

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 23-2653C

Ingram Readymix No. 87, L.L.C. (Owner/Applicant) seeks to amend a portion of Certificate of Adjudication No. 23-2653C to add mining use and a place of use for mining purposes in Val Verde County. Applicant also seeks to add a diversion point on an off-channel reservoir that receives underflow from the Rio Grande. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Ingram Readymix No. 87, L.L.C., 3580 FM 482, New Braunfels, TX 78132, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) to amend a portion of Certificate of Adjudication No. 23-2653C pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Mailed notice is required to the interjacent water right holders of record in the Rio Grande Basin pursuant to Title 30 TAC § 295.158(c)(3)(D) and to the record holder pursuant to Title 30 TAC §§ 295.158(c)(2)(A) and 295.158(c)(2)(B).

A portion of Certificate of Adjudication No. 23-2653C (Certificate), as amended, authorizes Ingram Readymix No. 87, L.L.C. to divert and use not to exceed 27.75 acre-feet of water per year from a point on Cienegas Creek and from a point on the Rio Grande, for agricultural purposes to irrigate 13.87 acres of land out of a 20-acre tract of land in Val Verde County. Owner only acquired the water and not the land to which it was appurtenant.

The maximum diversion rate, in combination with Certificates of Adjudication Nos. 23-2654, 23-2655, 23-2656, 23-2657, 23-2659, and 23-2811 is 2.00 cfs (900 gpm) from Cienegas Creek, and 5.57 cfs (2,500 gpm) from the Rio Grande.

The time priority for this right is December 31, 1879 for water diverted from Cienegas Creek and Class A for water delivered from storage in the Amistad/Falcon system and diverted from the Rio Grande.

Applicant seeks to amend its portion of the Certificate to add mining use and to add a place of use for mining purposes in Val Verde County.

Applicant also seeks to amend its portion of the Certificate to add a diversion point located on an off-channel reservoir that receives underflow from the Rio Grande in Val Verde County with the point being at Latitude 29.352626° N, Longitude 100.966777° W, ZIP Code 78842.

Partial fees were received on July 1, 2024, and the application was received on July 19, 2024. Additional information and fees were received on July 24 and August 26, 2024. The application was declared administratively complete and filed with the Office of the Chief Clerk on August 30, 2024.

The Executive Director completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions including, but not limited to, measuring devices at the diversion location. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at [View Pending Water Right Applications - Texas Commission on Environmental Quality - www.tceq.texas.gov](http://www.tceq.texas.gov). 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 December 10, 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 December 10, 2025. The Executive Director may approve the application unless a written request for a contested case hearing is filed by December 10, 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 2653 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: November 26, 2025

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 23-2653C

TYPE § 11.122

PRIORITY: December 31, 1879
& Class A

Owner: Ingram Readymix No. 87, L.L.C.

Address: 3580 FM 482
New Braunfels, TX 78132

Filed: August 30, 2024

Granted:

Purposes: Agricultural and Mining

County: Val Verde

Watercourse: Cienegas Creek and the Rio
Grande

Watershed: Rio Grande Basin

WHEREAS, a portion of Certificate of Adjudication No. 23-2653, as amended, authorizes Ingram Readymix No. 87, L.L.C. (Owner/Applicant) to divert and use not to exceed 27.75 acre-feet of water per year from a point on Cienegas Creek and from a point on the Rio Grande, for agricultural purposes to irrigate 13.87 acres of land out of a 20-acre tract of land in Val Verde County. Owner only acquired the water and not the land to which it was appurtenant; and

WHEREAS, the maximum diversion rate, in combination with Certificates of Adjudication Nos. 23-2654, 23-2655, 23-2656, 23-2657, 23-2659, and 23-2811 is 2.00 cfs (900 gpm) from Cienegas Creek, and 5.57 cfs (2,500 gpm) from the Rio Grande; and

WHEREAS, the time priority for this right is December 31, 1879 for water diverted from Cienegas Creek and Class A for water delivered from storage in the Amistad/Falcon system and diverted from the Rio Grande; and

WHEREAS, Applicant seeks to amend its portion of Certificate of Adjudication No. 23-2653 to add mining use and to add a place of use for mining purposes in Val Verde County; and

WHEREAS, Applicant also seeks to amend its portion of Certificate of Adjudication No. 23-2653 to add a diversion point located on an off-channel reservoir that receives underflow from the Rio Grande; and

WHEREAS, the proposed diversion point is located at Latitude 29.352626° N, Longitude 100.966777° W, in Val Verde County; 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 requirements and orders of the Rio Grande 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; and

WHEREAS, the Texas Commission on Environmental Quality finds the proposed changes will not impair the rights of any person entitled to the use of a portion of the American share of the waters of the Rio Grande;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 23-2653, designated Certificate of Adjudication No. 23-2653C, is issued to Ingram Readymix No. 87, L.L.C., subject to the following terms and conditions:

1. USE

In addition to previous authorizations, Owner is now authorized to divert and use 27.75 acre-feet of water per year for mining purposes in Val Verde County.

2. DIVERSION

A. In addition to previous authorizations, Owner is authorized to divert from an off-channel reservoir that receives underflow from the Rio Grande at a point located at Latitude 29.352626° N, Longitude 100.966777° W, in Val Verde County.

B. Maximum diversion rate, in combination with Certificates of Adjudication 23-2654, 23-2655, 23-2656, 23-2657, 23-2659, and 23-2811 is 2.00 cfs (900 gpm) from Cienegas Creek, and 5.57 cfs (2,500 gpm) from the Rio Grande.

3. PRIORITY DATE

The time priority of the Owner's right is December 31, 1879 for water diverted from Cienegas Creek and an off-channel reservoir that receives underflow of the Rio Grande and Class A for water delivered from storage in the Amistad/Falcon system and diverted from the Rio Grande.

4. 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.

4. SPECIAL CONDITIONS

- A. Owner shall ensure that its authorized water is diverted through pumping facilities fitted with a measuring device which accounts for, within 5% accuracy, the quantity of water diverted and maintain measurement records.
- B. Owner shall allow representatives of the Rio Grande Watermaster convenient and safe access to the property to inspect the measuring device and records.
- C. Owner shall contact the Rio Grande Watermaster prior to diversion of water authorized by this amendment.
- D. The use of Class A water authorized in Paragraph 1. USE is intended for use by the owner. All contracts for sale of all or part of this water by the Owner shall be filed with the Executive Director in accordance with Title 30 Texas Administrative Code § 303.51-53 prior to the diversion of water. If the buyer is not currently a water right holder of record in the Middle or Lower Rio Grande, the buyer shall also apply for and be granted a water rights permit authorization which may be a Temporary Water Use Permit, Contractual Permit, or an amendment to this Certificate of Adjudication.
- E. The issuance of this amendment does not grant to the Owner the right to use private or public property for diversion of water authorized by this amendment. This includes property belonging to but not limited to any individual, partnership, corporation or public entity. Neither does this amendment authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the Owner to acquire property rights as may be necessary to make any diversion authorized by this amendment.

This water right is reserved for the Owner, Ingram Readymix No. 87, L.L.C., and is not appurtenant to the above-described land within which irrigation is authorized. A transfer of any portion of the land described does not include, unless otherwise specified, the transfer of the Certificate of Adjudication by the owner or seller at the time of the transaction.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 23-2653, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water right holders in the Rio Grande 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.

Date Issued:

For the Commission

DRAFT

Natalia Ponebshek

From: Buck Benson <[REDACTED]>
Sent: Tuesday, November 11, 2025 8:56 AM
To: Humberto Galvan
Cc: Chris Kozlowski; [REDACTED]; Natalia Ponebshek
Subject: RE: Ingram Readymix No 87 LLC 23-2653C Draft Amendment

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Galvan,

Thank you for the information. Please proceed with notice of the application.



DEVIN "BUCK" BENSON

Member | Barton Benson Jones PLLC

Office: (210) 610-5335

Direct: (210) 640-9146

From: Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Sent: Friday, November 7, 2025 9:09 AM
To: Buck Benson [REDACTED]
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; [REDACTED]; Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: RE: Ingram Readymix No 87 LLC 23-2653C Draft Amendment

Mr. Benson,

Certificate of Adjudication (COA) 23-2653 shares combined diversion rates on Cienegas Creek and the Rio Grande in combination with COAs 23-2654, 23-2655, 23-2656, 23-2657, 23-2659, and 23-2811. Diversions from the Rio Grande among these combined COAs cannot exceed the combined diversion rate of 5.57 cfs (2,500 gpm) at any given time. When the Owner of any of these combined COAs contacts the Rio Grande Watermaster prior to diversion, see Paragraph 4.C. in the draft amendment, the Watermaster will confirm if the requested diversion rate is in compliance.

Please let me know if you have any additional questions or if you would like us to proceed with notice.

Best regards,
Bert Galvan, Manager
Water Rights Permitting and Availability Section
Water Availability Division
(512)239-4013

From: Buck Benson [REDACTED]
Sent: Tuesday, November 4, 2025 10:03 AM

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

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

Subject: RE: Ingram Readymix No 87 LLC 23-2653C Draft Amendment

Natalia,

Thank you forwarding the draft permit. I had two follow up items:

1. Does the phrase "in combination with" mean that all the diversions on Cienegas Creek can only total 2.00 cfs (900 gpm) and 5.57 cfs (2,500 gpm) from the Rio Grande at any given time? As noted our diversion point will only be the one the Rio Grande so we wanted to confirm how the language below was to be interpreted.
2. Do you have copies of C23-2656 and C23-2659? When I do a search for them on the water rights viewer only C23-2655 comes up?

1. USE

In addition to previous authorizations, Owner is now authorized to divert 2.00 acre-feet of water per year for mining purposes in Val Verde County.

2. DIVERSION

A. In addition to previous authorizations, Owner is authorized to divert water from a channel reservoir that receives underflow from the Rio Grande at a Latitude 29.352626° N. Longitude 100.966777° W, in Val Verde County.

B. Maximum diversion rate, in combination with Certificates of Adjustment, shall not exceed 2.00 cfs (900 gpm).



DEVIN "BUCK" BENSON

Member | Barton Benson Jones PLLC

Office: (210) 610-5335

Direct: (210) 640-9146

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

Sent: Wednesday, October 22, 2025 4:50 PM

To: Buck Benson [REDACTED]

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

Subject: Ingram Readymix No 87 LLC 23-2653C Draft Amendment

Good afternoon,

Please review the draft amendment and notice for Ingram Readymix No 87 LLC 23-2653C and provide a response by November 5, 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*
Catarina R. Gonzales, *Commissioner*
Tonya R. Miller, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 22, 2025

Mr. Devin "Buck" Benson
Barton Benson Jones, PLLC
1803 Broadway St. Ste. 840
San Antonio, Texas 78215-1490

VIA E-MAIL

RE: Ingram Readymix No. 87, L.L.C.
ADJ 2653
CN604153775, RN102625266
Application No. 23-2653C to Amend a Portion of Certificate of Adjudication No. 23-2653
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Cienegas Creek and Rio Grande, Rio Grande Basin
Val Verde County

Dear Mr. Benson:

Drafts, subject to revision, of the proposed amendment to Certificate Adjudication No. 23-2653, public notice, and related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the attached drafts. Please review the drafts and contact me no later than November 5, 2025, with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

This application requires a two-week comment period and once the comment period has closed, the proposed order may be issued as drafted given no hearing requests are received.

If you have any questions concerning this matter, please contact me via email at 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 background.

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. 23-2653C

TYPE § 11.122

PRIORITY: December 31, 1879
& Class A

Owner: Ingram Readymix No. 87, L.L.C.

Address: 3580 FM 482
New Braunfels, TX 78132

Filed: August 30, 2024

Granted:

Purposes: Agricultural and Mining

County: Val Verde

Watercourse: Cienegas Creek and the Rio
Grande

Watershed: Rio Grande Basin

WHEREAS, a portion of Certificate of Adjudication No. 23-2653, as amended, authorizes Ingram Readymix No. 87, L.L.C. (Owner/Applicant) to divert and use not to exceed 27.75 acre-feet of water per year from a point on Cienegas Creek and from a point on the Rio Grande, for agricultural purposes to irrigate 13.87 acres of land out of a 20-acre tract of land in Val Verde County. Owner only acquired the water and not the land to which it was appurtenant; and

WHEREAS, the maximum diversion rate, in combination with Certificates of Adjudication Nos. 23-2654, 23-2655, 23-2656, 23-2657, 23-2659, and 23-2811 is 2.00 cfs (900 gpm) from Cienegas Creek, and 5.57 cfs (2,500 gpm) from the Rio Grande; and

WHEREAS, the time priority for this right is December 31, 1879 for water diverted from Cienegas Creek and Class A for water delivered from storage in the Amistad/Falcon system and diverted from the Rio Grande; and

WHEREAS, Applicant seeks to amend its portion of Certificate of Adjudication No. 23-2653 to add mining use and to add a place of use for mining purposes in Val Verde County; and

WHEREAS, Applicant also seeks to amend its portion of Certificate of Adjudication No. 23-2653 to add a diversion point located on an off-channel reservoir that receives underflow from the Rio Grande; and

WHEREAS, the proposed diversion point is located at Latitude 29.352626° N, Longitude 100.966777° W, in Val Verde County; 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 requirements and orders of the Rio Grande 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; and

WHEREAS, the Texas Commission on Environmental Quality finds the proposed changes will not impair the rights of any person entitled to the use of a portion of the American share of the waters of the Rio Grande;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 23-2653, designated Certificate of Adjudication No. 23-2653C, is issued to Ingram Readymix No. 87, L.L.C., subject to the following terms and conditions:

1. USE

In addition to previous authorizations, Owner is now authorized to divert and use 27.75 acre-feet of water per year for mining purposes in Val Verde County.

2. DIVERSION

A. In addition to previous authorizations, Owner is authorized to divert from an off-channel reservoir that receives underflow from the Rio Grande at a point located at Latitude 29.352626° N, Longitude 100.966777° W, in Val Verde County.

B. Maximum diversion rate, in combination with Certificates of Adjudication 23-2654, 23-2655, 23-2656, 23-2657, 23-2659, and 23-2811 is 2.00 cfs (900 gpm) from Cienegas Creek, and 5.57 cfs (2,500 gpm) from the Rio Grande.

3. PRIORITY DATE

The time priority of the Owner's right is December 31, 1879 for water diverted from Cienegas Creek and an off-channel reservoir that receives underflow of the Rio Grande and Class A for water delivered from storage in the Amistad/Falcon system and diverted from the Rio Grande.

4. 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.

4. SPECIAL CONDITIONS

- A. Owner shall ensure that its authorized water is diverted through pumping facilities fitted with a measuring device which accounts for, within 5% accuracy, the quantity of water diverted and maintain measurement records.
- B. Owner shall allow representatives of the Rio Grande Watermaster convenient and safe access to the property to inspect the measuring device and records.
- C. Owner shall contact the Rio Grande Watermaster prior to diversion of water authorized by this amendment.
- D. The use of Class A water authorized in Paragraph 1. USE is intended for use by the owner. All contracts for sale of all or part of this water by the Owner shall be filed with the Executive Director in accordance with Title 30 Texas Administrative Code § 303.51-53 prior to the diversion of water. If the buyer is not currently a water right holder of record in the Middle or Lower Rio Grande, the buyer shall also apply for and be granted a water rights permit authorization which may be a Temporary Water Use Permit, Contractual Permit, or an amendment to this Certificate of Adjudication.
- E. The issuance of this amendment does not grant to the Owner the right to use private or public property for diversion of water authorized by this amendment. This includes property belonging to but not limited to any individual, partnership, corporation or public entity. Neither does this amendment authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the Owner to acquire property rights as may be necessary to make any diversion authorized by this amendment.

This water right is reserved for the Owner, Ingram Readymix No. 87, L.L.C., and is not appurtenant to the above-described land within which irrigation is authorized. A transfer of any portion of the land described does not include, unless otherwise specified, the transfer of the Certificate of Adjudication by the owner or seller at the time of the transaction.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 23-2653, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water right holders in the Rio Grande 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.

Date Issued:

For the Commission

DRAFT

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 23-2653

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APPLICATION. Ingram Readymix No. 87, L.L.C., 3580 FM 482, New Braunfels, TX 78132, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) to amend a portion of Certificate of Adjudication No. 23-2653 pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Mailed notice is required to the interjacent water right holders of record in the Rio Grande Basin pursuant to Title 30 TAC § 295.158(c)(3)(D) and to the record holder pursuant to Title 30 TAC §§ 295.158(c)(2)(A) and 295.158(c)(2)(B).

A portion of Certificate of Adjudication No. 23-2653 (Certificate), as amended, authorizes Ingram Readymix No. 87, L.L.C. to divert and use not to exceed 27.75 acre-feet of water per year from a point on Cienegas Creek and from a point on the Rio Grande, for agricultural purposes to irrigate 13.87 acres of land out of a 20-acre tract of land in Val Verde County. Owner only acquired the water and not the land to which it was appurtenant.

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Applicant seeks to amend its portion of the Certificate to add mining use and to add a place of use for mining purposes in Val Verde County.

Applicant also seeks to amend its portion of the Certificate to add a diversion point located on an off-channel reservoir that receives underflow from the Rio Grande in Val Verde County with the point being at Latitude 29.352626° N, Longitude 100.966777° W, ZIP Code 78842.

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The Executive Director completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions including, but not limited to, measuring devices at the diversion location. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at [View Pending Water Right Applications - Texas Commission on Environmental Quality - www.tceq.texas.gov](http://www.tceq.texas.gov/PendingWaterRightApplications). 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 2653 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.


Issued:

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Natalia Ponebshek, Project Manager
Water Rights Permitting Team

Date: November 6, 2024

Through: Leslie Patterson, Team Leader 
Resource Protection Team

From: Kristin Wang, Senior Water Conservation Specialist
Resource Protection Team

Subject: Ingram Readymix No. 87, L.L.C.
ADJ 2653
CN604153775
Rio Grande, Rio Grande Basin
Val Verde County

APPLICATION SUMMARY

Certificate of Adjudication No. 23-2653 (Certificate) authorizes, among other things, Ingram Readymix, No. 87, L.L.C. (Applicant) to divert 27.75 acre-feet of water per year from a point on Cienegas Creek, Rio Grande Basin, at a combined maximum diversion rate of 2.0 cfs (900 gpm) for agricultural purposes in Val Verde County.

Applicant requests to amend its portion of the Certificate to add a diversion point on an off-channel reservoir (gravel pit) that receives underflow from the Rio Grande authorized under Certificate of Adjudication No. 23-2662, as amended. Applicant also requests to amend the Certificate to add mining purposes of use and add a place of use for mining purposes in Val Verde County.

WATER CONSERVATION REVIEW

Pursuant to Title 30 Texas Administrative Code (TAC) §295.9(4), applications requesting to change the purpose or place of use require the submittal of a water conservation plan.

The water conservation plan for mining use was reviewed by Resource Protection staff and found to be administratively complete per 30 TAC §288.3.

The application is consistent with the 2021 Region M Water Plan and the 2022 State Water Plan because there is nothing in the water plans that conflicts with issuing this proposed amendment.

RECOMMENDATIONS

The following water conservation language should be included in the proposed amendment, if granted:

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.



Kristin Wang, Senior Water Conservation Specialist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Natalia Ponebshek, Project Manager **Date:** November 6, 2024
Water Rights Permitting Team

Through: Leslie Patterson, Team Leader
Resource Protection Team

From: George Gable, Aquatic Scientist
Resource Protection Team

Subject: Ingram Ready Mix No. 87, L.L.C
ADJ 2653
CN604153775
Rio Grande, Rio Grande Basin
Val Verde County

Environmental reviews of water right applications are conducted in accordance with applicable provisions of the Texas Water Code (TWC) and the administrative rules of the Texas Commission on Environmental Quality (TCEQ). The provisions applicable to environmental reviews can vary according to the type and the location of the authorization requested.

APPLICATION SUMMARY

Certificate of Adjudication No. 23-2653 (Certificate) authorizes, among other things, Ingram Readymix, No. 87, LLC (Applicant) to divert 27.75 acre-feet of water per year from a point on Cienegas Creek, Rio Grande Basin, at a combined maximum diversion rate of 2.0 cfs (900 gpm) for agricultural purposes in Val Verde County.

Applicant requests to amend its portion of the Certificate to add a diversion point on an off-channel reservoir (gravel pit) that receives underflow from the Rio Grande authorized under Certificate of Adjudication No. 23-2662, as amended. Applicant also requests to amend the Certificate to add the use of mining purpose and add a place of use for mining purposes in Val Verde County.

ENVIRONMENTAL ANALYSIS

Aquatic and Riparian Habitats: The Applicant's diversion point is located on an off-channel reservoir that receives underflow from the Rio Grande a perennial waterbody, on the transition between the Chihuahuan Basins and Playas and the Texas-Tamaulipan Thornscrub ecoregions (Griffith et al. 2007).

The checklist for the Rio Grande Basin identified 73 species of ichthyofauna occurring within Elm-Sycamore hydrologic unit (United States Geologic Survey

[USGS] code 13080001) (Hendrickson and Cohen 2022). The Texas hornshell (*Popenaias popeii*), a federally listed species, Rio Grande darter (*Etheostoma graham*), Rio Grande shiner (*Notropis jemezanus*), speckled chub (*Macrhybopsis aestivalis*), Salina mucket (*Potamils metnecktayi*), Mexican fawnsfoot (*Truncilla cognata*), Mexican redhorse (*Moxostoma austrinum*), a small square-gilled mayfly (*Caenis arwini*), a mayfly (*Latineosus cibola*), a purse casemaker caddisfly (*Hydroptila melia*), and the striated hydrobe (*Texapyrgus longleyi*), high interest aquatic species, are known to occur in Val Verde County (TPWD 2024). This amendment is not expected to have an effect on any federally listed or high interest aquatic or aquatic-dependent species, because no additional state water will be taken.

On February 12, 2014, the TCEQ adopted environmental flow standards for the Rio Grande, Rio Grande Estuary, and Lower Laguna Madre (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter H). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC § 298.510). The Applicant does not request a new appropriation of water or an amendment that increases the amount of water stored, taken, or diverted; therefore, the environmental flow standards do not apply.

Although the Applicant is requesting to add a diversion point, Resource Protection staff does not recommend a streamflow restriction, because the proposed diversion point is a small distance from the currently authorized diversion point. The Applicants' request is not expected to adversely impact aquatic and riparian habitats in the area.

Recreational Uses: The Rio Grande (Segment 2304) has a designated primary contact recreation 1 use (TCEQ 2022). The Applicant's request should not adversely impact recreational uses.

Water Quality: The Rio Grande (Segment 2304) has a designated high aquatic life use (TCEQ 2022). The Applicant's request should not adversely impact water quality.

Freshwater Inflows: Freshwater inflows are critical for maintaining the historical productivity of bays and estuaries along the Gulf Coast. The proposed project is located more than 200 river miles from the Gulf of Mexico. The application does not request a new appropriation of water. Therefore, the Applicant's request should not have any impact to the Rio Grande's estuary system.

RECOMMENDATIONS

Resource Protection staff have no recommendations regarding this proposed amendment, if granted.

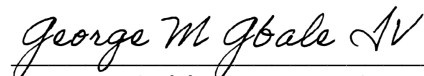
LITERATURE CITED

Griffith GE, Bryce SA, Omernik JM, Rogers AC. 2007. Ecoregions of Texas - Project Report to Texas Commission on Environmental Quality. Reston (VA): U.S. Geological Survey. Report No.: AS-199. 125p.

Hendrickson, DA, Cohen AE. 2022. Fishes of Texas Project Database [Internet]. Texas Advanced Computing Center, University of Texas at Austin. [cited 2024 Sep 24]; Version 3.0. Available from <http://doi.org/10.17603/C3WC70>.

TCEQ. 2022. Texas Surface Water Quality Standards §§307.1-307.10. Austin (TX): Texas Commission on Environmental Quality.

TPWD. 2024 Texas Parks and Wildlife Department, Wildlife Division, Diversity and Habitat Programs. TPWD County Lists of Protected Species and Species of Greatest Conservation Need [Internet]. Austin (TX): Val Verde County, revised August 22, 2024. [2024 September 24]. Available from <http://tpwd.texas.gov/gis/rtest/>.



George Gable, Aquatic Scientist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Natalia Ponebshek, Project Manager
Water Rights Permitting Team

Date: September 5, 2025

Through *KA* Kathy Alexander, Ph.D., Technical Specialist
Water Availability Division

TG Trent Gay, Team Leader
Surface Water Availability Team

From: Aya Bangun, Hydrologist
Surface Water Availability Team

Subject: Ingram Readymix No.87, L.L.C.
ADJ 23-2653C
CN604153775
Rio Grande, Rio Grande Basin
Val Verde County

WATER AVAILABILITY REVIEW

Application Summary

Certificate of Adjudication No. 23-2653 (Certificate) authorizes, among other things, Ingram Readymix, No. 87, LLC (Applicant) to divert 27.75 acre-feet of water per year from a point on Cienegas Creek, Rio Grande Basin, at a combined maximum diversion rate of 2.0 cfs (900 gpm) for agricultural purposes in Val Verde County.

Applicant requests to amend its portion of the Certificate to add a diversion point on an off-channel reservoir (gravel pit) that receives underflow from the Rio Grande authorized under Certificate of Adjudication No. 23-2662, as amended. Applicant also requests to amend the Certificate to add mining purposes and add a place of use for mining purposes in Val Verde County.

The application was declared administratively complete on August 30, 2024.

Water Availability Review

Resource Protection staff did not recommend instream flow requirements for this application. See the Resource Protection memorandum dated November 6, 2024.

The application does not request a new appropriation of water; therefore, a water availability analysis is not necessary. However, the application must be reviewed to ensure that no water rights are affected by the request.

The Water Right Analysis Package (WRAP) simulates management of the water resources of a river basin. TCEQ uses WRAP in the evaluation of water right permit applications using priority-based water allocations. WRAP is a generalized simulation model for application to any river basin, and input datasets must be developed for the particular river basin of concern. The TCEQ developed water availability models (WAMs) for Texas river basins that include geographical information, water right information, naturalized flows, evaporation rates, channel losses, and specific management assumptions. Hydrology staff operates WRAP to evaluate water rights applications to determine water availability and to ensure that senior water rights are protected.

Staff used the Full Authorization simulation of the Rio Grande WAM to evaluate impacts on other water rights as a result of adding a diversion point. The period of record for the Rio Grande WAM is 1940 to 2018. Staff modeled the authorized 27.75 acre-feet of water at a priority date of December 31, 1879, on Cienegas Creek upstream of the confluence with the Rio Grande. Staff compared the pre- and post- application volume reliability of all water rights in the Rio Grande Basin and found a small negative impact to one water right with a difference in volume reliability of -1.37 percent. The impacted water right is upstream of the modeled diversion point on Cienegas Creek. Staff notes the requested diversion of Rio Grande underflow from the off-channel reservoir should not practically impact that water right because the Applicant's diversion would not be from a source physically available to the impacted water right.

In addition, the application is subject to the requirements and orders of the Rio Grande Watermaster. The Watermaster actively manages water rights on a daily basis and protects senior water rights in times of shortage. Therefore, existing water rights should not be affected by the application.

Conclusion

Hydrology staff can support granting the application.

Note that the application is subject to the requirements and orders of the Rio Grande Watermaster.

Aya Bangun

Aya Bangun, Hydrologist

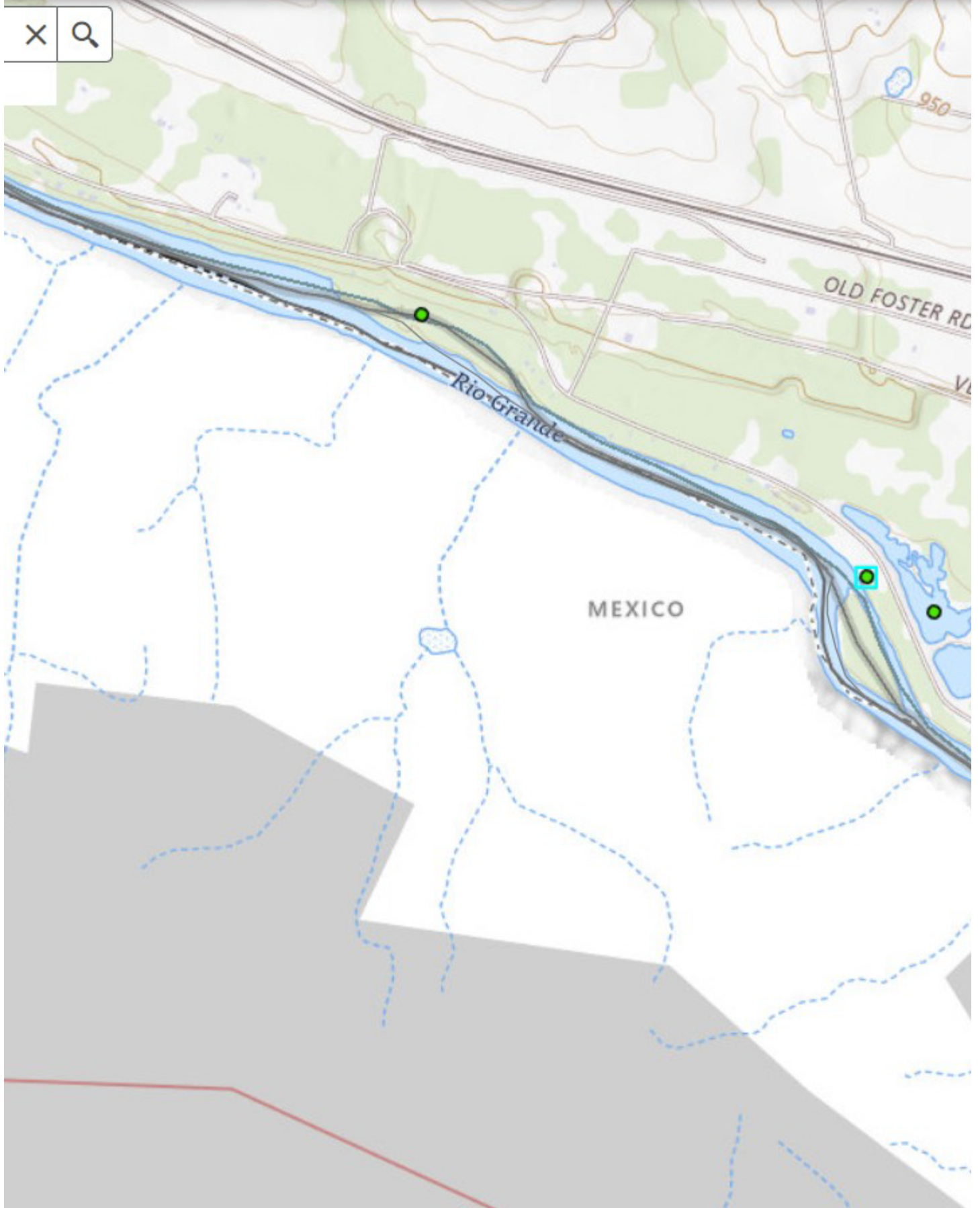
Natalia Ponebshek

From: Buck Benson <[REDACTED]>
Sent: Tuesday, September 2, 2025 1:46 PM
To: Chris Kozlowski; Natalia Ponebshek
Cc: Humberto Galvan; [REDACTED]
Subject: RE: application - Ingram ReadyMix No. 97, LLC
Attachments: Amendment #280963 Val Verde County - Kristin Belt.pdf; TCEQ Water Rights Permitting Application - Ingram Readymix, No. 87, LLC (07.11.2024).Executed.pdf

Good afternoon Chris,

Is there any way we could schedule a call on this particular application. The parties who sold us these rights are getting upset with us because we have not released the purchase funds to them. Even though the contract was clear the funds would not be released permit amendment process was completed, I think the sentiment is that somehow we are stalling the process. Please let me know if there is anything we can do our end to assist in moving the application forward.

I went back and looked at my notes on this file back from the 10/23 time period. During that time, I had a call with TCEQ staff and I had understood that this particular permit amendment to add our site as an authorized diversion point would not necessarily require more notice to other water rights holders in the area. Could we revisit that issue?





DEVIN “BUCK” BENSON

Member | Barton Benson Jones PLLC

Office: (210) 610-5335

Direct: (210) 640-9146

From: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>

Sent: Friday, July 25, 2025 4:20 PM

To: Buck Benson <[REDACTED]>; Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>

Cc: Humberto Galvan <Humberto.Galvan@tceq.texas.gov>; [REDACTED]

Subject: Re: application - Ingram ReadyMix No. 97, LLC

Mr. Benson,

The application is still in technical review. A couple of teams have completed their technical reviews of the application but it is still in technical review.

Chris Kozlowski, Team Leader

Water Rights Permitting Team

Water Rights Permitting & Availability Section

Texas Commission on Environmental Quality

(512)239-1801

Chris.Kozlowski@tceq.texas.gov

From: Buck Benson <[REDACTED]>

Sent: Tuesday, July 22, 2025 9:39 AM

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

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

Subject: RE: application - Ingram ReadyMix No. 97, LLC

Natalia,

Would be able to give me an update on the status of this permit amendment? We were declared administratively complete 8/30/2024.



DEVIN “BUCK” BENSON

Member | Barton Benson Jones PLLC

Office: (210) 610-5335

Direct: (210) 640-9146

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

Sent: Thursday, June 12, 2025 3:35 PM

To: Buck Benson [REDACTED]

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

Subject: RE: application - Ingram ReadyMix No. 97, LLC

I apologize for the delay, please see the attached mailing labels. 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: Buck Benson <[REDACTED]>

Sent: Wednesday, June 11, 2025 6:50 PM

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

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

Subject: RE: application - Ingram ReadyMix No. 97, LLC

Good evening Natalia,

I wanted to check in about getting a copy of the labels. We would like to identify those parties who will get notice of the permit amendment if possible. Thank you in advance for your help.



DEVIN “BUCK” BENSON

Member | Barton Benson Jones PLLC

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Monday, May 19, 2025 3:43 PM
To: Buck Benson [REDACTED] >
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: RE: application - Ingram ReadyMix No. 97, LLC

This application is still in technical review. As our current mailing labels were created several months ago, I will generate new labels so they will be the most up to date. This process may take a few days, but I will send the labels as soon as I am able.

Thank you,

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

From: Buck Benson [REDACTED]
Sent: Sunday, May 18, 2025 10:33 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: application - Ingram ReadyMix No. 97, LLC

Natalia,

Is the application still in technical review?

Also, would it be possible to get a list of the interjacent water rights holders at this point? We would start to contact them if possible?

Thank you in advance for your time.



DEVIN "BUCK" BENSON

Member | Barton Benson Jones PLLC

Office: (210) 610-5335
Direct: (210) 640-9146

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Monday, April 7, 2025 3:46 PM

To: Buck Benson [REDACTED]
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: RE: application - Ingram ReadyMix No. 97, LLC

Hello,

This application is still in the technical review process. 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: Buck Benson <[REDACTED]>
Sent: Monday, April 7, 2025 2:59 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: application - Ingram ReadyMix No. 97, LLC

Natalia,

I just wanted to touch base on the status of this application.



DEVIN "BUCK" BENSON

Member | Barton Benson Jones PLLC

Office: (210) 610-5335
Direct: (210) 640-9146

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Tuesday, January 21, 2025 3:00 PM
To: Buck Benson [REDACTED]
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: RE: application - Ingram ReadyMix No. 97, LLC

Good afternoon,

Currently this application is still in the technical review process. 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: Buck Benson <[REDACTED]>
Sent: Monday, January 20, 2025 7:11 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: application - Ingram ReadyMix No. 97, LLC

Natalia,

Would you be able to provide an update on the status of this application?



DEVIN "BUCK" BENSON

Member | Barton Benson Jones PLLC

Office: (210) 610-5335
Direct: (210) 640-9146

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Wednesday, December 4, 2024 5:31 PM
To: Buck Benson [REDACTED]
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: RE: application - Ingram ReadyMix No. 97, LLC

Good afternoon,

At this time, this application is still in the technical review process. Please let me know if you have and additional questions.

Thank you,

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

From: Buck Benson [REDACTED]
Sent: Tuesday, December 3, 2024 12:20 PM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Subject: application - Ingram ReadyMix No. 97, LLC

Good afternoon Natalia,

I wanted to check on the status of this application and see if there was anything you could share with me?



DEVIN "BUCK" BENSON

Member | Barton Benson Jones PLLC

Office: (210) 610-5335

Direct: (210) 640-9146

bartonbensonjones.com

f in



BARTON BENSON JONES PLLC

O | 210.610.5335

bartonbensonjones.com

1803 Broadway, Suite 840 | San Antonio, Texas 78215

July 11, 2024

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

Re: Ingram Readymix No. 87, LLC

To Whom It May Concern:

Enclosed in this package please find the following:

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jenane', with a large, stylized loop at the end.

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

/jr

Enclosures (as stated)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ WATER RIGHTS PERMITTING APPLICATION

ADMINISTRATIVE INFORMATION CHECKLIST

Complete and submit this checklist for each application. See Instructions Page 5.

APPLICANT(S): Ingram Readymix, No. 87, LLC

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

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

Applicant is seeking to add mining use as another authorized use.
~~The~~ Applicant is seeking to add additional diversion points.
The additional diversion point would be the diversion
point identified in CoFA 23-2662-29,352626,-100.966777.
Applicant seeks to add all of Val Verde county as the
authorized place of use for the Mining Purpose.

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?

Ingram Readymix, No. 87, LLC

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

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?
You may search for your CN on the TCEQ website at
<http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN : 604153775 (leave blank if you do not yet have a CN).

What is the name and title of the person or persons signing the application? Unless an application is signed by an individual applicant, the person or persons must submit written evidence that they meet the signatory requirements in 30 TAC § 295.14.

First/Last Name: Devin "Buck" Benson

Title: Authorized Representative

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

What is the applicant's mailing address as recognized by the US Postal Service (USPS)? You may verify the address on the USPS website at
<https://tools.usps.com/go/ZipLookupAction!input.action>.

Name: Ingram Readymix No. 87, LLC

Mailing Address: 3580 FM 482

City: New Braunfels

State: TX

ZIP Code: 78132

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: 3204078213 SOS Charter (filing) Number: 0801200945

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

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

First and Last Name: Devin "Buck" Benson

Title: Authorized Representative

Organization Name: Barton Benson Jones, PLLC

Mailing Address: ~~2000 Broadway~~ 1803 Broadway Suite 840

City: San Antonio State: TX ZIP Code: 78215

Phone Number: (210) 640-9146

Fax Number: (210) 600-9796

E-mail Address: [REDACTED]

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: N/A

Title: N/A

Organization Name: N/A

Mailing Address: N/A

City: N/A State: N/A ZIP Code: N/A

Phone Number: N/A

Fax Number: N/A

E-mail Address: N/A

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 NO
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 NO
If yes, please provide the following information:
Enforcement order number: _____ Amount past due: _____
- b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicant's may check their status with the Comptroller at <https://mycpa.cpa.state.tx.us/coa/>
Is the Applicant or Co-Applicant in good standing with the Comptroller? Yes / No YES
- c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use - if required. See TWC §16.012(m) and 30 TAC § 297.41(a)(5). Applicants should check survey status on the TWDB website prior to filing:
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 YES

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Devin "Buck" Benson

Authorized Representative

(Typed or printed name)

(Title)

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

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

Signature: _____

(Use blue ink)

Date: _____

7/10/24

Subscribed and Sworn to before me by the said

on this 10th day of July, 2024.

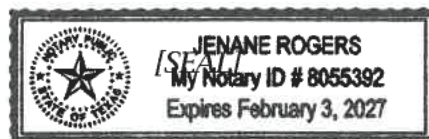
My commission expires on the 3rd day of February, 2027.

Jenane Rogers

Notary Public

Bexar

County, Texas



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

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

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

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

Date of pre-application meeting: ~~2024~~ 7/10/2024

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: N/A)

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: N/A)

If Applicant answered yes to (a), (b) or (c), the following worksheets and documents are required:

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir requested in the application)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point and/or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach requested in the application)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees**
- **Fees calculated on Worksheet 8.0 – see instructions Page. 34.**
- **Maps – See instructions Page. 15.**
- **Photographs – See instructions Page. 30.**

Additionally, if Applicant wishes to submit an alternate source of water for the project/authorization, see Section 3, Page 3 for Bed and Banks Authorizations (Alternate sources may include groundwater, imported water, contract water or other sources).

Additional Documents and Worksheets may be required (see within).

2. Amendments to Water Rights. TWC § 11.122 (Instructions, Page. 12)

This section should be completed if Applicant owns an existing water right and Applicant requests to amend the water right. ***If Applicant is not currently the Owner of Record in the TCEQ Records, Applicant must submit a Change of Ownership Application (TCEQ-10204) prior to submitting the amendment Application or provide consent from the current owner to make the requested amendment. If the application does not contain consent from the current owner to make the requested amendment, TCEQ will not begin processing the amendment application until the Change of Ownership has been completed and will consider the Received Date for the application to be the date the Change of Ownership is completed. See instructions page. 6.***

Water Right (Certificate or Permit) number you are requesting to amend: 23-2653

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

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 Y
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 *If yes, call the Water Availability Division at (512) 239-4600 to discuss.*

Additionally, all amendments require:

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

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

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

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

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

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

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

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

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

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

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

Worksheets and information:

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

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

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

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

Applicant Ingram Ready Mix No. 87, LLC, is located within Region 5 Planning Group. The state and regional plans generally do not address every possible change to individual rights. The application is consistent with the 2021 Region 5 Water and 2022 Water Plan because there isn't anything in the plans that conflict with the application.

- 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 Y

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

Quantity (acre-feet) <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>
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

N/A Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

If the Purpose of Use is Agricultural/Irrigation for any amount of water, provide:

a. Location Information Regarding the Lands to be Irrigated

i) Applicant proposes to irrigate a total of N/A acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of N/A acres in N/A County, TX.

ii) Location of land to be irrigated: In the N/A Original Survey No. N/A, Abstract No. N/A.

A copy of the deed(s) or other acceptable instrument describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds.

If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.

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

2. Amendments - Purpose or Place of Use (Instructions, Page. 12)

- a. Complete this section for each requested amendment changing, adding, or removing Purpose(s) or Place(s) of Use, complete the following:

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
27.75	Agriculture	Agriculture / Mining	13.87 acres	Mining Use for all of Val Verde County
N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A

*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 N/A acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of N/A acres in N/A County, TX.
 - Location of land to be irrigated: In the N/A Original Survey No. N/A, Abstract No. N/A.

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

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

- 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 N

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

- a. Provide the Basin of Origin. N/A
- b. Provide the quantity of water to be transferred (acre-feet). N/A
- c. Provide the Basin(s) and count(y/ies) where use will occur in the space below:
N/A

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

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

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

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

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

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

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

WORKSHEET 1.2

NOTICE. "THE MARSHALL CRITERIA"

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

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

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

1. The "Marshall Criteria" (Instructions, Page. 21)

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

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

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

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: N/A.
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 N/A
If yes, the drainage area is N/A 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): N/A
- b. Zip Code: N/A
- c. In the N/A Original Survey No. N/A, Abstract No. N/A,
N/A County, Texas.

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

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

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

Latitude N/A°N, Longitude N/A°W.

****Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***

- i. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): N/A
- ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N N/A

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Rio Grande
- b. Zip Code: 78842
- c. Location of point: In the Desidero Bravo Original Survey No. _____, Abstract No. 1612 Val Verde 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 29.352626°N, Longitude -100.966777°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.

Deeds for property where diversion point are attached. Deeds reflect Applicant - Ingram Ready mix No.87, LLC as Owner.



WORKSHEET 4.0 DISCHARGE INFORMATION

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

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

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 N/A, surface water N/A?
 5. If any percentage is surface water, provide the base water right number(s) N/A.
- d. Is the source of the water being discharged groundwater? **Y / N** N/A If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped: N/A
 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 N/A
 3. Indicate how the groundwater will be conveyed to the stream or reservoir.

N/A
 4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.
- di. Is the source of the water being discharged a surface water supply contract? **Y / N** N/A
If yes, provide the signed contract(s).
- dii. Identify any other source of the water N/A

WORKSHEET 4.1 DISCHARGE POINT INFORMATION

This worksheet is required for **each** discharge point. Submit one Worksheet 4.1 for each discharge point. If there is more than one discharge point, the numbering of the points should be consistent throughout the application and on any supplemental documents (e.g., maps).
Instructions, Page 27.

For water discharged at this location provide:

- a. The amount of water that will be discharged at this point is N/A acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of N/A cfs or N/A gpm.
- c. Name of Watercourse as shown on Official USGS maps: N/A
- d. Zip Code N/A
- e. Location of point: In the N/A Original Survey No. N/A, Abstract No. N/A, N/A County, Texas.
- f. Point is at:
Latitude N/A °N, Longitude N/A °W.
****Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- g. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): N/A

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

WORKSHEET 5.0

ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

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

Applicant is seeking to use an existing diversion point

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).

N/A ☐ 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?

N/A

☐ 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:

N/A

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

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

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

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

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 N/A**

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 Y

2. Drought Contingency Plans

- a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above - indicate each that applies:
1. N/A Municipal Uses by public water suppliers. See 30 TAC § 288.20.
 2. N/A Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
 3. N/A 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/A

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

The following information provides guidance on when an Accounting Plan may be required for certain applications and if so, what information should be provided. An accounting plan can either be very simple such as keeping records of gage flows, discharges, and diversions; or, more complex depending on the requests in the application. Contact the Surface Water Availability Team at 512-239-4600 for information about accounting plan requirements, if any, for your application. **Instructions, Page 34.**

1. Is Accounting Plan Required

Accounting Plans are generally required:

- For applications that request authorization to divert large amounts of water from a single point where multiple diversion rates, priority dates, and water rights can also divert from that point;
- For applications for new major water supply reservoirs;
- For applications that amend a water right where an accounting plan is already required, if the amendment would require changes to the accounting plan;
- For applications with complex environmental flow requirements;
- For applications with an alternate source of water where the water is conveyed and diverted; and
- For reuse applications.

2. Accounting Plan Requirements

- a. A **text file** that includes:
 1. an introduction explaining the water rights and what they authorize;
 2. an explanation of the fields in the accounting plan spreadsheet including how they are calculated and the source of the data;
 3. for accounting plans that include multiple priority dates and authorizations, a section that discusses how water is accounted for by priority date and which water is subject to a priority call by whom; and
 4. Should provide a summary of all sources of water.
- b. A **spreadsheet** that includes:
 1. Basic daily data such as diversions, deliveries, compliance with any instream flow requirements, return flows discharged and diverted and reservoir content;
 2. Method for accounting for inflows if needed;
 3. Reporting of all water use from all authorizations, both existing and proposed;
 4. An accounting for all sources of water;
 5. An accounting of water by priority date;
 6. For bed and banks applications, the accounting plan must track the discharged water from the point of delivery to the final point of diversion;
 7. Accounting for conveyance losses;
 8. Evaporation losses if the water will be stored in or transported through a reservoir. Include changes in evaporation losses and a method for measuring reservoir content resulting from the discharge of additional water into the reservoir;
 9. An accounting for spills of other water added to the reservoir; and
 10. Calculation of the amount of drawdown resulting from diversion by junior rights or diversions of other water discharged into and then stored in the reservoir.

WORKSHEET 8.0 CALCULATION OF FEES

This worksheet is for calculating required application fees. Applications are not Administratively Complete until all required fees are received. **Instructions, Page. 34**

1. NEW APPROPRIATION

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

3. BED AND BANKS

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



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: Click to add text Ingram Leadymic No. 87, LLC
Address: 3580 FM 482
Telephone Number: (830) 625-9156 Fax: (830) 625-9174
Form Completed By: Greg Johnson
Title: VP
Signature: _____ Date: 7/12/2024

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

I. BACKGROUND DATA

A. Water Use

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

193.75 Total ~~COA 23-2662~~ COA 23-2662-166 ac-ft
COA 23-2653-27.5

2. Maximum diversion rate (cfs):

COA 23-2662 - 2.67 CFS
COA 23-2653 2.00 CFS

B. Water Sources

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

Source	Water Right No.(s)	Current Use	Anticipated Use
Surface Water	COFA 23-2662	104.5231	104.5231
Groundwater	COFA 23-2653		
Purchased			
Total			

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)

C. Mining Information

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

Concrete Aggregate

2. North American Industry Classification System (NAICS): 212321

II. WATER USE AND CONSERVATION PRACTICES

A. Water Use in Mining Processes

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

Other _____

Facility Use	% Groundwater	% Surface Water	% Saline Water	% Treated Water	Water Use (in acre-ft)
Pond(s)		100			
Sanitary & drinking water		0			
Irrigation & dust control		0			
Other		0			

- Was fresh water recirculated at this facility? ☒ Yes ☐ No
- Provide a detailed description of how the water will be utilized in the mining process.
Washing of sand and gravel
- Estimate the quantity of water consumed in production and mining processes and is therefore unavailable for reuse, discharge, or other means of disposal.
30 ac.ft
- Monthly water consumption for previous year (in acre-feet).

Month	Diversion Amount	% of Water Returned (If Any)	Monthly Consumption
January	9.5136		9.5136
February	6.5275		6.5275
March	7.9239		7.9239
April	10.1641		10.1641
May	10.5447		10.5447
June	6.1009		6.1009
July	7.4061		7.4061
August	6.0181		6.0181

September	<u>10.9284</u>	<u>10.9284</u>
October	<u>9.4306</u>	<u>9.4306</u>
November	<u>7.8440</u>	<u>7.8440</u>
December	<u>10.1212</u>	<u>10.1212</u>
Totals	<u>104.5231</u>	<u>104.5231</u>

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	<u>9.5136</u>		<u>9.5136</u>
February	<u>6.5275</u>		<u>6.5275</u>
March	<u>7.9239</u>		<u>7.9239</u>
April	<u>10.1641</u>		<u>10.1641</u>
May	<u>10.5447</u>		<u>10.5447</u>
June	<u>6.1009</u>		<u>6.1009</u>
July	<u>9.4061</u>		<u>9.4061</u>
August	<u>6.0181</u>		<u>6.0181</u>
September	<u>10.9284</u>		<u>10.9284</u>
October	<u>9.4306</u>		<u>9.4306</u>
November	<u>7.8440</u>		<u>7.8440</u>
December	<u>10.1212</u>		<u>10.1212</u>
Totals	<u>104.5231</u>		<u>104.5231</u>

B. Specific and Quantified Conservation Goal

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

1. Water conservation goal (water use efficiency measure)

Type of goal(s):

☒ % reused water

☒ % of water not consumed and therefore returned

Other (specify)

2. Provide specific, quantified 5-year and 10-year targets for water savings and the basis for development of such goals for this water use/facility.

Specific water use goals are difficult to establish at this facility. Water is utilized only as needed and the majority of water is use

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

in process.

a. 5-year goal: *1%.*

b. 10-year goal: *2%.*

3. Describe the device(s) and/or method(s) used to measure and account for the amount of water diverted from the supply source, and verify the accuracy is within plus or minus 5%.

Water is metered as it is withdrawn. The water meter is monitored and calibrated as needed. The meter accuracy is within

4. Provide a description of the leak-detection and repair, and water-loss accounting measures used. *5%.*

Water is pumped from the diversion point to the operation. Piping is visually inspected and leaks are repaired as necessary.

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

Water is only diverted ~~as necessary~~ when needed. Mobile equipment is utilized as necessary for cleanup in lieu of washing.

6. Describe any other water conservation practice, method, or technique which the user shows to be appropriate for achieving the stated goal or goals of the water conservation plan:

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

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

This is not an application for a new or additional state water.

Water Conservation Plans submitted with a water right application for New or Additional State Water must include data and information which:

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;
2. evaluates conservation as an alternative to the proposed appropriation; and
3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

Additionally, it shall be the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists and that the requested amount of appropriation is necessary and reasonable for the proposed use.

2. Provide specific, quantified 5-year and 10-year targets for water savings and the basis for development of such goals for this water use/facility.

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

- a. 5-year goal: 5%.
 - b. 10-year goal: 10%.
3. Describe the device(s) and/or method(s) used to measure and account for the amount of water diverted from the supply source, and verify the accuracy is within plus or minus 5%.
 4. Provide a description of the leak-detection and repair, and water-loss accounting measures used.
 5. Describe the application of state-of-the-art equipment and/or process modifications used to improve water use efficiency.
 6. Describe any other water conservation practice, method, or technique which the user shows to be appropriate for achieving the stated goal or goals of the water conservation plan:

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

Water Conservation Plans submitted with a water right application for New or Additional State Water must include data and information which:

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;
2. evaluates conservation as an alternative to the proposed appropriation; and
3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

Additionally, it shall be the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists and that the requested amount of appropriation is necessary and reasonable for the proposed use.

2. Provide specific, quantified 5-year and 10-year targets for water savings and the basis for development of such goals for this water use/facility.

Through conservation, visual inspection &

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

a. 5-year goal: *5%.*

b. 10-year goal: *10%.*

3. Describe the device(s) and/or method(s) used to measure and account for the amount of water diverted from the supply source, and verify the accuracy is within plus or minus 5%.

*method of 5% accuracy
device is accurate within 5%.*

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

*visual inspection takes on a daily basis. repair
leaks immediately to minimize water loss.*

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

6. Describe any other water conservation practice, method, or technique which the user shows to be appropriate for achieving the stated goal or goals of the water conservation plan:

add something here

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

N/A

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.



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.

A Public Improvement Plan is not applicable because this application does not have significant public



Section 3. Application Information

N/A

Type of Application (check all that apply):

Air ☐ Initial ☐ Federal ☐ Amendment ☐ Standard Permit ☐ Title V

Waste ☐ Municipal Solid Waste ☐ Industrial and Hazardous Waste ☐ Scrap Tire
☐ Radioactive Material Licensing ☐ Underground Injection Control

Water Quality

☐ Texas Pollutant Discharge Elimination System (TPDES)

☐ Texas Land Application Permit (TLAP)

☐ State Only Concentrated Animal Feeding Operation (CAFO)

☐ Water Treatment Plant Residuals Disposal Permit

☐ Class B Biosolids Land Application Permit

☐ Domestic Septage Land Application Registration

Water Rights New Permit

☐ New Appropriation of Water

☐ New or existing reservoir

Amendment to an Existing Water Right

☐ Add a New Appropriation of Water

☐ Add a New or Existing Reservoir

☐ Major Amendment that could affect other water rights or the environment

Section 4. Plain Language Summary

Provide a brief description of planned activities.

N/A

Section 5. Community and Demographic Information

N/A

Community information can be found using EPA's EJ Screen, U.S. Census Bureau information, or generally available demographic tools.

Information gathered in this section can assist with the determination of whether alternative language notice is necessary. Please provide the following information.

(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

N/A

(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)

Notice of confidentiality rights: if you are a natural person, you may remove or strike any or all of the following information from this instrument before it is filed for record in the public records: your social security number or your driver's license number.

GENERAL WARRANTY DEED

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

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

GRANTOR'S MAILING ADDRESS (Including County):

3580 FM 482
New Braunfels, Comal County, Texas 78132

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

GRANTEE'S MAILING ADDRESS (Including County):

3580 FM 482
New Braunfels, Comal County, Texas 78132

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

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

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

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

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

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

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

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

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

2. The following reservations and easements affecting the Property:

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

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

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

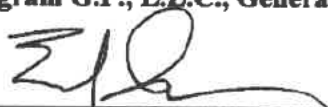
Grantor, for the Consideration and subject to the Reservations From and Exceptions to Conveyance and Warranty, **GRANT, SELL, and CONVEY** to Grantee the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, **TO HAVE AND TO HOLD** it to Grantee and Grantee's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

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

GRANTOR:

INGRAM READYMIX SOUTH/WEST, LTD.

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



By: Earl Evans Ingram, President

THE STATE OF TEXAS §
 §
COUNTY OF VAL VERDE §

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

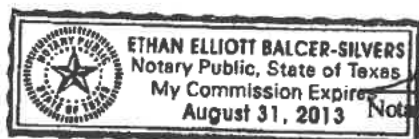



EXHIBIT "A"

00255071

FIELD NOTES FOR A 39.354 ACRE TRACT

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

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

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

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

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

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

Plat prepared this day.

Surveyed on the ground the 3rd day of June, 2008.



E.F. Burkhardt
E.F. Burkhardt RPLS 1706

EXHIBIT "B"

00255071

FIELD NOTES FOR A 80.726 ACRE TRACT

Being 80.726 acres and being approximately 75.216 acres out of the Poindexter & Burns Survey 171, Abstract 1329 and 5.510 acres out of the Poindexter & Burns Survey 172, Abstract 1324, Val Verde County, Texas and also being out of a 82.744 acre tract described in Volume 481, Page 32 of the Deed Records of Val Verde County, Texas and being more particularly described as follows;

Beginning at a set $\frac{1}{4}$ " iron with orange cap stamped Bain Medina Bain (hereinafter called set iron pin) in the East line of Rio Vista Drive as shown on the plat of Vega Verde Estates Block "G" recorded in Volume 4, Page 18 of the Map Records of Val Verde County, Texas, said iron pin being at the Southwest corner of said 82.744 acre tract, the Northwest corner of a 65.4 acre tract described in Volume 572, Page 665 of the Deed Records of Val Verde County, Texas, for the Southwest corner of this tract;

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

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

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

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

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

Thence continuing with West line of said railroad S $34^{\circ} 06' 07''$ E 1035.38 feet to a set iron pin at the P.C. of a curve to the left;

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

80.726 acre tract page 2

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

Plat prepared this day.

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

E.F. Burkhart
E.F. Burkhart RPLS 1706



EXHIBIT "C"

00255071

FIELD NOTES FOR A 68.999 ACRE TRACT

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

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

Thence with said Northeast line, N 72° 21' 00" W 147.80 feet to a 1/2" iron pin set, N 67° 27' 00" W 250.30 feet to a 1/2" iron pin set, N 78° 17' 00" W 372.60 feet to a 1/2" iron pin set and N 59° 19' 00" W 679.26 feet to a 1/2" iron pin set at the West corner of said 69.0 acre tract, the South corner of a 58.49 acre tract described in Contract for Deed between Lois Nell Rose and Raul S. and Herminia Ortiz, dated December 17, 1975;

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

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

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

Plat prepared this day.

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

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

E. F. Burkhardt



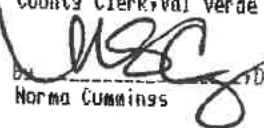
E. F. Burkhardt
E. F. Burkhardt RPLS 1706

00255071

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

Document Number: 00255071
Receipt# - 80814
Amount 44.00

Generosa Gracia-Ramon
County Clerk, Val Verde County

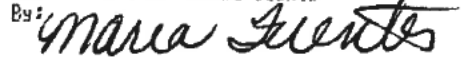

Norma Cummings Deputy

STATE OF TEXAS COUNTY OF VAL VERDE

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

Dec 17, 2009 02:14P

Generosa Gracia-Ramon
County Clerk, Val Verde County

By: 



FILED BY
PRESIDIO TITLE

00243684

GF#108538

Notice of confidentiality rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security number or your driver's license number.

SPECIAL WARRANTY DEED

(Capitol Aggregates, Ltd. to Ingram Readymix South/West, Ltd.)

Effective Date: June 13, 2008

Grantor: Capitol Aggregates, Ltd., a Texas limited partnership (successor in interest to Capitol Aggregates, Inc.)

Grantor's Mailing Address: (including county): P.O. Box 33240
San Antonio, Bexar County, TX 78265-33240

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

Grantee's Mailing Address (including county): 3580 FM 482 New Braunfels, Texas 78132

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

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

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

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

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

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

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

GRANTOR

Capitol Aggregates, Ltd., by its General Partner,
Capitol Aggregates, LLC (TX)

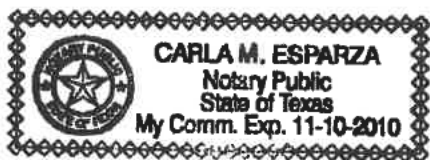
By: Joel Galassini

Joel Galassini, Vice President

STATE OF TEXAS §

COUNTY OF VAL VERDE §

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



Carla M. Esparza
Notary Public Signature

(PERSONALIZED SEAL)

AFTER RECORDING RETURN TO:

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

FIELD NOTES FOR A 39.354 ACRE TRACT

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

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

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

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

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

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

Plat prepared this day.

Surveyed on the ground the 3rd day of June, 2008.



E.F. Burkhardt
E.F. Burkhardt RPLS 1706

EXHIBIT "B"

00243684

FIELD NOTES FOR A 80.726 ACRE TRACT

Being 80.726 acres and being approximately 75.216 acres out of the Poindexter & Burns Survey 171, Abstract 1329 and 5.510 acres out of the Poindexter & Burns Survey 172, Abstract 1324, Val Verde County, Texas and also being out of a 82.744 acre tract described in Volume 481, Page 32 of the Deed Records of Val Verde County, Texas and being more particularly described as follows;

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

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

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

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

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

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

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

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

80.726 acre tract page 2

00243684

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

Plat prepared this day.

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



E.F. Burkhart RPLS 1706



EXHIBIT "C"

00243684

FIELD NOTES FOR A 68.999 ACRE TRACT

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

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

Thence with said Northeast line, N 72° 21' 00" W 147.80 feet to a 1/2" iron pin set, N 67° 27' 00" W 250.30 feet to a 1/2" iron pin set, N 78° 17' 00" W 372.60 feet to a 1/2" iron pin set and N 59° 19' 00" W 679.26 feet to a 1/2" iron pin set at the West corner of said 69.0 acre tract, the South corner of a 58.49 acre tract described in Contract for Deed between Lois Nell Rose and Raul S. and Herminia Ortiz dated December 17, 1975;

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

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

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

Plat prepared this day.

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

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

E. F. Burkhardt



E. F. Burkhardt
E. F. Burkhardt RPLS 1706

00243684

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FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
On: Jun 18, 2008 at 11:28A

Document Number: 00243684
Receipt# - 68952
Amount 40.00

Generosa Gracia-Ramon
County Clerk, Val Verde County

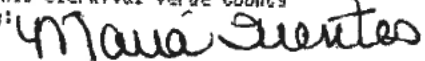
By  Deputy
Norma Cummins

STATE OF TEXAS COUNTY OF VAL VERDE

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

Jun 18, 2008 11:28A

Generosa Gracia-Ramon
County Clerk, Val Verde County

By: 



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a Texas Commission on Environmental Quality document, which is filed in the permanent records of the Commission. Given under my hand and the seal of office.

Bridget C. Bohac NOV 13 2013

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality

AMENDMENT TO
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 23-2653B

TYPE: 11.122

PRIORITY: December 31, 1879
and Class A

Owner: Kristin Terk Belt and
Charles P. Bruce

Address: 1389 Enchanted Oak Dr.
Driftwood, TX 78619

Filed: June 5, 2013

Granted: November 8, 2013

Purpose: Agriculture

County: Val Verde

Watercourse: Cienegas Creek
and the Rio Grande

Watershed: Rio Grande Basin

WHEREAS, Kristin Terk Belt and Charles P. Bruce (Applicants) own a portion of Certificate of Adjudication No. 23-2653 which authorizes the diversion and use of not to exceed 27.75 acre-feet of water per year from Cienegas Creek and the Rio Grande, for agricultural purposes to irrigate 13.87 acres out of 342.31 acres in Val Verde County; and

WHEREAS, Applicant seeks to amend its 27.75 acre-foot portion of Certificate of Adjudication No. 23-2653 to change the place of use for their agricultural water to 13.87 acres out of a 20-acre tract in Val Verde County; and

WHEREAS, ownership of the land to be irrigated is evidenced by a deed recorded in Volume 379, page 162 of the Val Verde County Deed Records; 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 requirements and orders of the Rio Grande Watermaster; and

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

WHEREAS, no requests for a contested case hearing were received for this application; 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; and

WHEREAS, the Texas Commission on Environmental Quality is of the opinion and so finds the proposed changes will not impair the rights of any person entitled to the use of a portion of the American share of the waters of the Rio Grande;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 23-2653, designated Certificate of Adjudication No. 23-2653B, is issued to Kristin Terk Belt and Charles P. Bruce, subject to the following terms and conditions:

1. USE

In lieu of the previous authorization to divert and use not to exceed 27.75 acre-feet of Class A water per year from Cienegas Creek and the Rio Grande to irrigate 13.87 acres out of a 20-acre tract in the Poindexter and Burns Survey No. 167, Abstract No. 1326, and any or all of the tracts of land authorized under Certificate of Adjudication No. 23-2811, as amended, totaling 342.31 acres, provided that not more than 13.87 acres are irrigated in any one year under this certificate, as amended, in the Francisco Zavalla Survey No. 164, Abstract No. 1467 and the Desidero Bravo Survey No. 165, Abstract No. 1612, approximately two miles west of Del Rio, Val Verde County, Texas, Owners are now authorized to divert and use not to exceed 27.75 acre-feet of Class A water per year from Cienegas Creek and the Rio Grande to irrigate 13.87 acres out of a 20-acre tract in the Poindexter and Burns Survey No. 167, Abstract No. 1326 in Val Verde County, Texas.

Ownership of the land to be irrigated is evidenced by a deed recorded in Volume 379, page 162 of the Val Verde County Deed Records, Texas.

2. SPECIAL CONDITIONS

- A. Owner shall contact the Rio Grande Watermaster prior to diversion of water authorized by this amendment.
- B. The use of water authorized in USE Paragraph 1 is intended for use by the Owner. All contracts for the sale of all or part of this water by the Owner shall be filed with the Executive Director and found sufficient in accordance with Title 30 Texas Administrative Code 303.51-53 prior to the diversion of water. If the buyer is not currently a water right holder of record in the Middle or Lower Rio Grande, the buyer shall also apply for and be granted a water rights permit authorization which may include a Temporary Water Use Permit, Contractual Permit, or an amendment to this Certificate of Adjudication.

This water right is appurtenant to and is an undivided part of the above-described land within which irrigation is authorized. A transfer of any portion of the land described includes, unless otherwise specified, a proportionate amount of the Certificate of Adjudication by the owners or seller at the time of the transaction.

This amendment is issued subject to all terms, conditions, and provisions

E2905100

contained in Certificate of Adjudication No. 23-2653, as amended, except as specifically amended herein.

This amendment is issued subject to all superior water right holders below Amistad Reservoir in the Rio Grande 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: **November 8, 2013**

00280963

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
On: Dec 12, 2013 at 10:54A

Document Number: 00280963
Receipt# - 110443
Amount 24.00



Generosa Gracia-Ramon
County Clerk, Val Verde County

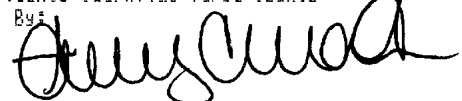
By:  Deputy
Freddy Cordova

STATE OF TEXAS COUNTY OF VAL VERDE

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

Dec 12, 2013 10:54A

Generosa Gracia-Ramon
County Clerk, Val Verde County

By: 

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: August 30, 2024

SUBJECT: Ingram Readymix No. 87, L.L.C.
ADJ 2653
CN604153775, RN102625266
Application No. 23-2653C to Amend a Portion of Certificate of
Adjudication No. 23-2653
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Rio Grande, Rio Grande Basin
Val Verde County

Partial fees were received on July 1, 2024, the application was received on July 19, 2024, and additional information and fees were received on July 24 and August 26, 2024. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on August 30, 2024. Mailed notice to the interjacent water right holders of record in the Rio Grande Basin is required pursuant to Title 30 Texas Administrative Code (TAC) § 295.158(c)(3)(D) and notice to the record holder is required pursuant to 30 TAC §§ 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

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

OCC Mailed Notice Required ☒ **YES** ☐ **NO**

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 30, 2024

Mr. Devin "Buck" Benson
Barton Benson Jones, PLLC
1803 Broadway, Ste. 840
San Antonio, TX 78215-1490

VIA E-MAIL

RE: Ingram Readymix No. 87, L.L.C.
ADJ 2653
CN604153775, RN102625266
Application No. 23-2653C to Amend a Portion of Certificate of Adjudication No. 23-2653
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Rio Grande, Rio Grande Basin
Val Verde County

Dear Mr. Benson:

This acknowledges receipt, on August 26, 2024, of fees in the amount of \$32.34 (Receipt No. M420638, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on August 30, 2024. Staff will continue processing the application for consideration by the Executive Director.

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

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

Sincerely,

Natalia Ponebshek

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

Attachment



26-AUG-24 04:08 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>CC Type</u>		<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
			<u>Card Auth.</u> <u>User Data</u>	<u>Tran Code</u> <u>Rec Code</u>			
NOTICE FEES-WUP- WATER USE PERM	PTGU PTGU	M420638 ADJ232653C	1039 082624	N	BS00110660 D4803542	26-AUG-24	-\$32.34
NOTICE FEES WUP WATER USE PERMITS		BARTON BENSON JONES PLLC	VHERNAND	CK			

Total (Fee Code) :

-\$32.34

RECEIVED
AUG 28 2024
Water Availability Division

RECEIVED
AUG 28 2024
Water Availability Division

Jenna Rollins

From: Jenna Rollins
Sent: Monday, August 12, 2024 2:57 PM
To: Buck Benson
Cc: Humberto Galvan; Chris Kozlowski
Subject: Ingram Readymix No. 87, LLC Application No. 23-2653C
Attachments: Ingram Readymix No. 87 LLC_23-2653C_RFI_Sent_8.12.24.pdf

Good afternoon Mr. Benson,

Please see the attached request for information letter for the Ingram Readymix No. 87, LLC application No. 23-2653C and provide a response by September 11, 2024.

Additionally, please see the below list of water right owners that will be noticed for this application:

<u>Water Right Owner</u>	<u>Water Right Number</u>
Capitol Aggregates Inc	23-2662
Del Rio Horseshoe Lake Homeowners Association	23-2811
Estate Of Olga H Gutierrez	23-2663
Gustavo F Rodriguez	23-2811
Juan Francisco Lopez et al	23-2811
Marshall Kane Whaley	23-2657
Phil B Foster	23-2653
Randolph J N Abbey et ux	23-2656
Raul Meza et ux	23-2655
Saun Otis King et ux	23-2659
Thurman W Owens	23-2654

If you have any questions, please let me know.

Best regards,
Jenna Rollins, Program Support Coordinator
Water Rights Permitting and Availability Section
Water Availability Division

512-239-1845

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 12, 2024

Mr. Buck Benson
Barton Benson Jones, PLLC
1803 Broadway St. Ste. 840
San Antonio, Texas 78215-1490

VIA-EMAIL

RE: Ingram Readymix No. 87, L.L.C.
ADJ 2653
CN604153775, RN102625266
Application No. 23-2653C to Amend a Portion of Certificate of Adjudication No. 23-2653
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Rio Grande, Rio Grande Basin
Val Verde County

Dear Mr. Benson:

This acknowledges receipt, on July 19, 2024, of the referenced application, and fees in the amount of \$112.50 (Receipt No. M418828, copy attached).

Before the application can be declared administratively complete, remit fees in the amount of \$32.34, as described below. Please make the check payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (Amendment)	\$ 100.00
Recording Fee (\$1.25 x 10 pages)	\$ 12.50
Notice Fee (\$2.94 x 11 water rights)	\$ 32.34
TOTAL FEES	\$ 144.84
FEES RECEIVED	\$ 112.50
TOTAL FEES DUE	\$ 32.34

Please provide the requested information by September 11, 2024 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

Please be aware that the amendment request to add uses to Certificate of Adjudication No. 23-2653 may result in annual Water Use Assessment Fees (WUF). For more detailed information on these fees, see the enclosed Frequently Asked Questions fact sheet or contact the Water Quality Monitoring & Assessment Section at (512) 239-3838.

Mr. Buck Benson
Application No. 23-2653C
August 12, 2024
Page 2 of 2

If you have any questions concerning this matter, please contact me via email at jenna.rollins@tceq.texas.gov or by telephone at (512) 239-1845.

Sincerely,

A handwritten signature in cursive script that reads "Jenna Rollins".

Jenna Rollins, Program Support Coordinator
Water Rights Permitting and Availability Section
Water Availability Division

Attachments



TCEQ 01-JUL-24 12:03 PM

RECEIVED
JUL 02 2024
Water Availability Division

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

Jenna Rollins

From: Buck Benson [REDACTED] >
Sent: Wednesday, July 24, 2024 9:23 AM
To: Jenna Rollins
Subject: RE: Ingram Readymix No. 87, LLC Pre Application Meeting Follow-up
Attachments: Page 12 of TCEQ application.pdf; Page 13 of TCEQ application.pdf

Jenna,

See attached. Please let me know if you need anything else.

Once you all determine the parties that may need to get notice, please let me know so we reach out them and try to get consent.

Thanks for your help.



DEVIN "BUCK" BENSON

Member | Barton Benson Jones PLLC

Office: (210) 610-5335
Direct: (210) 640-9146

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 N/A

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: N/A.
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 N/A
If yes, the drainage area is N/A 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): N/A
- b. Zip Code: N/A
- c. In the N/A Original Survey No. N/A, Abstract No. N/A,
N/A County, Texas.

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

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

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

Latitude N/A °N, Longitude N/A °W.

****Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***

- i. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): N/A
- ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N N/A

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

1. ☒ Diversion Point No. - 29.352626, -100.966777
2. ☐ Upstream Limit of Diversion Reach No.
3. ☐ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 2 cfs (cubic feet per second)
or gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / N Y
*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 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 checked="" type="checkbox"/>	Other method (explain fully, use additional sheets if necessary)	<u>Existing - Off channel /</u>

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

Applicant has calculated the drainage area. Y / N N/A

If yes, the drainage area is N/A sq. miles.

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



BARTON BENSON JONES PLLC

O | 210.610.5335

bartonbensonjones.com

1803 Broadway, Suite 840 | San Antonio, Texas 78215

July 11, 2024

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

Re: Ingram Readymix No. 87, LLC

To Whom It May Concern:

Enclosed in this package please find the following:

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

RECEIVED
JUL 19 2024
Water Availability Division

Sincerely,

A handwritten signature in blue ink, appearing to read "Jenane", with a large loop at the end.

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

/jr

Enclosures (as stated)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ WATER RIGHTS PERMITTING APPLICATION

ADMINISTRATIVE INFORMATION CHECKLIST

Complete and submit this checklist for each application. See Instructions Page 5.

APPLICANT(S): Ingram Readymix, No. 87, LLC

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

Y/N

Y Administrative Information Report
N Additional Co-Applicant Information
N Additional Co-Applicant Signature Pages
N 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
N Worksheet 1.0
N Recorded Deeds for Irrigated Land
N Consent for Irrigated Land
N Worksheet 1.1
N Addendum to Worksheet 1.1
Y 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

Y Worksheet 3.0
Y Additional W.S. 3.0 for each Point
Y 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
N 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
Y Public Involvement Plan

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ADMINISTRATIVE INFORMATION REPORT

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

*****Applicants are REQUIRED to schedule a pre-application meeting with TCEQ Staff to discuss Applicant's needs prior to submitting an application. Call the Water Rights Permitting Team to schedule a meeting at (512) 239-4600.**

1. TYPE OF APPLICATION (Instructions, Page. 6)

Indicate, by marking X, next to the following authorizations you are seeking.

☐ New Appropriation of State Water

☒ Amendment to a Water Right *

☐ Bed and Banks

**If you are seeking an amendment to an existing water rights authorization, you must be the owner of record of the authorization. If the name of the Applicant in Section 2 does not match the name of the current owner(s) of record for the permit or certificate or if any of the co-owners is not included as an applicant in this amendment request, your application could be returned. If you or a co-applicant are a new owner, but ownership is not reflected in the records of the TCEQ, submit a change of ownership request (Form TCEQ-10204) prior to submitting the application for an amendment. See Instructions page. 6. Please note that an amendment application may be returned, and the Applicant may resubmit once the change of ownership is complete.*

Please summarize the authorizations or amendments you are seeking in the space below or attach a narrative description entitled "Summary of Request."

Applicant is seeking to add mining use as another authorized use.
~~The~~ Applicant is seeking to add additional diversion points.
The additional diversion point would be the diversion
point identified in CoFA 23-2662-29,352626,-100.966777
Applicant seeks to add all of Val Verde county as the
authorized place of use for the Mining Purpose.

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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?

Ingram Readymix, No. 87, LLC

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

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?
You may search for your CN on the TCEQ website at
<http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN : 604153775 (leave blank if you do not yet have a CN).

What is the name and title of the person or persons signing the application? Unless an application is signed by an individual applicant, the person or persons must submit written evidence that they meet the signatory requirements in 30 TAC § 295.14.

First/Last Name: Devin "Buck" Benson

Title: Authorized Representative

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

What is the applicant's mailing address as recognized by the US Postal Service (USPS)? You may verify the address on the USPS website at
<https://tools.usps.com/go/ZipLookupAction!input.action>.

Name: Ingram Readymix No. 87, LLC

Mailing Address: 3580 FM 482

City: New Braunfels State: TX ZIP Code: 78132

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 _____

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For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: 3204078213 SOS Charter (filing) Number: 0801200945

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

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

First and Last Name: Devin "Buck" Benson

Title: Authorized Representative

Organization Name: Barton Benson Jones, PLLC

Mailing Address: ~~2000 Broadway~~ 1803 Broadway Suite 840

City: San Antonio State: TX ZIP Code: 78215

Phone Number: (210) 640-9146

Fax Number: (210) 600-9796

E-mail Address: [REDACTED]

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4. WATER RIGHT CONSOLIDATED CONTACT INFORMATION (Instructions, Page. 9)

This section applies only if there are multiple Owners of the same authorization. Unless otherwise requested, Co-Owners will each receive future correspondence from the Commission regarding this water right (after a permit has been issued), such as notices and water use reports. Multiple copies will be sent to the same address if Co-Owners share the same address. Complete this section if there will be multiple owners and all owners agree to let one owner receive correspondence from the Commission. Leave this section blank if you would like all future notices to be sent to the address of each of the applicants listed in section 2 above.

I/We authorize all future notices be received on my/our behalf at the following:

First and Last Name: N/A

Title: N/A

Organization Name: N/A

Mailing Address: N/A

City: N/A State: N/A ZIP Code: N/A

Phone Number: N/A

Fax Number: N/A

E-mail Address: N/A

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 NO
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 NO
If yes, please provide the following information:
Enforcement order number: _____ Amount past due: _____
- b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicant's may check their status with the Comptroller at <https://mycpa.cpa.state.tx.us/coa/>
Is the Applicant or Co-Applicant in good standing with the Comptroller? Yes / No YES
- c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use - if required. See TWC §16.012(m) and 30 TAC § 297.41(a)(5). Applicants should check survey status on the TWDB website prior to filing:
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 YES

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Devin "Buck" Benson

Authorized Representative

(Typed or printed name)

(Title)

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

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

Signature: _____

(Use blue ink)

Date: _____

7/10/24

Subscribed and Sworn to before me by the said

on this 10th day of July, 2024.

My commission expires on the 3rd day of February, 2027.

Jenane Rogers

Notary Public

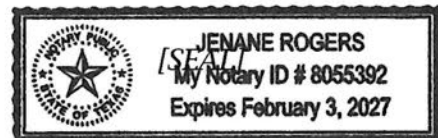
Bexar

County, Texas

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

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

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

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

Date of pre-application meeting: ~~10/21/23~~ 7/10/2024

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: N/A)

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: N/A)

If Applicant answered yes to (a), (b) or (c), the following worksheets and documents are required:

- **Worksheet 1.0 - Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir requested in the application)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point and/or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach requested in the application)
- **Worksheet 5.0 - Environmental Information Worksheet**
- **Worksheet 6.0 - Water Conservation Information Worksheet**
- **Worksheet 7.0 - Accounting Plan Information Worksheet**
- **Worksheet 8.0 - Calculation of Fees**
- **Fees calculated on Worksheet 8.0 - see instructions Page. 34.**
- **Maps - See instructions Page. 15.**
- **Photographs - See instructions Page. 30.**

Additionally, if Applicant wishes to submit an alternate source of water for the project/authorization, see Section 3, Page 3 for Bed and Banks Authorizations (Alternate sources may include groundwater, imported water, contract water or other sources).

Additional Documents and Worksheets may be required (see within).

2. Amendments to Water Rights. TWC § 11.122 (Instructions, Page. 12)

This section should be completed if Applicant owns an existing water right and Applicant requests to amend the water right. *If Applicant is not currently the Owner of Record in the TCEQ Records, Applicant must submit a Change of Ownership Application (TCEQ-10204) prior to submitting the amendment Application or provide consent from the current owner to make the requested amendment. If the application does not contain consent from the current owner to make the requested amendment, TCEQ will not begin processing the amendment application until the Change of Ownership has been completed and will consider the Received Date for the application to be the date the Change of Ownership is completed. See instructions page. 6.*

Water Right (Certificate or Permit) number you are requesting to amend: 23-2653

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

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 Y
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 *If yes, call the Water Availability Division at (512) 239-4600 to discuss.*

Additionally, all amendments require:

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

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

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

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

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

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

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

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

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

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

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

Worksheets and information:

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

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

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

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

Applicant Ingram Ready Mix No. 87, LLC, is located within Region 5 Planning Group. The state and regional plans generally do not address every possible change to individual rights. The application is consistent with the 2021 Region 5 Water and 2022 Water Plan because there isn't anything in the plans that conflict with the application.

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- 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 Y

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

Quantity (acre- feet) <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>
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

N/A Total amount of water (in acre-feet) to be used annually *(include losses for Bed and Banks applications)*

If the Purpose of Use is Agricultural/Irrigation for any amount of water, provide:

a. Location Information Regarding the Lands to be Irrigated

- i) Applicant proposes to irrigate a total of N/A acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of N/A acres in N/A County, TX.
- ii) Location of land to be irrigated: In the N/A Original Survey No. N/A, Abstract No. N/A.

A copy of the deed(s) or other acceptable instrument describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds.

If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.

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

2. Amendments - Purpose or Place of Use (Instructions, Page. 12)

- a. Complete this section for each requested amendment changing, adding, or removing Purpose(s) or Place(s) of Use, complete the following:

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
27.75	Agricultural	Agricultural / Mining	13.87 acres	Mining Use for all of Val Verde County
N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A

*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 N/A acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of N/A acres in N/A County, TX.
 - Location of land to be irrigated: In the N/A Original Survey No. N/A, Abstract No. N/A.

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

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

- 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 N

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

- a. Provide the Basin of Origin. N/A
- b. Provide the quantity of water to be transferred (acre-feet). N/A
- c. Provide the Basin(s) and count(y/ies) where use will occur in the space below:
N/A

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

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

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

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

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

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

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

WORKSHEET 1.2

NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Rio Grande
- b. Zip Code: 78842
- c. Location of point: In the Desidero Bravo Original Survey No. _____, Abstract No. 1612 Val Verde 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 29.352626°N, Longitude -100.966777°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.

Deeds for property where diversion point are attached. Deeds reflect Applicant - Ingram Ready mix No. 87, LLC as Owner.

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WORKSHEET 4.0 DISCHARGE INFORMATION

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

- a. The purpose of use for the water being discharged will be N/A.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses N/A (% or amount) and explain the method of calculation: N/A
- c. Is the source of the discharged water return flows? **Y / N** N/A If yes, provide the following information:

1. The TPDES Permit Number(s). N/A (attach a copy of the **current** TPDES permit(s))
2. Applicant is the owner/holder of each TPDES permit listed above? **Y / N** N/A

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 N/A, surface water N/A?
 5. If any percentage is surface water, provide the base water right number(s) N/A.
- d. Is the source of the water being discharged groundwater? **Y / N** N/A If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped: N/A
 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 N/A.
 3. Indicate how the groundwater will be conveyed to the stream or reservoir.

N/A
 4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.

- di. Is the source of the water being discharged a surface water supply contract? **Y / N** N/A
If yes, provide the signed contract(s).

- dii. Identify any other source of the water N/A

WORKSHEET 4.1 DISCHARGE POINT INFORMATION

This worksheet is required for **each** discharge point. Submit one Worksheet 4.1 for each discharge point. If there is more than one discharge point, the numbering of the points should be consistent throughout the application and on any supplemental documents (e.g., maps).
Instructions, Page 27.

For water discharged at this location provide:

- a. The amount of water that will be discharged at this point is N/A acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of N/A cfs or N/A gpm.
- c. Name of Watercourse as shown on Official USGS maps: N/A
- d. Zip Code N/A
- e. Location of point: In the N/A Original Survey No. N/A, Abstract No. N/A, N/A County, Texas.
- f. Point is at:
Latitude N/A °N, Longitude N/A °W.
****Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- g. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): N/A

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

WORKSHEET 5.0

ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

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

Applicant is seeking to use an existing diversion point

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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).

N/A ☐ 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?

N/A

- ☐ 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:

N/A

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

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

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

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

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 N/A**

- 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 Y

2. Drought Contingency Plans

- a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above – indicate each that applies:
1. N/A Municipal Uses by public water suppliers. See 30 TAC § 288.20.
 2. N/A Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
 3. N/A 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/A

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

The following information provides guidance on when an Accounting Plan may be required for certain applications and if so, what information should be provided. An accounting plan can either be very simple such as keeping records of gage flows, discharges, and diversions; or, more complex depending on the requests in the application. Contact the Surface Water Availability Team at 512-239-4600 for information about accounting plan requirements, if any, for your application. **Instructions, Page 34.**

1. Is Accounting Plan Required

Accounting Plans are generally required:

- For applications that request authorization to divert large amounts of water from a single point where multiple diversion rates, priority dates, and water rights can also divert from that point;
- For applications for new major water supply reservoirs;
- For applications that amend a water right where an accounting plan is already required, if the amendment would require changes to the accounting plan;
- For applications with complex environmental flow requirements;
- For applications with an alternate source of water where the water is conveyed and diverted; and
- For reuse applications.

2. Accounting Plan Requirements

- a. A **text file** that includes:
 1. an introduction explaining the water rights and what they authorize;
 2. an explanation of the fields in the accounting plan spreadsheet including how they are calculated and the source of the data;
 3. for accounting plans that include multiple priority dates and authorizations, a section that discusses how water is accounted for by priority date and which water is subject to a priority call by whom; and
 4. Should provide a summary of all sources of water.
- b. A **spreadsheet** that includes:
 1. Basic daily data such as diversions, deliveries, compliance with any instream flow requirements, return flows discharged and diverted and reservoir content;
 2. Method for accounting for inflows if needed;
 3. Reporting of all water use from all authorizations, both existing and proposed;
 4. An accounting for all sources of water;
 5. An accounting of water by priority date;
 6. For bed and banks applications, the accounting plan must track the discharged water from the point of delivery to the final point of diversion;
 7. Accounting for conveyance losses;
 8. Evaporation losses if the water will be stored in or transported through a reservoir. Include changes in evaporation losses and a method for measuring reservoir content resulting from the discharge of additional water into the reservoir;
 9. An accounting for spills of other water added to the reservoir; and
 10. Calculation of the amount of drawdown resulting from diversion by junior rights or diversions of other water discharged into and then stored in the reservoir.

WORKSHEET 8.0 CALCULATION OF FEES

This worksheet is for calculating required application fees. Applications are not Administratively Complete until all required fees are received. **Instructions, Page. 34**

1. NEW APPROPRIATION

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

3. BED AND BANKS

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



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: Click to add text Ingram Ready mix No. 87, LLC
Address: 3580 FM 482
Telephone Number: (830) 625-9156 Fax: (830) 625-9174
Form Completed By: Greg Johnson
Title: VP
Signature: _____ Date: 7/12/2024

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.

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I. BACKGROUND DATA

A. Water Use

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

193.75 Total

~~COA 23-2662~~

COA 23-2662 - 166 ac.ft

COA 23-2653 - 27.5

2. Maximum diversion rate (cfs):

COA 23-2662 - 2.67 CFS

COA 23-2653 2.00 CFS

B. Water Sources

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

Source	Water Right No.(s)	Current Use	Anticipated Use
Surface Water	CoFA 23-2662	104.5231	104.5231
Groundwater	CoFA 23-2653		
Purchased			
Total			

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)

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C. Mining Information

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

Concrete Aggregate

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2. North American Industry Classification System (NAICS): 212321

II. WATER USE AND CONSERVATION PRACTICES

A. Water Use in Mining Processes

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

Other _____

Facility Use	% Groundwater	% Surface Water	% Saline Water	% Treated Water	Water Use (in acre-ft)
Pond(s)		100			
Sanitary & drinking water		0			
Irrigation & dust control		0			
Other		0			

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1. Was fresh water recirculated at this facility? ☒ Yes ☐ No
2. Provide a detailed description of how the water will be utilized in the mining process.
Washing of sand and gravel
3. Estimate the quantity of water consumed in production and mining processes and is therefore unavailable for reuse, discharge, or other means of disposal.
30 ac.ft
4. Monthly water consumption for previous year (in acre-feet).

Month	Diversion Amount	% of Water Returned (If Any)	Monthly Consumption
January	9.5136		9.5136
February	6.5275		6.5275
March	7.9239		7.9239
April	10.1641		10.1641
May	10.5447		10.5447
June	6.1009		6.1009
July	9.4061		9.4061
August	6.0181		6.0181

September	<u>10.9284</u>	<u>10.9284</u>
October	<u>9.4306</u>	<u>9.4306</u>
November	<u>7.8440</u>	<u>7.8440</u>
December	<u>10.1212</u>	<u>10.1212</u>
Totals	<u>104.5231</u>	<u>104.5231</u>

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

Month	Diversion Amount	% of Water Returned (If Any)	Monthly Consumption
January	<u>9.5136</u>		<u>9.5136</u>
February	<u>6.5275</u>		<u>6.5275</u>
March	<u>7.9239</u>		<u>7.9239</u>
April	<u>10.1641</u>		<u>10.1641</u>
May	<u>10.5447</u>		<u>10.5447</u>
June	<u>6.1009</u>		<u>6.1009</u>
July	<u>9.4061</u>		<u>9.4061</u>
August	<u>6.0181</u>		<u>6.0181</u>
September	<u>10.9284</u>		<u>10.9284</u>
October	<u>9.4306</u>		<u>9.4306</u>
November	<u>7.8440</u>		<u>7.8440</u>
December	<u>10.1212</u>		<u>10.1212</u>
Totals	<u>104.5231</u>		<u>104.5231</u>

B. Specific and Quantified Conservation Goal

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

1. Water conservation goal (water use efficiency measure)

Type of goal(s):

☐ % reused water

☐ % of water not consumed and therefore returned

Other (specify)

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2. Provide specific, quantified 5-year and 10-year targets for water savings and the basis for development of such goals for this water use/facility.

Specific water use goals are difficult to establish at this facility. Water is utilized only as needed and the majority of water is use in process.

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

a. 5-year goal: 1%.

b. 10-year goal: 2%.

3. Describe the device(s) and/or method(s) used to measure and account for the amount of water diverted from the supply source, and verify the accuracy is within plus or minus 5%.

Water is metered as it is withdrawn. The water meter is monitored and calibrated as needed. The meter accuracy is within 5%.

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

Water is pumped from the diversion point to the operation. Piping is visually inspected and leaks are repaired as necessary.

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

Water is only diverted ~~as necessary~~ when needed. Mobile equipment is utilized as necessary for cleanup in lieu of washing.

6. Describe any other water conservation practice, method, or technique which the user shows to be appropriate for achieving the stated goal or goals of the water conservation plan:

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

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

This is not an application for a new or additional state water

Water Conservation Plans submitted with a water right application for New or Additional State Water must include data and information which:

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;
2. evaluates conservation as an alternative to the proposed appropriation; and
3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

Additionally, it shall be the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists and that the requested amount of appropriation is necessary and reasonable for the proposed use.

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2. Provide specific, quantified 5-year and 10-year targets for water savings and the basis for development of such goals for this water use/facility.

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

- a. 5-year goal: 5%.
- b. 10-year goal: 10%.

3. Describe the device(s) and/or method(s) used to measure and account for the amount of water diverted from the supply source, and verify the accuracy is within plus or minus 5%.
4. Provide a description of the leak-detection and repair, and water-loss accounting measures used.
5. Describe the application of state-of-the-art equipment and/or process modifications used to improve water use efficiency.
6. Describe any other water conservation practice, method, or technique which the user shows to be appropriate for achieving the stated goal or goals of the water conservation plan:

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

Water Conservation Plans submitted with a water right application for New or Additional State Water must include data and information which:

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;
2. evaluates conservation as an alternative to the proposed appropriation; and
3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

Additionally, it shall be the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists and that the requested amount of appropriation is necessary and reasonable for the proposed use.

2. Provide specific, quantified 5-year and 10-year targets for water savings and the basis for development of such goals for this water use/facility.

Through conservation, visual inspection &

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

- a. 5-year goal: *5%.*
b. 10-year goal: *10%.*

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3. Describe the device(s) and/or method(s) used to measure and account for the amount of water diverted from the supply source, and verify the accuracy is within plus or minus 5%.

*method of 5% accuracy
device is accurate within 5%.*

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

*visual inspection lines on a daily basis. repair
leaks immediately to minimize water loss.*

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

6. Describe any other water conservation practice, method, or technique which the user shows to be appropriate for achieving the stated goal or goals of the water conservation plan:

add something here

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

N/A

Water Conservation Plans submitted with a water right application for New or Additional State Water must include data and information which:

- [scribble]*
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.



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

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**If all the above boxes are not checked, a Public Involvement Plan is not necessary.
Stop after Section 2 and submit the form.**

- ☒ Public Involvement Plan not applicable to this application. Provide **brief** explanation.

A Public Improvement Plan is not applicable because this application does not have significant public



Section 3. Application Information

N/A

Type of Application (check all that apply):

Air ☐ Initial ☐ Federal ☐ Amendment ☐ Standard Permit ☐ Title V
Waste ☐ Municipal Solid Waste ☐ Industrial and Hazardous Waste ☐ Scrap Tire
☐ Radioactive Material Licensing ☐ Underground Injection Control

Water Quality

☐ Texas Pollutant Discharge Elimination System (TPDES)
☐ Texas Land Application Permit (TLAP)
☐ State Only Concentrated Animal Feeding Operation (CAFO)
☐ Water Treatment Plant Residuals Disposal Permit
☐ Class B Biosolids Land Application Permit
☐ Domestic Septage Land Application Registration

Water Rights New Permit

☐ New Appropriation of Water
☐ New or existing reservoir

Amendment to an Existing Water Right

☐ Add a New Appropriation of Water
☐ Add a New or Existing Reservoir
☐ Major Amendment that could affect other water rights or the environment

Section 4. Plain Language Summary

Provide a brief description of planned activities.

N/A

Section 5. Community and Demographic Information

N/A

Community information can be found using EPA's EJ Screen, U.S. Census Bureau information, or generally available demographic tools.

Information gathered in this section can assist with the determination of whether alternative language notice is necessary. Please provide the following information.

(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

N/A

(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)

Notice of confidentiality rights: if you are a natural person, you may remove or strike any or all of the following information from this instrument before it is filed for record in the public records: your social security number or your driver's license number.

GENERAL WARRANTY DEED

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

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

GRANTOR'S MAILING ADDRESS (Including County):

3580 FM 482
New Braunfels, Comal County, Texas 78132

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Water Availability Division

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

GRANTEE'S MAILING ADDRESS (Including County):

3580 FM 482
New Braunfels, Comal County, Texas 78132

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

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

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

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

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

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

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

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

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

2. The following reservations and easements affecting the Property:

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

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

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

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

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

GRANTOR:

INGRAM READYMIX SOUTH/WEST, LTD.

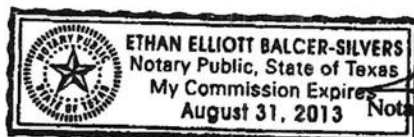
Ingram G.P., L.L.C., General Partner

By: Earl Evans Ingram, President

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JUL 19 2024
Water Availability Division

THE STATE OF TEXAS §
§
COUNTY OF VAL VERDE §

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



Ethel Silver
Notary Public, State of Texas

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

EXHIBIT "A"

00255071

FIELD NOTES FOR A 39.354 ACRE TRACT

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

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

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

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

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

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

Plat prepared this day.

Surveyed on the ground the 3rd day of June, 2008.



E.F. Burkhart
E.F. Burkhart RPLS 1706

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EXHIBIT "B"

00255071

FIELD NOTES FOR A 80.726 ACRE TRACT

Being 80.726 acres and being approximately 75.216 acres out of the Poindexter & Burns Survey 171, Abstract 1329 and 5.510 acres out of the Poindexter & Burns Survey 172, Abstract 1324, Val Verde County, Texas and also being out of a 82.744 acre tract described in Volume 481, Page 32 of the Deed Records of Val Verde County, Texas and being more particularly described as follows;

Beginning at a set $\frac{1}{4}$ " iron with orange cap stamped Bain Medina Bain (hereinafter called set iron pin) in the East line of Rio Vista Drive as shown on the plat of Vega Verde Estates Block "G" recorded in Volume 4, Page 18 of the Map Records of Val Verde County, Texas, said iron pin being at the Southwest corner of said 82.744 acre tract, the Northwest corner of a 65.4 acre tract described in Volume 572, Page 665 of the Deed Records of Val Verde County, Texas, for the Southwest corner of this tract;

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

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

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

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

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

Thence continuing with West line of said railroad S $34^{\circ} 06' 07''$ E 1035.38 feet to a set iron pin at the P.C. of a curve to the left;

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

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80.726 acre tract page 2

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

Plat prepared this day.

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


E.F. Burkhart RPLS 1706

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EXHIBIT "C"

00255071

FIELD NOTES FOR A 68.999 ACRE TRACT

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

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

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

Thence with the Northwest line of said 69.0 acre tract, the Southeast line of said 58.49 acre tract, N 26° 35' 10" E 1022.37 feet to a ½" iron pin found and N 26° 40' 43" E 1097.06 feet to a ½" iron pin found in the Southwest line of the Southern Pacific Railroad;

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

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

Plat prepared this day.

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

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

EWB



E. F. Burkhardt
E. F. Burkhardt RPLS 1706

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Water Availability Division



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

Document Number: 00255071
Receipt# - 80814
Amount 44.00

Generosa Gracia-Ramon
County Clerk, Val Verde County

[Signature]
By: Deputy
Norma Cummins

STATE OF TEXAS COUNTY OF VAL VERDE

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

Dec 17, 2009 02:14P

Generosa Gracia-Ramon
County Clerk, Val Verde County

By: *[Signature]*
maria Fuentes

FILED BY
PRESIDIO TITLE

00243684

GF#108538

Notice of confidentiality rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security number or your driver's license number.

SPECIAL WARRANTY DEED

(Capitol Aggregates, Ltd. to Ingram Readymix South/West, Ltd.)

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JUL 19 2024

Effective Date: June 13, 2008

Grantor: Capitol Aggregates, Ltd., a Texas limited partnership (successor in interest to Capitol Aggregates, Inc.) Water Availability Division

Grantor's Mailing Address: (including county): P.O. Box 33240
San Antonio, Bexar County, TX 78265-33240

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

Grantee's Mailing Address (including county): 3580 FM 482 New Braunfels, Texas 78132

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

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

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

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

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

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

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

GRANTOR

Capitol Aggregates, Ltd., by its General Partner,
Capitol Aggregates, LLC (TX)

By: 

Joel Galassini, Vice President

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Water Availability Division

STATE OF TEXAS

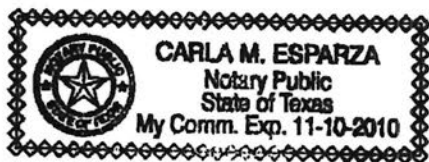
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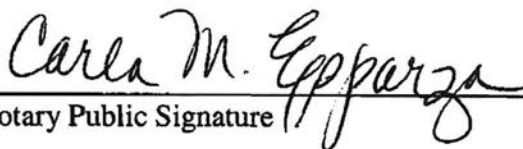
§

COUNTY OF VAL VERDE

§

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




Notary Public Signature

(PERSONALIZED SEAL)

AFTER RECORDING RETURN TO:

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

EXHIBIT "A"

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

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

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

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FIELD NOTES FOR A 39.354 ACRE TRACT

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

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

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

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

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

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

Plat prepared this day.

Surveyed on the ground the 3rd day of June, 2008.



E.F. Burkhardt
E.F. Burkhardt RPLS 1706

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EXHIBIT "B"

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FIELD NOTES FOR A 80.726 ACRE TRACT

Being 80.726 acres and being approximately 75.216 acres out of the Poindexter & Burns Survey 171, Abstract 1329 and 5.510 acres out of the Poindexter & Burns Survey 172, Abstract 1324, Val Verde County, Texas and also being out of a 82.744 acre tract described in Volume 481, Page 32 of the Deed Records of Val Verde County, Texas and being more particularly described as follows;

Beginning at a set $\frac{1}{2}$ " iron with orange cap stamped Bain Medina Bain (hereinafter called set iron pin) in the East line of Rio Vista Drive as shown on the plat of Vega Verde Estates Block "G" recorded in Volume 4, Page 18 of the Map Records of Val Verde County, Texas, said iron pin being at the Southwest corner of said 82.744 acre tract, the Northwest corner of a 65.4 acre tract described in Volume 572, Page 665 of the Deed Records of Val Verde County, Texas, for the Southwest corner of this tract;

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

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

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

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

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

Thence continuing with West line of said railroad S $34^{\circ} 06' 07''$ E 1035.38 feet to a set iron pin at the P.C. of a curve to the left;

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

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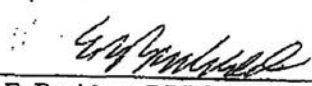
80.726 acre tract page 2

00243684

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

Plat prepared this day.

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


E.F. Burkhart RPLS 1706

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EXHIBIT "C"

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FIELD NOTES FOR A 68.999 ACRE TRACT

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

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

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

Thence with the Northwest line of said 69.0 acre tract, the Southeast line of said 58.49 acre tract, N 26° 35' 10" E 1022.37 feet to a ½" iron pin found and N 26° 40' 43" E 1097.06 feet to a ½" iron pin found in the Southwest line of the Southern Pacific Railroad;

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

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

Plat prepared this day.

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

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

E. F. Burkhardt



E. F. Burkhardt
E. F. Burkhardt RPLS 1706

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FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
On: Jun 18, 2008 at 11:28A

Document Number: 00243684
Receipt# - 68952
Amount 40.00

Generosa Gracia-Ramon
County Clerk, Val Verde County

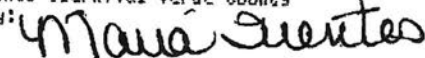
By  Deputy
Norma Cummings

STATE OF TEXAS COUNTY OF VAL VERDE

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

Jun 18, 2008 11:28A

Generosa Gracia-Ramon
County Clerk, Val Verde County

By: 

July 10, 2024

Texas Commission on Environmental Quality

To whom it may concern:

Please allow this correspondence to serve as permission for Devin "Buck" Benson of Barton Benson Jones, PLLC to apply to the TCEQ to amend Certificate of Adjudication No. 23-2653.

Ingram Readymix No. 87, LLC
Texas limited liability company

By: [Signature]
Name: Gary Johnson
Title: Vice Pres.

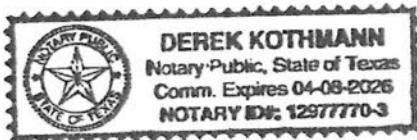
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State of Texas §
§
County of Comal §

Subscribed and sworn before this 11TH day of July, 2024, by
GARY JOHNSON, VICE PRESIDENT of Ingram Readymix No. 87, LLC, a Texas
limited liability company.



[Signature]
Notary Public's Signature
Date Commission Expires: 4-8-2026



TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

Total (Fee Code): -\$212.50

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