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BARTON BENSON JONES PLLC

O | 210.610.5335 bartonbensonjones.com 1803 Broadway, Suite 840 | San Antonio, Texas 78215

July 11, 2024

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

Re: Ingram Readymix No. 87, LLC

To Whom It May Concern:

Enclosed in this package please find the following:

- 1. TCEQ Water Rights Permitting Application
- 2. Mining Conservation Plan Application
- 3. Letter of Authority
- 4. Marshall Criteria
- 5. Deeds reflecting Applicant owns land associated with diversion point



Water Availability Division

Sincerely,

KURChala

Jenane E. Rogers, Paralegal to Devin "Buck" Benson

/jr Enclosures (as stated)

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): Ingram Readymix, No. 87, LLC

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 <u>not</u> required for every application).

Y/N	Y/N
Administrative Information Report	Worksheet 3.0
NAdditional Co-Applicant Information	Additional W.S. 3.0 for each Point
Additional Co-Applicant Signature Pages	Recorded Deeds for Diversion Points
Written Evidence of Signature Authority	Consent for Diversion Access
Technical Information Report	Worksheet 4.0
USGS Map (or equivalent)	TPDES Permit(s)
Map Showing Project Details	WWTP Discharge Data
Original Photographs	Groundwater Well Permit
Water Availability Analysis	
Worksheet 1.0	Worksheet 4.1
Recorded Deeds for Irrigated Land	Worksheet 5.0
Consent for Irrigated Land	Addendum to Worksheet 5.0
Worksheet 1.1	Worksheet 6.0
Addendum to Worksheet 1.1	Water Conservation Plan(s)
Worksheet 1.2	Drought Contingency Plan(s)
Worksheet 2.0	Documentation of Adoption
Additional W.S. 2.0 for Each Reservoir	Worksheet 7.0
Dam Safety Documents	Accounting Plan RECEIVED
Notice(s) to Governing Bodies	Worksheet 8.0 JUL 1 9 2024
Recorded Deeds for Inundated Land	Fees Water Availability Division
Consent for Inundated Land	Public Involvement Plan

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ADMINISTRATIVE INFORMATION REPORT

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

***Applicants are REQUIRED 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."



2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

Indicate the number of Applicants/Co-Applicants $\frac{1}{1}$ (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?

Ingram Readymix, No. 87, LLC

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

CN :<u>604153775</u> (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 \underline{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: Ingram	Readymix No. 87 LLC	
Mailing Address: 3580 FM 4	82	
City: <u>New Braunfels</u>	State:	ZIP Code: 78132

Indicate an X next to the type of Applicant:

Individual	Sole Proprietorship-D.B.A.	
Partnership	X Corporation	
Trust	Estate	RECEIVED
Federal Government	State Government	JUL 1 9 2024
County Government	City Government	Water Availability Division
Other Government	Other	AASTEL MAGING PLANELOUT

For Corporations or Limited Partnerships, provide: State Franchise Tax ID Number: <u>32040782131</u>SOS Charter (filing) Number: 0801200945

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:		
Title:		
Organization Name:Barton Benson Jones, PLI	LC	
Mailing Address: 2000 Broadway 1803	Broadway	Suite 840
City:	State:	ZIP Code: 78215
Phone Number: (210) 640-9146		
Fax Number: (210) 600-9796	R	ECEIVED JUL 19 2024
E-mail Address:	- Wate	r Availability Division

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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: <u>N/A</u>		
Title:		
Organization Name:		
Mailing Address:		
City: <u>N/A</u>	State: <u>N/A</u>	ZIP Code: N/A
Phone Number:		
Fax Number: <u>N/A</u>		
E-mail Address:		

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

- a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your application.
 - Does Applicant or Co-Applicant owe any fees to the TCEQ? Yes / No NO If yes, provide the following information:
 Account number: ______ Amount past due: ______
 - Does Applicant or Co-Applicant owe any penalties to the TCEQ? Yes / No NO
 If yes, please provide the following information:
 Enforcement order number: ______ Amount past due: _____
- b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicant's may check their status with the Comptroller at https://mycpa.cpa.state.tx.us/coa/
 Is the Applicant or Co-Applicant in good standing with the Comptroller? Yes / No 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: <u>https://www3.twdb.texas.gov/apps/reports/WU_REP/SurveyStatus_PriorThreeYears</u> Applicant has submitted all required TWDB surveys of groundwater and surface water? Yes / No YES_____

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6. SIGNATURE PAGE (Instructions, Page. 11)

-

Applicant:

I. Devin "Buck" Benson	Authorized Representative	
(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:(Use blue ink)		Date:	7/10/24
Subscribed and Sworn to be	fore me by the said		
on this 10th	day of July		, 20 <u>24</u> .
My commission expires on t	he <u>3rd</u> day of febr	larg	_, 20 <u>27</u> .
Notary Public	RECEIVED	×	LENANE ROGERS My Notary ID # 8055392 Expires February 3, 2027
County, Texas	Water Availability Division		

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 <u>WRPT@tceq.texas.gov</u> to schedule a meeting.

Date of pre-application meeting:

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: NA)

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 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: NA)

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: 23-2653

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? Y / 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_____

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____

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.

- - 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______ *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 <u>any</u> 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[№]

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 / NN

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 / NN_

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[№]____

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 Ingram Readingmix No. 87, LLC, is located within Region J Planning Group. The state and regional plans generally do not address every possible change to individual rights. The application is consistent with the 2021 Region J Water and 2022 Water Plan because there isn't anything in the plans that coaplict with the application. RECEIVED JUL 19 2024

b. Did the Applicant perform its own Water Availability Analysis? Y / N______

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

c. Does the application include required Maps? (Instructions Page. 15) Y / N_Y

WORKSHEET 1.0 Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

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

<u>N/A</u> 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.

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**
27.75	Agnicultural	Agricultural Mining	13.87 actes	Mining Use for all of Val Venderounty
N/A	NIA	N/ARECE	VEDA 2024	NIA
NA	N/A	N/ Avater Availab	lity Division / A-	MIA

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

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

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

WORKSHEET 1.1 INTERBASIN TRANSFERS, TWC § 11.085

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

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

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

- a. Provide the Basin of Origin. 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/NN/A
- b. The proposed transfer is from a basin to an adjoining coastal basin? Y/NN/A
- 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/NM/A
- 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_N/A

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. <u>Administrative Requirements and Fees.</u> 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. <u>Beneficial Use</u>. 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. <u>Public Welfare</u>. 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. <u>Groundwater Effects.</u> 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. <u>Waste Avoidance</u>. 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 f 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<u>N/A</u> or off-channel<u>N/A</u> (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 / NNA
- d. Is the impoundment structure already constructed? $Y / N_{N/A}$
 - i. For already constructed on-channel structures:
 - 1. Date of Construction: N/A
 - Was it constructed to be an exempt structure under TWC § 11.142? Y / N N/A

 a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N N/A
 - b. If No, has the structure been issued a notice of violation by TCEQ? Y / $N^{N/A}$
 - Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / NN/A
 - 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 $^{\rm N/A}$
 - 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_{NA}
 - b. Plans (with engineer's seal) for the structure required. Y $/ N_{NA}$
 - 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<u>N/</u>A

- 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 MA
- iii. Additional information required for **on-channel** storage:
 - 1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: <u>N/A</u>_____.

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 (offchannel) 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): <u>N/ A</u>
- ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / NN/A

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).

Diversion Information (Instructions, Page. 24) 1.

- a. This Worksheet is to add new (select 1 of 3 below):
 - 1. X Diversion Point No. 29.352626, -100.966277
 - 2. ____Upstream Limit of Diversion Reach No.
 - 3. Downstream Limit of Diversion Reach No.
- b. Maximum Rate of Diversion for **this new point** <u>a</u> <u>cfs</u> (cubic feet per second) or_____gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? Y / N \checkmark If yes, submit Maximum **Combined** Rate of Diversion for all *points/reaches* cfs or gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? Y / N_ $^{\prime}$

** 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 ($\sqrt{}$) 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	
X	Other method (explain fully, use additional sheets if necessary)	Existing - Offchannel

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

Applicant has calculated the drainage area. Y / N N

If yes, the drainage area is <u>w//r</u>_____sq. miles. (*If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to* submitting application)

2.	Diversion Location (Instruc	ctions, Page 25)	
a.	On watercourse (USGS name):	Riobrande	
b.	Zip Code:		
c.	Location of point: In the Desidero No. 1612 Val Verde	Bravo Original Survey No, Al County, Texas.	ostract

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 <u>29,352626</u> -100.966777 N, Longitude <u>W</u>. 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):_____
- 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.

Deeds for property where diversion point are attached. Deeds reflect Applicant - Ingram Readymix No.87, LLC as Owner. RECEIVED JUL 19 2024





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 NA If yes, provide the following information:
 - 1. The TPDES Permit Number(s).<u>N/A</u> (attach a copy of the **current** TPDES permit(s))
 - 2. Applicant is the owner/holder of each TPDES permit listed above? Y / N^{NA}

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 <u>N/A</u>, surface water <u>N/A</u>?
- 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_M_ If yes, provide the following information:
 - 1. Source aquifer(s) from which water will be pumped: N/A
 - If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <u>http://www.twdb.texas.gov/groundwater/data/gwdbrpt.asp</u>. Additionally, provide well numbers or identifiers.
 - 3. Indicate how the groundwater will be conveyed to the stream or reservoir. N/A
 - 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_{NA} 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 <u>N/A</u> 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 , N/A County, Texas.
- f. Point is at: Latitude <u>N/A</u> °N, Longitude <u>N/A</u> °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.**

Applicant	is	secking	to	use	an	existing	diversion poln!
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			- <u>.</u>				Water Availability Division

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: _____

□ Other, specify: _____

b. Flow characteristics

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

NIA

□ 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

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□ Personal observation

Other, specify: ______

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

Primary contact recreation (swimming or direct contact with water)

Secondary contact recreation (fishing, canoeing, or limited contact with water)

□ Non-contact recreation

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 mapsubmitted 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	N/A	N/A	N/A	N/A	N/A
Chloride, mg/L	N/A	N/A	N/A	N/A	N/A
Total Dissolved Solids, mg/L	N/A	N/A	N/A	N/A	N/A
pH, standard units	N/A	N/A	N/A	N/A	N/A
Temperature*, degrees Celsius	N/A	N/A	N/A	N/A	N/A

* 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 <u>NA</u> and the name of the aquifer from which water is withdrawn <u>NA</u>

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. 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.*
 - 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. <u>×</u> 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^{MA}

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

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appropriation; and evaluates any other feasible alternative to new water development. See 30 TAC § 288.7. Applicant has included this information in each applicable plan? Y / N^{Y}

2. Drought Contingency Plans

- a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above indicate each that applies:
 - 1. <u>N/A</u>Municipal Uses by public water suppliers. See 30 TAC § 288.20.
 - 2. <u>N/A</u> Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
 - 3. <u>N/A</u>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 / NN/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 (\$)		
	Circle fee correlating to the new appropriation and/or on Worksheet 1, Section 1					
	In Acre-Feet					
Filing Fee	a. Less than 100	\$100.00				
	b. 100 - 5,000	\$250.00	RE(;EIVE	D		
	c. 5,001 - 10,000	\$500.00	111 19 2024			
	d. 10,001 - 250,000	\$1,000.00	JUL 15 2021			
	e. More than 250,000	\$2,000.00	Water Availability Divis	ion		
Recording Fee		\$25.00				
Agriculture Use Fee	Only for those with an Irrig Multiply 50¢ xNumb Water. **					
	Required for all Use Types,	excluding Irrigation	on Use.			
Use Fee	Multiply \$1.00 xMax feet. **	imum annual divers	sion of State Water in acre-			
Decreational Storage	Only for those with Recrea	tional Storage.				
Fee	Fee Multiply \$1.00 xacre-feet of in-place Recreational Use State Water to be stored at normal max operating level.					
	Only for those with Storage, excluding Recreational Storage.					
Storage Fee	Multiply 50¢ xacre-feet of State Water to be stored at normal max operating level.					
Mailed Notice	Cost of mailed notice to al determine the amount (51	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.				
			TOTAL	S		

2. AMENDMENT OR SEVER AND COMBINE

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

3. BED AND BANKS

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



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

Mining Water Conservation Plan

This form is provided to assist entities in developing a water conservation plan for mining water use. If you need assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4600.

Additional resources such as best management practices (BMPs) are available on the Texas Water Development Board's website <u>http://www.twdb.texas.gov/conservation/BMPs/index.asp</u>. 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:	Click to add text Ingram Kendymil NS. 87, LL C
Address:	3580 FM 482
Telephone Number:	(830) 625-9156 Fax: (830) 625-9174
Form Completed By:	Logy Johnson
Title:	VP*
Signature:	Date:

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

I. BACKGROUND DATA

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

193.75 Total - Alacon

2. Maximum diversion rate (cfs):



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

Water Availability Division

COA 23-2662-166 ac.Pt

(OFA 23-2653 - 27,5

JUL 19 2024

Source	Water Right No.(s)	Current Use	Anticipated Use	
Surface Water	LofA 23 2662	104,5231	104.523	1
Groundwater	(of A 23-2653			
Purchased				
Total				

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

Master meter ; Customer meter X ; Estimated ; Other

3. Was purchased water raw or treated?

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

- C. Mining Information
 - 1. Major product(s) or service(s) produced by applicant:
 - 2. North American Industry Classification System (NAICS): 2 1 2 3 2 /

II. WATER USE AND CONSERVATION PRACTICES

A. Water Use in Mining Processes

Mining Use	% Groundwater	% Surface Water	% Saline Water	% Treated Water	Water Use (in acre-ft)
Hydraulic Fracturing		0			
Drilling		0			
Washing Sand/gravel	·	100			
Dust Control		0			
Oil Field Repressuring		0			1

				1
% Groundwater	% Surface Water	% Saline Water	% Treated Water	Water Use (in acre-ft)
	100	e		
	0		DECEN	
	0		JUL 19	2024
	0		Water Availabilit	
circulated at this f	acility?	🔀 Yes	🗌 No	
	% Groundwater	% % Surface Groundwater Water 100 0 0 0 0 0 ccirculated at this facility? 0	% % Surface % Saline Groundwater Water Water 100 0 0 0	% % Surface % Saline % Treated Groundwater Water Water Water 100 Image: Constraint of the second se

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

Washing of sand and grand

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

30 acifl

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

Month	Diversion Amount	% of Water Returned (If Any)	Monthly Consumption
January	9.5136		9.5136
February	6.5275		6.5275
March	7,9239		7-9239
April	10.1641		10.1641
May	10, 5447		10,5414/19
June	6.1009		6.1009
July	7.4061		9.4061
August	6.0181		6.0181

September	10.9284	10.9284
October	9.4306	9.4306
November	7.8440	7.8440
December	10.1212	10.1212
Totals	104.5231	104.5231

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

		% of Water	Monthly
Month	Diversion Amount	Returned (If Any)	Consumption
January	9,5136		9.5136
February	6,5275		6.5275
March	7.9239		7.9239
April	10.1641		10.1641
May	10.5447		10.5447
June	6.1009		6.1009
July	9.4061		9.4061
August	6.0181		6.0181
September	10.9284		10.9284
October	9.4306		7.4306
November	7.8440)	7.8440
December	10.1212	·	10.1212
Totals	104.52	3/	104.5231

B. Specific and Quantified Conservation Goal

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

1. Water conservation goal (water use efficiency measure)

Type of goal(s):

🜔 % reused water

🕐 % 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.

Specific water use goals are difficult to establish of this Facility. Water is utilized only as needed and the majority Quantified 5-year and 10-year targets for water savings: at water is use

- a. 5-year goal: 17.
- b. 10-year goal: \overrightarrow{g}
- 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%. Water is neterel as it is withdrawn. The water meter is monitoral and calibrated as needed. The meter accuracy is within
- 4. Provide a description of the leak-detection and repair, and water-loss accounting measures 5%. used. Wate is pumped from the diversion point to the

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

improve water use efficiency.

water use efficiency. when needed. Mobile equipment water is only diverted as needed. Mobile equipment is when her of watching.

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:

Applicant is continuing to look and explore ways to reduce water usage through use of different types Amaterials

III. Water Conservation Plans submitted with a Water Right Application for New or Additional State Water This is not an application for a new or additional state wake

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.



in process.

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.

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

- a. 5-year goal: 5 >.
- b. 10-year goal: 10
- 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%.
- 4. Provide a description of the leak-detection and repair, and water-loss accounting measures used.
- 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.

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.

Through conservation, Visral inspectra

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

- a. 5-year goal: 5 γ ,
- b. 10-year goal: 10 7 •

Water Availability Division

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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%.

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

- 4. Provide a description of the leak-detection and repair, and water-loss accounting measures used. Usual mspecha lines and dailay basis. repair teaks immediates to maimme with loss.
- 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:

add sorehing her

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.



Public Involvement Plan Form for Permit and Registration Applications

The Public Involvement Plan is intended to provide applicants and the agency with information about how public outreach will be accomplished for certain types of applications in certain geographical areas of the state. It is intended to apply to new activities; major changes at existing plants, facilities, and processes; and to activities which are likely to have significant interest from the public. This preliminary screening is designed to identify applications that will benefit from an initial assessment of the need for enhanced public outreach.

All applicable sections of this form should be completed and submitted with the permit or registration application. For instructions on how to complete this form, see TCEQ-20960-inst.

Section 1. Preliminary Screening

New Permit or Registration Application

New Activity – modification, registration, amendment, facility, etc. (see instructions)

If neither of the above boxes are checked, completion of the form is not required and does not need to be submitted.

Section 2. Secondary Screening Requires public notice. Considered to have significant public interest, and K Located within any of the following geographical locations: Austin Dallas RECEIVED Fort Worth Houston 101 19 2024 San Antonio West Texas Water Availability Division **Texas** Panhandle Along the Texas/Mexico Border Other geographical locations should be decided on a case-by-case basis If all the above boxes are not checked, a Public Involvement Plan is not necessary. Stop after Section 2 and submit the form. Public Involvement Plan not applicable to this application. Provide **brief** explanation. A Public Improvement Plan is not applicable because this application does not have significant public +

Section 3. Application Information N/A
Type of Application (check all that apply):
Air Initial Federal Amendment Standard Permit Title V
Waste Municipal Solid Waste Industrial and Hazardous Waste Scrap Tire Radioactive Material Licensing Underground Injection Control
Water Quality
Texas Pollutant Discharge Elimination System (TPDES)
Texas Land Application Permit (TLAP)
State Only Concentrated Animal Feeding Operation (CAFO)
Water Treatment Plant Residuals Disposal Permit
Class B Biosolids Land Application Permit
Domestic Septage Land Application Registration
Water Rights New Permit
New Appropriation of Water
New or existing reservoir
Amendment to an Existing Water Right
Add a New Appropriation of Water
Add a New or Existing Reservoir
Major Amendment that could affect other water rights or the environment
Section 4. Plain Language Summary
Dravida a brief description of a local brief in
N/A
Section 4. Plain Language Summary Provide a brief description of planned activities. N/A

Section 5. Community and Demographic Information N/A
Community information can be found using EPA's EJ Screen, U.S. Census Bureau information, or generally available demographic tools.
Information gathered in this section can assist with the determination of whether alternative language notice is necessary. Please provide the following information
anguage notice is necessary. I lease provide the following information.
(City)
(County)
(Census Tract) Please indicate which of these three is the level used for gathering the following information.
City County Census Tract
(a) Percent of people over 25 years of age who at least graduated from high school
(b) Per capita income for population near the specified location
(c) Percent of minority population and percent of population by race within the specified location
(d) Percent of Linguistically Isolated Households by language within the specified location
(e) Languages commonly snoken in area by percentage
(c) Languages commonly spoken in a ca by percentage
(f) Community and/or Stakeholder Groups
(g) Historic public interest or involvement

Section 6. Planned Public Outreach Activities N/A		
(a) Is this application subject to the public participation requirements of Title 30 Texas Administrative Code (30 TAC) Chapter 39?		
(b) If yes, do you intend at this time to provide public outreach other than what is required by rule?		
If Yes, please describe.		
If you answered "yes" that this application is subject to 30 TAC Chapter 39, answering the remaining questions in Section 6 is not required. (c) Will you provide notice of this application in alternative languages? Yes No		
Please refer to Section 5. If more than 5% of the population potentially affected by your application is Limited English Proficient, then you are required to provide notice in the alternative language.		
If yes, how will you provide notice in alternative languages?		
Publish in alternative language newspaper		
Posted on Commissioner's Integrated Database Website		
Mailed by TCEQ's Office of the Chief Clerk		
Other (specify)		
(d) Is there an opportunity for some type of public meeting, including after notice?		
Yes No		
(e) If a public meeting is held, will a translator be provided if requested?		
Yes No		
(f) Hard copies of the application will be available at the following (check all that apply):		
TCEQ Regional Office TCEQ Central Office		
Public Place (specify)		
Section 7. Voluntary Submittal		
For applicants voluntarily providing this Public Involvement Plan, who are not subject to formal public participation requirements.		
Will you provide notice of this application, including notice in alternative languages?		
What types of notice will be provided?		
Publish in alternative language newspaper		
Posted on Commissioner's Integrated Database Website		
Mailed by TCEQ's Office of the Chief Clerk		
Other (specify)		

No.87, Del Rio Gravel Plant

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.

GENERAL WARRANTY DEED

DATE: December 1, 2009, to be effective from and after December 31, 2009

GRANTOR: Ingram Readymix South/West, Ltd., a Texas limited partnership

GRANTOR'S MAILING ADDRESS (Including County):

3580 FM 482 New Braunfels, Comal County, Texas 78132

Water Availability Division

GRANTEE: Ingram Readymix No. 87, L.L.C., a Texas limited liability company

GRANTEE'S MAILING ADDRESS (Including County):

3580 FM 482 New Braunfels, Comal County, Texas 78132

<u>CONSIDERATION</u>: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid, the receipt, sufficiency and fairness of which consideration is hereby acknowledged and confessed.

PROPERTY (Including Any Improvements): That certain tract or parcel of land containing 189.079 acres, more or less, situated in Val Verde County, Texas, and being more particularly described by reference to three tracts, containing 39.354 acres, more or less, 80.726 acres, more or less, and 68.999 acres, more or less, respectively, the individual tracts being more particularly described as follows:

1. <u>39.354 ACRE TRACT</u>: 39.354 acres, more or less, out of that original 40.635 acre tract described in deed recorded in Volume 450, Page 87 of the Deed Records of Val Verde County, Texas, such tract being more particularly described by metes and bounds description in **Exhibit** "A", attached hereto, incorporated herein, and made a part hereof for all purposes;

2. <u>80.726 ACRE TRACT</u>: 80.726 acres, more or less, out of the Poindexter & Burns Survey 171, Abstract 1329, and out of Poindexter & Burns Survey 172, Abstract 1324, in Val Verde County, Texas, and being more particularly described by metes and bounds description in Exhibit "B", attached hereto, incorporated herein, and made a part hereof for all purposes;



3. <u>68.999 ACRE TRACT:</u> 68.999 acres, more or less, out of the Poindexter & Burns Survey 170, Abstract 1543 in Val Verde County, Texas, and being more particularly described by metes and bounds description in **Exhibit** "C", attached hereto, incorporated herein, and made a part hereof for all purposes;

The Property is the same property that was described in and conveyed by Deed dated June 13, 2008 from Capitol Aggregates, Ltd., a Texas limited partnership as grantor to Grantor hereof as grantee, and such deed having been recorded in Volume 1111, Page 797 of the Official Public Records of Real Property of Val Verde County, Texas;

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

This conveyance is made and accepted expressly subject to the following matters:

1. Any and all restrictions, reservations, covenants and easements, if any, relating to the hereinabove described Property, to the extent and only to the extent that same are still in force and effect and shown of record in the Office of the County Clerk of Val Verde County, Texas, together with all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect and relate to the hereinabove described Property;

TRACT AFFECTED	GRANTEE	PURPOSE	RECORDING REFERENCE	RECORDS
One, Two, and Three	Capitol Aggregates, Ltd.	Reservation of Water Rights	Volume 1111, Page 797	Official Public Records of Real Property of Val Verde County, Texas
One	Westtex Texas Gas, Inc.	Easement	Volume 974, Page 560	Official Public Records of Real Property of Val Verde County, Texas
One	Capitol Aggregates, Inc.	Lease Assignment	Volume 520, Page 3	Deed Records of Val Verde County, Texas
One	Tom Curtis, Trustee	Minerals and Executive Rights	Volume 450, Page 81	Deed Records of Val Verde County, Texas
One	Public	Certificate of Adjudication of Water Rights	Volume 421, Page 453	Deed Records of Val Verde County, Texas
One	General Telephone Company	Telephone Line Easement	Volume 244, Page 143	Deed Records of Val Verde County, Texas
One	Capitol Aggregates,	Sand and Gravel Lease	Volume 248, Page 59	Deed Records of Val Verde County, Texas
Two	Central Power and Light Company	Right-of-Way Easement	Volume 170, Page 583	Deed Records of Val Verde County, Texas

2. The following reservations and easements affecting the Property:

TRACT AFFECTED	GRANTEE	PURPOSE	RECORDING REFERENCE	RECORDS
Two and Three	Public	Amended Certificate of Adjudication	1. Volume 782, Page 283; and Officia	Official Public Records of Real Property of Val Verde County, Texas
			2. Volume 744, Page Vero 284.	

3. Taxes for 2009, not yet due and payable, the payment of which Grantee assumes;

Grantor, for the Consideration and subject to the Reservations From and Exceptions to Conveyance and Warranty, GRANT, SELL, and CONVEY to Grantee the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, TO HAVE AND TO HOLD it to Grantee and Grantee's successors and assigns forever. Grantor hereby binds Grantor and Grantor's successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property to Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations From and Exceptions to Conveyance and Warranty.

Wherever the context shall so require, all words herein in the male, female or neuter gender shall be deemed to include all other genders, all singular words shall include the plural, and all plural words shall include the singular.

GRANTOR:

INGRAM READYMIX SOUTH/WEST, LTD.

RECEIVED JUL 19 2024

Water Availability Division

Ingram G.P., L.L.C., General Partner

By: Earl Evans Ingram, President

THE STATE OF TEXAS

COUNTY OF VAL VERDE

This instrument was acknowledged before me on the 1st day of December 2009, by Earl Evans Ingram, as President of Ingram G.P., L.L.C., as General Partner of Ingram Readymix South/West, Ltd.

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Water Availability Division

PREPARED BY	AFTER RECORDING RETURN TO	
Law Offices of Peter M. Wolverton	Law Offices of Peter M. Wolverton	
601 Northwest Loop 410, Suite 104	601 Northwest Loop 410, Suite 104	
San Antonio, Texas 78216	San Antonio, Texas 78216	
(210) 525-0825	(210) 525-0825	

EXHIBIT "A"

FIELD NOTES FOR A 39.354 ACRE TRACT

Being 39.354 acres out of that original 40.635 acre tract recorded in Volume 450, Page 87 of the Deed Records of Val Verde County, Texas and out of a 160.07 acre tract recorded in Volume 439, Page 150 of the Deed Records of Val Verde County, Texas and out of the Desidoro Bravo Survey No. 165, Patent No. 545, Volume 2, Val Verde County, Texas and being more particularly described as follows;

Beginning at a 6" iron fence post at the intersection of the Northeast line of Rio Vista Drive as shown on the plat of Vega Verde Estates Block "B" recorded in Volume 4, Page 31 of the Map Records of Val Verde County, Texas and the west line of Cienegas Road as shown on a survey by David Trent dated March 24, 1987, said iron post being at the South corner of said 40.635 acre tract and the South corner of said 160.07 acre tract and the South corner of this tract;

Thence with the Northeast line of Rio Vista Drive, the Southwest line of said 40.635 acre tract, the Southwest line of said 160.07 acre tract and the Southwest line of this tract N 66° 03' 47" W, 142.10 feet to set ½" iron with orange cap stamped Bain Medina Bain Inc. and N 59° 44' 00" W (record bearing 40.635 acre tract), 962.75 feet to a 6" iron fence post at the intersection of the Northeast line of Rio Vista Drive and an existing fence line for the west corner of this tract;

Thence with said existing fence line crossing said 160.07 acre tract N 15° 02' 32" E, 766.19 feet to a Rail Road Rail, N 14° 58' 07" E, 241.05 feet to a 8" steel fence post and N 49° 41' 44" E, 739.27 feet to a 8" iron fence post for the north corner of this tract;

Thence continuing across said 160.07 abre tract, with said existing fence line S 36° 33' 48" B, 269.40 feet to a found iron rod and S 36° 16' 03" B, 960.49 feet to a 6" iron fence post at the intersection of the existing fence line and the Northwest line of said Cienegas Road in the cast line of said 160.07 acre tract, for the Bast corner of this tract;

Thence with the Northwest line of Cienegas Road and the Southeast line of said 40.635 acre tract, the Southeast line of said 160.07 acre tract and the Southeast line of this tract, S 63° 52' 57" W, 268.30 feet to set iron rod and S 21° 38' 53" W, 952.16 feet to the place of beginning and containing 39.354 acres.

Plat prepared this day.

Surveyed on the ground the 3. 2008



E.F. Buskhart RPLS 1706



00255071

EXHIBIT "B"

FIELD NOTES FOR A 80,726 ACRE TRACT

Being 80. 726 acres and being approximately 75.216 acres out of the Poindexter & Burns Survey 171, Abstract 1329 and 5.510 acres out of the Poindexter & Burns Survey 172, Abstract 1324, Val Verde County, Texas and also being out of a 82.744 acre tract described in Volume 481, Page 32 of the Deed Records of Val Verde County, Texas and being more particularly described as follows;

Beginning at a set ½" iron with orange cap stamped Bain Medina Bain (hereinafter called set iron pin) in the Bast line of Rio Vista Drive as shown on the plat of Vega Verde Estates Block "G" recorded in Volume 4, Page 18 of the Map Records of Val Verde County, Texas, said iron pin being at the Southwest corner of said \$2.744 acre tract, the Northwest corner of a 65.4 acre tract described in Volume 572, Page 665 of the Deed Records of Val Verde County, Texas, for the Southwest corner of this tract;

Thence with the East line of Rio Vista Drive, the West line of said 82.744 acre tract N 36° 55' 11" W 100.03 feet to a found iron pin, N 39° 16' 25" W 105.37 feet to a found iron pin, N 30° 58' 59" W 285.01 feet to a found iron pin, N 32° 41' 43" W 503.91 feet to a found iron pin and N 40° 51' 14" W 151.58 feet to a set iron pin at the intersection with the existing East fence line of Rio Vista Drive;

Thence with the existing East fence line of Rio Vista Drive N 28° 27' 49" W 23.50 feet to a 2" steel fence post, N 17° 43' 06" W 36.33 feet to a 2" steel fence post and N 03° 48' 50" W 219.99 feet to a set iron pin at the intersection of the East line of Rio Vista Drive;

Thence with the East line of Rio Vista Drive, N 10° 14' 08" E 194.62 feet to set iron pin, N 12° 30' 27" E 299.41 feet to a set iron pin, N 11° 29' 30" E 125.12 feet to a set iron pin and N 01° 28' 30" E 497.70 feet to a found iron pin at the Northwest corner of said 82.744 acre tract, the Southwest corner of a 20.686 acre tract described in Volume 415, Page 134 of the Deed Records of Val Werde County, Texas;

Thence with the North line of said \$2.744 acre tract, the South line of said 20.686 acre tract, S \$7° 45' 17" E \$32.83 feet to a found iron pin and N 48° 55' 13" E 246.48 feet to a set iron pin in the West line of the Southern Pacific Railroad as shown on right of way map V-11 (2) for the Northeast corner of this tract;

Thence with the West line of said railroad in a curve to the left having a radius of 1840.73 feet, delta angle of 05° 41' 28", tangent length of 91.49 feet, arc length of 182.84 feet, chord bearing and distance of S 31° 15' 23" E 182.76 feet to a set iron pin at the P.T.;

Thence continuing with West line of said railroad S 34° 06' 07" E 1035.38 feet to a set iron pin at the P.C. of a curve to the left;

Thence continuing with the West line of said railroad with a curve to the left having a radius of 1840.73 fect, delta angle of 27° 22' 06", tangent length of 448.18 feet, arc length of 879.26 feet, chord bearing and distance of S 47° 47' 10" B 870.92 feet to a set iron pin for the southeast corner of this tract, the Northeast corner of said 65.4 acre tract;

JUL 19 2024

80.726 acre tract page 2

Thence with the South line of said \$2.744 acre tract, the North line of said 65.4 acre tract, S³8[°] 25[°] 00[°] W 75.56 feet to a found iron pin and S 65[°] 34[°] 00[°] W (record bearing) 1069.32 feet to a found iron pin and S 65[°] 29[°] 50[°] W 849.78 feet to the place of beginning.

Plat prepared this day.

Surveyed on the ground the $Z^{\underline{U}\underline{C}}$ day of $\underline{J}_{\underline{U}} \underline{U}\underline{E}$, 2008.

E.F. Burkhart RPLS 1706

RECEIVED JUL 1 9 2024



EXHIBIT "C"

00255071

FIELD NOTES FOR A 68.999 ACRE TRACT

Being 68.999 acres out of the Poindexter & Burns Survey No. 170, Abstract 1543, Val Verde County, Toxas and being called 69.0 acres in an unrecorded Contract for Deed between Rio Bravo, Inc. and Antonio Sanchez dated April 15, 1972, a copy of which was acquired from Mr. Sanchez, said 68.999 acres being more particularly described as follows;

Beginning at a ½" iron pin set in the Northeast line of Rio Vista Drive as shown on plat of Block "F" of Vega Verde Batates in Volumo 4, Page 19 Val Vorde County Plat Records, said point being the South corner of said 69.0 acre tract, said point also being the West corner of a 27.7 acre tract described in Volume 440, Page 330 Val Verde County Deed Records, said point also being N 11° 39' 10" E 81.05 feet from a ½" iron pin found at the Northeast corner of Lot 25 of said Block "F";

Thence with said Northeast line, N 72° 21' 00" W 147.80 feet to a ½" iron pin set, N 67° 27' 00" W 250.30 feet to a ½" iron pin set, N 78° 17' 00" W 372.60 feet to a ½" iron pin set and N 59° 19' 00" W 679.26 feet to a ½" iron pin set at the West corner of said 69.0 acre tract, the South corner of a 58.49 sore tract described in Contract for Deed between Lois Nell Rose and Raul S. and Herminia Ortiz dated December 17, 1975;

Thence with the Northwest line of said 69.0 acre tract, the Southeast line of said 58.49 acre tract, N 26° 35' 10" E 1022.37 feet to a $\frac{1}{2}$ " iron pin found and N 26° 40' 43" E 1097.06 feet to a $\frac{1}{2}$ " iron pin found in the Southwest line of the Southern Pacific Railroad;

Thence with said Southwest line, S 63° 18' 43" E 1410.80 feet to a ½" iron pin act at the Bast corner of said 69.0 acre tract, said point being the North corner of said 27.7 acre tract;

Thence with the Southeast line of said 69.0 acre tract, the Northwest line of said 27.7 acre tract, S 26° 00' 00" W (record bearing, 27.7 acre tract) 2029,37 feet to the place of beginning,

Plat prepared this day.

Surveyed on the ground the ______ day of _____, 1998.

Corners were relocated and survey recertified on May 28th, 2008

ally

E Shylles

E. F. Burkhart RPLS 1706



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RECEIVED JUL 19 2024

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Water Availability Division



FILED AND RECORDED OFFICIAL PUBLIC RECORDS On: Dec 17,2009 at 02:14P

Document Number: Receipt\$ - 20214 00255071 Amount

44.00

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Generosa Gracia-Ramon County Clerk,Val Verde County

Deputy Norma Cummines

STATE OF TEXAS COUNTY OF VAL VERDE

I hereby certify that this instrument was filled on the date and time stamped hereon by we and was duly recorded in the OFFICIAL PUBLIC RECORDS of Val Verde County.

Dec 17,2009 02:14P

Generosa Gracia-Ramon County Clerk, Val Verde County By: MANNA SUM

FILED BY 002	43684		
PRESIDIO TITLE GF#108538 Notice of confidentiality rights: If you are a natural person, you may remove or strike any 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.	0 R		
	0		
SPECIAL WARPANTY DEED	1		
(Capitol Aggregates, Ltd. to Ingram Readymix South/West, Ltd.)			
RECEIVED			
Effective Date: June 13, 2008 JUL 19	2024 1		
Grantor: Capitol Aggregates, Ltd., a Texas limited partnership (successor in Viter Availabil	ity Division		
Capitol Aggregates, Inc.)	0		
Grantor's Mailing Address: (including country) BO Box 22240			
San Antonio, Bexar County, TX 78265-33240			
Grantee: Ingram Readymix South/West, Ltd., a Texas limited partnership	7		

3580 FM 482 New Braunfels, Texas 78132

Consideration: Ten and no/100 Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor.

Grantee's Mailing Address (including county):

Property (including any improvements): Tracts of land in Val Verde County, Texas as more particularly described in the attached Exhibit "A," which is incorporated in this deed for all purposes.

Grantor, for the consideration and subject to the reservations from and 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 wise belonging, to have and hold it to Grantee, Grantee's officers, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty, when the claim is by, through or under Grantor, but not otherwise.

This conveyance is subject to all easements, restrictive covenants and other encumbrances filed of record in Val Verde County, Texas and further subject to that unrecorded lease between Grantor and William Richter and wife, Judy Richter as lessees dated September 13, 1994.

RESERVATION OF WATER RIGHTS. Grantor is the owner of certain water rights described in that Certificate of Adjudication: 23-2662 ("Certificate of Adjudication"), that Amendment to Certificate of Adjudication -Certificate No. 23-2662A (Amendment A"), and that Amendment to Certificate of Adjudication -Certificate No. 23-2662B (Amendment "B") (the collective rights contained therein shall be referred to as "Water Rights"). For the benefit of Grantor, Grantor hereby reserves and excepts from this conveyance all of the Water Rights.

;

To the maximum extent permitted by law, this conveyance is made on an "AS IS," "WHERE IS" and "WITH ALL FAULTS" basis, and Grantor makes no warranty or representation, express or implied, or arising by operation of law, including, but not limited to, any warranty of condition, title (other than the special warranty of title with respect to the land), habitability, merchantability or fitness for a particular purpose with respect to the Property or any portion thereof. The sales price has been adjusted by prior negotiations to reflect that Grantor conveys herein all of the Property subject to the foregoing.

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

Bv

GRANTOR



Water Availability Division

STATE OF TEXAS § §

COUNTY OF VAL VERDE

This instrument was acknowledged before me on this 12, day of 2008, by Joel Galassini, Vice President of Capitol Aggregates, LLC (TX), General Partner of Capitol Aggregates, Ltd.



Carla M. Epparza Notary Public Signature

Capitol Aggregates, Ltd., by its General Partner,

Capitol Aggregates, LLC (TX)

Jel Galassini, Vice President

(PERONALIZED SEAL)

AFTER RECORDING RETURN TO:

Stephen M. Gray Capitol Aggregates, Ltd. 11551 Nacogdoches Rd. San Antonio, Texas 78265 1 1

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File No. 108538

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Tract I: Situated in Val Verde County, Texas, and being approximately 39.354 acres of land, more fully described by metes and bounds on attached Exhibit "A"

Tract II: Situated in Val Verde County, Texas, and being approximately 80.726 acres of land, more fully described by metes and bounds on attached Exhibit "B"

Tract III: Situated in Val Verde County, Texas, and being approximately 68.999 acres of land, more fully described by metes and bounds on attached Exhibit "C"

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EXHIBIT "A"

FIELD NOTES FOR A 39.354 ACRE TRACT

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Being 39.354 acres out of that original 40.635 acre tract recorded in Volume 450, Page 87 of the Deed Records of Val Verde County, Texas and out of a 160.07 acre tract recorded in Volume 439, Page 150 of the Deed Records of Val Verde County, Texas and out of the Desidoro Bravo Survey No. 165, Patent No. 545, Volume 2, Val Verde County, Texas and being more particularly described as follows:

Beginning at a 6" iron fence post at the intersection of the Northeast line of Rio Vista Drive as shown on the plat of Vega Verde Estates Block "B" recorded in Volume 4, Page 31 of the Map Records of Val Verde County, Texas and the west line of Cienegas Road as shown on a survey by David Trent dated March 24, 1987, said iron post being at the South corner of said 40.635 acre tract and the South corner of said 160.07 acre tract and the South corner of this tract;

Thence with the Northcast line of Rio Vista Drive, the Southwest line of said 40.635 acre tract, the Southwest line of said 160.07 acre tract and the Southwest line of this tract N 66° 03' 47" W, 142.10 feet to set $\frac{1}{2}$ " iron with orange cap stamped Bain Medina Bain Inc. and N 59° 44' 00" W (record bearing 40.635 acre tract), 962.75 feet to a 6" iron fence post at the intersection of the Northeast line of Rio Vista Drive and an existing fence line for the west corner of this tract;

Thence with said existing fence line crossing said 160.07 acre tract N 15° 02' 32" E, 766.19 feet to a Rail Road Rail, N 14° 58' 07" E, 241.05 feet to a 8" steel fence post and N 49° 41' 44" E, 739.27 feet to a 8" iron fence post for the north corner of this tract;

Thence continuing across said 160.07 acre tract, with said existing fence line S 36° 33' 48" E, 269.40 feet to a found iron rod and S 36° 16' 03" E, 960.49 feet to a 6" iron fence post at the intersection of the existing fence line and the Northwest line of said Cienegas Road in the east line of said 160.07 acre tract, for the East corner of this tract;

Thence with the Northwest line of Cienegas Road and the Southeast line of said 40.635 acre tract, the Southeast line of said 160.07 acre tract and the Southeast line of this tract, S 63° 52' 57" W, 268.30 feet to set iron rod and S 21° 38' 53" W, 952.16 feet to the place of beginning and containing 39.354 acres.

Plat prepared this day.

Surveyed on the ground the 3.12day of 2008.



E.F. Burkhart RPLS 1706

HVH) JUL 19 2024

EXHIBIT "B"

FIELD NOTES FOR A 80.726 ACRE TRACT

Being 80. 726 acres and being approximately 75.216 acres out of the Poindexter & Burns Survey 171, Abstract 1329 and 5.510 acres out of the Poindexter & Burns Survey 172, Abstract 1324, Val Verde County, Texas and also being out of a 82.744 acre tract described in Volume 481, Page 32 of the Deed Records of Val Verde County, Texas and being more particularly described as follows;

Beginning at a set ½" iron with orange cap stamped Bain Medina Bain (hereinafter called set iron pin) in the East line of Rio Vista Drive as shown on the plat of Vega Verde Estates Block "G" recorded in Volume 4, Page 18 of the Map Records of Val Verde County, Texas, said iron pin being at the Southwest corner of said 82.744 acre tract, the Northwest corner of a 65.4 acre tract described in Volume 572, Page 665 of the Deed Records of Val Verde County, Texas, for the Southwest corner of this tract;

Thence with the East line of Rio Vista Drive, the West line of said 82.744 acre tract N 36° 55' 11" W 100.03 feet to a found iron pin, N 39° 16' 25" W 105.37 feet to a found iron pin, N 30° 58' 59" W 285.01 feet to a found iron pin, N 32° 41' 43" W 503.91 feet to a found iron pin and N 40° 51' 14" W 151.58 feet to a set iron pin at the intersection with the existing East fence line of Rio Vista Drive;

Thence with the existing East fence line of Rio Vista Drive N 28° 27' 49" W 23.50 feet to a 2" steel fence post, N 17° 43' 06" W 36.33 feet to a 2" steel fence post and N 03° 48' 50" W 219.99 feet to a set iron pin at the intersection of the East line of Rio Vista Drive;

Thence with the East line of Rio Vista Drive, N 10° 14' 08" E 194.62 feet to set iron pin, N 12° 30' 27" E 299.41 feet to a set iron pin, N 11° 29' 30" E 125.12 feet to a set iron pin and N 01° 28' 30" E 497.70 feet to a found iron pin at the Northwest corner of said 82.744 acre tract, the Southwest corner of a 20.686 acre tract described in Volume 415, Page 134 of the Deed Records of Val Verde County, Texas:

Thence with the North line of said 82.744 acre tract, the South line of said 20.686 acre tract, S 87° 45' 17" E 832.83 feet to a found iron pin and N 48° 55' 13" E 246.48 feet to a set iron pin in the West line of the Southern Pacific Railroad as shown on right of way map V-11 (2) for the Northeast corner of this tract;

Thence with the West line of said railroad in a curve to the left having a radius of 1840.73 feet, delta angle of 05° 41' 28", tangent length of 91.49 feet, arc length of 182.84 feet, chord bearing and distance of S 31° 15' 23" E 182.76 feet to a set iron pin at the P.T.;

Thence continuing with West line of said railroad S 34° 06' 07" E 1035.38 feet to a set iron pin at the P.C. of a curve to the left;

Thence continuing with the West line of said railroad with a curve to the left having a radius of 1840.73 feet, delta angle of 27° 22' 06", tangent length of 448.18 feet, arc length of 879.26 feet, chord bearing and distance of S 47° 47' 10" E 870.92 feet to a set iron pin for the southeast corner of this tract, the Northeast corner of said 65.4 acre tract;

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80.726 acre tract page 2

Thence with the South line of said 82.744 acre tract, the North line of said 65.4 acre tract, S 38° 25' 00" W 75.56 feet to a found iron pin and S 65° 34' 00" W (record bearing) 1069.32 feet to a found iron pin and S 65° 29' 50" W 849.78 feet to the place of beginning.

Plat prepared this day.

Surveyed on the ground the _ 2 , 2008. day of JUNE

- : E.F. Burkhart RPLS 1706

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FIELD NOTES FOR A 68.999 ACRE TRACT

Being 68.999 acres out of the Poindexter & Burns Survey No. 170, Abstract 1543, Val Verde County, Texas and being called 69.0 acres in an unrecorded Contract for Deed between Rio Bravo, Inc. and Antonio Sanchez dated April 15, 1972, a copy of which was acquired from Mr. Sanchez, said 68.999 acres being more particularly described as follows;

Beginning at a ¹/₂" iron pin set in the Northeast line of Rio Vista Drive as shown on plat of Block "F" of Vega Verde Estates in Volume 4, Page 19 Val Verde County Plat Records, said point being the South corner of said 69.0 acre tract, said point also being the West corner of a 27.7 acre tract described in Volume 440, Page 330 Val Verde County Deed Records, said point also being N 11° 39' 10" E 81.05 feet from a ¹/₂" iron pln found at the Northeast corner of Lot 25 of said Block "F";

Thence with said Northeast line, N 72° 21' 00" W 147.80 feet to a ½" iron pin set, N 67° 27' 00" W 250.30 feet to a ½" iron pin set, N 78° 17' 00" W 372.60 feet to a ½" iron pin set and N 59° 19' 00" W 679.26 feet to a ½" iron pin set at the West corner of said 69.0 acre tract, the South corner of a 58.49 acre tract described in Contract for Deed between Lois Nell Rose and Raul S. and Herminia Ortiz dated December 17, 1975;

Thence with the Northwest line of said 69.0 acre tract, the Southeast line of said 58.49 acre tract, N 26° 35' 10" E 1022.37 feet to a $\frac{1}{2}$ " iron pin found and N 26° 40' 43" E 1097.06 feet to a $\frac{1}{2}$ " iron pin found in the Southwest line of the Southern Pacific Railroad;

Thence with said Southwest line, S 63° 18' 43" E 1410.80 feet to a 1/2" iron pin set at the East corner of said 69.0 acre tract, said point being the North corner of said 27.7 acre tract;

Thence with the Southeast line of said 69.0 acre tract, the Northwest line of said 27.7 acre tract, S 26° 00' 00" W (record bearing, 27.7 acre tract) 2029.37 feet to the place of beginning. Plat prepared this day.

Surveyed on the ground the 44 day of June, 1998.

Corners were relocated and survey recertified on May 28th, 2008

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EF. BURKKART

E. F. Burkhart RPLS 1706



Water Availability Division

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FILED AND RECORDED DFFICIAL PUBLIC RECORDS Dn: Jun 18,2008 at 11:28A

Document Number:	00243684
Receipt# - 68952	
Amount	40.00

Generosa Gracia-Ramon County Clerk, Val Verde County By By Norma Cummings

STATE OF TEXAS COUNTY OF VAL VERDE

I herebs certify that this instrument was filled on the date and time stamped hereon by me and was duly recorded in the Vol 1111 Page 797 of the DFFICIAL PUBLIC RECORDS of Val Verde County.

Jun 18,2008 11:28A

Generosa Gracia-Ramon County Clerk, Val Verde County By: Maua Sucutes





July 10, 2024

Texas Commission on Environmental Quality

To whom it may concern:

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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. 23-2653.

Ingram Readymix No. 87, LL Texas limited liability compar	C Y
By: Dapfor	su-
Name:	Johnson
Inte. VILE VIES.	RECEIVED
	JUL 1 9 2024
State of Texas	§
	§ Water Availability Division
County of ComAL	§
Subscribed and sworn before 6 <u>ARY SONOSEN</u> , VILE I limited liability company.	this <u>1174</u> day of <u>Jury</u> , 2024, by RESIDENT of Ingram Readymix No. 87, LLC, a Texas
DEREK KOTHMANN Notary Public, State of Tex Comm. Expires 04-08-202 NOTARY IDI: 12977770-	Notary Public's Signature Date Commission Expires: <u>4-8-2026</u>