

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Natalia Ponebshek, Project Manager
Water Rights Permitting Team

DATE: July 13, 2022

SUBJECT: RK Hall, LLC
WRTP 13829
CN604705673, RN111453031
Application No. 13829 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Bois d'Arc Creek, Red River Basin
Fannin County

The application and partial fees were received on March 7, 2022. Additional information and fees were received on May 24, June 17, and July 6, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on July 13, 2022. Limited mailed notice to downstream water right holders of record in the Red River Basin is required pursuant to Title 30 Texas Administrative Code § 295.154(a).

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

Natalia Ponebshek

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

OCC Mailed Notice Required **YES** **NO**

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 13, 2022

Mr. Chad Stone
RK Hall, LLC
5020 SE Loop 286
Paris, TX 75460

VIA E-MAIL

RE: RK Hall, LLC
WRTP 13829
CN604705673, RN111453031
Application No. 13829 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Bois d'Arc Creek, Red River Basin
Fannin County

Dear Mr. Stone:

This acknowledges receipt, on May 24, June 17 and July 6, 2022, of additional information and fees in the amount of \$36.62 (Receipt No. M217576, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on July 13, 2022. Staff will continue processing the application for consideration by the Executive Director.

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

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

Sincerely,

Natalia Ponebshek

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

Attachment

Natalia Ponebshek

From: Benton Cobb [REDACTED]
Sent: Wednesday, July 6, 2022 9:18 AM
To: Natalia Ponebshek
Subject: RK HALL, LLC App. No 13829
Attachments: Signed Letter.pdf; Randolph Warranty Deed.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Here is proof of land ownership at diversion point and letter stating Jason Exum Can sign for RK Hall, LLC

Benton Cobb
Aggregate Safety Manager
RK Hall LLC
5020 SE Loop 286
Paris, Texas 75460
Cell: (903)-249-1617



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

General Warranty Deed

Grantor: MICHAEL SCOTT CALL and LARRY ROYCE CALL, each conveying his sole and separate, non-homestead property

Grantor's Mailing Address:

Michal Scott Call	Larry Royce Call
9748 S. State Hwy 121	221 Lakeside Circle
Trenton, Texas 75490	Murphy, Texas 75094

Grantee: R K HALL, LLC

Grantee's Mailing Address: 5020 SE Loop 286, Paris, Texas 75460

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

Being 24.101 acres, more or less, out of the Henry S. Hitchcock Survey, Abstract No. 478, Fannin County, Texas, and being more particularly described in **EXHIBIT "A"** attached hereto and incorporated herein by reference for all purposes.

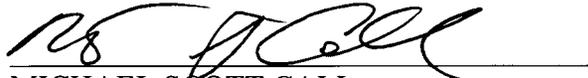
Reservations from Conveyance: NONE

Exceptions to Conveyance and Warranty: Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and property taxes for the current year, which have been prorated at Closing, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

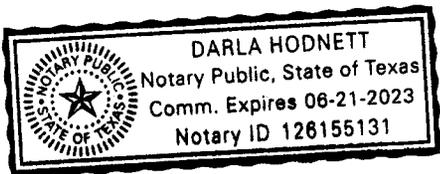
When the context requires, singular nouns and pronouns include the plural.


MICHAEL SCOTT CALL


LARRY ROYCE CALL

STATE OF TEXAS)
COUNTY OF FANNIN)

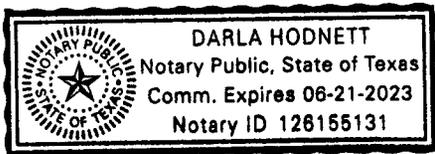
This instrument was acknowledged before me on the 11 day of Nov., 2021,
by **MICHAEL SCOTT CALL**.




Notary Public, State of Texas

STATE OF TEXAS)
COUNTY OF FANNIN)

This instrument was acknowledged before me on the 11 day of Nov., 2021,
by **LARRY ROYCE CALL**.




Notary Public, State of Texas

AFTER RECORDING RETURN TO:

COLE TITLE COMPANY
709 N. Center St.
Bonham, Texas 75418

GF No. 20210910474

EXHIBIT "A"

SURVEY # 2021-193

SHEET 2 OF 2 SHEETS

Being 24.101 acres of land, a part of the Henry S. Hitchcock Survey Abstract Number 478, lying and being situated on the South side of State Highway 121 Just North of Bois d' Arc Canal in Fannin County Texas. The said 24.101 acre tract contains part of the 20 acre Tract One that is referenced in Gift General Warranty Deed to Michael Scott Call and Larry Royce Call in Volume 1344, Page 44 in the Official Public Records of Fannin County, Texas, that is described in the First Tract set out to Virginia Hutcherson in a Deed of Partition in Volume 484, Page 702 in the Deed Records of Fannin County, Texas. The said 24.101 acre tract also contains part of the 20 acre Tract Four that is referenced in Volume 1344, Page 44 and is described in the Fourth Tract set out to Virginia Hutcherson in a Deed of Partition in Volume 484, Page 702 in the Deed Records of Fannin County, Texas. The said 24.101 acre tract also contains part of the 14 acre Tract No. 4 in Tract Sixteen that is referenced in Volume 1344, Page 44, that is described in Warranty Deed to Virginia Hutcherson in Volume 459, Page 245 in the Deed Records of Fannin County, Texas. The said 24.101 acre tract also contains an area of approximately 13.1 acres off the South side of this 24.101 acre tract that has been held by long term possession. The deed for the approximate 13.1 acre area has currently not been located. The said 24.101 acre tract being described more particularly by metes and bounds as follows:

Commencing at a found concrete right-of-way monument located at Highway Station # 454+12, Go S 47°16'00" W (Reference Bearing from right-of-way deed) with the South highway right-of-way passing the Northeast corner of a called 41.172 acre tract conveyed to Kristi Bridgewater in Volume 1963, Page 281 at 507.18 feet and continuing a total distance of 1339.00 feet to a point for the Point of Beginning and the Northeast corner of this tract and at the Northwest corner of the 41.172 acre Bridgewater tract.

THENCE: S 01°43'02" W passing a found 3/8 inch iron rod at 1.61 feet and continuing near a fence line that varies from line a total distance of 866.21 feet to a Bois d' Arc fence corner post for the Northernmost Southeast corner of this tract and at a corner of the Bridgewater tract.

THENCE: S 85°46'58" W near a fence line a distance of 28.87 feet to a Bois d' Arc fence corner post for the inside Southeast corner of this tract and at a corner of the Bridgewater tract.

THENCE: S 02°01'23" W near a fence line and passing a 1/2" set iron rod yellow capped (Sanderson) at 1132.33 feet and continuing a total distance of 1206.83 feet to a point near the center of Bois D' Arc Creek Canal for the Southernmost corner of this tract.

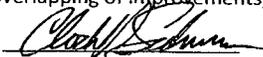
THENCE: N 41°42'44" W near the center of the canal a distance of 1447.57 feet to a point at the intersection with the South right-of-way of State Highway 121 for the Westernmost corner of this tract.

THENCE: N 47°16'00" E with the South highway right-of-way passing a 1/2" set iron rod at 100.00 feet and continuing a total distance of 578.00 feet to a 1/2" set iron rod for a corner of this tract at a bend in the South right-of-way.

THENCE: N 44°24'00" E with the South highway right-of-way a distance of 200.25 feet to a found concrete monument for a corner of this tract at a bend in the highway right-of-way.

THENCE: N 47°16'00" E (Reference Bearing from right-of-way deed) with the South highway right-of-way a distance of 675.11 feet to the Point of Beginning and containing 24.101 acres.

I, Clark R. Sanderson Registered Professional Land Surveyor # 4765, State of Texas, do hereby certify the above was taken from measurements made upon the ground on 10-21-2021 and there are no visible easements, encroachments or overlapping of improvements, except as shown on the plat.



Clark R. Sanderson



FILED AND RECORDED
Fannin County, Texas
Tammy Biggar, County Clerk
101 E. Sam Rayburn Dr. #102
Bonham, Tx 75418

FILING AND RECORDING DATE: 11/16/2021 9:32AM

RECORDING FEE: 34.00

Instrument Number: 2021008431

Document Type: DEED

Number Of Pages: 4

Parties: CALL MICHAEL SCOTT ET AL

To: R K HALL LLC

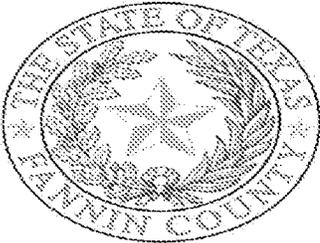
Receipt # 4022539

DocId 8031543

Received By: VICKIE MILLER

DO NOT DESTROY - *Warning, this document is part of the Official Public Record.*

I hereby certify that this instrument was FILED AND RECORDED on the date and time stamped hereon and FILED AND RECORDED in the OFFICIAL PUBLIC RECORDS of Fannin County, Texas.



Tammy Biggar

Tammy Biggar, Fannin County Clerk

NOTICE: It is a crime to intentionally or knowingly file a fraudulent court record or instrument with the clerk.

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

FILED AND RECORDED
In the Official Public Records
of Fannin County Texas
Tammy Biggar, Fannin County Clerk
Document #: 2021008431
11/16/2021 09:32:25 AM
As: DEED
Number of Pages: 4
Receipt #: 4022539

By: VICKIE MILLER
Deputy

RK HALL, LLC

Natalia Ponebshek
TCEQ
Application No. 13829
July 7, 2022

Dear TCEQ,

Jason Exum Vice President for RK Hall, LLC can sign on behalf of RK HALL, LLC. He has signed the application that I have sent over to Natalia Ponebshek. If you have any question please feel free to email me at [REDACTED] or call me at (903) 249-1617.

Sincerely,



Benton Cobb, EHS Manager

**Texas Commission on Environmental Quality
TELEPHONE MEMO TO THE FILE**

Call to: Ben Cobb	Call from: Natalia Ponebshek
Date: 7/5/2022	Applicant: RK Hall WRTP 13829

Information for File follows:

Explained requirements for proper deeds and signature authority.

Signed *Natalia Ponebshek*

Natalia Ponebshek

From: Benton Cobb [REDACTED] >
Sent: Friday, June 17, 2022 11:19 AM
To: Natalia Ponebshek
Subject: RK HALL LLC water permit
Attachments: RK_Hall_LLC_13829_RFI 2_Sent_6.9.2022.pdf; Land ownership proof.pdf; signed temp water permit application.pdf

I confirm both 1 and 2.

3 I have included a new application everything is the same except signature and that we do not owe anymore money. Jason Exum our officer has signed for this now.

4 i have included proof of ownership of the land from the Fannin County Appraisal district.

Benton Cobb

Aggregate Safety Manager
RK Hall LLC
5020 SE Loop 286
Paris, Texas 75460
Cell: (903)-249-1617



Map



Property Details

Account	
Property ID:	131675
Legal Description:	A0478 H S HITCHCOCK, ACRES 24.101
Geographic ID:	0478-021-0010-05
Agent:	
Type:	Real
Location	
Address:	9111 S ST HWY 121 TRENTON, TX 75490
Map ID:	D13
Neighborhood CD:	BORSW
Owner	
Owner ID:	161253
Name:	R K HALL LLC
Mailing Address:	5020 SE LOOP 286 PARIS, TX 75460
% Ownership:	100.0%
Exemptions:	For privacy reasons not all exemptions are shown online.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

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

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

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

1. Data on Applicant and Project: Social Security or Federal ID No. 27-3722217

A. Name: RK HALL, LLC

B. Mailing Address: 5020 SE Loop 286 Paris, Texas 75460

C. Telephone Number: 903-715-2781 Fax Number: E-mail Address

D. Applicant owes fees or penalties? Yes No

If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:

E. Describe Use of Water Water used for ready mixed concrete plant

F. Description of Project (TDH Project No. if applicable)

G. Highway Designation No. SH-121 County Fannin

2. Type of Diversion (check one):

From Stream From Reservoir

3. Rate of Diversion:

A. Maximum 250 gpm (capacity of pump)

4. Amount and Source of Water:

15 acre-feet of water within a period of 1 (specify term period not to exceed a three year term). The water is to be obtained from Bois d'Arc Creek, tributary of Pace Creek, tributary of Blanton Creek, tributary of Porter creek, Rock Creek Basin.

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

At Latitude 33.46620 N, Longitude -96.27727 W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) SH-121 (R-O-W) (Highway), located in Zip Code 75460, located 9.83 miles in a southwest direction from Fannin county (County Seat), Fannin County, and 2 miles in a West direction from Randolph, a nearby town shown on County road map. Note: Distance in straight line miles.

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

6. Access to Diversion Point (check one):

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

7. Fees Enclosed:

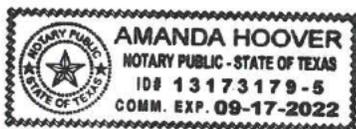
Table with 4 columns: Fee Type, Amount, 10 ac-ft or less, greater than 10 ac-ft. Rows include Filing, Recording, Use (\$1.00 per ac-ft or fraction thereof), and Total.

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

Signature of applicant: Jason Ekum

Name (print) of applicant: Jason Ekum

Subscribed and sworn to me as being true and correct before me this 17th day of June, 2022



Signature of notary: Amanda Hoover

Name (print) of notary: Amanda Hoover

Natalia Ponebshek

From: Natalia Ponebshek
Sent: Thursday, June 9, 2022 2:22 PM
To: [REDACTED]
Subject: RK Hall LLC, App. No. 13829 RFI 2
Attachments: RK_Hall_LLC_13829_RFI 2_Sent_6.9.2022.pdf

Please find the attached request for information for the abovementioned application. A response is due by July 11, 2022.

Thank you,

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

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 9, 2022

Mr. Chad Stone
RK Hall, LLC
5020 SE Loop 286
Paris, TX 75460

VIA E-MAIL

RE: RK Hall, LLC
WRTP 13829
CN604705673, RN111453031
Application No. 13829 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Bois d'Arc Creek, Red River Basin
Fannin County

Dear Mr. Stone:

This acknowledges receipt, on May 24, 2022, of additional information and fees in the amount of \$36.62 (Receipt No. M217576, copy attached).

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

1. Confirm that the diversion point is located on Bois d'Arc Creek, Red River Basin.
2. Confirm the coordinates of the diversion point. Staff has calculated the coordinates to be Latitude 33.466231° N and Longitude 96.277217° W.
3. Provide written evidence that Chad Stone is authorized to sign the application for RK Hall, LLC, pursuant to Title 30 Texas Administrative Code (TAC) § 295.14(5) which states:

If the applicant is a corporation, public district, county, municipality or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of by-laws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

4. Provide recorded copies of legal documents establishing ownership of the proposed diversion point, or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion point, pursuant to Title 30 TAC § 295.10.

Please provide the requested information by July 11, 2022, or the application may be returned pursuant to Title 30 TAC § 281.18.

Mr. Chad Stone
RK Hall, LLC
Application No. 13829
June 9, 2022
Page 2 of 2

If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality

Attachment



26-MAY-22 11:58 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
TEMP/EMERG WTR USE PRMT ISSUE	EMG EMG TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE	M217575	900011802 052622	N	BS00095098 D2802757	26-MAY-22	-\$111.25
	EMG EMG TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE	M217576	148664 052622	N	BS00095098 D2802757	26-MAY-22	-\$36.62
		RK HALL LLC	VHERNAND	CK			
Total (Fee Code):							-\$147.87



26-MAY-22 11:58 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
TEMP/EMERG WTR USE PRMT ISSUE	EMG EMG TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE	M217575	900011802 052622	N	BS00095098 D2802757	26-MAY-22	-\$111.25
	EMG EMG TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE	SIMS METAL	VHERNAND	CK			
	EMG EMG TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE	M217576	148664 052622	N	BS00095098 D2802757	26-MAY-22	-\$36.62
	EMG EMG TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE	RK HALL LLC	VHERNAND	CK			
Total (Fee Code):							-\$147.87

This is a Charge for Application 13829

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087 MC-160, Austin, Texas 78711-3087 Telephone (512) 239-4600, FAX (512) 239-4770

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

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

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

1. Data on Applicant and Project: Social Security or Federal ID No. 27-3722217
A. Name: RK HALL, LLC
B. Mailing Address: 5020 SE Loop 286 Paris, Texas 75460
C. Telephone Number: 903-715-2781 Fax Number: E-mail Address:
D. Applicant owes fees or penalties? [x] Yes [] No
If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:
\$36.62 application Number 13829
E. Describe Use of Water: Water used for ready mixed concrete plant
F. Description of Project (TDH Project No. if applicable)
G. Highway Designation No. SH-121 County Fannin

2. Type of Diversion (check one): [x] From Stream [] From Reservoir
3. Rate of Diversion:
A. Maximum 250 gpm (capacity of pump)

4. Amount and Source of Water:
15 acre-feet of water within a period of 1 (specify term period not to exceed a three year term). The water is to be obtained from Bois d'Arc Creek, tributary of Face Creek, tributary of Blanton Creek, tributary of Porter creek, Rock Creek Basin.

5. Location of Diversion Point: Provide Latitude and Longitude in decimal degrees to at least six decimal places, and indicate the method used to calculate the diversion point location.
At Latitude 33.46620 °N, Longitude -96.27727 °W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) SH-121 (R-O-W) (Highway), located in Zip Code 75490, located 9.63 miles in a southwest direction from Fannin county (County Seat), Fannin County, and 2 miles in a West direction from Randolph, a nearby town shown on County road map. Note: Distance in straight line miles.

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

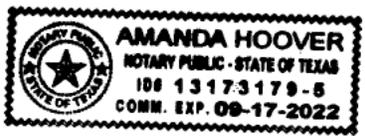
6. Access to Diversion Point (check one): [] Public right-of-way [x] Private property (A letter of permission from landowner is attached) [] Other (Explain)
7. Fees Enclosed:
10 ac-ft or less greater than 10 ac-ft
Filing \$ 100.00 \$ 250.00
Recording \$ 1.25 \$ 1.25
Use (\$1.00 per ac-ft or fraction thereof) \$ \$
(Note: 1 ac-ft = 325,851 gals. Total \$ \$
1 ac-ft = 7758.35 bbls.)

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

Chad Stone (signature)
Name (sign)

CHAD STONE (print)
Name (print)

Subscribed and sworn to me as being true and correct before me this 19th day of May, 2022



Amanda Hoover (signature)
Notary Public, State of Texas

RECEIVED
MAY 24 2022

Plant site located with the blue triangle the blue X marks the spot of the diversion point.



Avoiding impingement or entrapment of aquatic organisms.

We will be using a screen to prevent aquatic organisms from being impinged or entrapped by the pump.

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 25, 2022

Mr. Chad Stone
RK Hall, LLC
5020 SE Loop 286
Paris, TX 75460

VIA E-MAIL

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Application No. 13829 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Bois d'Arc Creek, Red River Basin
Fannin County

Dear Mr. Stone:

This acknowledges receipt, on April 22, 2022, of the applicant's request for an additional extension of time to respond to the Texas Commission on Environmental Quality's request for information, dated March 22, 2022.

An extension is granted until May 23, 2022, and after that date the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact Ms. Natalia Ponebshek via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

A handwritten signature in cursive script that reads "J. Brooke McGregor".

Brooke McGregor, Section Manager
Water Rights Permitting and Availability Section
Water Availability Division

BM/np

Natalia Ponebshek

From: Chad Stone [REDACTED]
Sent: Friday, April 22, 2022 1:58 PM
To: Natalia Ponebshek
Subject: RE: RK Hall LLC, App. No. 13829 RFI

Please allow us a 30 day extension as we just got the email---?

Thanks

Chad Stone
Safety Director- South Region, Summit Materials
5020 SE Loop 286
Paris, Texas 75460
M: 903-715-2781
[REDACTED]



From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Friday, April 22, 2022 1:52 PM
To: Chad Stone [REDACTED]
Subject: FW: RK Hall LLC, App. No. 13829 RFI

This message originated from outside your organization

Please see the attached request for information.

From: Natalia Ponebshek
Sent: Tuesday, March 22, 2022 1:09 PM
To: [REDACTED]
Subject: RK Hall LLC, App. No. 13829 RFI

Please find the attached request for information for the abovementioned application. A response is due by April 21, 2022.

Thank you,

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

Natalia Ponebshek

From: Natalia Ponebshek
Sent: Tuesday, March 22, 2022 1:09 PM
To: [REDACTED]
Subject: RK Hall LLC, App. No. 13829 RFI
Attachments: RK_Hall_LLC_13829_RFI 1_Sent_3.22.2022.pdf

Please find the attached request for information for the abovementioned application. A response is due by April 21, 2022.

Thank you,

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

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 22, 2022

Mr. Chad Stone
RK Hall, LLC
5020 SE Loop 286
Paris, TX 75460

VIA E-MAIL

RE: RK Hall, LLC
WRTP 13829
CN604705673, RN111453031
Application No. 13829 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Bois d'Arc Creek, Red River Basin
Fannin County

Dear Mr. Stone:

This acknowledges receipt, on March 7, 2022, of the referenced application and partial fees in the amount of \$251.25 (Receipt No. M214060, copy attached).

A temporary permit may only be issued if there is surplus water available for use on a short-term (temporary or ephemeral) basis in the source supply. During low flow conditions, which occur during a drought or periods of limited rainfall, all water in the basin will be required for existing senior water rights and there is no presumption of any surplus flows.

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

1. 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). Refer to pages 28-29 from the *Instructions for Completing the Water Right Permitting Application* (Form TCEQ-10214A-inst) for assistance in developing your response.
2. Confirm the diversion point is located in the Red River Basin.
3. Confirm the coordinates of the diversion point. Staff has calculated the coordinates to be Latitude 33.466231° N and Longitude 96.277217° W.
4. Provide a USGS 7.5 minute topographic map (or equivalent) with the location of the diversion point clearly marked.
5. Provide written evidence that Benton Cobb is authorized to sign the application for RK Hall, LLC, pursuant to Title 30 Texas Administrative Code (TAC) § 295.14(5) which states:

If the applicant is a corporation, public district, county, municipality or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of by-laws, charters, or resolutions which specify the authority of the official to

Mr. Chad Stone
RK Hall, LLC
Application No. 13829
March 22, 2022
Page 2 of 2

take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

6. Provide recorded copies of legal documents establishing ownership of the proposed diversion point, or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion point, pursuant to Title 30 TAC § 295.10.
7. Remit fees in the amount of \$36.62 as described below. Please make the check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee (Greater than 10 acre-feet)	\$ 250.00
Recording Fee	\$ 1.25
Use Fee (\$1.00 X 15 acre-feet)	\$ 15.00
<u>Notice Fee (\$0.94 x 23 water right holders)</u>	<u>\$ 21.62</u>
TOTAL FEES	\$ 278.87
<u>FEES RECEIVED</u>	<u>\$ 251.25</u>
TOTAL FEES DUE	\$ 36.62

Please provide the requested information and fees by April 21, 2022, or the application may be returned pursuant to Title 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality

Attachment



08-MAR-22 02:24 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>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>
TEMP/EMERG WTR USE PRMT ISSUE	EMG EMG TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE	M214060 RK HALL LLC	147546 030822 RHDAVIS	 N CK	BS00093189 D2802195	08-MAR-22	-\$251.25
Total (Fee Code):							-\$251.25

Natalia P

RECEIVED

MAR 10 2022

Water Availability Division

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

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

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

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

- 1. Data on Applicant and Project: Social Security or Federal ID No. 27-3722217
A. Name:
B. Mailing Address: 5020 SE Loop 286 Paris, Texas 75460
C. Telephone Number: 903-715-2781 Fax Number: E-mail Address: Chad.stone@rk-hall.com
D. Applicant owes fees or penalties? [] Yes [X] No
If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:

- E. Describe Use of Water Water used for ready mixed concrete plant
F. Description of Project (TDH Project No. if applicable)
G. Highway Designation No. SH-121 County Fannin

- 2. Type of Diversion (check one): [X] From Stream [] From Reservoir
3. Rate of Diversion:
A. Maximum 250 gpm (capacity of pump)

- 4. Amount and Source of Water:
15 acre-feet of water within a period of 1 (specify term period not to exceed a three year term). The water is to be obtained from Bois d'Arc Creek, tributary of Pace Creek, tributary of Blanton Creek, tributary of Porter Creek, Rock Creek Basin.

- 5. Location of Diversion Point: Provide Latitude and Longitude in decimal degrees to at least six decimal places, and indicate the method used to calculate the diversion point location.
At Latitude 33.46620 °N, Longitude 96.27727 °W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) SH-121 (R-O-W) (Highway), located in Zip Code 75490, located 9.63 miles in a southwest direction from Fannin County (County Seat), Fannin County, and 2 miles in a West direction from Randolph, a nearby town shown on County road map. Note: Distance in straight line miles.

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

- 6. Access to Diversion Point (check one): [] Public right-of-way [X] Private property (A letter of permission from landowner is attached) [] Other (Explain)
7. Fees Enclosed:
10 ac-ft or less greater than 10 ac-ft
Filing \$ 100.00 \$ 250.00
Recording \$ 1.25 \$ 1.25
Use (\$1.00 per ac-ft or fraction thereof) \$ \$
Total \$ \$
(Note: 1 ac-ft = 325,851 gals. 1 ac-ft = 7758.35 bbls.)

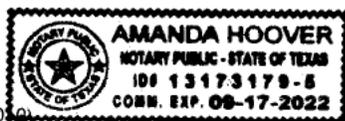
Upon completion of any project for which a temporary water permit is granted, the Permittee is required by law to report the amount of water used. This document must be properly signed and duly notarized before it can be accepted or considered by the Texas Commission on Environmental Quality.

Name (sign) [Signature]

Name (print) Benton Cobb

Subscribed and sworn to me as being true and correct before me this 3rd day of March, 2022

[Signature] Amanda Hoover
Notary Public, State of Texas



RECEIVED

MAR 07 2022

Water Availability Division