

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION FOR AN EXTENSION OF TIME TO COMMENCE AND COMPLETE CONSTRUCTION OF A PROJECT AUTHORIZED BY CERTIFICATE OF ADJUDICATION No. 21-3207A

Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 seeks authorization to extend the time to commence and complete modification of a dam and reservoir (Chacon Reservoir), on Chacon Creek, tributary of San Miquel Creek, tributary of the Frio River, Nueces River Basin. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1, P.O. Box 170, Natalia, Texas, 78059, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an extension of time pursuant to Texas Water Code § 11.145, and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Notice is being published and mailed to the water rights holders of record in the Nueces River Basin pursuant to Title 30 TAC § 295.159(a).

Certificate of Adjudication No. 21-3207A authorizes Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 to modify Chacon Reservoir to increase the storage capacity of the reservoir, impounding an additional 1,270 acre-feet of water for a total of 2,000 acre-feet of water on Chacon Creek, tributary of San Miquel Creek, tributary of the Frio River, Nueces River Basin, in ZIP Code 78016. Multiple special conditions and time limitations apply.

Time limitations on the construction of the dam and reservoir state that modification must commence within two years and be completed within three years from the date of issuance of the amendment on August 2, 2013. Applicant has previously been granted two orders extending the time to commence and complete the modification of the Chacon Reservoir. The current Order, issued on January 31, 2018, states that Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 shall commence modification of Chacon Reservoir by August 1, 2021 and shall complete modification by August 1, 2022.

Applicant seeks authorization for an additional extension of time to commence modification of Chacon Reservoir by August 1, 2022 and complete modification by August 1, 2023.

The application was received on April 26, 2022. Additional information and fees were received on August 22, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on August 29, 2022.

The Executive Director has determined that the applicant has shown due diligence and justification for delay. In the event a hearing is held on this application, the Commission shall also consider whether the authorization for the additional storage capacity shall be forfeited for failure to demonstrate sufficient due diligence and justification for delay.

The Executive Director has completed the technical review of the application and prepared a draft Order. The draft Order, if granted, would authorize the extension of time to commence and complete modification of Chacon Reservoir. The application, technical memorandum and Executive Director's draft Order are available for viewing on the TCEQ web page at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps

Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the Order and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 3207 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: November 16, 2022

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN ORDER extending the time for Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 to commence and complete modification of a dam and reservoir (Chacon Reservoir) on Chacon Creek, tributary of San Miquel Creek, tributary of the Frio River, Nueces River Basin as authorized by Certificate of Adjudication No. 21-3207A.

An application by Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 was presented to the Executive Director of the Texas Commission on Environmental Quality for consideration of approval. The application requests authorization to extend the time to commence and complete modification of Chacon Reservoir on Chacon Creek, tributary of San Miquel Creek, tributary of the Frio River, Nueces River Basin, as authorized by Certificate of Adjudication No. 21-3207A. The Commission has previously granted two orders extending the time to commence and complete modification of Chacon Reservoir. The current time limitation states that modification must commence by August 1, 2021 and be completed by August 1, 2022. The Applicant seeks authorization for an extension of time to commence modification by August 1, 2022 and complete modification by August 1, 2023.

After considering the application and matters thereto related, the Executive Director has determined that the Applicant has shown reasonable diligence and there is reasonable cause for the delay.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1, as authorized by Certificate of Adjudication No. 21-3207A, shall commence modification of Chacon Reservoir by August 1, 2022 and complete modification of Chacon Reservoir on Chacon Creek, Nueces River Basin by August 1, 2023.

All other terms and conditions contained in Certificate of Adjudication No. 21-3207, as amended, which are not specifically contrary to the terms of this Order, shall remain in full force and effect.

For the Commission

DATE ISSUED:


Re: Bexar-Median-Atascosa_Counties_WCID_1_21-3207A_Extension of Time

Bonnie Tapp Sallee [REDACTED]

Fri 11/4/2022 11:25 AM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: [REDACTED]

 1 attachments (522 KB)

Bexar-Medina-Atascosa_counties_WCID_1_21-3207A_Draft_Order_Notice_10.17.2022.pdf;

Lillian/TCEQ,

BMA has no comment and no changes to extension request for Chacon.

Thank you,

Bonnie Sallee
Office Manager
BMA
PO Box 170
Natalia, Texas 78059
830-665-2132

Sent from my iPhone

On Nov 1, 2022, at 3:49 PM, brian [REDACTED] wrote:

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Sent: Tuesday, November 1, 2022 11:56 AM

To: [REDACTED]

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: Fw: Bexar-Median-Atascosa_Counties_WCID_1_21-3207A_Extension of Time

Mr. Weimer,

Comments on the extension of time to commence modification of the reservoir for Bexar-Median-Atascosa Counties WCID No. 1's application no. 21-3207 was due October 31, 2022.

If you have any questions or concerns, do not hesitate to contact me.

Thank You

[Lillian E. Beerman, Ph.D.](#)

PHONE MEMO

From: Lillian Beerman	TO: Bonnie Sallee for George Weimer
Phone: 830-665-2132	Document: Bexar-Medina-Atascosa Counties WCID No. 1 App No. 21-3207A
Date: November 4, 2022	RE: Comments on Draft Order/Notice due

Call Number 1

Spoke with the secretary. Told her that the name was George Weimer, but the email address was for "Brian."

Call Number 2

Bonnie Sallee says No comment on Draft Order.

Call Number 3

I requested an email. Sallee will send an email confirming comment.

Lillian E. Beerman, Ph.D. November 4, 2022

Fw: Bexar-Median-Atascosa_Counties_WCID_1_21-3207A_Extension of Time

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Tue 11/1/2022 11:56 AM

To: [REDACTED]

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mr. Weimer,

Comments on the extension of time to commence modification of the reservoir for Bexar-Median-Atascosa Counties WCID No. 1's application no. 21-3207 was due October 31, 2022.

If you have any questions or concerns, do not hesitate to contact me.

Thank You

[Lillian E. Beerman, Ph.D.](#)
[Water Rights Permitting Team](#)
[Water Availability Division](#)
512-239-4019
lillian.beerman@tceq.texas.gov

Bexar-Median-Atascosa_Counties_WCID_1_21-3207A_Extension of Time

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mon 10/17/2022 1:46 PM

To:

[REDACTED]

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mr. George Weimer,

Attached is the draft order and notice for Bexar-Medina-Atascosa Counties WCID No. 1's application no. 21-3207A for an extension of time.

Comments are due on COB Monday, October 31, 2022.

If you have any questions or concerns, do not hesitate to ask.

Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 17, 2022

George Weimer, President
Bexar-Medina-Atascosa Counties
Water Control and Improvement District No. 1
P.O. Box 170
Natalia, Texas 78059

VIA E-MAIL

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

Dear Mr. Weimer:

Drafts, subject to revision, of the order, notice and related technical memorandum are attached.

Staff is recommending that the referenced application be granted in accordance with the attached drafts. Please review the drafts and contact me no later than October 31, 2022 with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

Please note this application requires a 30-day comment period and once the comment period has closed, the proposed order may be issued as drafted given no hearing requests are received.

If you have any questions concerning this matter, please contact me via email at lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4010.

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachments

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN ORDER extending the time for Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 to commence and complete modification of a dam and reservoir (Chacon Reservoir) on Chacon Creek, tributary of San Miquel Creek, tributary of the Frio River, Nueces River Basin as authorized by Certificate of Adjudication No. 21-3207A.

An application by Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 was presented to the Executive Director of the Texas Commission on Environmental Quality for consideration of approval. The application requests authorization to extend the time to commence and complete modification of Chacon Reservoir on Chacon Creek, tributary of San Miquel Creek, tributary of the Frio River, Nueces River Basin, as authorized by Certificate of Adjudication No. 21-3207A. The Commission has previously granted two orders extending the time to commence and complete modification of Chacon Reservoir. The current time limitation states that modification must commence by August 1, 2021 and be completed by August 1, 2022. The Applicant seeks authorization for an extension of time to commence modification by August 1, 2022 and complete modification by August 1, 2023.

After considering the application and matters thereto related, the Executive Director has determined that the Applicant has shown reasonable diligence and there is reasonable cause for the delay.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1, as authorized by Certificate of Adjudication No. 21-3207A, shall commence modification of Chacon Reservoir by August 1, 2022 and complete modification of Chacon Reservoir on Chacon Creek, Nueces River Basin by August 1, 2023.

All other terms and conditions contained in Certificate of Adjudication No. 21-3207, as amended, which are not specifically contrary to the terms of this Order, shall remain in full force and effect.

For the Commission

DATE ISSUED:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION FOR AN EXTENSION OF TIME TO COMMENCE AND COMPLETE CONSTRUCTION OF A PROJECT AUTHORIZED BY CERTIFICATE OF ADJUDICATION No. 21-3207A

Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 seeks authorization to extend the time to commence and complete modification of a dam and reservoir (Chacon Reservoir), on Chacon Creek, tributary of San Miquel Creek, tributary of the Frio River, Nueces River Basin. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1, P.O. Box 170, Natalia, Texas, 78059, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an extension of time pursuant to Texas Water Code § 11.145, and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Notice is being published and mailed to the water rights holders of record in the Nueces River Basin pursuant to Title 30 TAC § 295.159(a).

Certificate of Adjudication No. 21-3207A authorizes Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 to modify Chacon Reservoir to increase the storage capacity of the reservoir, impounding an additional 1,270 acre-feet of water for a total of 2,000 acre-feet of water on Chacon Creek, tributary of San Miquel Creek, tributary of the Frio River, Nueces River Basin, in ZIP Code 78016. Multiple special conditions and time limitations apply.

Time limitations on the construction of the dam and reservoir state that modification must commence within two years and be completed within three years from the date of issuance of the amendment on August 2, 2013. Applicant has previously been granted two orders extending the time to commence and complete the modification of the Chacon Reservoir. The current Order, issued on January 31, 2018, states that Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 shall commence modification of Chacon Reservoir by August 1, 2021 and shall complete modification by August 1, 2022.

Applicant seeks authorization for an additional extension of time to commence modification of Chacon Reservoir by August 1, 2022 and complete modification by August 1, 2023.

The application was received on April 26, 2022. Additional information and fees were received on August 22, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on August 29, 2022.

The Executive Director has determined that the applicant has shown due diligence and justification for delay. In the event a hearing is held on this application, the Commission shall also consider whether the authorization for the additional storage capacity shall be forfeited for failure to demonstrate sufficient due diligence and justification for delay.

The Executive Director has completed the technical review of the application and prepared a draft Order. The draft Order, if granted, would authorize the extension of time to commence

and complete modification of Chacon Reservoir. The application, technical memorandum and Executive Director's draft Order are available for viewing on the TCEQ web page at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the Order and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 3207 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued:

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Lillian Beerman
Water Rights Permitting Team

Date: May 23, 2022

Thru:

From: Warren D. Samuelson, P. E., Manager
Dam Safety Section, MC-177

Subject: Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1, Request for Extension of Time to begin and complete construction of Chacon Dam modifications, Certificate of Adjudication No. 21-3207A, Chacon Creek, Nueces River Basin, Medina County.

The applicant seeks a one-year extension of time to start (August 1, 2022) and a one-year extension to complete (August 1, 2023) construction of Chacon Dam modifications. Construction was to be started by August 1, 2021, and be completed by August 1, 2022. The applicant has indicated that construction has not started due to on-going U.S. Army Corps of Engineers permitting application and approval process, which has been completed.

The reservoir is to impound 2,000 acre-feet when modified.

The Dam Safety Program requires no additional information at this time and has no objections to the extension request. Final construction plans and specifications were approved on September 14, 2021.

Warren D. Samuelson

Warren D. Samuelson, P. E., Manager
Dam Safety Section

Bexar-Medina-Atascosa-WCID_No._1_Application_No._21-3207A_Administratively_Complete

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mon 8/29/2022 5:31 PM

To:

[REDACTED]

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mr. George Weimer,

As of August 29, 2022, Bexar-Medina-Atascosa-WCID No. 1's Application No. 21- 3207A Administratively_Complete.

ADC Letter is attached.

If you have any questions or concerns, do not hesitate to contact me.

Thank you,

[Lillian E. Beerman, Ph.D.](#)

[Water Rights Permitting Team](#)

[Water Availability Division](#)

[512-239-4019](#)

lillian.beerman@tceq.texas.gov

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team

DATE: August 29, 2022

SUBJECT: Bexar-Medina-Atascosa Counties Water Control and
Improvement District No. 1
ADJ 3207
CN600654115, RN102861747
Application for an Extension of Time to Commence and Complete
Construction for Certificate of Adjudication No. 21-3207A
Texas Water Code § 11.145, Requiring Published and Mailed Notice
Chacon Creek, Nueces River Basin
Medina County

The application was received on April 26, 2022. Additional information and fees were received on August 22, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on August 29, 2022. Published and mailed notice to water right holders in the Nueces River Basin is required pursuant to Title 30 Texas Administrative Code § 295.159(a).

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

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

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

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 29, 2022

Mr. George Weimer, President
Bexar-Medina-Atascosa Counties
Water Control and Improvement District No. 1
P.O. Box 170
Natalia, Texas 78059

VIA E-MAIL

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

Dear Mr. Weimer:

This acknowledges receipt, on August 22, 2022, of additional information and fees in the amount of \$1,140.02 (Receipt No. M220581, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on August 29, 2022. Staff will continue processing the application for consideration by the Executive Director.

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

If you have any questions concerning the application, please contact me via email at lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



23-AUG-22 12:25 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PRMTS- CONSTR DELAY	WPC WPC WATER USE PERMITS- CONSTRUCTION DELAY	M220581 ADJ213207A BEXAR MEDINA ATASCOSA COUNTIES WCID 1	46639 082322 VHERNAND	 N CK	BS00096955 D2803333	23-AUG-22	-\$1,140.02
Total (Fee Code):							-\$1,140.02

L. Benner

RECEIVED
AUG 24 2022
Water Availability Division

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



RECEIVED

AUG 22 2022

Water Availability Division

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 3, 2022

George Weimer, President
Bexar-Medina-Atascosa Counties
Water Control and Improvement District No. 1
P.O. Box 170
Natalia, Texas 78059

VIA E-MAIL

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

Dear Mr. Weimer:

This acknowledges receipt, on April 26, 2022, of the referenced application.

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

1. Provide a completed and notarized *Application for an Extension of Time to Begin or Complete Construction of an Authorized Project*. The requested application form and the instructions on how to complete the updated form are available on the TCEQ website at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr_applications.html
2. Submit written evidence that George Weimer is authorized to sign the application for Bexar-Medina-Atascosa Counties Water Control and Improvement District No 1, pursuant to Title 30 Texas Administrative Code (TAC) § 295.14(5), which states:

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



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

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

1. **Applicant Information**

Permittee/Owner Name: Bexar Medina Atascosa Counties WCID #1
Point of Contact name: Bonnie Tapp / Brian Sullivan
Mailing Address: PO Box 170
Natalia, Texas 78059
Phone Number: 830-665-2132 Email Address: [REDACTED]

2. **Fees or penalties**

The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your application.

Does Applicant or Co-Applicant owe any **fees** to the TCEQ?

Yes or No: No

If yes, provide the following information:

Account number: _____ Amount past due: _____

Does Applicant or Co-Applicant owe any **penalties** to the TCEQ?

Yes or No: No

If yes, please provide the following information:

Enforcement order number: _____ Amount past due: _____

3. **Project Data**

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

and,

River Basin: Nueces

4. **Project Dates**

BEGINNING CONSTRUCTION DATE:

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

Current (From last extension granted, if applicable): August 1, 2021

Proposed: August 1, 2022

COMPLETION DATE:

Original: August 2, 2016

Current: August 1, 2022

Proposed: August 1, 2023

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

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

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

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

Please see attached statement setting forth the reasons why construction work could not be commenced or completed.

6. **Application Fees**

(Please make checks payable to the Texas Commission on Environmental Quality or TCEQ)

A. All requests for extension of time require payment of the following fees:

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

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

Type	Description	Amount (\$)
Extension Fee	Pursuant to 30 TAC §295.138, extension fees are equivalent to one-time use fees established under §295.133 not to exceed \$1,000 . Enter corresponding extension fee under Amount (\$). Using the one-time use fees as follows:	635.00
	Agriculture Use Fee - Only for those with an Irrigation Use. Multiply 50¢ x ____ Number of acres that will be irrigated with State Water.	
	Use Fee - Required for all Use Types, excluding Irrigation Use. Multiply \$1.00 x ____ Maximum annual diversion of State Water in acre-feet.	
	Recreational Storage Fee - For those with Recreational storage. Multiply \$1.00 x ____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
	Storage Fee - For Storage, excluding Recreational Storage. Multiply 50¢ x ____ acre-feet of State Water to be stored at normal max operating level.	
	Note - if the total extension fees in this column above exceed \$1,000 - enter \$1,000 under Amount (\$).	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600. (Different for each basin and the applicant will publish the notice in a locally circulated newspaper at its expense)	242.52
TOTAL		\$877.52

7. Applicant Signature

I, George Weimer

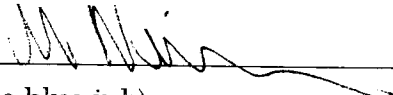
BMA President

(Typed or printed name)

(Title)

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

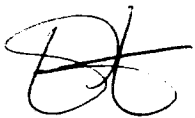
I further certify that I am authorized under Title 30 Texas Administrative Code §295.14 to sign and submit this document and I have submitted written evidence of my signature authority.

Signature:  Date: 8-8-22
(Use blue ink)

Subscribed and Sworn to before me by the said

on this 8 day of August, 2022.

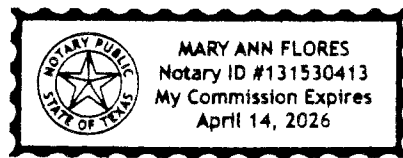
My commission expires on the 14 day of April, 2022.



Notary Public

Medina
County, Texas

[SEAL]



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

County, Texas

April 18, 2022

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

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

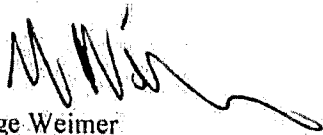
Dear Sir or Madam:

The Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 (BMA) requests that a time extension be granted to begin and complete construction of the Chacon Dam and Spillway Improvements due to U.S. Army Corps of Engineers Environmental Permitting application and approval that was sent on September 14, 2021 and Environmental Permitting was also approved. The BMA is evaluating financial instruments (loans, grants, etc) to supplement the rise in cost of building materials at this time. BMA is looking to bid the by the end of the 2022 calendar year.

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

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

Sincerely,



George Weimer
President, BMA

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

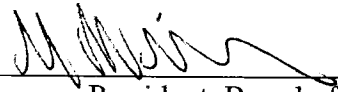
**RESOLUTION AUTHORIZING THE FILING OF APPLICATION FOR EXTENSION OF
TIME TO BEGIN AND/OR COMPLETE CONSTRUCTION OF AN AUTHORIZED
PROJECT**

WHEREAS, the board of Directors (the board) of Bexar Medina Atascosa Counties Water Control and Improvement District No 1. (the district) is authorizing George Weimer, Bonnie Sallee and/or Brian Sullivan to complete, sign and is authorized to conduct application process for Extension of time to begin and end on Chacon Project Certificate of Adjudication No. 21-3207 with a proposed completion date of August 1, 2023.

NOW, THEREFORE, be it resolved and order by the board of directors of the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1:

SECTION 1. As required by Texas Commission of Environmental Quality requests authorization and board approval for authorization to sign the application pursuant to Title 30 Texas Administrative Code (TAC) 295.14(5).

ORDERED AND PASSED this 8th day of August 2022.



President, Board of Directors

Attest:



Director

BEXAR - MEDINA - ATASCOSA COUNTIES

WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1

P.O. BOX 170
NATALIA, TEXAS 78059
Phone (830) 665-2132
Fax (830) 663-3519

The State of Texas §

County of Medina §

Bexar-Medina-Atascosa Counties
Water Control & Improvement District No. 1
Natalia, Texas

Be It Remembered: That on the 8th day of August 2022 at 5:00 P.M., the Board of Directors of the Bexar-Medina-Atascosa Counties Water Control & Improvement District No. 1 convened in a Regular Board Meeting in the District Office, 2107 State Highway 132, Natalia, Texas.

Board Members Present:

Mr. George Weimer, President
Mr. Bob Roberts Jr., Vice President
Mr. Christopher Friesenhahn, Secretary/Treasurer
Mr. Gordon Hitzfelder
Mr. Dustin Navarro
Mr. Morris Salzman
Mr. Garrett Wilson

Others Present: 5 guest and 3 employee

President George Weimer called the meeting to order at 5:00pm.

Secretary Treasurer, Christopher Friesenhahn announced the meeting has been properly posted and in order to proceed.

No Public comment

Entered Executive Session at 5:02pm

Returned from Executive Session at 6:19pm

No action taken in Executive Session

Motion made by Director Hitzfelder, seconded by Director Wilson to approve the Consent of agenda consisting of:

- a. Correct and approve the minutes of the July 11, 2022 regular board meeting.
- b. Discuss and take action on cash receivables and cash disbursements.
- c. Discuss and take action on Roadway and Utility crossing request by Enrique & Maria E. Velazquez in Block 61, Lot 37, Tract 6 in Bexar County. No utility crossing needed at this time. *\$1,100 permit, \$2,600 material*
- d. Discuss and take action on Roadway crossing request by Dennis & Anatalia Sena in Block 33, Lot 24, Tract 1 in Medina County. *No crossing needed at this time, per Brian Sullivan, BMA field manager.*

- e. Discuss and take action on Commercial Utility crossing request by Benton City Water in Block 32, Lot 27 in Medina County. *\$1,500 permit fee, Benton City to cut open ditch*
- f. Discuss and take action on Commercial Utility crossing request by Benton City Water in Block 32, Lot 27 in Medina County. *\$1,500 permit fee, Benton City to cut open ditch*
- g. Discuss and take action on Commercial Utility crossing request by Benton City Water in Block 32, Lot 29 in Medina County. *\$1,500 permit fee, Benton City to cut open ditch*
- h. Discuss and take action on Commercial Utility crossing request by Benton City Water in Block 32, Lot 27 in Medina County. *\$1,500 permit fee, Benton City to boar under the road*
- i. Discuss and take action on Agricultural crossing request by Cynthia A Knake in Survey 6, Abstract A0407 in Medina County. *No crossing needed at this time, per Brian Sullivan, BMA field manager.*

Motion carries unanimously.

Motion made by Director Hitzfelder, seconded by Director Wilson to approve as presented the TCEQ Extension and Resolution for Chacon.

Motion carries unanimously.

Motion made by Director Friesenhahn, seconded by Director Hitzfelder to approve as presented the two resolutions and orders by the Board of Directors adopting rules of courtesy for members of the public attending meetings of the Board of Directors, as per advised of counsel.

Motion carries unanimously.

Motion made by Director Wilson, seconded by Director Friesenhahn to approve as presented the Media Policy with the change of 12 feet to 5 feet of the dias where directors are seated.

Motion made by Director Friesenhahn, seconded by Director Hitzfelder to approve as presented the 2022 Water Delivery cutoff date of September 15, 2022 and no refunds will be issued for unused priority water.

Motion carries unanimously.

No action taken on Managers Reports.

Motion made by Director Roberts, seconded by Director Friesenhahn to adjourn at 6:39pm.

Motion carries unanimously.

George Weimer, President

Christopher Friesenhahn, Secretary/Treasurer

Bexar-Medina-Atascosa Counties WCID_21-3207A_Request for Information

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Wed 8/3/2022 10:41 AM

To: brian@bmawater.org <[REDACTED]>

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mr. George Weimer,

Attached is the Request for Information for Bexar-Medina-Atascosa Counties Water Control and Improvement District (WCID) No. 1. Please provide the requested information and fees by COB Friday, September 3, 2022.

If you have any questions or concerns, do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 3, 2022

George Weimer, President
Bexar-Medina-Atascosa Counties
Water Control and Improvement District No. 1
P.O. Box 170
Natalia, Texas 78059

VIA E-MAIL

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

Dear Mr. Weimer:

This acknowledges receipt, on April 26, 2022, of the referenced application.

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

1. Provide a completed and notarized *Application for an Extension of Time to Begin or Complete Construction of an Authorized Project*. The requested application form and the instructions on how to complete the updated form are available on the TCEQ website at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr_applications.html
2. Submit written evidence that George Weimer is authorized to sign the application for Bexar-Medina-Atascosa Counties Water Control and Improvement District No 1, pursuant to Title 30 Texas Administrative Code (TAC) § 295.14(5), which states:

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

Bexar-Medina-Atascosa Counties Water Control
and Improvement District No. 1
ADJ No. 21-3207A
August 3, 2022
Page 2 of 2

3. Remit fees in the amount of \$ **1,140.02** as described below. Please make the check payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee	(100-5,000 acre-feet)	\$	250.00
Recording Fee		\$	12.50
Extension Fee	(1270 x \$.50)	\$	635.00
Mailed Notice Fee	(Nueces River Basin)	\$	242.52
<hr/>			
TOTAL FEES		\$	1,140.02
FEES RECEIVED		\$	0.00
<hr/>			
TOTAL FEES DUE		\$	1,140.02

Please submit the requested information and fees by September 2, 2022, or the application may be returned pursuant to Title 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via email at lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

April 18, 2022

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

**RE: Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1
ADJ 21-3207A, CN600654115, RN102861747
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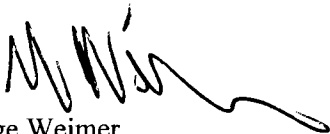
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We view these as reasonable causes for delay and request, by rule §295.159 of the Texas Administrative Code, that the extension from the original construction commencement date, as shown on the Certificate of Adjudication No. 21-3207A, be granted.

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

Sincerely,



George Weimer
President, BMA

RECEIVED

APR 26 2022

Water Availability Division



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087, MC-160, Austin, Texas 78711-3087
Telephone No. (512) 239-4691 FAX (512) 239-4770

**APPLICATION FOR AN EXTENSION OF TIME TO BEGIN AND/OR
COMPLETE CONSTRUCTION OF AN AUTHORIZED PROJECT
§11.145, TEXAS WATER CODE
TO BE SUBMITTED PRIOR TO EXPIRATION DATE**

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

1. Applicant Information

Permittee/Owner Name: Bexar Medina Atascosa Counties WCID #1
Mailing Address: PO Box 170, Natalia, Texas, 78059

Telephone No(s) Home: (830) 665-2132 Office: (830) 665-2132
Social Security or Federal I.D. No.: _____
Email Address: _____ Fax: _____

2. Applicant owes fees or penalties?

Yes No

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

3. Project Data

Certificate of Adjudication No.: 21-3207A Permit No.: TX01783
Water Right Issue Date: August 02, 2013 Stream: Chacon Creek
River Basin: Nueces County: Medina & Atascosa

4. Dates

BEGINNING CONSTRUCTION DATE:	COMPLETION DATE:
Original (Date in water right): <u>August 2, 2015</u>	Original: <u>August 2, 2016</u>
Current (From last extension granted, if applicable): <u>August 1, 2021</u>	Current: <u>August 1, 2022</u>
Proposed: <u>August 1, 2022</u>	Proposed: <u>August 1, 2023</u>

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

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

* Please attach or enclose a statement setting forth the reasons why construction work could not be commenced or completed.

6. **Application Fees**

Please make checks payable to the Texas Commission on Environmental Quality or TCEQ

Note: Mailed and published notice of the application is required if a new beginning date for construction is more than four years past the original issue date of the water right, or a new completion date for construction is more than five years past the original completion date.

A. If the application does not require mailed and published notice, fees are as follows:


Filing	\$100.00
Recording (\$1.25 per page)	<u>2.50</u>
Total Fees	\$102.50

B. If the application does require mailed and published notice, fees are as follows:

Filing	\$100-\$2000 (depending on size of project)
Recording (\$1.25 per page)	\$2.50
Extension	{Includes storage (\$.50 per acre-foot, except for Recreation storage which is \$1.00 per acre-foot) <u>and</u> Use (\$1.00 per acre-foot, except for agricultural, which is \$.50 per acre to be irrigated)}
Notice	{Different for each basin and the applicant will publish the notice in a locally circulated newspaper at its expense}

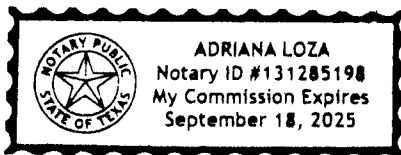
7. **Signature of Applicant(s)**

See Texas Administrative Code §295.14.

Signature(s)  _____
Name (Sign) Name (Sign)

GEORGE WEINER _____
Name (Printed) Name (Printed)

Subscribed and sworn to as being true and correct before me on this the 20th day of April, 2022.



 _____
Notary Public, State of Texas