

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 12-4318F

CHS Farms, Ltd. seeks to amend a portion of Certificate of Adjudication No. 12-4318 to add municipal and mining use and to add a place of use for mining and municipal purposes anywhere within Bosque and McLennan counties and the part of Hill County located in the Brazos River Basin. More information on the application and how to participate in the permitting process is given below.

APPLICATION. CHS Farms, Ltd., 305 Stone Chase Court, College Station, TX 77845, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) to amend Certificate of Adjudication No. 12-4318 pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Mailed notice to the record holders is required pursuant to Title 30 TAC §§ 295.158(c)(2)(A) and 295.158(c)(2)(B).

A portion of Certificate of Adjudication No. 12-4318, as amended, authorizes CHS Farms, Ltd. to divert and use not to exceed 497 acre-feet of water per year from the Brazos River, Brazos River Basin, at a maximum combined diversion rate of 8.89 cfs (4,000 gpm), for agricultural purposes to irrigate 373.78 acres of land out of two tracts in Bosque County.

Applicant seeks to amend their portion of Certificate of Adjudication No. 12-4318 to add municipal and mining use.

Applicant also seeks to add a place of use for municipal and mining purposes anywhere within Bosque and McLennan counties and the part of Hill County located in the Brazos River Basin.

The application was received on July 14, 2025, and partial fees were received on July 17, 2025. Additional information was received on September 2 and 4, 2025, and additional fees were received on September 8, 2025. The application was declared administratively complete and filed with the Office of the Chief Clerk on September 10, 2025.

The Executive Director has prepared a draft amendment. The draft amendment, if granted, would include special conditions including, but not limited to, submittal of conservation plans. The application and Executive Director's draft amendment 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 the Chief Clerk, at the address provided in the information section below, by October 2, 2025. 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 by October 2, 2025. The Executive Director may approve the application unless a written request for a contested case hearing is filed by October 2, 2025.

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 permit 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 4318 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: September 17, 2025

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-4318F

TYPE § 11.122

Owner:	CHS Farms, Ltd.	Address:	305 Stone Chase Court College Station, TX 77845
Filed:	September 10, 2025	Granted:	
Purposes:	Agricultural, Municipal, and Mining	Counties:	Bosque, Hill, and McLennan
Watercourse:	Brazos River	Watershed:	Brazos River Basin

WHEREAS, a portion of Certificate of Adjudication No. 12-4318 (Certificate), as amended, authorizes CHS Farms, Ltd. (Owner/Applicant) to divert and use not to exceed 497 acre-feet of water per year from the Brazos River, Brazos River Basin, at a maximum combined diversion rate of 8.89 cfs (4,000 gpm), for agricultural purposes to irrigate 373.78 acres of land out of two tracts in Bosque County; and

WHEREAS, the time priority of this right is December 31, 1921; and

WHEREAS, Applicant seeks to amend its portion of the Certificate to add municipal and mining use; and

WHEREAS, Applicant also seeks to amend its portion of the Certificate to add a place of use for municipal and mining purposes anywhere within Bosque, and McLennan counties and the part of Hill County located in the Brazos River Basin; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, this amendment, if granted, is subject to the requirements and orders of the Brazos Watermaster; and

WHEREAS, the Executive Director recommends special conditions be included in the amendment; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-4318, designated Certificate of Adjudication No. 12-4318F, is issued to CHS Farms, Ltd. subject to the following terms and conditions:

1. USE

In addition to previous authorizations, Owner is now authorized to divert and use 497 acre-feet of water per year for municipal and mining purposes of use anywhere within Bosque and McLennan counties and the part of Hill County located in the Brazos River Basin.

2. CONSERVATION

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, and prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

3. SPECIAL CONDITIONS

- A. One hundred and eighty days prior to the diversion of water for municipal use, Owner or contract customer shall submit a water conservation plan and a drought contingency plan to the TCEQ that meets the requirements of 30 Texas Administrative Code §§ 288.2 and 288.20.
- B. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted and maintain measurement records.
- C. Owner shall allow representatives of the Brazos Watermaster reasonable access to the property to inspect the measuring device and records.
- D. Owner shall contact the Brazos Watermaster prior to diversion of water authorized by this amendment.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 12-4318, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water right holders in the Brazos River Basin.

Owner agrees to be bound by the terms, conditions, and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.

For the Commission

Date Issued:

DRAFT

Jenna Rollins

From: Chris Kozlowski
Sent: Tuesday, September 16, 2025 9:32 AM
To: Jenna Rollins
Cc: Humberto Galvan; Natalia Ponebshek
Subject: Fw: CHS Farms, LTD App No. 12-4318F Draft Amendment

From: Simkhada, Keshab (Irving) USA [REDACTED]
Sent: Tuesday, September 16, 2025 9:15 AM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: RE: CHS Farms, LTD App No. 12-4318F Draft Amendment

Good Morning

The draft amendment and notice look good. Thank you.

Keshab Simkhada

Area Environmental Manager
Southwest Aggregates

M 972 209-7709
[REDACTED]



300 E. John Carpenter Fwy, Ste 1645
Irving, TX 75062
[heidelbergmaterials.us](https://www.heidelbergmaterials.us)

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Monday, September 15, 2025 3:50 PM
To: Simkhada, Keshab (Irving) USA [REDACTED]
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: CHS Farms, LTD App No. 12-4318F Draft Amendment

Good afternoon,

Please review the draft amendment and notice for CHS Farms, LTD App No. 12-4318F and provide a response by September 29, 2025. Please let me know if you have any questions.

Thank you,

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

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 15, 2025

Mr. Keshab Simkhada, Area Environmental Manager
Heidelberg Materials Southwest LLC
300 E. John Carpenter Fwy., Ste. 1645
Irving, TX 75062-2772

VIA E-MAIL

RE: CHS Farms, Ltd.
ADJ 4318
CN604871137, RN105136790
Application No. 12-4318F to Amend Certificate of Adjudication No. 12-4318
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Brazos River, Brazos River Basin
Bosque County

Dear Mr. Simkhada:

Drafts, subject to revision, of the public notice and proposed amendment to Certificate of Adjudication No. 12-4318 are attached.

Staff is recommending that the referenced application be granted in accordance with the attached draft. Please review the draft and contact me no later than September 29, 2025, with any comments or questions as the permit will be forwarded to the Office of the Chief Clerk for further processing after that date.

Please note this application requires a 15-day comment period and once the comment period has closed, the proposed amendment to Certificate of Adjudication 14-2634 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 Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

A handwritten signature in dark ink, appearing to be "NP" or similar initials, written over a light gray circular stamp.

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

Attachments

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-4318F

TYPE § 11.122

Owner:	CHS Farms, Ltd.	Address:	305 Stone Chase Court College Station, TX 77845
Filed:	September 10, 2025	Granted:	
Purposes:	Agricultural, Municipal, and Mining	Counties:	Bosque, Hill, and McLennan
Watercourse:	Brazos River	Watershed:	Brazos River Basin

WHEREAS, a portion of Certificate of Adjudication No. 12-4318 (Certificate), as amended, authorizes CHS Farms, Ltd. (Owner/Applicant) to divert and use not to exceed 497 acre-feet of water per year from the Brazos River, Brazos River Basin, at a maximum combined diversion rate of 8.89 cfs (4,000 gpm), for agricultural purposes to irrigate 373.78 acres of land out of two tracts in Bosque County; and

WHEREAS, the time priority of this right is December 31, 1921; and

WHEREAS, Applicant seeks to amend its portion of the Certificate to add municipal and mining use; and

WHEREAS, Applicant also seeks to amend its portion of the Certificate to add a place of use for municipal and mining purposes anywhere within Bosque, and McLennan counties and the part of Hill County located in the Brazos River Basin; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, this amendment, if granted, is subject to the requirements and orders of the Brazos Watermaster; and

WHEREAS, the Executive Director recommends special conditions be included in the amendment; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-4318, designated Certificate of Adjudication No. 12-4318F, is issued to CHS Farms, Ltd. subject to the following terms and conditions:

1. USE

In addition to previous authorizations, Owner is now authorized to divert and use 497 acre-feet of water per year for municipal and mining purposes of use anywhere within Bosque and McLennan counties and the part of Hill County located in the Brazos River Basin.

2. CONSERVATION

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, and prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

3. SPECIAL CONDITIONS

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- B. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted and maintain measurement records.
- C. Owner shall allow representatives of the Brazos Watermaster reasonable access to the property to inspect the measuring device and records.
- D. Owner shall contact the Brazos Watermaster prior to diversion of water authorized by this amendment.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 12-4318, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water right holders in the Brazos River Basin.

Owner agrees to be bound by the terms, conditions, and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.

For the Commission

Date Issued:

DRAFT

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 12-4318F

CHS Farms, Ltd. seeks to amend a portion of Certificate of Adjudication No. 12-4318 to add municipal and mining use and to add a place of use for mining and municipal purposes anywhere within Bosque and McLennan counties and the part of Hill County located in the Brazos River Basin. More information on the application and how to participate in the permitting process is given below.

APPLICATION. CHS Farms, Ltd., 305 Stone Chase Court, College Station, TX 77845, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) to amend Certificate of Adjudication No. 12-4318 pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Mailed notice to the record holders is required pursuant to Title 30 TAC §§ 295.158(c)(2)(A) and 295.158(c)(2)(B).

A portion of Certificate of Adjudication No. 12-4318, as amended, authorizes CHS Farms, Ltd. to divert and use not to exceed 497 acre-feet of water per year from the Brazos River, Brazos River Basin, at a maximum combined diversion rate of 8.89 cfs (4,000 gpm), for agricultural purposes to irrigate 373.78 acres of land out of two tracts in Bosque County.

Applicant seeks to amend their portion of Certificate of Adjudication No. 12-4318 to add municipal and mining use.

Applicant also seeks to add a place of use for municipal and mining purposes anywhere within Bosque and McLennan counties and the part of Hill County located in the Brazos River Basin.

The application was received on July 14, 2025, and partial fees were received on July 17, 2025. Additional information was received on September 2 and 4, 2025, and additional fees were received on September 8, 2025. The application was declared administratively complete and filed with the Office of the Chief Clerk on September 10, 2025.

The Executive Director has prepared a draft amendment. The draft amendment, if granted, would include special conditions including, but not limited to, submittal of conservation plans. The application and Executive Director's draft amendment 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 the Chief Clerk, at the address provided in the information section below, by _____. 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 by _____. The Executive Director may approve the application unless a written request for a contested case hearing is filed by _____.

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 permit 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 4318 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:

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Natalia Ponebshek, Project Manager
Water Rights Permitting Team

DATE: September 10, 2025

SUBJECT: CHS Farms, Ltd.
ADJ 4318
CN604871137, RN105136790
Application No. 12-4318F to Amend Certificate of Adjudication No. 12-4318
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Brazos River, Brazos River Basin
Bosque County

The application was received on July 14, 2025 and partial fees were received on July 17, 2025. Additional information was received on September 2 and 4, 2025. Additional fees were received on September 8, 2025. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on September 10, 2025. Mailed notice to the record holder is required pursuant to Title 30 Texas Administrative Code §§ 295.158(c)(2)(A) and 295.158(c)(2)(B).

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



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

OCC Mailed Notice Required ☒ YES ☐ NO

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 10, 2025

Mr. Keshab Simkhada, Area Environmental Manager
Heidelberg Materials Southwest LLC
300 E. John Carpenter Fwy., Ste. 1645
Irving, TX 75062-2772

VIA E-MAIL

RE: CHS Farms, Ltd.
ADJ 4318
CN604871137, RN105136790
Application No. 12-4318F to Amend Certificate of Adjudication No. 12-4318
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Brazos River, Brazos River Basin
Bosque County

Dear Mr. Simkhada:

This acknowledges receipt, on September 2 and 4, 2025, of additional information and, on September 8, 2025, of additional fees in the amount of \$2.82 (Receipt No. M640127, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on September 10, 2025. Staff will continue processing the application for consideration by the Executive Director.

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

Sincerely,

A handwritten signature in black ink, appearing to be "NP" or similar initials, written over a light gray circular background.

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

Attachment



08-SEP-25 12:49 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP	M640127	100430		BS00116735	08-SEP-25	-\$2.82
	WUP	ADJ124318	090825	N	D6800035		
WATER USE PERMITS		HM	RHDAVIS	CK			
		SOUTHWEST					
		LLC					

Total (Fee Code):

-\$2.82

Grand Total:

-\$1,856.62

RECEIVED
SEP 09 2025

Water Availability Division

Natalia Ponebshek

From: Simkhada, Keshab (Irving) USA <[REDACTED]>
Sent: Thursday, September 4, 2025 2:00 PM
To: Natalia Ponebshek
Cc: Chris Kozlowski; Humberto Galvan
Subject: RE: CHS Farms, LTD App No. 12-4318F RFI
Attachments: HM_CHS_TCEQ-Water Supply Need Plan Response.pdf; CHS Farms-Signatory Authority-9-3-2025.pdf

Good afternoon, Natalia

- 1) Signatory Authority document – Attached
- 2) Application addresses a water supply need in a manner that is consistent with the state water plan – Attached
- 3) Water Conservation Plan for Mining Use – Emailed on 9/2/2025
- 4) Fees in the amount of \$2.82 – Check has been ordered and ready to be printed. I will FedEx overnight to your attention tomorrow.

Display Document: Line Item 001

Additional Data Withholding Tax Data CGSprint Auskunft

Vendor 6006213 TEXAS COMMISSION ENVIRONMENTAL G/L Acc 535101000
Company Code US61
HM Southwest LLC AUSTIN Doc. no. 3200003302

Line Item 1 / Invoice / 31

Amount 2.82 USD
Tax Code **

Additional Data

Bus. Area US46
Disc. base 2.82 USD Disc. Amount 0.00 USD
Payt Terms N000 Days/percent 0 0.000 % 0 0.000 % 0
Bline Date 09/03/2025 Fixed ☐
Prmt Block ☐ Invoice Ref. / / 0
Payment cur.
Pmt Method M
Payment Ref.
Assignment
Text Long text

Thanks

Keshab Simkhada

Area Environmental Manager
Southwest Aggregates

M 972 209-7709
[REDACTED]



300 E. John Carpenter Fwy, Ste 1645
Irving, TX 75062
heidelbergmaterials.us

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Tuesday, September 2, 2025 4:24 PM
To: Simkhada, Keshab (Irving) USA [REDACTED]
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: RE: CHS Farms, LTD App No. 12-4318F RFI

Hello,

For signature authority we need documentation that David Hodge and James Marshall Hodge are eligible to sign documents on behalf of CHS Farms. This can be provided through company bylaws if signatures are covered, or by providing a letter on official letterhead stating that they have authority to sign on behalf of the company. Please let me know if you have any additional questions.

Thank you,

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

From: Simkhada, Keshab (Irving) USA [REDACTED]
Sent: Tuesday, September 2, 2025 2:42 PM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: RE: CHS Farms, LTD App No. 12-4318F RFI

Sounds good. A quick follow up question on the signature authority document. What specific document do we need to present? Please advise kindly.

Thank you

Keshab Simkhada
Area Environmental Manager
Southwest Aggregates

M 972 209-7709
[REDACTED]



300 E. John Carpenter Fwy, Ste 1645
Irving, TX 75062
heidelbergmaterials.us

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Tuesday, September 2, 2025 1:09 PM
To: Simkhada, Keshab (Irving) USA [REDACTED]
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: RE: CHS Farms, LTD App No. 12-4318F RFI

If you do not have all documents by the deadline, you can reply to this email and request an extension.

Thank you,

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

From: Simkhada, Keshab (Irving) USA [REDACTED]
Sent: Tuesday, September 2, 2025 11:30 AM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: RE: CHS Farms, LTD App No. 12-4318F RFI

Good morning, Natalia – I have reviewed the information request and currently working on gathering information. Sincere apologies for not getting back to you on time.

- 1) Signatory Authority document – Requested to David and Marshall Hodge.
- 2) Application addresses a water supply need in a manner that is consistent with the state water plan – I will submit by the deadline of 9/4/2025.
- 3) Water Conservation Plan for Mining Use – Attached Plan was submitted with the Application which was deemed adequate during the Pre-App Meeting.
- 4) Fees in the amount of \$2.82 – I will mail the check by the deadline of 9/4/2025.

If I don't receive the requested document of signatory authority, can I please request for an extension?

Thank you very much for working with me on this matter.

Keshab Simkhada
Area Environmental Manager
Southwest Aggregates

M 972 209-7709



300 E. John Carpenter Fwy, Ste 1645

Irving, TX 75062

heidelbergmaterials.us

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>

Sent: Tuesday, August 5, 2025 3:48 PM

To: Simkhada, Keshab (Irving) USA [REDACTED] >

Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>

Subject: CHS Farms, LTD App No. 12-4318F RFI

Good afternoon,

Please find the attached request for information for the abovementioned application. A response is due by September 4, 2025. Please let me know if you have any questions regarding this request.

Thank you,

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

CHS FARMS, LTD.

964 FM 2114
Clifton, Texas 76634

September 3, 2025

TCEQ
P.O. Box 13087
Austin, Texas 78711

RE: Signature Authority

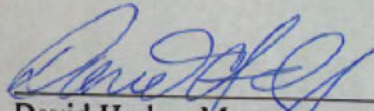
To whom it may concern:

As set forth in the Certificate of Limited Partnership filed with the Texas Secretary of State on April 16, 2002, CHS General, LLC is the duly acting general partner of CHS Farms, Ltds., a duly formed and operating Texas limited partnership. CHS General, LLC is a manager managed Texas limited liability company. At the present time, David Hodge and Marshall Hodge are the duly appointed and acting Managers of CHS General, LLC. In that capacity each of David Hodge and Marshall Hodge have the authority to bind the limited partnership, CHS Farms, Ltd.

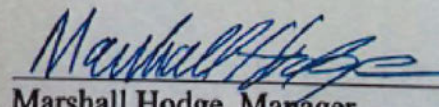
Sincerely,

CHS Farms, Ltd.

By CHS General, LLC its General Partner



David Hodge, Manager



Marshall Hodge, Manager

TCEQ's Comment:

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:

Applicant's Response:

Water Rights 12-4318 is located within the Region G Planning Group. According to the 2021 Brazos G Regional Water Plan, Volume I, Brazos River Authority, municipal and steam-electric water use as percentages of the total water use, are projected to increase from 2010 to 2070, while mining, irrigation, and livestock water use, are projected to decrease as percentages of the total. Manufacturing use is projected to retain at about the same percentage of the total water use. Water for the proposed amendment will be beneficially used for mining to produce construction aggregates, sand, and gravel. The application is consistent with the 2021 Brazos G Regional Water Plan.

Water will be pumped from the diversion point to holding pond where the water is used for washing native mined material (sand & gravel) in a closed loop system to produce sand and gravel materials suitable for construction of roads, highways, and other infrastructure. No chemicals or non-native materials are added or used in this process. Closed loop system allows for maximum water reuse.

The proposed amendment is not expected to have any detrimental effects on groundwater or groundwater recharge. The applicant will undertake all reasonable efforts to ensure that the proposed amendment is not detrimental to groundwater or groundwater recharge. A Water Conservation Plan is attached to this application.

End user for municipal use has not been determined yet. A Drought Contingency Plan will be developed and submitted by the end user to the TCEQ 180 days prior to the extraction date. In addition, the applicant will undertake all reasonable efforts to ensure that the proposed amendment is not detrimental to public welfare and the environment.

Natalia Ponebshek

From: Simkhada, Keshab (Irving) USA <[REDACTED]>
Sent: Tuesday, September 2, 2025 11:30 AM
To: Natalia Ponebshek
Cc: Chris Kozlowski; Humberto Galvan
Subject: RE: CHS Farms, LTD App No. 12-4318F RFI
Attachments: HM_CHS_MINING Water Conservation Plan-5-7-25.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning, Natalia – I have reviewed the information request and currently working on gathering information. Sincere apologies for not getting back to you on time.

- 1) Signatory Authority document – Requested to David and Marshall Hodge.
- 2) Application addresses a water supply need in a manner that is consistent with the state water plan – I will submit by the deadline of 9/4/2025.
- 3) Water Conservation Plan for Mining Use – Attached Plan was submitted with the Application which was deemed adequate during the Pre-App Meeting.
- 4) Fees in the amount of \$2.82 – I will mail the check by the deadline of 9/4/2025.

If I don't receive the requested document of signatory authority, can I please request for an extension?

Thank you very much for working with me on this matter.

Keshab Simkhada

Area Environmental Manager
Southwest Aggregates

M 972 209-7709
[REDACTED]



300 E. John Carpenter Fwy, Ste 1645
Irving, TX 75062
[heidelbergmaterials.us](https://www.heidelbergmaterials.us)

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Tuesday, August 5, 2025 3:48 PM
To: Simkhada, Keshab (Irving) USA <[REDACTED]>
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: CHS Farms, LTD App No. 12-4318F RFI

Good afternoon,

Please find the attached request for information for the abovementioned application. A response is due by September 4, 2025. Please let me know if you have any questions regarding this request.

Thank you,

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



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 <http://www.twdb.texas.gov/conservation/BMPs/index.asp>. The practices are broken out into sectors such as Agriculture, Commercial and Institutional, Industrial, Municipal and Wholesale. BMPs are voluntary measures that water users use to develop the required components of Title 30, Texas Administrative Code, Chapter 288. BMPs can also be implemented in addition to the rule requirements to achieve water conservation goals.

Contact Information

Name: CHS Farms Ltd.
Address: 305 Stone Chase Court, College Station, TX 77845
Telephone Number: (214) 597-1646 and (214) 986-3112 Fax: ()
Form Completed By: Keshab Simkhada
Title: Environmental Manager, Heidelberg Materials
Signature:  Date: 5/7/2025

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):

497

2. Maximum diversion rate (cfs):

0.68

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: **497 acre-feet/year**

<i>Source</i>	<i>Water Right No.(s)</i>	<i>Current Use</i>	<i>Anticipated Use</i>
Surface Water – Quarry Water	4318		497
Groundwater			
Purchased			
Total			497

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

Master meter ☒; Customer meter ☐; Estimated; Other ☐

3. Was purchased water raw or treated?

If both, % raw ☒; % treated ☐; and Supplier(s) **Not Applicable**

C. Mining Information

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

Construction Sand and Gravel

2. North American Industry Classification System (NAICS):

212321

II. WATER USE AND CONSERVATION PRACTICES

A. Water Use in Mining Processes

<i>Mining Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Hydraulic Fracturing					
Drilling					
Washing Sand/gravel		90		100	447.3
Dust Control					
Incorporated into product		10			49.7

Other					
<i>Facility Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Pond(s)		90		100	447.3
Sanitary & drinking water					
Irrigation & dust control		10		100	49.7
Other					

- Was fresh water recirculated at this facility? ☒ Yes ☐ No
- Provide a detailed description of how the water will be utilized in the mining process.

Water is utilized in the aggregate washing and dust control. Water is collected in a closed loop settling ponds. Water from the pond is pumped to the point of use and then pumped back to the settling pond for clarification. Water is then gravity flowed back into the fresh water pond. Approximately 10% of the water is absorbed by the sand and the remainder is pumped back to the settling ponds to settle out fine solids. The system is a closed loop. Approximately 10% of the water is used for dust suppression on plant haul roads in order to comply with the applicable TCEQ Air Quality Permit and Regulations.

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

49.7 acre-ft per year

- Monthly water consumption for previous year (in acre-feet). **No Water Diverted for Mining Use in Previous Year**

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Consumption</i>
January			
February			
March			

April			
May			
June			
July			
August			
September			
October			
November			
December			
Totals			

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

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Consumption</i>
January			~41
February			~41
March			~41
April			~41
May			~41
June			~41
July			~41
August			~41
September			~41
October			~41
November			~41
December			~41
Totals			497

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):

100 % reused water

90 % 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.

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

a. 5-year goal: 90% of closed loop water recycled (2,236.5 acre-ft savings)

b. 10-year goal: 90% of closed loop water recycled (4,473 acre-ft savings)

Basis = The aggregates is washed and processed in closed loop system where the same water (minus 10% absorbed by sand and used for dust suppression on haul roads) is recycled. In a single pass through the system, this 90% of the water used will have to be replenished. Thus, the water savings are based on recycling and reuse of 90% of the 497 acre-ft per year.

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 meter will be installed at the pump at the diversion point to measure and account for water diverted from the Brazos River. Water meter will be checked periodically as per the manufacturer's recommendation to ensure meter accuracy and pump capacity (± 5% accuracy).

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

Entire piping system will be on the surface and will be visually examined for leaks. Repairs will be made to the piping system expeditiously.

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

Settling pond system will be maintained to ensure adequate system residence time is maintained to maximize reuse of Aggregates Processing Water.

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:

Plant throughput is maintained to ensure optional use of water for Aggregates Processing and Washing. This reduces the amount of water used (gallons or acre-ft) per unit processed (ton) basis.

III. Water Conservation Plans submitted with a Water Right Application for New or Additional State Water

Not Applicable

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.

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 5, 2025

Mr. Keshab Simkhada, Area Environmental Manager
Heidelberg Materials Southwest LLC
300 E. John Carpenter Fwy., Ste. 1645
Irving, TX 75062-2772

VIA E-MAIL

RE: CHS Farms, Ltd.
ADJ 4318
CN604871137, RN105136790
Application No. 12-4318F to Amend Certificate of Adjudication No. 12-4318
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Brazos River, Brazos River Basin
Bosque County

Dear Mr. Simkhada:

This acknowledges receipt, on July 14, 2025, of the referenced application and on July 17, 2025, of fees in the amount of \$112.50 (Receipt No. M559443, copy attached).

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

1. Provide written evidence that David Hodge and James Marshall Hodge are authorized to sign the application for CHS Farms, Ltd., pursuant to Title 30 Texas Administrative Code (TAC) § 295.14(3) which states:

If the application is by a partnership, the application shall be signed by one of the general partners. If the applicant is a partnership doing business under an assumed name, it shall attach to the application an assumed name certificate from the county clerk of the county in which the principal place of business is located.

Staff notes that a *Written Consent in Lieu of Special Meeting of the Managers and Members of CHS General, LLC* was provided; however, this document does not authorize the signatories to sign on behalf of CHS Farms, Ltd.

2. 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 (Section 4.a. of the *Technical Information Report*). For examples, see page 15 of the Instructions for Completing the Water Right Permitting Application (Form TCEQ-10214A-inst).
3. Provide a completed Water Conservation Plan for Mining Use (TCEQ Form-20840), as referenced in *Worksheet 6.0 Water Conservation/Drought Contingency Plans*.

4. Remit fees in the amount of **\$2.82** as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee (Amendment)	\$ 100.00
Recording Fee	\$ 12.50
<u>Notice Fee (\$0.94 x 3 WR Holders)</u>	<u>\$ 2.82</u>
Total Fees	\$ 115.32
<u>Fees Received</u>	<u>\$ -112.50</u>
Fees Due	\$ 2.82

Please provide the requested information and fees by September 4, 2025, or the application may be returned pursuant to Title 30 TAC § 281.18.

Be aware that the amendment request to add uses to Certificate of Adjudication No. 12-4318 may result in annual Water Use Assessment Fees (WUF). For more detailed information on these fees, see the attached *Water Use Assessment Fee: The Annual Fee Associated with Water Rights Permits* fact sheet or contact the Water Quality Monitoring & Assessment Section at (512) 239-3838.

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

Sincerely,



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

Attachments

Water Use Assessment Fee (WUF)

Frequently Asked Questions

What Is This Fee?

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

Why are you billed?

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

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

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

What are reasons for exemption?

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

How Is the Fee Assessed?

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

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

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

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

How are Diversion Amounts Distributed Among Uses?

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

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

Why do I have Multiple Invoice Numbers?

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

What If I Have More Than One Account?

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

Where Do I Get More Information?

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

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

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

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

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



17-JUL-25 12:47 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

Fee Description	Fee Code		Ref#1		Check Number		CC Type		Slip Key		Tran Date	Tran Amount
	Account#		Ref#2		Card Auth.		Tran Code		Document#			
	Account Name		Paid In By		User Data		Rec Code					
WTR USE PERMITS	WUP		M559443		100418		N		BS00116157		17-JUL-25	-\$112.50
	WUP		124318		071725				D5803253			
	WATER USE PERMITS	HM			RHDAVIS		CK					
		SOUTHWEST LLC										
Total (Fee Code) :												-\$112.50
Grand Total:												-\$2,181.50



Heidelberg Materials Southwest LLC
300 E. John Carpenter Freeway
Suite 1645
Irving, TX 75062

Via Email: WRPT@tceq.texas.gov

Received on July 14, 2025, 10:52AM
Water Availability Division

July 14, 2025

Mr. Chris Kozlowski, Team Leader
Water Rights Permitting
Water Availability Section
12100 Park 35 Circle, MC 160
Austin, TX 78753
(512) 239-1801

**SUBJECT: Water Right Certificate of Adjudication No. 12-4318, Bosque, Hill, and McLennan Counties
Application Package to Amend to add Mining and Municipal Uses
Brazos River, Brazos River Basin
CHS Farms Ltd.**

Dear Mr. Kozlowski:

CHS Farms Ltd (CHS) is submitting this application package to the Texas Commission on Environmental Quality (TCEQ), Water Rights Division, to amend the Water Right Certificate of Adjudication No. 12-4318 (Permit), located in Bosque, Hill, and McLennan Counties, TX. Applicant seeks to amend the Permit to add mining and municipal uses to the 497 acre-feet of water per year from the Brazos River, Brazos River Basin, and to add a place of use to anywhere in Bosque, Hill, and McLennan Counties within the Brazos River Basin.

Heidelberg Materials Southwest LLC (HM) prepared this application because HM is the end user of water for mining purpose. A pre-application meeting with TCEQ and HM Representative was conducted on June 18, 2025. This application has been prepared as

discussed during the pre-app meeting and following documents are enclosed for the amendment request:

- 1) Administrative Information Checklist and Report TCEQ Form 10214B and attachment (signatory authorization),
- 2) Technical Information Sheet TCEQ Form 10214C and attachment (Water Conservation Plan), and
- 3) Public Involvement Plan Form TCEQ Form 20960.

All required information and documents are attached to the application package. A permit amendment fee of \$112.50 (Check # 100418) is included in this application package.

Thank you for your time and attention to this matter.

If you have any questions, please feel free to contact me at (972) 209-7709 or via email at

[REDACTED]

Sincerely,
Heidelberg Materials Southwest LLC



Keshab Simkhada
Area Environmental Manager

Enclosure: Application Package for Water Right Permit Amendment



HM Southwest LLC
300 E. John Carpenter Freeway
Irving, TX 75062

TEXAS COMMISSION ENVIRONMENTAL
QUALITY
PO Box 13089
AUSTIN TX 78711-3088

Invoice Date	Your Invoice	Our Reference	Gross Amount	Total Deductions	Net Amount
Jun 26, 2025	JUSILY5VCBK6	3200002351	\$112.50		\$112.50

Amount of Check

\$112.50

THIS IS WATERMARKED PAPER - DO NOT ACCEPT WITHOUT NOTING WATERMARK - HOLD TO LIGHT TO VERIFY WATERMARK



HM Southwest LLC
300 E. John Carpenter Freeway
Irving, TX 75062

Bank of America,
National Association,
Atlanta, GA

Authorized Signatures

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): CHS Farms Ltd

Received on July 14, 2025, 10:52AM
Water Availability Division

Indicate whether the following items are included in your application by writing either Y (for yes) or N (for no) next to each item (all items are not required for every application).

Y/N

Y **Administrative Information Report**

Y Additional Co-Applicant Information

Y Additional Co-Applicant Signature Pages

Y Written Evidence of Signature Authority

Y **Technical Information Report**

N USGS Map (or equivalent)

N Map Showing Project Details

N Original Photographs

N Water Availability Analysis

Y **Worksheet 1.0**

N Recorded Deeds for Irrigated Land

N Consent for Irrigated Land

N **Worksheet 1.1**

N Addendum to Worksheet 1.1

N **Worksheet 1.2**

N **Worksheet 2.0**

N Additional W.S. 2.0 for Each Reservoir

N Dam Safety Documents

N Notice(s) to Governing Bodies

N Recorded Deeds for Inundated Land

N Consent for Inundated Land

Y/N

N **Worksheet 3.0**

N Additional W.S. 3.0 for each Point

N Recorded Deeds for Diversion Points

N Consent for Diversion Access

N **Worksheet 4.0**

N TPDES Permit(s)

N WWTP Discharge Data

N Groundwater Well Permit

N Signed Water Supply Contract

N **Worksheet 4.1**

N **Worksheet 5.0**

N Addendum to Worksheet 5.0

Y **Worksheet 6.0**

Y Water Conservation Plan(s)

N Drought Contingency Plan(s)

N Documentation of Adoption

N **Worksheet 7.0**

N Accounting Plan

Y **Worksheet 8.0**

Y Fees

N Public Involvement Plan

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."

CHS Farms Ltd (CHS) is submitting this request to the Texas Commission on Environmental Quality (TCEQ) to amend the Water Right Certificate of Adjudication No. 12-4318, located in Bosque, Hill, and McLennan Counties, TX. Applicant seeks to amend to add mining and municipal uses to the 497 acre-feet of water per year from the Brazos River, Brazos River Basin, and to add a place of use to anywhere in Bosque, Hill, and McLennan Counties within the Brazos River Basin.

The proposed amendment requests to add mining and municipal to the purpose of use to the other uses already allowed in the Water Right. Mining use is specifically listed as one of the beneficial uses under Texas Water Code (TWC) §11.023(a)(3) and meets the requirements of beneficial use of the water right as defined in the TWC §11.002(4).

The proposed amendment is not detrimental to public welfare for several reasons. Firstly, the amendment seeks to add a beneficial use (mining) to proposed uses of water. Secondly, the amendment does not seek to modify the amount, withdrawal rate, diversion point, area of use or any other criteria which have been previously determined as not detrimental to public welfare by the TCEQ. Thirdly, the attached water conservation plan ensures that applicant will take all steps necessary to protect public welfare and environment. Fourthly, the mining use will be conducted under all applicable permits (air quality, water quality, etc.) issued by the TCEQ thereby protective of environment. Fifthly, the materials produced will be utilized for the construction of roads, highways, and other infrastructure for the well beings of humans and environment. In addition, the applicant will undertake all reasonable efforts to ensure that the proposed amendment is not detrimental to public welfare and the environment. The applicant intends to continue to maintain the authorized irrigation use in addition to proposed addition of mining and municipal uses.

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

Indicate the number of Applicants/Co-Applicants 1
(Include a copy of this section for each Co-Applicant, if any)

What is the Full Legal Name of the individual or entity (applicant) applying for this permit?

CHS Farms Ltd

(If the Applicant is an entity, the legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal documents forming the entity.)

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?

You may search for your CN on the TCEQ website at

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

CN : _____ (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: David Hodge and Marshall Hodge

Title: Company's Officers

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

What is the applicant's mailing address as recognized by the US Postal Service (USPS)? You may verify the address on the USPS website at

<https://tools.usps.com/go/ZipLookupAction!input.action>.

Name: CHS Farms Ltd

Mailing Address: 305 Stone Chase Court

City: College Station State: TX ZIP Code: _____

Indicate an X next to the type of Applicant:

☐ Individual ☐ Sole Proprietorship-D.B.A.

☒ Partnership ☐ Corporation

☐ Trust ☐ Estate

☐ Federal Government ☐ State Government

☐ County Government ☐ City Government

☐ Other Government ☐ Other _____

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: _____ SOS Charter (filing) Number: _____

3. APPLICATION CONTACT INFORMATION (Instructions, Page. 9)

If the TCEQ needs additional information during the review of the application, who should be contacted? Applicant may submit their own contact information if Applicant wishes to be the point of contact.

First and Last Name: Keshab Simkhada

Title: Area Environmental Manager

Organization Name: Heidelberg Materials Southwest LLC

Mailing Address: 300 E. John Carpenter Freeway, Suite 1645

City: Irving State: TX ZIP Code: 75062

Phone Number: (972)209-7709

Fax Number:

E-mail Address: 

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: _____

Title: _____

Organization Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Phone Number: _____

Fax Number: _____

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.
1. Does Applicant or Co-Applicant owe any fees to the TCEQ? **Yes / No** N
If **yes**, provide the following information:
Account number: _____ Amount past due: _____
2. Does Applicant or Co-Applicant owe any penalties to the TCEQ? **Yes / No** N
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** N
- c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use - if required. See TWC §16.012(m) and 30 TAC § 297.41(a)(5). Applicants should check survey status on the TWDB website prior to filing:
https://www3.twdb.texas.gov/apps/reports/WU_REP/SurveyStatus_PriorThreeYears
Applicant has submitted all required TWDB surveys of groundwater and surface water?
Yes / No Y

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, DAVID HODGE
(Typed or printed name)

PRESIDENT-MANAGER
(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: _____

7-7-2025

Subscribed and Sworn to before me by the said

on this 7th day of July, 2025.

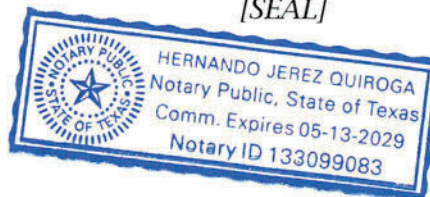
My commission expires on the 13 day of May, 2029.

Notary Public



Bla 701
County, Texas

[SEAL]



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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, James Marshall Hodge Vice President - Manager
(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.

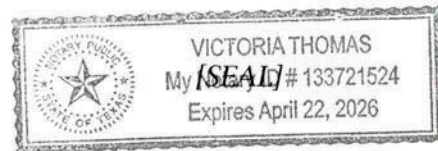
Signature: James Marshall Hodge Date: 7-3-25
(Use blue ink)

Subscribed and Sworn to before me by the said

on this 3 day of July, 2025.

My commission expires on the 22 day of 4, 2026.

Notary Public Victoria Thomas



County, Texas

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

**WRITTEN CONSENT IN LIEU OF SPECIAL MEETING
OF THE MANAGERS AND MEMBERS OF
CHS GENERAL, LLC**

The undersigned, being at least seventy percent (70%) in interest of the Members of **CHS General, LLC** (the "Company") hereby (1) waive notice of the time, place and purpose of the Special Meeting of the Manager and Members; and (2) as allowed by the Regulations, in lieu of holding a Special Meeting, hereby consent to the adoption of the following resolutions:

RESOLVED, that the following persons shall be the Company's officers until their successors are duly elected:

President	David Hodge
Vice President	Marshall Hodge
Secretary-Treasurer	Marshall Hodge
Assistant Secretary-Treasurer	David Hodge

RESOLVED, that due to the death of J. Calvin Hodge, Manager of CHS General, LLC, on July 5, 2011, it is necessary to appoint a new Manager or Managers, and the members desire to increase the number of managers from one (1) to two (2).

RESOLVED FURTHER pursuant to Article V Paragraph 6 of the Company Regulations, the number of serving Managers is increased from one (1) to two (2), and the Company's Regulations and Articles shall be amended to provide for two (2) Managers.

RESOLVED FURTHER, Marshall Hodge and David Hodge are hereby each appointed as Managers, and by their acceptance below hereby accept their appointment as Managers and their elected officer positions set forth above.

RESOLVED, FURTHER, that the signing of this Consent constitutes full consent, confirmation, ratification, adoption and approval of:

- the resolutions adopted hereby; and
- if necessary, waiver of notice of the Special Meeting as required by the Regulations.

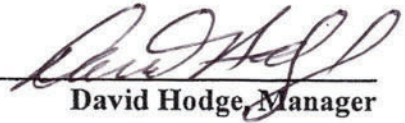
This instrument may be executed in multiple counterparts.

MANAGERS:

Effective Date: July 5, 2011



Marshall Hodge, Manager



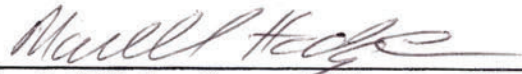
David Hodge, Manager

MEMBERS:

Effective Date: July 5, 2011



**Marshall Hodge, Independent Executor
of the Estate of James Calvin Hodge, Deceased**



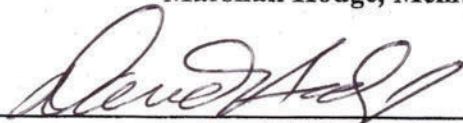
**Marshall Hodge, Successor Trustee of The
James Marshall Hodge Trust Share of The
Helen Straus Hodge Family Trust**



**David Hodge, Successor Trustee of The
David Calvin Hodge Trust Share of The
Helen Straus Hodge Family Trust**



Marshall Hodge, Member



David Hodge, Member

AMENDMENT OF REGULATIONS OF CHS GENERAL, LLC

This Amendment of Regulations of CHS General, LLC (hereinafter referred to as the "Company") is entered into by all of the managers and at least seventy percent (70%) in interest of the members of the Company to be effective as of July 5, 2011, (hereinafter referred to as the "Effective Date").

WHEREAS, pursuant to Article XIX, Section I., the Regulations may be modified or amended at any time by a writing approved by the affirmative vote of both: Members owning a majority of the Membership Units, and a majority of the Managers.

WHEREAS, all of the Managers and at least seventy percent (70%) in interest of the Members of the Company desire to amend Article V., Section G., which presently states the following:

G. Number and Term of Office. The number of Managers will be the number set forth in the Articles. Each Manager will continue as a Manager until the Manager's earlier death, dissolution, bankruptcy, resignation, or removal. Managers need not be Member.

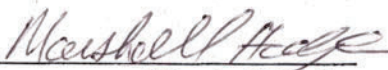
WHEREAS, all of the Managers and at least seventy percent (70%) in interest of the Company desire that Article V., Section G., be amended to read as set forth below.

NOW, THEREFORE, the undersigned, being all of the Members and the Managers of the Company, amend Article V, Section G, to read as follows to have effect as of the Effective Date:

G. Number and Term of Office. The number of Managers will be two (2). Each Manager will continue as a Manager until the Manager's earlier death, dissolution, bankruptcy, resignation, or removal. Managers need not be Members.

MANAGERS:

Effective: July 5, 2011



Marshall Hodge


Effective: July 5, 2011



David Hodge


MEMBERS:

Effective: July 5, 2011




Marshall Hodge, Independent Executor of the
Estate of James Calvin Hodge, Deceased

Effective: July 5, 2011



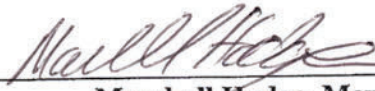
Marshall Hodge, Successor Trustee of The
James Marshall Hodge Trust Share of The
Helen Straus Hodge Family Trust

Effective: July 5, 2011




David Hodge, Successor Trustee of The
David Calvin Hodge Trust Share of The
Helen Straus Hodge Family Trust

Effective: July 5, 2011



Marshall Hodge, Member

Effective: July 5, 2011



David Hodge, Member

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

This Report is required for applications for new or amended water rights. Based on the Applicant's responses below, Applicants are directed to submit additional Worksheets (provided herein). A completed Administrative Information Report is also required for each application.

Applicants are REQUIRED to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please contact the Water Availability Division at (512) 239-4600 or WRPT@tceq.texas.gov to schedule a meeting.

Date of pre-application meeting: 6/18/2025

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: _____)

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: _____)

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: 12-4318

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? Y / N N (if yes, complete chart below):

List of water rights to sever	Combine into this ONE water right

- a. Applicant requests an amendment to an existing water right to increase the amount of the appropriation of State Water (diversion and/or impoundment)? Y / N N

If yes, application is a new appropriation for the increased amount, complete Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.

- b. Applicant requests to amend existing Term authorization to extend the term or make the water right permanent (remove conditions restricting water right to a term of years)? Y / N N

If yes, application is a new appropriation for the entire amount, complete Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.

- c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? Y / N Y
If yes, submit:

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 1.2 - Notice: “Marshall Criteria”**

- d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? Y / N N
If yes, submit:

- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)
- **Worksheet 5.0 – Environmental Information** (Required for any new diversion points that are not already authorized in a water right)

- e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? Y / N N

If yes, submit: Worksheet 2.0 - Impoundment/Dam Information Worksheet (submit one worksheet for each impoundment or reservoir)

- f. Other - Applicant requests to change any provision of an authorization not mentioned above? Y / N^N_____ *If yes, call the Water Availability Division at (512) 239-4600 to discuss.*

Additionally, all amendments require:

- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

3. Bed and Banks. TWC § 11.042 (Instructions, Page 13)

- a. Pursuant to contract, Applicant requests authorization to convey, stored or conserved water to the place of use or diversion point of purchaser(s) using the bed and banks of a watercourse? TWC § 11.042(a). Y/N^N_____

If yes, submit a signed copy of the Water Supply Contract pursuant to 30 TAC §§ 295.101 and 297.101. Further, if the underlying Permit or Authorization upon which the Contract is based does not authorize Purchaser's requested Quantity, Purpose or Place of Use, or Purchaser's diversion point(s), then either:

- 1. Purchaser must submit the worksheets required under Section 1 above with the Contract Water identified as an alternate source; or*
- 2. Seller must amend its underlying water right under Section 2.*

- b. Applicant requests to convey water imported into the state from a source located wholly outside the state using the bed and banks of a watercourse? TWC § 11.042(a-1). Y / N^N_____

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps and fees from the list below.

- c. Applicant requests to convey Applicant's own return flows derived from privately owned groundwater using the bed and banks of a watercourse? TWC § 11.042(b). Y / N^N_____

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.

- d. Applicant requests to convey Applicant's own return flows derived from surface water using the bed and banks of a watercourse? TWC § 11.042(c). Y / N^N_____

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 6.0, 7.0, 8.0, Maps, and fees from the list below.

****Please note, if Applicant requests the reuse of return flows belonging to others, the Applicant will need to submit the worksheets and documents under Section 1 above, as the application will be treated as a new appropriation subject to termination upon direct or indirect reuse by the return flow discharger/owner.***

- e. Applicant requests to convey water from any other source, other than (a)-(d) above, using the bed and banks of a watercourse? TWC § 11.042(c). Y / N^N_____

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.

Worksheets and information:

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)

- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

4. **General Information, Response Required for all Water Right Applications (Instructions, Page 15)**

- a. Provide information describing how this application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement (*not required for applications to use groundwater-based return flows*). Include citations or page numbers for the State and Regional Water Plans, if applicable. Provide the information in the space below or submit a supplemental sheet entitled “Addendum Regarding the State and Regional Water Plans”:

Water for the proposed amendment will be beneficially used for mining to produce construction aggregates, sand, and gravel. Water will be pumped from the diversion point to holding pond where the water is used for washing native mined material (sand & gravel) in a closed loop system to produce sand and gravel materials suitable for construction of roads, highways, and other infrastructure. No chemicals or non-native materials are added or used in this process. Closed loop system allows for maximum water reuse. The proposed amendment is not expected to have any detrimental effects on groundwater or groundwater recharge. The applicant will undertake all reasonable efforts to ensure that the proposed amendment is not detrimental to groundwater or groundwater recharge. A Water Conservation Plan is attached to this application.

End user for municipal use has not been determined yet. A Drought Contingency Plan will be developed and submitted by the end user to the TCEQ 180 days prior to the extraction date. In addition, the applicant will undertake all reasonable efforts to ensure that the proposed amendment is not detrimental to public welfare and the environment.

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

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

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

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

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

_____ 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 _____ 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 _____ acres in _____ County, TX.
- ii) Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract 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**
497	Agriculture	Agriculture Mining Municipal	2 tracts of land in Bosque County	For mining and municipal purposes in Bosque, Hill and McClennan within the Brazos River Basin

**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:
- Applicant proposes to irrigate a total of _____ 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 _____ acres in _____ County, TX.
 - Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____.

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.

- Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
- See Worksheet 1.2, Marshall Criteria, and submit if required.
- 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._____
- b. Provide the quantity of water to be transferred (acre-feet)._____
- c. Provide the Basin(s) and count(y/ies) where use will occur in the space below:

2. Exemptions (Instructions, Page. 20), TWC § 11.085(v)

Certain interbasin transfers are exempt from further requirements. Answer the following:

- a. The proposed transfer, which in combination with any existing transfers, totals less than 3,000 acre-feet of water per annum from the same water right. Y/N__
- b. The proposed transfer is from a basin to an adjoining coastal basin? Y/N__
- c. The proposed transfer from the part of the geographic area of a county or municipality, or the part of the retail service area of a retail public utility as defined by Section 13.002, that is within the basin of origin for use in that part of the geographic area of the county or municipality, or that contiguous part of the retail service area of the utility, not within the basin of origin? Y/N__
- d. The proposed transfer is for water that is imported from a source located wholly outside the boundaries of Texas, except water that is imported from a source located in the United Mexican States? Y/N__

3. Interbasin Transfer Requirements (Instructions, Page. 20)

For each Interbasin Transfer request that is not exempt under any of the exemptions listed above Section 2, provide the following information in a supplemental attachment titled "Addendum to Worksheet 1.1, Interbasin Transfer":

- a. the contract price of the water to be transferred (if applicable) (also include a copy of the contract or adopted rate for contract water);
- b. a statement of each general category of proposed use of the water to be transferred and a detailed description of the proposed uses and users under each category;
- c. the cost of diverting, conveying, distributing, and supplying the water to, and treating the water for, the proposed users (example - expert plans and/or reports documents may be provided to show the cost);

- d. describe the need for the water in the basin of origin and in the proposed receiving basin based on the period for which the water supply is requested, but not to exceed 50 years (the need can be identified in the most recently approved regional water plans. The state and regional water plans are available for download at this website: (<http://www.twdb.texas.gov/waterplanning/swp/index.asp>);
- e. address the factors identified in the applicable most recently approved regional water plans which address the following:
 - (i) the availability of feasible and practicable alternative supplies in the receiving basin to the water proposed for transfer;
 - (ii) the amount and purposes of use in the receiving basin for which water is needed;
 - (iii) proposed methods and efforts by the receiving basin to avoid waste and implement water conservation and drought contingency measures;
 - (iv) proposed methods and efforts by the receiving basin to put the water proposed for transfer to beneficial use;
 - (v) the projected economic impact that is reasonably expected to occur in each basin as a result of the transfer; and
 - (vi) the projected impacts of the proposed transfer that are reasonably expected to occur on existing water rights, instream uses, water quality, aquatic and riparian habitat, and bays and estuaries that must be assessed under Sections 11.147, 11.150, and 11.152 in each basin (*if applicable*). If the water sought to be transferred is currently authorized to be used under an existing permit, certified filing, or certificate of adjudication, such impacts shall only be considered in relation to that portion of the permit, certified filing, or certificate of adjudication proposed for transfer and shall be based on historical uses of the permit, certified filing, or certificate of adjudication for which amendment is sought;
- f. proposed mitigation or compensation, if any, to the basin of origin by the applicant; and
- g. the continued need to use the water for the purposes authorized under the existing Permit, Certified Filing, or Certificate of Adjudication, if an amendment to an existing water right is sought.

WORKSHEET 1.2

NOTICE. “THE MARSHALL CRITERIA”

This worksheet assists the Commission in determining notice required for certain **amendments** that do not already have a specific notice requirement in a rule for that type of amendment, and *that do not change the amount of water to be taken or the diversion rate*. The worksheet provides information that Applicant **is required** to submit for amendments such as certain amendments to special conditions or changes to off-channel storage. These criteria address whether the proposed amendment will impact other water right holders or the on- stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

*This worksheet is **not required** for Applications in the Rio Grande Basin requesting changes in the purpose of use, rate of diversion, point of diversion, and place of use for water rights held in and transferred within and between the mainstems of the Lower Rio Grande, Middle Rio Grande, and Amistad Reservoir. See 30 TAC § 303.42.*

*This worksheet is **not required** for amendments which are only changing or adding diversion points, or request only a bed and banks authorization or an IBT authorization. However, Applicants may wish to submit the Marshall Criteria to ensure that the administrative record includes information supporting each of these criteria*

1. The “Marshall Criteria” (Instructions, Page. 21)

Submit responses on a supplemental attachment titled “Marshall Criteria” in a manner that conforms to the paragraphs (a) – (g) below:

- a. Administrative Requirements and Fees. Confirm whether application meets the administrative requirements for an amendment to a water use permit pursuant to TWC Chapter 11 and Title 30 Texas Administrative Code (TAC) Chapters 281, 295, and 297. An amendment application should include, but is not limited to, a sworn application, maps, completed conservation plan, fees, etc.
- b. Beneficial Use. Discuss how proposed amendment is a beneficial use of the water as defined in TWC § 11.002 and listed in TWC § 11.023. Identify the specific proposed use of the water (e.g., road construction, hydrostatic testing, etc.) for which the amendment is requested.
- c. Public Welfare. Explain how proposed amendment is not detrimental to the public welfare. Consider any public welfare matters that might be relevant to a decision on the application. Examples could include concerns related to the well-being of humans and the environment.
- d. Groundwater Effects. Discuss effects of proposed amendment on groundwater or groundwater recharge.

- e. State Water Plan. Describe how proposed amendment addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement. The state and regional water plans are available for download at:
<http://www.twdb.texas.gov/waterplanning/swp/index.asp>.
- f. Waste Avoidance. Provide evidence that reasonable diligence will be used to avoid waste and achieve water conservation as defined in TWC § 11.002. Examples of evidence could include, but are not limited to, a water conservation plan or, if required, a drought contingency plan, meeting the requirements of 30 TAC Chapter 288.
- g. Impacts on Water Rights or On-stream Environment. Explain how the proposed amendment will not impact other water right holders or the on-stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

WORKSHEET 2.0

Impoundment/Dam Information

This worksheet is **required** for any impoundment, reservoir and/or dam. Submit an additional Worksheet 2.0 for each impoundment or reservoir requested in this application.

If there is more than one structure, the numbering/naming of structures should be consistent throughout the application and on any supplemental documents (e.g., maps).

1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: _____
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: _____.
- c. The impoundment is on-channel _____ or off-channel _____ (mark one)
 - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / N _____
 - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / N _____
- d. Is the impoundment structure already constructed? Y / N _____
 - i. For already constructed **on-channel** structures:
 1. Date of Construction: _____
 2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N _____
 - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N _____
 - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N _____
 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N _____
 - a. If yes, provide the Site No. _____ and watershed project name _____;
 - b. Authorization to close "ports" in the service spillway requested? Y / N _____
 - ii. For **any** proposed new structures or modifications to structures:
 1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? Y / N _____
Provide the date and the name of the Staff Person _____
 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 _____
 - b. Plans (with engineer's seal) for the structure required. Y / N _____
 - c. Engineer's signed and sealed hazard classification required. Y / N _____
 - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N _____

3. Applicants **shall** give notice by certified mail to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir to be constructed, will be located. (30 TAC § 295.42). Applicant must submit a copy of all the notices and certified mailing cards with this Application. Notices and cards are included? Y / N_____

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level:_____.
 2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option.
Applicant has calculated the drainage area. Y/N_____
- If yes, the drainage area is_____sq. miles.
(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name):_____
- b. Zip Code: _____
- c. In the_____Original Survey No._____, Abstract No._____,
_____County, Texas.

**** A copy of the deed(s) with the recording information from the county records must be submitted describing the tract(s) that include the structure and all lands to be inundated.***

*****If the Applicant is not currently the sole owner of the land on which the structure is or will be built and sole owner of all lands to be inundated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.***

- d. A point on the centerline of the dam (on-channel) or anywhere within the impoundment (off-channel) is:

Latitude_____°N, Longitude_____°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):_____
- ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N_____

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet **is required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g., maps).

1. Diversion Information (Instructions, Page. 24)

a. This Worksheet is to add new (select 1 of 3 below):

1. ☐ Diversion Point No.
2. ☐ Upstream Limit of Diversion Reach No.
3. ☐ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** _____ cfs (cubic feet per second)
or _____ gpm (gallons per minute)

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

d. For amendments, is Applicant seeking to increase combined diversion rate? Y / N _____

*** An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
<input type="checkbox"/>	Directly from stream	
<input type="checkbox"/>	From an on-channel reservoir	
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	Other method (explain fully, use additional sheets if necessary)	

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

Applicant has calculated the drainage area. Y / N _____

If yes, the drainage area is _____ sq. miles.

(If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application)

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): _____
- b. Zip Code: _____
- c. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure.

For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude _____°N, Longitude _____°W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): _____
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 4.0

DISCHARGE INFORMATION

This worksheet required for any requested authorization to discharge water into a State Watercourse for conveyance and later withdrawal or in-place use. Worksheet 4.1 is also required for each Discharge point location requested. **Instructions Page. 26. Applicant is responsible for obtaining any separate water quality authorizations which may be required and for insuring compliance with TWC, Chapter 26 or any other applicable law.**

- a. The purpose of use for the water being discharged will be_____.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses_____(% or amount) and explain the method of calculation:_____
- c. Is the source of the discharged water return flows? Y / N_____ If yes, provide the following information:
 1. The TPDES Permit Number(s)_____ (attach a copy of the **current** TPDES permit(s))
 2. Applicant is the owner/holder of each TPDES permit listed above? Y / N_____

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_____, surface water_____?
 5. If any percentage is surface water, provide the base water right number(s)_____.
- d. Is the source of the water being discharged groundwater? Y / N____ If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped:_____
 2. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers_____.
 3. Indicate how the groundwater will be conveyed to the stream or reservoir.
 4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.
- di. Is the source of the water being discharged a surface water supply contract? Y / N____ If yes, provide the signed contract(s).
- dii. Identify any other source of the water_____

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 _____ 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 _____ cfs or _____ gpm.
- c. Name of Watercourse as shown on Official USGS maps: _____
- d. Zip Code _____
- e. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.
- f. Point is at:
Latitude _____ °N, Longitude _____ °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): _____

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

WORKSHEET 5.0

ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

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

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

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

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location),

a. Identify the appropriate description of the water body.

☐ Stream

☐ Reservoir

Average depth of the entire water body, in feet: _____

☐ 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).

☐ Intermittent - dry for at least one week during most years

☐ Intermittent with Perennial Pools - enduring pools

☐ Perennial - normally flowing

Check the method used to characterize the area downstream of the new diversion location.

☐ USGS flow records

☐ Historical observation by adjacent landowners

☐ Personal observation

☐ Other, specify: _____

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

- ☐ Primary contact recreation (swimming or direct contact with water)
- ☐ Secondary contact recreation (fishing, canoeing, or limited contact with water)
- ☐ Non-contact recreation

e. Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the maps submitted with the application indicating the location of the photograph and the direction of the shot.
2. If the application includes a proposed reservoir, also include:
 - i. A brief description of the area that will be inundated by the reservoir.
 - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
 - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

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

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

a. For all bed and banks applications:

- i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

b. For all alternate source applications:

- i. If the alternate source is treated return flows, provide the TPDES permit number _____
- ii. If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:
Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

* Temperature must be measured onsite at the time the groundwater sample is collected.

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

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.*
6. Request for bed and banks under TWC § 11.042(c), when the source water is State Water.
**including return flows, contract water, or other State Water.*

b. If Applicant is requesting any authorization in section (1)(a) above, indicate each use for which Applicant is submitting a Water Conservation Plan as an attachment:

1. ☒ Municipal Use. See 30 TAC § 288.2. **
2. ☒ Industrial or Mining Use. See 30 TAC § 288.3.
3. ☐ Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. ☐ Wholesale Water Suppliers. See 30 TAC § 288.5. **

****If Applicant is a water supplier, Applicant must also submit documentation of adoption of the plan. Documentation may include an ordinance, resolution, or tariff, etc. See 30 TAC §§ 288.2(a)(1)(J)(i) and 288.5(1)(H). Applicant has submitted such documentation with each water conservation plan? Y / N ☐**

c. Water conservation plans submitted with an application must also include data and information which: supports applicant's proposed use with consideration of the plan's water conservation goals; evaluates conservation as an alternative to the proposed

appropriation; and evaluates any other feasible alternative to new water development.
See 30 TAC § 288.7.

Applicant has included this information in each applicable plan? Y / N N

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. X Municipal Uses by public water suppliers. See 30 TAC § 288.20.
 2. _____ Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
 3. _____ Wholesale Water Suppliers. See 30 TAC § 288.22.
- b. If Applicant must submit a plan under section 2(a) above, Applicant has also submitted documentation of adoption of drought contingency plan (*ordinance, resolution, or tariff, etc.* See 30 TAC § 288.30) Y / N N

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 (\$)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$) . <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		\$25.00
Agriculture Use Fee	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
Use Fee	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
Recreational Storage Fee	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
Storage Fee	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	
TOTAL		\$

2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
Filing Fee	Amendment: \$100	100
	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		\$

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		\$ 112.50



Texas Commission on Environmental Quality

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
☐ Located within any of the following geographical locations:

- Austin
- Dallas
- Fort Worth
- Houston
- San Antonio
- West Texas
- 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.

N/A

Section 3. Application Information

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

Provide a brief description of planned activities.

Section 5. Community and Demographic Information

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.

(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 spoken in area by percentage

(f) Community and/or Stakeholder Groups

(g) Historic public interest or involvement

Section 6. Planned Public Outreach Activities

(a) Is this application subject to the public participation requirements of Title 30 Texas Administrative Code (30 TAC) Chapter 39?

☐ Yes ☐ No

(b) If yes, do you intend at this time to provide public outreach other than what is required by rule?

☐ Yes ☐ No

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?

☐ Yes ☐ No

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)