

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION FOR A TEMPORARY WATER USE PERMIT

APPLICATION NO. 13829

RK Hall, LLC seeks a temporary water use permit to divert and use not to exceed 15 acre-feet of water, within a period of one year, from a point on Bois d'Arc Creek, tributary of the Red River, Red River Basin, at a maximum diversion rate of 0.56 cfs (250 gpm), for industrial purposes in Fannin County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. RK Hall, LLC, Applicant, 5020 SE Loop 286, Paris, Texas 75460, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Temporary Water Use Permit pursuant to Texas Water Code § 11.138 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Notice is being mailed to the downstream water right holders of record in the Red River Basin pursuant to Title 30 TAC § 295.154(a).

RK Hall, LLC seeks a temporary water use permit to divert and use not to exceed 15 acre-feet of water, within a period of one year, from a point on Bois d'Arc Creek, tributary of the Red River, Red River Basin, at a maximum diversion rate of 0.56 cfs (250 gpm) for industrial purposes in Fannin County.

The water will be diverted from a point located at Latitude 33.466231 ° N, Longitude 96.277217 ° W in Fannin County, ZIP Code 75490.

The application and partial fees were received on March 7, 2022. Additional information and fees were received on May 24, June 17, and July 6, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on July 13, 2022.

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, a requirement to take reasonable measures to reduce impacts to aquatic resources due to impingement and entrainment. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: at

https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps.

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

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below, by May 16, 2023. 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 May 16, 2023. The Executive Director may approve the application unless a written request for a contested case hearing is filed by May 16, 2023.

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 WRTP 13829 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: April 28, 2023

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TEMPORARY WATER USE PERMIT

PERMIT NO. 13829

TYPE § 11.138

Permittee: RK Hall, LLC

Address: 5020 SE Loop 286
Paris, TX 75460

Received: March 7, 2022

Granted:

Watercourse: Bois d'Arc Creek

County: Fannin

Watershed: Red River Basin

WHEREAS, after considering the recommendation of the staff relative to the above identified application, the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. The application is in proper form and accompanied by all necessary fees.
2. Sufficient water is available at the proposed diversion point to satisfy the requested diversion and use of not to exceed 15 acre-feet of water, within a period of one year, from a point on Bois d'Arc Creek, tributary of the Red River, Red River Basin, for industrial purposes in Fannin County.
3. The water will be diverted at a maximum diversion rate of 0.56 cfs (250 gpm) from a point located at Latitude 33.466231° N, Longitude 96.277217° W in Fannin County.
4. Notice of this application was mailed to the downstream water right holders of record.

CONCLUSIONS OF LAW

- A. Jurisdiction is vested to consider this application under Texas Water Code § 11.138 and Title 30 Texas Administrative Code §§ 295.174 and 297.13.
- B. Applicant has complied with the particular requirements of the Texas Commission on Environmental Quality.
- C. The Executive Director recommends that special conditions be included.

NOW, THEREFORE, Temporary Water Use Permit No. 13829 is issued to the RK Hall, LLC subject to the following terms and conditions:

1. USE

Permittee is authorized to divert and use not to exceed 15 acre-feet of water, within a period of one year, from a point on Bois d'Arc Creek for industrial purposes in Fannin County.

2. DIVERSION

Permittee is authorized to divert:

- A. From a point on Bois d'Arc Creek located at Latitude 33.466231° N, Longitude 96.277217° W in Fannin County.
- B. At a maximum diversion rate of 0.56 cfs (250 gpm).

3. SPECIAL CONDITIONS

- A. Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).
- B. Upon diversion and use of the water authorized herein, this temporary water use permit shall expire and be of no further force and effect.
- C. This temporary water use permit shall expire and become null and void one year from the date of issuance with no further Commission action. Permittee also waives the right to notice and hearing on cancellation of this water right.
- D. No diversion of water shall be made when such water is required to satisfy domestic and livestock demands downstream, or when necessary to satisfy senior and superior water rights and instream needs.
- E. Permittee shall install and maintain a measuring device or method which accounts for, within 5% accuracy, the quantity of water diverted from the point authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- F. Permittee shall allow representatives of the Texas Commission on Environmental Quality reasonable access to the property to inspect the measuring device and records.
- G. The issuance of this temporary water use permit does not grant to the permittee the right to use private or public property for diversion of water authorized by this permit. This includes property belonging to but not limited to any individual, partnership, corporation or public entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to make any diversion authorized by this permit.

This temporary water use permit does not vest in its holder a permanent right and shall in no event be construed as a commitment of the Commission to approve or disapprove any other application or request by the Permittee.

Permittee agrees to be bound by the terms, conditions, and provisions contained herein, and such agreement is a condition precedent to the granting of this temporary water use permit.

All other matters requested in the application which are not specifically granted by this temporary water use permit are denied.

This temporary water use permit is issued subject to the Rules of the Texas Commission on Environmental Quality and to its right of continuing supervision.

DATE ISSUED:

For the Commission

DRAFT

Natalia Ponebshek

From: Chad Stone <[REDACTED]>
Sent: Thursday, April 13, 2023 5:25 PM
To: Natalia Ponebshek
Subject: Re: RK HALL, LLC App. No 13829 Draft Permit

Approved.. no comments

Get [Outlook for iOS](#)

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Monday, April 10, 2023 2:43:21 PM
To: Chad Stone <[REDACTED]>
Cc: Benton Cobb [REDACTED]
Subject: RK HALL, LLC App. No 13829 Draft Permit

This message originated from outside your organization

Hello,

Please find the attached draft temporary permit and notice for the abovementioned application. Please provide any comments you may have by close of business on April 24, 2023.

Thank you,

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

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 10, 2023

Mr. Chad Stone
RK Hall, LLC
5020 SE Loop 286
Paris, TX 75460

VIA E-MAIL

RE: RK Hall, LLC
WRTP 13829
CN604705673, RN111453031
Application No. 13829 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Bois d'Arc Creek, Red River Basin
Fannin County

Dear Mr. Stone:

Drafts, subject to revision, of the public notice, proposed Temporary Water Use Permit No. 13829, and the 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 April 24, 2023 with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

Please note this application requires a 15-day comment period and once the comment period has closed, the proposed Temporary Water Use Permit No. 13829 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 at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality

Attachments

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TEMPORARY WATER USE PERMIT

PERMIT NO. 13829

TYPE § 11.138

Permittee: RK Hall, LLC

Address: 5020 SE Loop 286
Paris, TX 75460

Received: March 7, 2022

Granted:

Watercourse: Bois d'Arc Creek

County: Fannin

Watershed: Red River Basin

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1. The application is in proper form and accompanied by all necessary fees.
2. Sufficient water is available at the proposed diversion point to satisfy the requested diversion and use of not to exceed 15 acre-feet of water, within a period of one year, from a point on Bois d'Arc Creek, tributary of the Red River, Red River Basin, for industrial purposes in Fannin County.
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4. Notice of this application was mailed to the downstream water right holders of record.

CONCLUSIONS OF LAW

- A. Jurisdiction is vested to consider this application under Texas Water Code § 11.138 and Title 30 Texas Administrative Code §§ 295.174 and 297.13.
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- A. Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).
- B. Upon diversion and use of the water authorized herein, this temporary water use permit shall expire and be of no further force and effect.
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This temporary water use permit does not vest in its holder a permanent right and shall in no event be construed as a commitment of the Commission to approve or disapprove any other application or request by the Permittee.

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All other matters requested in the application which are not specifically granted by this temporary water use permit are denied.

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DATE ISSUED:

For the Commission

DRAFT

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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APPLICATION NO. 13829

RK Hall, LLC seeks a temporary water use permit to divert and use not to exceed 15 acre-feet of water, within a period of one year, from a point on Bois d'Arc Creek, tributary of the Red River, Red River Basin, at a maximum diversion rate of 0.56 cfs (250 gpm), for industrial purposes in Fannin County. More information on the application and how to participate in the permitting process is given below.

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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, a requirement to take reasonable measures to reduce impacts to aquatic resources due to impingement and entrainment. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: at https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

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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.

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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 W RTP 13829 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: March 22, 2023

Through: ^{KA} Kathy Alexander, Ph.D., Policy and Technical Analyst
Water Availability Division

^{TG} Trent Gay, Team Leader
Surface Water Availability Team

From: Andrew Garcia, Hydrologist
Surface Water Availability Team

Subject: RK Hall, LLC
WRTP 13829
CN604705673
Bois D'Arc Creek, Red River Basin
Fannin County

HYDROLOGY REVIEW

Application Summary

RK Hall, LLC (Applicant) requests a temporary water use permit to divert a maximum of 15 acre-feet of water within a one-year period from a point on Bois D'Arc Creek, Red River Basin, at a maximum diversion rate of 0.56 cfs (250 gpm), for industrial purposes in Fannin County.

The application was declared administratively complete on July 13, 2022.

Hydrology Review

Resource Protection staff did not recommend that the application be subject to instream flow requirements; however, they did recommend other special conditions. See Resource Protection memo dated March 22, 2023.

Staff reviewed current conditions in the Red River Basin to determine whether surplus water is available for this request. Staff notes that the most recent Drought Monitor (March 14, 2023) indicates that Fannin County is not experiencing any drought conditions.

The diversion requested in the application is for a short period of time (12 months). This temporary permit will be junior to all existing water rights, and subject to suspension if water is needed for those water rights. Staff's opinion is that existing water rights will not be affected by this short-term temporary permit.

Conclusion

Staff can support granting the application provided the permit includes Resource Protection staff's special conditions.

Andrew Garcia

Andrew Garcia, Hydrologist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Natalia Ponebshek, Project Manager
Water Rights Permitting Team

Date: March 22, 2023

Through: Leslie Patterson, Team Leader
Resource Protection Team

From: George Gable, Aquatic Scientist
Resource Protection Team

Subject: RK Hall, LLC
WRTP 13829
CN604705673
Bois D'Arc Creek, Red River Basin
Fannin 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

RK Hall, LLC (Applicant) requests a temporary water use permit to divert a maximum of 15 acre-feet of water within a one-year period from a point on Bois D'Arc Creek, Red River Basin, at a maximum diversion rate of 0.56 cfs (250 gpm), for industrial purposes in Fannin County.

ENVIRONMENTAL ANALYSIS

Aquatic and Riparian Habitats: The Applicant's diversion point is located on Bois D'Arc Creek, an intermittent stream with perennial pools, in the Northern Blackland Prairie ecoregion (Griffith et al. 2007).

The checklist for the Red River Basin identified 92 species of ichthyofauna occurring within the Bois D'Arc Island hydrologic unit (United States Geologic Survey [USGS] code 11140101) (Hendrickson and Cohen 2015). This permit is not expected to have an effect on any federally listed or high interest aquatic or aquatic-dependent species.

The Applicant has agreed to install screens on any new diversion structures in order to minimize entrainment and impingement of aquatic organisms.

"Streamflow, which is strongly correlated with many critical physicochemical characteristics of rivers such as water temperature, channel geomorphology and habitat diversity, can be considered the 'master variable' that limits the distribution and abundance of riverine species and regulates the ecological integrity of flowing water systems" (Resh et al. 1988; Power et al. 1995; Poff et al. 1997). Maintaining the natural flow regime, or streamflow variability, plays a critical role in sustaining native biodiversity and ecosystem integrity in rivers (Poff et al. 1997). The TCEQ desktop methodology for determining environmental flow restrictions, excluding basins with adopted environmental flow standards, is the Lyons Method. The Lyons Method establishes minimum flows of 40% of the median monthly flows for October through February and 60% of the median monthly flows for March through September in order to protect aquatic habitat (Bounds et al. 1979). This methodology produces flow numbers for each month of the year to mimic natural flow patterns (Bounds et al. 1979). Resource Protection staff do not recommend a streamflow restriction, because the Applicant's diversion point is located on an intermittent stream with perennial pools and streamflow restrictions are not assigned to intermittent streams in the Red River Basin. The Applicant's request is not expected to adversely impact aquatic and riparian habitats in the area.

Recreational Uses: According to Appendix G of the Texas Surface Water Quality Standards, Bois D'Arc Creek from the confluence with the Red River in Fannin County upstream to the headwaters northwest of the City of Whitewright in Grayson County has a secondary contact recreation 1 use (TCEQ 2018). The Applicant's request should not adversely impact recreational uses.

Water Quality: According to Appendix D of the Texas Surface Water Quality Standards, Bois D'Arc is an intermittent stream with perennial pools from the confluence with Sandy Creek north of the City of Dodd City upstream to the confluence with Pace Creek and has a designated intermediate aquatic life use (TCEQ 2018). 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 site is located near the Texas and Oklahoma border and is significantly more than 200 river miles from the Gulf Coast. The project should not impact Texas bays and estuaries because the stream does not flow to a bay or estuary in Texas.

RECOMMENDATIONS

Resource Protection staff recommends the following Special Condition be included in the proposed temporary permit, if granted:

Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall

include, but shall not be limited to, the installation of screens on any new diversion structure(s).

LITERATURE CITED

Bounds RL, Lyons BW, Travis CD. 1979. Statewide Fishery Management Recommendations: Existing Reservoir and Stream Management Recommendations, Statewide Minimum Streamflow Recommendations. Federal Aid Project F-30-R-4. Austin (TX): Texas Parks and Wildlife Department.

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. 2015. Fishes of Texas Project Database [Internet]. [2022 August 17]; Version 2.0. Available from <http://www.fishesoftexas.org/home/doi:10.17603/C3WC70>

Poff NL, Allan JD, Bain MB, Karr JR, Prestegard KL, Richter BD, Sparks RE, Stromberg JC. 1997. The natural flow regime: a paradigm for river conservation and restoration. *BioScience*. 47:769-84.

Power ME, Sun A, Parker M, Dietrich WE, Wootton JT. 1995. Hydraulic food-chain models: an approach to the study of food-web dynamics in large rivers. *BioScience*. 45:159-167.

Resh VH, Brown AV, Covich AP, Gurtz ME, Li HW, Minshwall GW, Reice SR, Sheldon AL, Wallace JB, Wissmar R. 1988. The role of disturbance in stream ecology. *Journal of the North American Benthological Society*. 7:433-455.

TCEQ. 2018. Texas Surface Water Quality Standards §§307.1-307.10. Austin (TX): Texas Commission on Environmental Quality.

TPWD. 2015. TPWD County Lists of Texas Protected Species and Species of Greatest Conservation Need [Internet]. Austin (TX): Fannin County, revised July 12, 2022. [2022 August 17]. Available from <http://tpwd.texas.gov/gis/rtest/>.


George Gable, Aquatic Scientist

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: July 13, 2022

SUBJECT: RK Hall, LLC
WRTP 13829
CN604705673, RN111453031
Application No. 13829 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Bois d'Arc Creek, Red River Basin
Fannin County

The application and partial fees were received on March 7, 2022. Additional information and fees were received on May 24, June 17, and July 6, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on July 13, 2022. Limited mailed notice to downstream water right holders of record in the Red River Basin is required pursuant to Title 30 Texas Administrative Code § 295.154(a).

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*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 13, 2022

Mr. Chad Stone
RK Hall, LLC
5020 SE Loop 286
Paris, TX 75460

VIA E-MAIL

RE: RK Hall, LLC
WRTP 13829
CN604705673, RN111453031
Application No. 13829 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Bois d'Arc Creek, Red River Basin
Fannin County

Dear Mr. Stone:

This acknowledges receipt, on May 24, June 17 and July 6, 2022, of additional information and fees in the amount of \$36.62 (Receipt No. M217576, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on July 13, 2022. Staff will continue processing the application for consideration by the Executive Director.

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

If you have any questions concerning the application, please contact me via email at 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

Natalia Ponebshek

From: Benton Cobb [REDACTED]
Sent: Wednesday, July 6, 2022 9:18 AM
To: Natalia Ponebshek
Subject: RK HALL, LLC App. No 13829
Attachments: Signed Letter.pdf; Randolph Warranty Deed.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Here is proof of land ownership at diversion point and letter stating Jason Exum Can sign for RK Hall, LLC

Benton Cobb
Aggregate Safety Manager
RK Hall LLC
5020 SE Loop 286
Paris, Texas 75460
Cell: (903)-249-1617



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

General Warranty Deed

Grantor: MICHAEL SCOTT CALL and LARRY ROYCE CALL, each conveying his sole and separate, non-homestead property

Grantor's Mailing Address:

Michal Scott Call	Larry Royce Call
9748 S. State Hwy 121	221 Lakeside Circle
Trenton, Texas 75490	Murphy, Texas 75094

Grantee: R K HALL, LLC

Grantee's Mailing Address: 5020 SE Loop 286, Paris, Texas 75460

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

Being 24.101 acres, more or less, out of the Henry S. Hitchcock Survey, Abstract No. 478, Fannin County, Texas, and being more particularly described in **EXHIBIT "A"** attached hereto and incorporated herein by reference for all purposes.

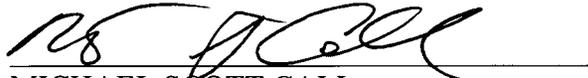
Reservations from Conveyance: NONE

Exceptions to Conveyance and Warranty: Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and property taxes for the current year, which have been prorated at Closing, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the 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 way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

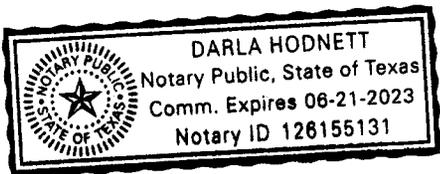
When the context requires, singular nouns and pronouns include the plural.


MICHAEL SCOTT CALL


LARRY ROYCE CALL

STATE OF TEXAS)
COUNTY OF FANNIN)

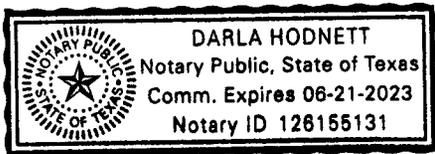
This instrument was acknowledged before me on the 11 day of Nov., 2021,
by **MICHAEL SCOTT CALL**.




Notary Public, State of Texas

STATE OF TEXAS)
COUNTY OF FANNIN)

This instrument was acknowledged before me on the 11 day of Nov., 2021,
by **LARRY ROYCE CALL**.




Notary Public, State of Texas

AFTER RECORDING RETURN TO:

COLE TITLE COMPANY
709 N. Center St.
Bonham, Texas 75418

GF No. 20210910474

EXHIBIT "A"

SURVEY # 2021-193

SHEET 2 OF 2 SHEETS

Being 24.101 acres of land, a part of the Henry S. Hitchcock Survey Abstract Number 478, lying and being situated on the South side of State Highway 121 Just North of Bois d' Arc Canal in Fannin County Texas. The said 24.101 acre tract contains part of the 20 acre Tract One that is referenced in Gift General Warranty Deed to Michael Scott Call and Larry Royce Call in Volume 1344, Page 44 in the Official Public Records of Fannin County, Texas, that is described in the First Tract set out to Virginia Hutcherson in a Deed of Partition in Volume 484, Page 702 in the Deed Records of Fannin County, Texas. The said 24.101 acre tract also contains part of the 20 acre Tract Four that is referenced in Volume 1344, Page 44 and is described in the Fourth Tract set out to Virginia Hutcherson in a Deed of Partition in Volume 484, Page 702 in the Deed Records of Fannin County, Texas. The said 24.101 acre tract also contains part of the 14 acre Tract No. 4 in Tract Sixteen that is referenced in Volume 1344, Page 44, that is described in Warranty Deed to Virginia Hutcherson in Volume 459, Page 245 in the Deed Records of Fannin County, Texas. The said 24.101 acre tract also contains an area of approximately 13.1 acres off the South side of this 24.101 acre tract that has been held by long term possession. The deed for the approximate 13.1 acre area has currently not been located. The said 24.101 acre tract being described more particularly by metes and bounds as follows:

Commencing at a found concrete right-of-way monument located at Highway Station # 454+12, Go S 47°16'00" W (Reference Bearing from right-of-way deed) with the South highway right-of-way passing the Northeast corner of a called 41.172 acre tract conveyed to Kristi Bridgewater in Volume 1963, Page 281 at 507.18 feet and continuing a total distance of 1339.00 feet to a point for the Point of Beginning and the Northeast corner of this tract and at the Northwest corner of the 41.172 acre Bridgewater tract.

THENCE: S 01°43'02" W passing a found 3/8 inch iron rod at 1.61 feet and continuing near a fence line that varies from line a total distance of 866.21 feet to a Bois d' Arc fence corner post for the Northernmost Southeast corner of this tract and at a corner of the Bridgewater tract.

THENCE: S 85°46'58" W near a fence line a distance of 28.87 feet to a Bois d' Arc fence corner post for the inside Southeast corner of this tract and at a corner of the Bridgewater tract.

THENCE: S 02°01'23" W near a fence line and passing a 1/2" set iron rod yellow capped (Sanderson) at 1132.33 feet and continuing a total distance of 1206.83 feet to a point near the center of Bois D' Arc Creek Canal for the Southernmost corner of this tract.

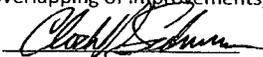
THENCE: N 41°42'44" W near the center of the canal a distance of 1447.57 feet to a point at the intersection with the South right-of-way of State Highway 121 for the Westernmost corner of this tract.

THENCE: N 47°16'00" E with the South highway right-of-way passing a 1/2" set iron rod at 100.00 feet and continuing a total distance of 578.00 feet to a 1/2" set iron rod for a corner of this tract at a bend in the South right-of-way.

THENCE: N 44°24'00" E with the South highway right-of-way a distance of 200.25 feet to a found concrete monument for a corner of this tract at a bend in the highway right-of-way.

THENCE: N 47°16'00" E (Reference Bearing from right-of-way deed) with the South highway right-of-way a distance of 675.11 feet to the Point of Beginning and containing 24.101 acres.

I, Clark R. Sanderson Registered Professional Land Surveyor # 4765, State of Texas, do hereby certify the above was taken from measurements made upon the ground on 10-21-2021 and there are no visible easements, encroachments or overlapping of improvements, except as shown on the plat.



Clark R. Sanderson



FILED AND RECORDED
Fannin County, Texas
Tammy Biggar, County Clerk
101 E. Sam Rayburn Dr. #102
Bonham, Tx 75418

FILING AND RECORDING DATE: 11/16/2021 9:32AM

RECORDING FEE: 34.00

Instrument Number: 2021008431

Document Type: DEED

Number Of Pages: 4

Parties: CALL MICHAEL SCOTT ET AL

To: R K HALL LLC

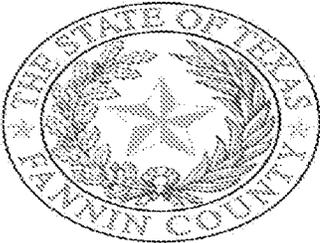
Receipt # 4022539

DocId 8031543

Received By: VICKIE MILLER

DO NOT DESTROY - *Warning, this document is part of the Official Public Record.*

I hereby certify that this instrument was FILED AND RECORDED on the date and time stamped hereon and FILED AND RECORDED in the OFFICIAL PUBLIC RECORDS of Fannin County, Texas.



Tammy Biggar

Tammy Biggar, Fannin County Clerk

NOTICE: It is a crime to intentionally or knowingly file a fraudulent court record or instrument with the clerk.

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

FILED AND RECORDED
In the Official Public Records
of Fannin County Texas
Tammy Biggar, Fannin County Clerk
Document #: 2021008431
11/16/2021 09:32:25 AM
As: DEED
Number of Pages: 4
Receipt #: 4022539

By: VICKIE MILLER
Deputy

RK HALL, LLC

Natalia Ponebshek
TCEQ
Application No. 13829
July 7, 2022

Dear TCEQ,

Jason Exum Vice President for RK Hall, LLC can sign on behalf of RK HALL, LLC. He has signed the application that I have sent over to Natalia Ponebshek. If you have any question please feel free to email me at [REDACTED] or call me at (903) 249-1617.

Sincerely,



Benton Cobb, EHS Manager

**Texas Commission on Environmental Quality
TELEPHONE MEMO TO THE FILE**

Call to: Ben Cobb	Call from: Natalia Ponebshek
Date: 7/5/2022	Applicant: RK Hall WRTP 13829

Information for File follows:

Explained requirements for proper deeds and signature authority.

Signed *Natalia Ponebshek*

Natalia Ponebshek

From: Benton Cobb [REDACTED] >
Sent: Friday, June 17, 2022 11:19 AM
To: Natalia Ponebshek
Subject: RK HALL LLC water permit
Attachments: RK_Hall_LLC_13829_RFI 2_Sent_6.9.2022.pdf; Land ownership proof.pdf; signed temp water permit application.pdf

I confirm both 1 and 2.

3 I have included a new application everything is the same except signature and that we do not owe anymore money. Jason Exum our officer has signed for this now.

4 i have included proof of ownership of the land from the Fannin County Appraisal district.

Benton Cobb

Aggregate Safety Manager
RK Hall LLC
5020 SE Loop 286
Paris, Texas 75460
Cell: (903)-249-1617



Map



Property Details

Account	
Property ID:	131675
Legal Description:	A0478 H S HITCHCOCK, ACRES 24.101
Geographic ID:	0478-021-0010-05
Agent:	
Type:	Real
Location	
Address:	9111 S ST HWY 121 TRENTON, TX 75490
Map ID:	D13
Neighborhood CD:	BORSW
Owner	
Owner ID:	161253
Name:	R K HALL LLC
Mailing Address:	5020 SE LOOP 286 PARIS, TX 75460
% Ownership:	100.0%
Exemptions:	For privacy reasons not all exemptions are shown online.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087 MC-160, Austin, Texas 78711-3087

Telephone (512) 239-4600, FAX (512) 239-4770

APPLICATION FOR A TEMPORARY WATER USE PERMIT FOR MORE THAN 10 ACRE-FEET OF WATER, AND/OR FOR A DIVERSION PERIOD LONGER THAN ONE CALENDAR YEAR

This form is for an application for a temporary permit to divert water under Section 11.138, Texas Water Code. Any permit granted from this application may be suspended at any time by the applicable TCEQ Office if it is determined that surplus water is no longer available.

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

1. Data on Applicant and Project: Social Security or Federal ID No. 27-3722217

A. Name: RK HALL, LLC

B. Mailing Address: 5020 SE Loop 286 Paris, Texas 75460

C. Telephone Number: 903-715-2781 Fax Number: E-mail Address

D. Applicant owes fees or penalties? Yes No

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

E. Describe Use of Water Water used for ready mixed concrete plant

F. Description of Project (TDH Project No. if applicable)

G. Highway Designation No. SH-121 County Fannin

2. Type of Diversion (check one):

From Stream From Reservoir

3. Rate of Diversion:

A. Maximum 250 gpm (capacity of pump)

4. Amount and Source of Water:

15 acre-feet of water within a period of 1 (specify term period not to exceed a three year term). The water is to be obtained from Bois d'Arc Creek, tributary of Pace Creek, tributary of Blanton Creek, tributary of Porter creek, Rock Creek Basin.

5. Location of Diversion Point: Provide Latitude and Longitude in decimal degrees to at least six decimal places, and indicate the method used to calculate the diversion point location.

At Latitude 33.46620 N, Longitude -96.27727 W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) SH-121 (R-O-W) (Highway), located in Zip Code 75460, located 9.83 miles in a southwest direction from Fannin county (County Seat), Fannin County, and 2 miles in a West direction from Randolph, a nearby town shown on County road map. Note: Distance in straight line miles.

Enclose a USGS 7.5 minute topographic map with the diversion point and/or the return water discharge points labeled. Owner's written consent is required for water used from any private reservoir, or private access to diversion point.

6. Access to Diversion Point (check one):

- Public right-of-way
Private property (A letter of permission from landowner is attached)
Other (Explain)

7. Fees Enclosed:

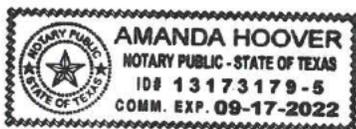
Table with 4 columns: Fee Type, Amount, 10 ac-ft or less, greater than 10 ac-ft. Includes Filing (\$100.00), Recording (\$1.25), and Use (\$1.00 per ac-ft or fraction thereof).

Upon completion of any project for which a temporary water permit is granted, the Permittee is required by law to report the amount of water used. This document must be properly signed and duly notarized before it can be accepted or considered by the Texas Commission on Environmental Quality.

Signature of applicant: Jason Ekum

Name (print) of applicant: Jason Ekum

Subscribed and sworn to me as being true and correct before me this 17th day of June, 2022



Signature of notary: Amanda Hoover

Name (print) of notary: Amanda Hoover

Natalia Ponebshek

From: Natalia Ponebshek
Sent: Thursday, June 9, 2022 2:22 PM
To: [REDACTED]
Subject: RK Hall LLC, App. No. 13829 RFI 2
Attachments: RK_Hall_LLC_13829_RFI 2_Sent_6.9.2022.pdf

Please find the attached request for information for the abovementioned application. A response is due by July 11, 2022.

Thank you,

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

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 9, 2022

Mr. Chad Stone
RK Hall, LLC
5020 SE Loop 286
Paris, TX 75460

VIA E-MAIL

RE: RK Hall, LLC
WRTP 13829
CN604705673, RN111453031
Application No. 13829 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Bois d'Arc Creek, Red River Basin
Fannin County

Dear Mr. Stone:

This acknowledges receipt, on May 24, 2022, of additional information and fees in the amount of \$36.62 (Receipt No. M217576, copy attached).

Additional information is required before the application can be declared administratively complete.

1. Confirm that the diversion point is located on Bois d'Arc Creek, Red River Basin.
2. Confirm the coordinates of the diversion point. Staff has calculated the coordinates to be Latitude 33.466231° N and Longitude 96.277217° W.
3. Provide written evidence that Chad Stone is authorized to sign the application for RK Hall, LLC, pursuant to Title 30 Texas Administrative Code (TAC) § 295.14(5) which states:

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

4. Provide recorded copies of legal documents establishing ownership of the proposed diversion point, or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion point, pursuant to Title 30 TAC § 295.10.

Please provide the requested information by July 11, 2022, or the application may be returned pursuant to Title 30 TAC § 281.18.

Mr. Chad Stone
RK Hall, LLC
Application No. 13829
June 9, 2022
Page 2 of 2

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

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality

Attachment



26-MAY-22 11:58 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
TEMP/EMERG WTR USE PRMT ISSUE	EMG EMG TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE	M217575	900011802 052622	N	BS00095098 D2802757	26-MAY-22	-\$111.25
	EMG EMG TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE	SIMS METAL	VHERNAND	CK			
	EMG EMG TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE	M217576	148664 052622	N	BS00095098 D2802757	26-MAY-22	-\$36.62
	EMG EMG TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE	RK HALL LLC	VHERNAND	CK			
Total (Fee Code):							-\$147.87



26-MAY-22 11:58 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
TEMP/EMERG WTR USE PRMT ISSUE	EMG EMG TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE	M217575	900011802 052622	N	BS00095098 D2802757	26-MAY-22	-\$111.25
	EMG EMG TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE	SIMS METAL M217576	VHERNAND 148664 052622	CK N	BS00095098 D2802757	26-MAY-22	-\$36.62
		RK HALL LLC	VHERNAND	CK			
Total (Fee Code):							-\$147.87

This is a Charge for Application 13829

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087 MC-160, Austin, Texas 78711-3087 Telephone (512) 239-4600, FAX (512) 239-4770

APPLICATION FOR A TEMPORARY WATER USE PERMIT FOR MORE THAN 10 ACRE-FEET OF WATER, AND/OR FOR A DIVERSION PERIOD LONGER THAN ONE CALENDAR YEAR

This form is for an application for a temporary permit to divert water under Section 11.138, Texas Water Code. Any permit granted from this application may be suspended at any time by the applicable TCEQ Office if it is determined that surplus water is no longer available.

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

1. Data on Applicant and Project: Social Security or Federal ID No. 27-3722217
A. Name: RK HALL, LLC
B. Mailing Address: 5020 SE Loop 286 Paris, Texas 75460
C. Telephone Number: 903-715-2781 Fax Number: E-mail Address:
D. Applicant owes fees or penalties? [x] Yes [] No
If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:
\$36.62 application Number 13829
E. Describe Use of Water: Water used for ready mixed concrete plant
F. Description of Project (TDH Project No. if applicable)
G. Highway Designation No. SH-121 County Fannin

2. Type of Diversion (check one): [x] From Stream [] From Reservoir
3. Rate of Diversion:
A. Maximum 250 gpm (capacity of pump)

4. Amount and Source of Water:
15 acre-feet of water within a period of 1 (specify term period not to exceed a three year term). The water is to be obtained from Bois d'Arc Creek, tributary of Face Creek, tributary of Blanton Creek, tributary of Porter creek, Rock Creek Basin.

5. Location of Diversion Point: Provide Latitude and Longitude in decimal degrees to at least six decimal places, and indicate the method used to calculate the diversion point location.
At Latitude 33.46620 °N, Longitude -96.27727 °W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) SH-121 (R-O-W) (Highway), located in Zip Code 75490, located 9.63 miles in a southwest direction from Fannin county (County Seat), Fannin County, and 2 miles in a West direction from Randolph, a nearby town shown on County road map. Note: Distance in straight line miles.

Enclose a USGS 7.5 minute topographic map with the diversion point and/or the return water discharge points labeled. Owner's written consent is required for water used from any private reservoir, or private access to diversion point.

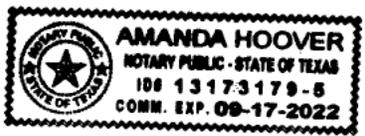
6. Access to Diversion Point (check one): [] Public right-of-way [x] Private property (A letter of permission from landowner is attached) [] Other (Explain)
7. Fees Enclosed:
10 ac-ft or less greater than 10 ac-ft
Filing \$ 100.00 \$ 250.00
Recording \$ 1.25 \$ 1.25
Use (\$1.00 per ac-ft or fraction thereof) \$ \$
(Note: 1 ac-ft = 325,851 gals. Total \$ \$
1 ac-ft = 7758.35 bbls.)

Upon completion of any project for which a temporary water permit is granted, the Permittee is required by law to report the amount of water used. This document must be properly signed and duly notarized before it can be accepted or considered by the Texas Commission on Environmental Quality.

Chad Stone (signature)
Name (sign)

CHAD STONE (print)
Name (print)

Subscribed and sworn to me as being true and correct before me this 19th day of May, 2022



Amanda Hoover (signature)
Notary Public, State of Texas

RECEIVED
MAY 24 2022

Plant site located with the blue triangle the blue X marks the spot of the diversion point.



Avoiding impingement or entrapment of aquatic organisms.

We will be using a screen to prevent aquatic organisms from being impinged or entrapped by the pump.

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 25, 2022

Mr. Chad Stone
RK Hall, LLC
5020 SE Loop 286
Paris, TX 75460

VIA E-MAIL

RE: RK Hall, LLC
WRTP 13829
CN604705673, RN111453031
Application No. 13829 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Bois d'Arc Creek, Red River Basin
Fannin County

Dear Mr. Stone:

This acknowledges receipt, on April 22, 2022, of the applicant's request for an additional extension of time to respond to the Texas Commission on Environmental Quality's request for information, dated March 22, 2022.

An extension is granted until May 23, 2022, and after that date the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

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

Sincerely,

A handwritten signature in cursive script that reads "J. Brooke McGregor".

Brooke McGregor, Section Manager
Water Rights Permitting and Availability Section
Water Availability Division

BM/np

Natalia Ponebshek

From: Chad Stone [REDACTED]
Sent: Friday, April 22, 2022 1:58 PM
To: Natalia Ponebshek
Subject: RE: RK Hall LLC, App. No. 13829 RFI

Please allow us a 30 day extension as we just got the email---?

Thanks

Chad Stone
Safety Director- South Region, Summit Materials
5020 SE Loop 286
Paris, Texas 75460
M: 903-715-2781
[REDACTED]



From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Friday, April 22, 2022 1:52 PM
To: Chad Stone [REDACTED]
Subject: FW: RK Hall LLC, App. No. 13829 RFI

This message originated from outside your organization

Please see the attached request for information.

From: Natalia Ponebshek
Sent: Tuesday, March 22, 2022 1:09 PM
To: [REDACTED]
Subject: RK Hall LLC, App. No. 13829 RFI

Please find the attached request for information for the abovementioned application. A response is due by April 21, 2022.

Thank you,

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

Natalia Ponebshek

From: Natalia Ponebshek
Sent: Tuesday, March 22, 2022 1:09 PM
To: [REDACTED]
Subject: RK Hall LLC, App. No. 13829 RFI
Attachments: RK_Hall_LLC_13829_RFI 1_Sent_3.22.2022.pdf

Please find the attached request for information for the abovementioned application. A response is due by April 21, 2022.

Thank you,

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

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 22, 2022

Mr. Chad Stone
RK Hall, LLC
5020 SE Loop 286
Paris, TX 75460

VIA E-MAIL

RE: RK Hall, LLC
WRTP 13829
CN604705673, RN111453031
Application No. 13829 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Bois d'Arc Creek, Red River Basin
Fannin County

Dear Mr. Stone:

This acknowledges receipt, on March 7, 2022, of the referenced application and partial fees in the amount of \$251.25 (Receipt No. M214060, copy attached).

A temporary permit may only be issued if there is surplus water available for use on a short-term (temporary or ephemeral) basis in the source supply. During low flow conditions, which occur during a drought or periods of limited rainfall, all water in the basin will be required for existing senior water rights and there is no presumption of any surplus flows.

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

1. 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). Refer to pages 28-29 from the *Instructions for Completing the Water Right Permitting Application* (Form TCEQ-10214A-inst) for assistance in developing your response.
2. Confirm the diversion point is located in the Red River Basin.
3. Confirm the coordinates of the diversion point. Staff has calculated the coordinates to be Latitude 33.466231° N and Longitude 96.277217° W.
4. Provide a USGS 7.5 minute topographic map (or equivalent) with the location of the diversion point clearly marked.
5. Provide written evidence that Benton Cobb is authorized to sign the application for RK Hall, LLC, pursuant to Title 30 Texas Administrative Code (TAC) § 295.14(5) which states:

If the applicant is a corporation, public district, county, municipality or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of by-laws, charters, or resolutions which specify the authority of the official to

Mr. Chad Stone
RK Hall, LLC
Application No. 13829
March 22, 2022
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take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

6. Provide recorded copies of legal documents establishing ownership of the proposed diversion point, or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion point, pursuant to Title 30 TAC § 295.10.
7. Remit fees in the amount of \$36.62 as described below. Please make the check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee (Greater than 10 acre-feet)	\$ 250.00
Recording Fee	\$ 1.25
Use Fee (\$1.00 X 15 acre-feet)	\$ 15.00
<u>Notice Fee (\$0.94 x 23 water right holders)</u>	<u>\$ 21.62</u>
TOTAL FEES	\$ 278.87
<u>FEES RECEIVED</u>	<u>\$ 251.25</u>
TOTAL FEES DUE	\$ 36.62

Please provide the requested information and fees by April 21, 2022, or the application may be returned pursuant to Title 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via e-mail 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
Texas Commission on Environmental Quality

Attachment



08-MAR-22 02:24 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
TEMP/EMERG WTR USE PRMT ISSUE	EMG EMG TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE	M214060 RK HALL LLC	147546 030822 RHDAVIS	 N CK	BS00093189 D2802195	08-MAR-22	-\$251.25
Total (Fee Code):							-\$251.25

Natalia P

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MAR 10 2022

Water Availability Division

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087 MC-160, Austin, Texas 78711-3087

Telephone (512) 239-4600, FAX (512) 239-4770

APPLICATION FOR A TEMPORARY WATER USE PERMIT FOR MORE THAN 10 ACRE-FEET OF WATER, AND/OR FOR A DIVERSION PERIOD LONGER THAN ONE CALENDAR YEAR

This form is for an application for a temporary permit to divert water under Section 11.138, Texas Water Code. Any permit granted from this application may be suspended at any time by the applicable TCEQ Office if it is determined that surplus water is no longer available.

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

- 1. Data on Applicant and Project: Social Security or Federal ID No. 27-3722217
A. Name:
B. Mailing Address: 5020 SE Loop 286 Paris, Texas 75460
C. Telephone Number: 903-715-2781 Fax Number: E-mail Address: Chad.stone@rk-hall.com
D. Applicant owes fees or penalties? [] Yes [X] No
If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:

- E. Describe Use of Water Water used for ready mixed concrete plant
F. Description of Project (TDH Project No. if applicable)
G. Highway Designation No. SH-121 County Fannin

- 2. Type of Diversion (check one): [X] From Stream [] From Reservoir
3. Rate of Diversion:
A. Maximum 250 gpm (capacity of pump)

- 4. Amount and Source of Water:
15 acre-feet of water within a period of 1 (specify term period not to exceed a three year term). The water is to be obtained from Bois d'Arc Creek, tributary of Pace Creek, tributary of Blanton Creek, tributary of Porter Creek, Rock Creek Basin.

- 5. Location of Diversion Point: Provide Latitude and Longitude in decimal degrees to at least six decimal places, and indicate the method used to calculate the diversion point location.
At Latitude 33.46620 °N, Longitude 96.27727 °W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) SH-121 (R-O-W) (Highway), located in Zip Code 75490, located 9.63 miles in a southwest direction from Fannin County (County Seat), Fannin County, and 2 miles in a West direction from Randolph, a nearby town shown on County road map. Note: Distance in straight line miles.

Enclose a USGS 7.5 minute topographic map with the diversion point and/or the return water discharge points labeled. Owner's written consent is required for water used from any private reservoir, or private access to diversion point.

- 6. Access to Diversion Point (check one): [] Public right-of-way [X] Private property (A letter of permission from landowner is attached) [] Other (Explain)
7. Fees Enclosed:
10 ac-ft or less greater than 10 ac-ft
Filing \$ 100.00 \$ 250.00
Recording \$ 1.25 \$ 1.25
Use (\$1.00 per ac-ft or fraction thereof) \$ \$
Total \$ \$
(Note: 1 ac-ft = 325,851 gals. 1 ac-ft = 7758.35 bbls.)

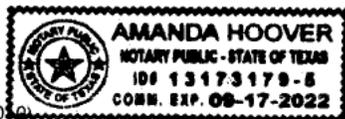
Upon completion of any project for which a temporary water permit is granted, the Permittee is required by law to report the amount of water used. This document must be properly signed and duly notarized before it can be accepted or considered by the Texas Commission on Environmental Quality.

Name (sign) [Signature]

Name (print) Benton Cobb

Subscribed and sworn to me as being true and correct before me this 3rd day of March, 2022

[Signature] Amanda Hoover
Notary Public, State of Texas



RECEIVED

MAR 07 2022

Water Availability Division