of said 25.07 acres tract, North 8 deg. 50' 30" East, 673.10 feet to the place of BEGINNING.

**EXHIBIT "A"**

**RECORDER'S MEMORANDUM**  
AT THE TIME OF RECORDATION, THIS  
INSTRUMENT WAS FOUND TO BE INADEQUATE  
FOR THE BEST PHOTOGRAPHIC REPRODUCTION  
BECAUSE OF ILLEGIBILITY CAUSED BY  
PHOTO COPY, DISCOLORED PAPER, ETC.

Any provision herein which restricts the sale, or use of the described real  
property because of race is invalid and unenforceable under Federal law  
STATE OF TEXAS, COUNTY OF BEXAR

I hereby certify that this instrument was FILED in File Number Sequence on  
the date and at the time stamped herein by me and was duly RECORDED  
in the Official Public Record of Real Property of Bexar County, Texas etc

NOV 09 2006



*Gerry Rickhoff*  
COUNTY CLERK BEXAR COUNTY, TEXAS

Doc# 20060272536 Fees: \$28.00  
11/09/2006 10:23AM # Pages 4  
Filed & Recorded in the Official Public  
Records of BEXAR COUNTY  
GERRY RICKHOFF, COUNTY CLERK

**3**



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

**SCANNED**

**SPECIAL WARRANTY DEED**



STATE OF TEXAS §  
 COUNTY OF BEXAR §

KNOW ALL MEN BY THESE PRESENTS:

That **RANDALL S. PREISSIG and JUDITH M. PREISSIG** ("Grantor" herein, whether one or more), for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** paid to Grantor and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have **GRANTED, SOLD and CONVEYED** and do hereby **GRANT, SELL and CONVEY** all of the real property located in Bexar County, Texas and more particularly described on Exhibit "A" through "D" attached hereto and incorporated herein by reference for all purposes, together with all improvements located thereon (such real property and improvements being collectively referred to herein as the "Property") unto the following entities in the percentages set forth beside their names ("Grantee" herein whether one or more than one):

<u>Grantee</u>	<u>Percentage Interest</u>
JMRS Management, LLC, a Texas limited liability company	Undivided 2%
JMRS PARTNERS, LTD., a Texas limited partnership	Undivided 98%
Total Undivided Interest Conveyed:	100%

With respect to the physical condition of any and all improvements and personal property covered hereby and included in this conveyance, the same are conveyed **AS IS, WITH ALL FAULTS** and without warranty, except the warranty of title contained therein.

This conveyance is made and accepted **SUBJECT TO** any existing indebtedness, all easements, restrictions, covenants, conditions and other instruments of record in the Real Property Records of Bexar County, Texas which affect the Property.

**TO HAVE AND TO HOLD** the Property, subject to the Permitted Exceptions, unto Grantee and Grantee's successors and assigns forever; and Grantor does hereby bind Grantor and Grantor's heirs, executors, administrators, successors and assigns to **WARRANT AND FOREVER DEFEND** the Property unto Grantee and Grantee's successors and assigns against every person whomsoever



lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

**EXECUTED** on the date of the acknowledgments below to be effective for all purposes on December 26, 2005.

**GRANTOR:**

  
RANDALL S. PREISSIG

  
JUDITH M. PREISSIG

**Grantee's Address:**

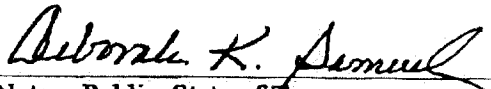
JMRS MANAGEMENT, LLC  
JMRS PARTNERS, LTD.  
11814 Mill Rock Rd.  
San Antonio, Texas 78230-2624

**GRANTOR'S ACKNOWLEDGMENT**

STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR       §

The above and foregoing instrument was acknowledged before me on the 30th day of October, 2006, by the said **RANDALL S. PREISSIG**.



  
Notary Public, State of Texas

STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR       §

The above and foregoing instrument was acknowledged before me on the 30th day of October, 2006, by the said JUDITH M. PREISSIG.



*Deborah K. Samuel*  
Notary Public, State of Texas

**PREPARED IN THE LAW OFFICES OF:**  
DUNCAN, WEAKLEY & BRESSLER, INC.  
1020 N.E. Loop 410, Suite 500  
San Antonio, TX 78209-1224  
Telephone: (210) 224-0781  
Telecopier: (210) 224-6958

**AFTER RECORDING RETURN TO:**  
Stephen A. Bressler  
DUNCAN, WEAKLEY & BRESSLER, INC.  
1020 N.E. Loop 410, Suite 500  
San Antonio, TX 78209-1224

**EXHIBIT "A"**

A certain tract of land containing 207.8 acres, more or less, being out of Two Hundred Twenty-Eight and Thirty Hundreths (228.30) acres out of J.A. Navarro Survey 5, Abstract 12, County Block 4295, and being a portion of New City Block 15068 within the corporate limits of San Antonio, Bexar County, Texas being more particularly described as follows:

**BEGINNING** at a steel rod on this Southeast line of Somerset Road at the Southwest corner of a 15 acre tract described in deed, recorded in Volume 2621, Page 851, Real Property Records, Bexar County, Texas, the most Western Southwest corner of this tract, being the Southwest corner of a non-exclusive right of ingress and egress easement 50 feet wide containing 4.484 acres, described in said deed;

**THENCE** with the Southeast line of Somerset Road North 26 deg. 07' East, 669.95 feet to a steel rod at angle and, North 25 deg. 45' East, 249.85 feet to a steel rod, the most Western Northwest corner of this tract, being the Northwest corner of said 15 acres tract;

**THENCE** with fence along the North line of said 15 acres tract also being the North line of 4 tracts of land containing 15 acres each, South 79 deg. 18' East, 3713.83 feet to an iron pipe on the West line of a 74.89 acres tract, an interior corner of this tract;

**THENCE** with fence along the West line of said 74.89 acres tract North 10 deg. 22' East, 906.08 feet to an iron pipe on the South line of Henry Kierum tract, the Northwest corner of this tract, being the Northwest corner of said 74.89 acres tract;

**THENCE** with the North line of said 74.89 acres tract, being the South line of the Henry Kierum tract as follows:

South 79 deg. 38' East, 521.10 feet to a steel rod on the right or South bank of the Leon Creek for a corner;

North 4 deg. 56' East, crossing the Leon Creek 126.30 feet to an iron pipe on the left or North bank of the Leon Creek for a corner and,

South 81 deg. 13' East, 771.60 feet along a fence line to an iron pipe on the West line of a drainage ditch, the most Northern Northeast corner of this tract being the Southeast corner of Henry Keirum tract, also being the Northeast corner of said 74.89 acres tract;

**EXHIBIT "A"**

THENCE with fence along the East line of said 74.89 acres tract, South 9 deg. 04' West, 747.30 feet crossing the Leon Creek to a steel rod, an interior corner of this tract;

THENCE South 81 deg. 04' East, crossing the Leon Creek 1933.25 feet to a steel rod at fence corner;

THENCE with fence South 9 deg. 08' West, 383.10 feet to a steel rod at fence corner;

THENCE with fence South 80 deg. 53' East, 2798.43 feet to a steel rod on the West right-of-way line of Interstate Highway 410, the most Eastern Northeast corner of this tract;

THENCE with the said West right-of-way line South 0 deg. 22' East, 79.90 feet to a highway monument on the North right-of-way line of Interstate Highway 410, the Southeast corner of this tract;

THENCE with the North right-of-way line of Interstate Highway 410 as follows:

South 89 deg. 38' West, 2801.50 feet to a highway monument at angle;

North 81 deg. 10' West, 566.90 feet to a highway monument at angle;

South 84 deg. 54' West, crossing the Leon Creek 626.40 feet to a highway monument at angle;

South 72 deg. 20' West, 888.50 feet with fence to a highway monument at angle;

South 8 deg. 34' West, 19.25 feet to a highway monument at angle and

South 75 deg. 50' West, 3087.40 feet with fence to a steel rod on the center line of a United Gas Pipeline (Valero), the most Southern Southwest corner of this tract;

THENCE with the center line of said United Gas Pipeline, North 28 deg. 29' West, 258.01 feet to a steel rod for a corner;

THENCE North 75 deg. 50' East, 1787.60 feet to a steel rod on fence line on the West line of said 74.89 acres tract, an interior corner of this tract;

THENCE with fence along the West line of said 74.89 acres tract, North 10 deg. 22' East, 680.49 feet to a steel rod at the Southeast corner of said 50 feet right-of-ingress-and-egress easement;

**EXHIBIT "A"**

Page 2 of 3 Pages

THENCE with the South line of said 50 feet easement, North 79 deg. 18' West, 2573.51 feet to a steel rod at angle and North 81 deg. 02' West, 1388.96 feet to the place of BEGINNING;

**SAVE AND EXCEPT** an 18.0000 acre tract of land out of said 228.3071 acre tract originally out of the J.A. Navarro Survey 5, Abstract 12, County Block 4295, and being a portion of New City Block 15068 within the corporate limits of San Antonio, Bexar County, Texas, and being more particularly described in Exhibit "A-1" attached hereto and made a part hereof for all purposes; and,

**SAVE AND EXCEPT** a 2.5.0000 acre tract of land out of said 228.3071 acre tract originally out of the J.A. Navarro Survey 5, Abstract 12, County Block 4295, and being a portion of New City Block 15068 within the corporate limits of San Antonio, Bexar County, Texas, and being more particularly described in Exhibit "A-2" attached hereto and made a part hereof for all purposes.

**EXHIBIT "A"**  
Page 3 of 3 Pages

**EXHIBIT "A-1"**

Being 18.0000 acres of land out of a 228.3071 acre tract originally out of the J.A. Navarro Survey 5, Abstract 12, County Block 4295, and being a portion of New City Block 15068 within the corporate limits of San Antonio, Bexar County, Texas, and being more particularly described as follows:

Commencing at a highway monument on the North right-of-way line of Interstate Highway 410, said monument being the Southeast corner of the 228.3071 acre tract and approximately 0.19 miles from the right-of-way intersection with State Highway 16, also known as Palo Alto Road.

THENCE with the North right-of-way line of Interstate Highway 410, S 89° 38' 00" W, a distance of 2,801.50 feet to a highway monument for an angle point;

THENCE continuing along the North right-of-way line of Interstate Highway 410, N 81° 10' 00" W, a distance of 566.90 feet to a highway monument for an angle point;

THENCE S 84° 54' 00" W, a distance of 111.03 to an iron pin set on Interstate Highway 410 right-of-way for the point of beginning and the Southeast corner of the herein described tract;

THENCE along said right-of-way line, S 84° 54' 00" W, a distance of 515.37 feet to highway monument and an angle point;

THENCE S 72° 20' 00" W, a distance of 361.93 feet to a set iron pin on said right-of-way line and being the Southwest corner of the herein described tract;

THENCE N 17° 40' 00" W, a distance of 918.57 feet to an iron pin set and being the Northwest corner of the 18.000 acre tract;

THENCE; N 72° 20' 00" E, crossing Leon Creek, a distance of 612.77 feet to an iron pin set for the Northeast corner of the 18.000 acre tract and being on the West boundary line of a 20.000 acre tract;

THENCE in a Southeasterly direction and paralleling at 2 feet East of the East top of bank of Leon Creek as field located on December 21, 2002, the following courses and distances;

S 07° 23' 32" E; 81.01 feet to a set iron pin;  
S 80° 43' 47" E; 323.83 feet to a set iron pin;  
S 03° 32' 00" E; 189.71 feet to a set iron pin;  
S 23° 23' 00" E; 156.84 feet to a set iron pin;  
S 17° 57' 30" E; 147.00 feet to a set iron pin;

S 27° 36' 48" E; 64.68 feet to a set iron pin;  
S 22° 47' 27" E; 81.56 feet to a set iron pin;  
S 31° 18' 31" E; 78.00 feet to a set iron pin;  
S 11° 29' 00" E; 69.66 feet to a set iron pin;  
S 20° 31' 10" W; 34.72 feet to the point of beginning and containing  
18.0000 acres of land;

**EXHIBIT "A-1"**  
Page 2 of 2 Pages



**EXHIBIT "A-2"**

Being 2.5000 acres of land out of a 228.3071 acre tract originally out of the J.A. Navarro Survey 5, Abstract 12, County Block 4295, and being a portion of New City Block 15068 within the corporate limits of San Antonio, Bexar County, Texas, and being more particularly described as follows:

Commencing at a highway monument on the North right-of-way line of Interstate Highway 410, said monument being the Southeast corner of the 228.3071 acre tract and approximately 0.19 miles from the right-of-way intersection with State Highway 16, also known as Palo Alto Road.

THENCE, with the North right-of-way line of Interstate Highway 410, S 89° 38' 00" W, a distance of 2,801.50 feet to a highway monument for an angle point;

THENCE, continuing along the North right-of-way line of Interstate Highway 410, N 81° 10' 00" W, a distance of 566.90 feet to a highway monument for an angle point;

THENCE, along said North right-of-way line, S 84° 54' 00" W, a distance of 626.40 feet to a highway monument and an angle point;

THENCE, S 72° 20' 00" W, a distance of 361.93 feet to an iron pin and being the Southwest corner of an 18.0000 acre tract;

THENCE, N 17° 40' 00" W, a distance of 918.57 feet along the West boundary line of the 18.000 acre tract to an iron set and being the point of beginning of the herein described tract of land;

THENCE, N 17° 40' 00" W, a distance of 150.12 feet to an iron pin set for an angle point on the West boundary line of the herein described tract of land;

THENCE, along said West boundary line, N 08° 33' 50" E, a distance of 172.43 feet to an iron pin set for the Northwest corner of this tract;

THENCE, along the North boundary line of the herein described tract S 81° 04' 00" E, and crossing Leon Creek, a distance of 606.78 feet to an iron pin set for the Northeast corner of this tract;

**EXHIBIT "A-2"**

Page 1 of 2 Pages

THENCE, following the East top of bank of Leon Creek, S 07° 23' 32" E, a distance of 33.64 feet to an iron pin set for the Southeast corner of this tract;

THENCE, S 72° 20' 00" W, a distance of 612.77 feet to the point of beginning and containing 2.500 acres of land.

**EXHIBIT "A-2"**  
Page 2 of 2 Pages

**EXHIBIT "B"**

Being 99.827 acres out of the Jose Angel Navarro Survey No. 5, Abstract No. 12, County Block 4295, Bexar County, Texas, and being more particularly described as follows:

**BEGINNING** at an iron pin found on the north right-of-way line of Interstate Highway 410 (320' R.O.W.), said point being located along said north R.O.W. line from a highway monument at the northeast intersection of said Interstate Highway 410 and Somerset Road (F.M. 2790 – 120' R.O.W.) with the following calls:

South 89° 32' 48" East 719.10 feet to an angle point;

North 82° 38' 16" East 340.17 feet to a highway monument;

North 78° 27' 05" East 473.54 feet to an angle point; and

North 76° 00' 54" East 817.26 feet, for the most southerly corner of this tract;

**THENCE** along a barbed wire fence North 80° 30' 16" West 2,094.19 feet to an iron pin found on the southeast R.O.W. line of said Somerset Road for the most southwesterly corner of this tract;

**THENCE** along said southeast R.O.W. line of Somerset Road, North 26° 07' 40" East 2,027.02 feet to an iron pin set for the most northerly corner of this tract;

**THENCE** South 80° 51' 12" East 1,335.39 feet to an iron pin found for the most northeasterly corner of this tract;

**THENCE** South 28° 18' 08" East 1,919.65 feet to an iron pin set on said north R.O.W. line of Interstate Highway 410 for the most southeasterly corner of this tract;

**THENCE** with said north R.O.W. line of Interstate Highway 410, South 76° 00' 54" West 1,087.96 to the Point of Beginning and containing 99.827 acres, more or less.

**EXHIBIT "B"**

Page 1 of 1 Page

**EXHIBIT "C"**

A parcel of land containing 62.617 acres, more or less, being the same property described by deed recorded in Volume 2075, Page 861, Bexar County Real Property Records, out of the Jose Angel Navarro Survey No. 5, Abstract No. 12, Bexar County, Texas, and being more particularly described as follows:

BEGINNING at an iron pin set in the Southeast line of Somerset Road, said iron pin bears N. 26° 10' 24" E, with and along the Southeast line of said Somerset Road, a distance of 148.79 feet from the most Westerly corner of said 147.366 acre tract, same being the most Northwesterly corner of that certain 100 acre tract of land described in deed recorded in Volume 6085, Page 426 of the Deed Records of Bexar County, Texas;

THENCE S 81° 00' 28" E. 1388.95 feet to an iron pin set in concrete for an angle point along the North property line;

THENCE S. 79° 53' 00" E. 2574.68 feet to an iron pin set in concrete for the Northeast corner of said tract;

THENCE S. 10° 20' 29" W. 680.35 feet to an iron pin set for a corner;

THENCE S. 75° 50' 04" W. 1787.94 feet parallel to and approximately 250 feet Northwest of Interstate Highway 410 to an iron pin set for the most Southerly corner, said corner being on the centerline of a United Gas Pipe Company easement;

THENCE N. 26° 28' 49" W. 1661.80 feet along said pipe line easement to an iron pin set in concrete for an interior corner;

THENCE N. 81° 00' 28" W. 1335.57 feet to an iron pin set in concrete, said point being located on the Southeast right-of-way line of Somerset Road and being the most Westerly corner of said tract;

THENCE N. 26° 10' 24" E 148.79 feet along the Southeast right-of-way line of Somerset Road to the place of beginning and containing 62.617 acres of land.

**EXHIBIT "C"**

Page 1 of 1 Page

**EXHIBIT "D"**

A certain tract of land containing FORTY SIX AND FIFTY NINE HUNDREDTHS (46.59) ACRES formerly out of the Anna Kierum 214.20 acres tract, J. A. Navarro Survey 5, Abstract 12, County Block 4295, fronting on the South line of Somerset Road about 8 miles in a Southwesterly direction from the courthouse in Bexar County, Texas, being more particularly described as follows:

BEGINNING at an axle on the South line of Somerset Road for the Northwest corner of this tract, being the Northeast corner of Hyman Friedman Et. Ux. 25.07 acres tract 3, recorded in Volume 2293, Page 401, Deed Records, Bexar County, Texas;

THENCE with fence along the North line of this tract being the South line of Somerset Road South 81 deg. 04' 30" East, 1530.38 feet to a steel rod at angle, being an angle in the Somerset Road;

THENCE continuing with fence along the North line of this tract, South 81 deg. 12' 30" East, 1324.09 feet to a steel rod, the Northeast corner of this tract, being the Northwest corner of a drainage ditch;

THENCE, with the West line of said drainage ditch, South 9 deg. 05' West, 676.56 feet to an iron pipe, the Southeast corner of this tract, being the Northeast corner of a 74.89 acres tract;

THENCE with fence along the North line of said 74.89 acres tract, North 81 deg. 13' West, 771.60 feet to a steel rod, an interior corner of this tract;

THENCE South 4 deg. 56' West, crossing the Leon Creek, to a distance of 126.30 feet to a steel rod on the South bank of said Leon Creek, an exterior corner of this tract;

THENCE continuing with the North line of said 74.89 acres tract and the North line of a 25.90 acres tract, North 79 deg. 39' West, 568.10 feet to an axle in concrete at angle and South 71 deg. 28' West, crossing the Leon Creek 197.90 feet to an iron pipe fence post set in concrete;

THENCE with fence North 14 deg. 30' West, 222.45 feet to an iron pipe fence post set in concrete, an interior corner of this tract;

**EXHIBIT "D"**

Page 1 of 2 Pages

THENCE with fence along the South line of this tract North 81 deg. 01' West, 1256.87 feet to a concrete monument, the Southwest corner of this tract, being the Southeast corner of said 25.07 acres tract;

THENCE with the West line of this tract, being the East line of said 25.07 acres tract, North 8 deg. 50' 30" East, 673.10 feet to the place of BEGINNING.

Doc# 20060272537 Fees: \$88.00  
11/09/2006 10:23AM # Pages 14  
Filed & Recorded in the Official Public  
Records of BEJAR COUNTY  
GERRY RICKHOFF COUNTY CLERK

Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law  
STATE OF TEXAS, COUNTY OF BEJAR  
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped herein by me and was duly RECORDED in the Official Public Record of Real Property of Bejar County, Texas on:

NOV 09 2006



*Gerry Rickhoff*  
COUNTY CLERK BEJAR COUNTY, TEXAS

**EXHIBIT "D"**  
Page 2 of 2 Pages

**4**

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

**SCANNED**

**SPECIAL WARRANTY DEED**



STATE OF TEXAS       §  
                                  §  
COUNTY OF BEXAR   §

**KNOW ALL MEN BY THESE PRESENTS:**

That **JMRS MANAGEMENT, LLC**, a Texas limited liability company ("Grantor" herein), for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** paid to Grantor and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has **GRANTED, SOLD and CONVEYED** and does hereby **GRANT, SELL and CONVEY** unto **JMRS PARTNERS, LTD.**, a Texas limited partnership ("Grantee" herein) all of Grantor's undivided two percent (2%) interest in and to the following described real property situated in Bexar County, Texas, to-wit:

The real property more particularly described on Exhibits "A" through "D" attached hereto and incorporated herein by reference for all purposes, together with all improvements located thereon (such undivided two percent (2%) interest in and to the real property and improvements being collectively referred to herein as the "Property").

With respect to the physical condition of any and all improvements and personal property covered hereby and included in this conveyance, the same are conveyed **AS IS, WITH ALL FAULTS** and without warranty, except the warranty of title contained therein.

This conveyance is made and accepted **SUBJECT TO** any existing indebtedness, all easements, restrictions, covenants, conditions and other instruments of record in the Real Property Records of Bexar County, Texas which affect the Property.

**TO HAVE AND TO HOLD** the Property, subject to the Permitted Exceptions, unto Grantee and Grantee's successors and assigns forever; and Grantor does hereby bind Grantor and Grantor's successors and assigns to **WARRANT AND FOREVER DEFEND** the Property unto Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

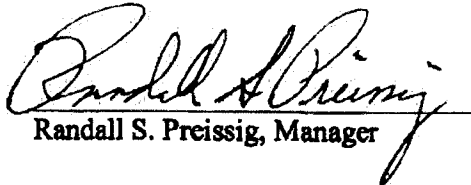





EXECUTED the date of the acknowledgments below to be effective for all purposes on December 26, 2005.

GRANTOR:

JMRS MANAGEMENT, LLC

By:   
Randall S. Preissig, Manager

By:   
Judith M. Preissig, Manager

Grantee's Address:

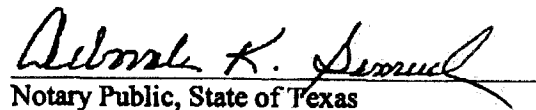
JMRS PARTNERS, LTD.  
11814 Mill Rock Rd.  
San Antonio, Texas 78230-2624

GRANTOR'S ACKNOWLEDGMENT

STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR       §

The above and foregoing instrument was acknowledged before me on the 26th day of October, 2006, by the said RANDALL S. PREISSIG, the Manager of JMRS MANAGEMENT, LLC, a Texas limited liability company, in such capacity and on behalf of said entity.



  
Notary Public, State of Texas

STATE OF TEXAS  
COUNTY OF BEXAR

§  
§  
§

The above and foregoing instrument was acknowledged before me on the 30th day of October, 2006, by the said JUDITH M. PREISSIG, the Manager of JMRS MANAGEMENT, LLC, a Texas limited liability company, in such capacity and on behalf of said entity.



*Deborah K. Samuel*  
Notary Public, State of Texas

**PREPARED IN THE LAW OFFICES OF:**  
DUNCAN, WEAKLEY & BRESSLER, INC.  
1020 N.E. Loop 410, Suite 500  
San Antonio, TX 78209-1224  
Telephone: (210) 224-0781  
Telecopier: (210) 224-6958

**AFTER RECORDING RETURN TO:**  
Stephen A. Bressler  
DUNCAN, WEAKLEY & BRESSLER, INC.  
1020 N.E. Loop 410, Suite 500  
San Antonio, TX 78209-1224

## **EXHIBIT "A"**

A certain tract of land containing 207.8 acres, more or less, being out of Two Hundred Twenty-Eight and Thirty Hundreths (228.30) acres out of J.A. Navarro Survey 5, Abstract 12, County Block 4295, and being a portion of New City Block 15068 within the corporate limits of San Antonio, Bexar County, Texas being more particularly described as follows:

BEGINNING at a steel rod on this Southeast line of Somerset Road at the Southwest corner of a 15 acre tract described in deed, recorded in Volume 2621, Page 851, Real Property Records, Bexar County, Texas, the most Western Southwest corner of this tract, being the Southwest corner of a non-exclusive right of ingress and egress easement 50 feet wide containing 4.484 acres, described in said deed;

THENCE with the Southeast line of Somerset Road North 26 deg. 07' East, 669.95 feet to a steel rod at angle and, North 25 deg. 45' East, 249.85 feet to a steel rod, the most Western Northwest corner of this tract, being the Northwest corner of said 15 acres tract;

THENCE with fence along the North line of said 15 acres tract also being the North line of 4 tracts of land containing 15 acres each, South 79 deg. 18' East, 3713.83 feet to an iron pipe on the West line of a 74.89 acres tract, an interior corner of this tract;

THENCE with fence along the West line of said 74.89 acres tract North 10 deg. 22' East, 906.08 feet to an iron pipe on the South line of Henry Kierum tract, the Northwest corner of this tract, being the Northwest corner of said 74.89 acres tract;

THENCE with the North line of said 74.89 acres tract, being the South line of the Henry Kierum tract as follows:

South 79 deg. 38' East, 521.10 feet to a steel rod on the right or South bank of the Leon Creek for a corner,  
North 4 deg. 56' East, crossing the Leon Creek 126.30 feet to an iron pipe on the left or North bank of the Leon Creek for a corner and,  
South 81 deg. 13' East, 771.60 feet along a fence line to an iron pipe on the West line of a drainage ditch, the most Northern Northeast corner of this tract being the Southeast corner of Henry Keirum tract, also being the Northeast corner of said 74.89 acres tract;

THENCE with fence along the East line of said 74.89 acres tract, South 9 deg. 04' West, 747.30 feet crossing the Leon Creek to a steel rod, an interior corner of this tract;

THENCE South 81 deg. 04' East, crossing the Leon Creek 1933.25 feet to a steel rod at fence corner;

THENCE with fence South 9 deg. 08' West, 383.10 feet to a steel rod at fence corner;

THENCE with fence South 80 deg. 53' East, 2798.43 feet to a steel rod on the West right-of-way line of Interstate Highway 410, the most Eastern Northeast corner of this tract;

THENCE with the said West right-of-way line South 0 deg. 22' East, 79.90 feet to a highway monument on the North right-of-way line of Interstate Highway 410, the Southeast corner of this tract;

THENCE with the North right-of-way line of Interstate Highway 410 as follows:

South 89 deg. 38' West, 2801.50 feet to a highway monument at angle;

North 81 deg. 10' West, 566.90 feet to a highway monument at angle;

South 84 deg. 54' West, crossing the Leon Creek 626.40 feet to a highway monument at angle;

South 72 deg. 20' West, 888.50 feet with fence to a highway monument at angle;

South 8 deg. 34' West, 19.25 feet to a highway monument at angle and

South 75 deg. 50' West, 3087.40 feet with fence to a steel rod on the center line of a United Gas Pipeline (Valero), the most Southern Southwest corner of this tract;

THENCE with the center line of said United Gas Pipeline, North 28 deg. 29' West, 258.01 feet to a steel rod for a corner;

THENCE North 75 deg. 50' East, 1787.60 feet to a steel rod on fence line on the West line of said 74.89 acres tract, an interior corner of this tract;

THENCE with fence along the West line of said 74.89 acres tract, North 10 deg. 22' East, 680.49 feet to a steel rod at the Southeast corner of said 50 feet right-of-ingress-and-egress easement;

THENCE with the South line of said 50 feet easement, North 79 deg. 18' West, 2573.51 feet to a steel rod at angle and North 81 deg. 02' West, 1388.96 feet to the place of BEGINNING;

**SAVE AND EXCEPT** an 18.0000 acre tract of land out of said 228.3071 acre tract originally out of the J.A. Navarro Survey 5, Abstract 12, County Block 4295, and being a portion of New City Block 15068 within the corporate limits of San Antonio, Bexar County, Texas, and being more particularly described in Exhibit "A-1" attached hereto and made a part hereof for all purposes; and,

**SAVE AND EXCEPT** a 2.5.0000 acre tract of land out of said 228.3071 acre tract originally out of the J.A. Navarro Survey 5, Abstract 12, County Block 4295, and being a portion of New City Block 15068 within the corporate limits of San Antonio, Bexar County, Texas, and being more particularly described in Exhibit "A-2" attached hereto and made a part hereof for all purposes.

**EXHIBIT "A"**  
Page 3 of 3 Pages

**EXHIBIT "A-1"**

Being 18.0000 acres of land out of a 228.3071 acre tract originally out of the J.A. Navarro Survey 5, Abstract 12, County Block 4295, and being a portion of New City Block 15068 within the corporate limits of San Antonio, Bexar County, Texas, and being more particularly described as follows:

Commencing at a highway monument on the North right-of-way line of Interstate Highway 410, said monument being the Southeast corner of the 228.3071 acre tract and approximately 0.19 miles from the right-of-way intersection with State Highway 16, also known as Palo Alto Road.

THENCE with the North right-of-way line of Interstate Highway 410, S 89° 38' 00" W, a distance of 2,801.50 feet to a highway monument for an angle point;

THENCE continuing along the North right-of-way line of Interstate Highway 410, N 81° 10' 00" W, a distance of 566.90 feet to a highway monument for an angle point;

THENCE S 84° 54' 00" W, a distance of 111.03 to an iron pin set on Interstate Highway 410 right-of-way for the point of beginning and the Southeast corner of the herein described tract;

THENCE along said right-of-way line, S 84° 54' 00" W, a distance of 515.37 feet to highway monument and an angle point;

THENCE S 72° 20' 00" W, a distance of 361.93 feet to a set iron pin on said right-of-way line and being the Southwest corner of the herein described tract;

THENCE N 17° 40' 00" W, a distance of 918.57 feet to an iron pin set and being the Northwest corner of the 18.000 acre tract;

THENCE; N 72° 20' 00" E, crossing Leon Creek, a distance of 612.77 feet to an iron pin set for the Northeast corner of the 18.000 acre tract and being on the West boundary line of a 20.000 acre tract;

THENCE in a Southeasterly direction and paralleling at 2 feet East of the East top of bank of Leon Creek as field located on December 21, 2002, the following courses and distances;

S 07° 23' 32" E; 81.01 feet to a set iron pin;  
S 80° 43' 47" E; 323.83 feet to a set iron pin;  
S 03° 32' 00" E; 189.71 feet to a set iron pin;  
S 23° 23' 00" E; 156.84 feet to a set iron pin;  
S 17° 57' 30" E; 147.00 feet to a set iron pin;

**EXHIBIT "A-1"**

Page 1 of 2 Pages

S 27° 36' 48" E; 64.68 feet to a set iron pin;  
S 22° 47' 27" E; 81.56 feet to a set iron pin;  
S 31° 18' 31" E; 78.00 feet to a set iron pin;  
S 11° 29' 00" E; 69.66 feet to a set iron pin;  
S 20° 31' 10" W; 34.72 feet to the point of beginning and containing  
18.0000 acres of land;

**EXHIBIT "A-1"**  
Page 2 of 2 Pages

**EXHIBIT "A-2"**

Being 2.5000 acres of land out of a 228.3071 acre tract originally out of the J.A. Navarro Survey 5, Abstract 12, County Block 4295, and being a portion of New City Block 15068 within the corporate limits of San Antonio, Bexar County, Texas, and being more particularly described as follows:

Commencing at a highway monument on the North right-of-way line of Interstate Highway 410, said monument being the Southeast corner of the 228.3071 acre tract and approximately 0.19 miles from the right-of-way intersection with State Highway 16, also known as Palo Alto Road.

THENCE, with the North right-of-way line of Interstate Highway 410, S 89° 38' 00" W, a distance of 2,801.50 feet to a highway monument for an angle point;

THENCE, continuing along the North right-of-way line of Interstate Highway 410, N 81° 10' 00" W, a distance of 566.90 feet to a highway monument for an angle point;

THENCE, along said North right-of-way line, S 84° 54' 00" W, a distance of 626.40 feet to a highway monument and an angle point;

THENCE, S 72° 20' 00" W, a distance of 361.93 feet to an iron pin and being the Southwest corner of an 18.0000 acre tract;

THENCE, N 17° 40' 00" W, a distance of 918.57 feet along the West boundary line of the 18.000 acre tract to an iron set and being the point of beginning of the herein described tract of land;

THENCE, N 17° 40' 00" W, a distance of 150.12 feet to an iron pin set for an angle point on the West boundary line of the herein described tract of land;

THENCE, along said West boundary line, N 08° 33' 50" E, a distance of 172.43 feet to an iron pin set for the Northwest corner of this tract;

THENCE, along the North boundary line of the herein described tract S 81° 04' 00" E, and crossing Leon Creek, a distance of 606.78 feet to an iron pin set for the Northeast corner of this tract;

**EXHIBIT "A-2"**

Page 1 of 2 Pages



THENCE, following the East top of bank of Leon Creek, S 07° 23' 32" E, a distance of 33.64 feet to an iron pin set for the Southeast corner of this tract;

THENCE, S 72° 20' 00" W, a distance of 612.77 feet to the point of beginning and containing 2.500 acres of land.

**EXHIBIT "A-2"**  
**Page 2 of 2 Pages**

**EXHIBIT "B"**

Being 99.827 acres out of the Jose Angel Navarro Survey No. 5, Abstract No. 12, County Block 4295, Bexar County, Texas, and being more particularly described as follows:

**BEGINNING** at an iron pin found on the north right-of-way line of Interstate Highway 410 (320' R.O.W.), said point being located along said north R.O.W. line from a highway monument at the northeast intersection of said Interstate Highway 410 and Somerset Road (F.M. 2790 – 120' R.O.W.) with the following calls:

South 89° 32' 48" East 719.10 feet to an angle point;

North 82° 38' 16" East 340.17 feet to a highway monument;

North 78° 27' 05" East 473.54 feet to an angle point; and

North 76° 00' 54" East 817.26 feet, for the most southerly corner of this tract;

**THENCE** along a barbed wire fence North 80° 30' 16" West 2,094.19 feet to an iron pin found on the southeast R.O.W. line of said Somerset Road for the most southwesterly corner of this tract;

**THENCE** along said southeast R.O.W. line of Somerset Road, North 26° 07' 40" East 2,027.02 feet to an iron pin set for the most northerly corner of this tract;

**THENCE** South 80° 51' 12" East 1,335.39 feet to an iron pin found for the most northeasterly corner of this tract;

**THENCE** South 28° 18' 08" East 1,919.65 feet to an iron pin set on said north R.O.W. line of Interstate Highway 410 for the most southeasterly corner of this tract;

**THENCE** with said north R.O.W. line of Interstate Highway 410, South 76° 00' 54" West 1,087.96 to the Point of Beginning and containing 99.827 acres, more or less.

**EXHIBIT "C"**

A parcel of land containing 62.617 acres, more or less, being the same property described by deed recorded in Volume 2075, Page 861, Bexar County Real Property Records, out of the Jose Angel Navarro Survey No. 5, Abstract No. 12, Bexar County, Texas, and being more particularly described as follows:

BEGINNING at an iron pin set in the Southeast line of Somerset Road, said iron pin bears N. 26° 10' 24" E, with and along the Southeast line of said Somerset Road, a distance of 148.79 feet from the most Westerly corner of said 147.366 acre tract, same being the most Northwesterly corner of that certain 100 acre tract of land described in deed recorded in Volume 6085, Page 426 of the Deed Records of Bexar County, Texas;

THENCE S 81° 00' 28" E. 1388.95 feet to an iron pin set in concrete for an angle point along the North property line;

THENCE S. 79° 53' 00" E. 2574.68 feet to an iron pin set in concrete for the Northeast corner of said tract;

THENCE S. 10° 20' 29" W. 680.35 feet to an iron pin set for a corner;

THENCE S. 75° 50' 04" W. 1787.94 feet parallel to and approximately 250 feet Northwest of Interstate Highway 410 to an iron pin set for the most Southerly corner, said corner being on the centerline of a United Gas Pipe Company easement;

THENCE N. 26° 28' 49" W. 1661.80 feet along said pipe line easement to an iron pin set in concrete for an interior corner;

THENCE N. 81° 00' 28" W. 1335.57 feet to an iron pin set in concrete, said point being located on the Southeast right-of-way line of Somerset Road and being the most Westerly corner of said tract;

THENCE N. 26° 10' 24" E 148.79 feet along the Southeast right-of-way line of Somerset Road to the place of beginning and containing 62.617 acres of land.

**EXHIBIT "D"**

A certain tract of land containing FORTY SIX AND FIFTY NINE HUNDREDTHS (46.59) ACRES formerly out of the Anna Kierum 214.20 acres tract, J. A. Navarro Survey 5, Abstract 12, County Block 4295, fronting on the South line of Somerset Road about 8 miles in a Southwesterly direction from the courthouse in Bexar County, Texas, being more particularly described as follows:

BEGINNING at an axle on the South line of Somerset Road for the Northwest corner of this tract, being the Northeast corner of Hyman Friedman Et. Ux. 25.07 acres tract 3, recorded in Volume 2293, Page 401, Deed Records, Bexar County, Texas;

THENCE with fence along the North line of this tract being the South line of Somerset Road South 81 deg. 04' 30" East, 1530.38 feet to a steel rod at angle, being an angle in the Somerset Road;

THENCE continuing with fence along the North line of this tract, South 81 deg. 12' 30" East, 1324.09 feet to a steel rod, the Northeast corner of this tract, being the Northwest corner of a drainage ditch;

THENCE, with the West line of said drainage ditch, South 9 deg. 05' West, 676.56 feet to an iron pipe, the Southeast corner of this tract, being the Northeast corner of a 74.89 acres tract;

THENCE with fence along the North line of said 74.89 acres tract, North 81 deg. 13' West, 771.60 feet to a steel rod, an interior corner of this tract;

THENCE South 4 deg. 56' West, crossing the Leon Creek, to a distance of 126.30 feet to a steel rod on the South bank of said Leon Creek, an exterior corner of this tract;

THENCE continuing with the North line of said 74.89 acres tract and the North line of a 25.90 acres tract, North 79 deg. 39' West, 568.10 feet to an axle in concrete at angle and South 71 deg. 28' West, crossing the Leon Creek 197.90 feet to an iron pipe fence post set in concrete;

THENCE with fence North 14 deg. 30' West, 222.45 feet to an iron pipe fence post set in concrete, an interior corner of this tract;

THENCE with fence along the South line of this tract North 81 deg. 01' West, 1256.87 feet to a concrete monument, the Southwest corner of this tract, being the Southeast corner of said 25.07 acres tract;

THENCE with the West line of this tract, being the East line of said 25.07 acres tract, North 8 deg. 50' 30" East, 673.10 feet to the place of BEGINNING.

Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law STATE OF TEXAS, COUNTY OF BEXAR  
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped herein by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas etc.

Doc# 20060272538 Fee: \$58.00  
11/09/2006 10:23AM # Pages 14  
Filed & Recorded in the Official Public  
Records of BEXAR COUNTY  
GERRY RICKHOFF COUNTY CLERK

NOV 09 2006



*Gerry Rickhoff*  
COUNTY CLERK BEXAR COUNTY, TEXAS

**EXHIBIT "D"**  
Page 2 of 2 Pages

## **WORKSHEET 1.2 MARSHALL CRITERIA**

**Administrative Requirements and Fees** – The Application meets the administrative requirements for an amendment to a water use permit pursuant to TWC Chapter 11 and Title 30 Tex. Admin. Code Chs. 281, 295, and 297. The Application includes a sworn application, maps, completed conservation plan, and all necessary fees.

**Beneficial Use** – Irrigation, Mining and Industrial uses are beneficial uses as defined and listed in TWC Ch. 11.

**Public Welfare** – The amendment of the authorized uses and place of use is not detrimental to the public welfare.

**Groundwater Effects** – The proposed amendment will not affect groundwater recharge. Use of the surface water for irrigation, mining, and industrial uses will lessen the reliance on groundwater at the place of use.

**State Water Plan** – The state and regional water plans generally do not address every possible change in individual water rights. The application is consistent with the 2021 Region L Water Plan and the 2022 State Water Plan because there is nothing in the plans that conflict with the application.

**Waste Avoidance** – Applicant will institute conservation methods and only use the surface water when necessary. A water conservation plan is attached.

**Impacts on Water Rights or On-stream Environment** – Amending the place of use and authorized uses has no impact on any water right holders or the on-stream environment. The diversion point is not being moved.











