



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

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

1. **Applicant Information**

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

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

Mailing Address: PO Box 170 Natalia, Texas 78059

Phone Number: 830-665-2132 Email Address: [REDACTED]

2. **Fees or penalties**

The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4691, prior to submitting your application.

Does Applicant or Co-Applicant owe any **fees** to the TCEQ?  
Yes or No: No

If yes, provide the following information:

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

Does Applicant or Co-Applicant owe any **penalties** to the TCEQ?  
Yes or No: No

If yes, please provide the following information:

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

3. **Project Data**

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

and,

River Basin: Nueces

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4. **Project Dates**

**BEGINNING CONSTRUCTION DATE:**

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

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

Proposed: August 1, 2023

**COMPLETION DATE:**

Original: August 2, 2016

Current: August 1, 2023

Proposed: August 1, 2024

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

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

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

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

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

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6. **Application Fees**

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

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

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

| Type          | Description  | Amount (\$)        |
|---------------|--|--------------------|
| Extension Fee | Pursuant to 30 TAC §295.138, extension fees are equivalent to one-time use fees established under §295.133 <b>not to exceed \$1,000</b> . Enter corresponding extension fee under Amount (\$). Using the one-time use fees as follows: | <del>1000.00</del> |
|               | <b>Agriculture Use Fee</b> - Only for those with an Irrigation Use.<br>Multiply 50¢ x <u>2000</u> Number of acres that will be irrigated with State Water.   | 635.-              |
|               | <b>Use Fee</b> - Required for all Use Types, excluding Irrigation Use.<br>Multiply \$1.00 x ____ Maximum annual diversion of State Water in acre-feet.   |                    |
|               | <b>Recreational Storage Fee</b> - For those with Recreational storage.<br>Multiply \$1.00 x ____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.  |                    |
|               | <b>Storage Fee</b> - For Storage, excluding Recreational Storage.<br>Multiply 50¢ x <u>1210</u> acre-feet of State Water to be stored at normal max operating level.   |                    |
|               | <b>Note - if the total extension fees in this column above exceed \$1,000 - enter \$1,000 under Amount (\$).</b>   |                    |
| Mailed Notice | Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4691. (Different for each basin and the applicant will publish the notice in a locally circulated newspaper at its expense)    | 242.52             |
| <b>TOTAL</b>  |  | <b>\$1140.02</b>   |

7. Applicant Signature

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

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

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

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

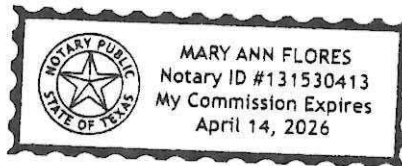
Subscribed and Sworn to before me by the said

on this 7 day of June, 2023.

My commission expires on the 14 day of April, 2026.

[Handwritten Signature]  
Notary Public

Medina  
County, Texas



[SEAL]

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

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

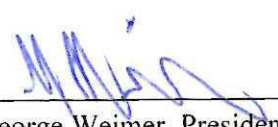
**RESOLUTION AND ORDER AUTHORIZING FILING OF APPLICATIONS  
WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO  
OBTAIN EXTENSION TO COMMENCE CONSTRUCTION BY AUGUST 1, 2023  
AND COMPLETE BY AUGUST 1, 2024.**

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

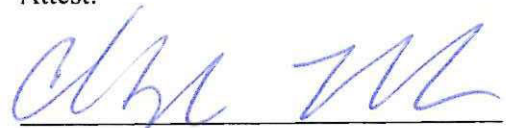
NOW, THEREFORE, BE IT RESOLVED by the board of the directors, that:

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

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

  
George Weimer, President,  
Board of Directors

Attest:

  
Christopher Friesenhahn, Secretary,  
Board of Directors

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George Weimer, President

Bob Roberts Jr., Vice President

Christopher Friesenhahn, Secretary/Treasurer



Dustin Navarro, Director

Morris Salzman, Director

Gordon Hitzfelder, Director

Garrett Wilson, Director

June 1, 2023

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

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

Dear Sir or Madam:

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

The reasons for the delay are summarized as follows:

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

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

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

Sincerely,



George Weimer  
President, BMA

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

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

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