

Permit Hearing - Item #9b  
Victory Rock LLC  
Lower Trinity

# CUWCD Executive Summary

**Staff Report**  
**Application for Operating Permit Amendment**  
**To Modify Beneficial Use & Location**  
**N2-21-001P**



**Applicant/Owner:** Victory Rock Texas, LLC  
c/o Jon Taliaferro  
Trinity Consultants, Senior Consultant  
9737 Great Hills Trail  
Austin, TX 78759 Phone: 512-349-5800

**Location of Well:**  
283-acre tract located at 7170 Solana Ranch Rd, Salado TX, 76571  
Latitude 30.878055°, Longitude -97.609444°

<p><b>Proposed Annual Withdrawal:</b></p> <p><b>Column Pipe:</b> 1 ¼ -inch</p> <p><b>Withdrawal:</b></p> <p>Current Operating Permit  30-acre feet/year or  9,775,530 gallons/year</p>	<p><b>Proposed Use:</b></p> <p>Proposed additional beneficial use is to include a Concrete Batch Plant Facility known as Five Star Concrete, LLC</p> <p><b>Current Use:</b></p> <p>Mining &amp; crushing aggregates and dust suppression</p>	<p><b>Aquifer:</b></p> <p>Hosston Layer of the Trinity Aquifer</p> <p>Southwest Management Zone as described in Rule 7.1</p>	<p><b>Nearest Existing Wells:</b></p> <p><u>Well#N2-21-001P</u> has 11 wells within ½ mile.</p> <p>7-Middle Trinity  3-Edwards BFZ  1-Unknown</p> <p>Note: 0 wells within ½ mile are completed in the Hosston Layer of the Trinity Aquifer</p>
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**General Information**

Victory Rock Texas, LLC, c/o Jon Taliaferro, as Senior Consultant with Trinity Consultants, has made an application to the Clearwater Underground Water Conservation District (CUWCD) on March 8, 2024, for an amendment to their current operating permit. The application was deemed administratively complete on March 22, 2024, upon receiving application fees of \$1,125.00.

The current operating permit does authorize the production of groundwater not to exceed 30-ac-ft (9,775,000 gallons) per year from a well (N2-21-001P) completed in the Hosston Layer of Trinity Aquifer. This application **does not contemplate any additional groundwater production** beyond the current operating amount of 30 ac-ft/year.

The current operating permit is to produce groundwater for a defined beneficial use, specifically for dust suppression and mining/crushing aggregates on contiguous tracts of land known as PID: 41910 and PID: 41912 of approximately 283-acres.

Victory Rock Texas, LLC is proposing an amendment to the permit to add an additional tract of land PID: 41920 totaling 110.73-acres to their contiguous property leased from Byron Goode. The proposed additional beneficial use is to include a Concrete Batch Plant Facility known as Five Star, Concrete, LLC.

CUWCD well #N2-21-001P is located in the Stillhouse Hollow Management Zone and is completed to 1,205 feet below land surface, screened in the Hosston Layer of the Trinity Aquifer at approximately 1,056 to 1,160 feet below land surface. The well is currently equipped with a maximum 1 ¼ -inch column pipe equipped with a 7 ½ HP submersible pump rated at 16 gallons per minute on the 283-acre tract located at 7170 Solana Ranch Rd, Salado TX, 76571, Latitude 30.878055°, Longitude -97.609444° currently producing groundwater for the sole purpose of mining and crushing aggregates and dust suppression.

### **Per Rules 6.9 and 6.10**

In deciding whether or not to issue a permit, the Board must consider the following:

- 1) **Does the application contain all the information requested, and is the application accurate? Does it meet spacing and production limitations identified by District Rules, and does it conform to all application requirements which include public notification and accompanied by the prescribed fees? (Rule 6.10.24(a)(b), TWC 36.116(a)(1), TWC 36.113(d)(1) and Rule 6.9.1(b)(1)(2)**

The application is complete—all requested information has been provided. The application conforms to said rules with all required application fees. In addition, the applicant has met all notification requirements in a proper manner per District Rules.

- 2) **Is the proposed use of water dedicated to a beneficial use? (TWC 36.113(d)(3) and District Rule 6.10.24(d).**

The groundwater produced from this well is currently limited to mining & crushing of aggregate material and for dust suppression on two specific tracts. The beneficial use per District Rules and Chapter 36 for an additional use for a TCEQ permitted batch plant on the adjacent property owned by Byron Goode and leased to the applicant has been verified and confirmed as appropriate use.

- 3) **Has the applicant agreed to avoid waste and achieve water conservation? (TWC 36.113(d)(6) and Rule 6.10.24(f)**

The applicant should testify they understand per District Rules and that by signing the application form the applicant and the applicant's representatives agree to state compliance with the District's Groundwater Management Plan.

The applicant should testify that to transport the groundwater to that plant he is required and will be pursuing Bell County approval for a pipeline to be placed under the county road in accordance with Bell County regulations.

- 4) **Has the applicant agreed that reasonable diligence will be used to protect groundwater quality and that the applicant will follow well plugging guidelines at the time of well closure? (TWC 36.113(d)(7) and Rule 6.10.24(g))**

The applicant (*by signing the application form*) has and should offer testimony that if the pipeline deteriorates over time they will repair and replace the pipeline to avoid waste. If the well deteriorates and/or becomes damaged and the well is inoperable, state law and district rules require such a well to be plugged before a replacement well can be drilled.

- 5) **Does the current existing water well comply with the spacing and production limitations identified in our rules? (TWC 36.116(a)(1) and Rule 6.10.24(b)) and Rule 9.5.2**

The proposed well is in the *Southwest Management Zone* of Bell County. The tract size of 283-acres thus meets the limits for a well completed in the Hensell Layer of the Trinity Aquifer. The well can have a maximum column pipe size of 6-inch, but due to aquifer conditions and well completion issues, the well is equipped with a 1 ¼ column pipe.

Based on this column pipe size, the well does meet the 150-foot spacing requirement from other wells and is located 75-feet from the property line per District Rule 9.5 Spacing Requirements.

The district rules require we continue to limit this well to 30-acre feet/year (or 9,775,530 gallons/year) under their current operating permit issued in 2021, determined applicable in the review of today's permit request for a new well.

- 6) **Does the current use of water unreasonably affect existing groundwater and surface water resources or existing permit holders?**

Based on available information, there are the following number of wells as defined for domestic use and completed, and active from the Upper, Middle, and Lower Trinity Aquifers.

**Currently, the District finds the following wells to be in place:**

- ✓ **11 @ 1/2 mile**
- **7-Middle Trinity Aquifer (Hensell)**
  - **3-Edwards BFZ**
  - **1-unknown**
  - **0-completed to the Lower Trinity (Hosston)**

**Note: 0 wells within ½ mile are completed in the Hosston Layer of the Trinity Aquifer**

Additionally, the District, to the extent possible, issues permits up to the point the total volume of exempt and permitted groundwater production will achieve the applicable Desired Future Condition (DFC) per TWC 36.1132(a)(b) and Rule 6.10.25(a)(b)(c)(d)(e).

**7) Is the current use of groundwater consistent with the District's Groundwater Water Management Plan (GMP) related to the approved DFC and the defined available groundwater for permitting?**

While this element is not relevant to the amendment for an additional beneficial need, it's important that that we reconfirm that the District's Management Plan reflects a groundwater availability figure in the Lower (Hosston Layer) Trinity Aquifer of 7,900 ac-ft/year Modeled Available Groundwater (then reserve 178 ac-ft/year for exempt well use) thus 7,722 ac-ft/year is the Managed Available Groundwater for permitting established by the District.

The Board, per the District Management Plan, has evaluated groundwater available for permitting to the Lower Trinity Aquifer and most recently confirmed the available groundwater for permitting (consistent with the management plan as stated on pages 9-10).

The requested permit is simply to amend the beneficial need of the well and reminds all that no additional production is being contemplated.

The summary of fact remains that the Texas Water Development Board (TWDB) based on the desired future conditions (DFCs) established by the District for the Lower Trinity Aquifer was based on 330-ft of drawdown over 60-yrs. This was reviewed and again approved by the board in January 2022. To achieve this DFC, the TWDB used a model that indicated the MAG was equal to 7,900 acre-feet per year from the Lower Trinity.

A summary of YTD 2023 permit production, HEUP & OP Permit Analysis, pending applications, issued drilling permits and \*Exempt Well Reservations for the Lower Trinity, per District Report illustrates current Lower Trinity Aquifer permits total 5,059.31 ac-ft/year. Currently, the District has no other pending permits, thus the amount available for additional groundwater is only 2,840.69 acre-feet/year. (*See attached Lower Trinity Aquifer Status Report, (March 11, 2024).*)

**8) What are the Modeled Available Groundwater calculations determined by the Executive Administrator of the Texas Water Development Board?**

Refer to #7 above. The Modeled Available Groundwater will not be exceeded by granting this permit. (*See attached Lower Trinity Aquifer Status Report, March 11, 2024.*)

**9) What has the Executive Administrator of the Texas Water Development Board's estimate of the current and projected amount of groundwater produced under the exemptions in District Rule 8.3?**

Refer to #7 above. Reservation of Modeled Available Groundwater for exempt well use will not be exceeded by granting this permit. 178 ac-ft/year vs 60 ac-ft estimated to be used annually in the Lower Trinity. (*See 2023 District Exempt Use report.*)

**10) What is the amount of groundwater authorized under permits previously issued by the District and is this relative to today’s discussion?**

Refer to #7 above. Existing permits do not exceed the Managed Available Groundwater (*Modeled Available Groundwater – exempt well use = Managed Available Groundwater*) for the Lower Trinity Aquifer which is 4,506.39 ac-ft per year. This permit has no impact on permitted amounts thus this is not relevant to today’s discussion.

**11) What is the reasonable estimate of the amount of groundwater that is produced annually under existing non-exempt permits issued by the District?**

The total permitted amounts for non-exempt wells in the Lower Trinity Aquifer in 2023 was **4,506.39 ac-feet/yr.** and the actual production in 2023 was **1,860.31 ac-ft/yr (41.28%)** of the permitted amount. (*Figures are based upon monthly production reports submitted to Clearwater by the permit holders in 2023*).

**12) Yearly precipitation and production patterns.**

Clearwater is currently in “No Drought” based on the PDI system (average running total annual rainfall) as of April 2, 2024. The PDI for the Trinity Aquifer in the District is currently at **32.369** inches of rain received in the last 365 days (as of 4/2/2024) thus **98.09%** of annual expected rainfall of 33 inches. The Trinity Aquifer permit holders in all of 2023 have used **37%** of the total permitted amounts in the Aquifer. Permit holders did not exceed their total permitted amounts in 2020, 2021, 2022 and 2023.

The gravity of the current drought is reminiscent of the epic drought of 2011-2013, the significant drought in 2018, 2020, and again in 2022-23. The current drought trends do necessitate the need for all permit applications to be evaluated based on conservative needs and usage that are not contradicted by the current trends and the need for voluntary drought contingency relationships with permit holders.

**Conclusions and Recommendations**

- 1) District GM recommends that the Board approve the beneficial use amendment based on the fact that the batch plant is properly permitted by TCEQ and that the applicant has demonstrated the property is leased to Victory Rock Texas, LLC from Mr. Goode.


Attachments are as follows:

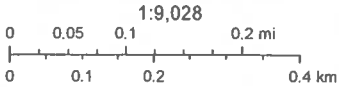
<i>CUWCD Aquifer Status Report</i>	<i>03/11/2024</i>
<i>CUWCD 2023 Exempt Well Estimate of Use Report</i>	<i>12/31/2023</i>
<i>CUWCD Site Map</i>	<i>See Attached</i>
<i>Applications, Fees, and Notification Affidavit</i>	<i>See Attached</i>

# Five Star Concrete, LLC Site Map: PID 41920



3/19/2024, 4:09:49 PM

-  Parcels
-  Abstracts



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Bell County Appraisal District, BIS Consulting - [www.bisconsulting.com](http://www.bisconsulting.com)

This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.



## Trinity Aquifer Status Report – March 2024

<u>DFC Analysis Over Time</u> (2000-Present) <i>Modeled Available Groundwater</i>			<u>HEUP and OP Permit Analysis</u> <i>Relative to the Modeled Available Groundwater</i>			<u>2024 YTD Total Prod.</u> <i>Jan - Feb</i> <b>128.68 ac-ft</b> <b>4.62%</b>		<u>Pending Applications</u>		<u>Exempt Well Reservations</u>		
<b>Trinity Aquifer</b> (by layer)	<b>DFC Adopted *</b> Average Drawdown (by layer)	<b>MAG **</b> Ac-ft	<b>HEUP Ac-ft</b> (by layer)	<b>OP Ac-ft</b> (by layer)	<b>Total Permitted Ac-ft</b> (by layer)	<b>2023 YTD Prod.</b> (by layer)	<b>2024 YTD Prod.</b> (by layer)	<b>Available for Permitting Ac-ft</b> (by layer)	<b>Pending Applications Ac-ft</b> (by layer)	<b>Exempt Well Reserve Ac-ft</b> (by layer)	<b>2023 Exempt Well Use Estimate Ac-ft</b> (by layer)	<b>Available Exempt Use Ac-ft</b> (by layer)
	Current											
Pawluxy	NA	0	0	0	0	0	0	0	0			0
Glen Rose (upper)	-1.38 ft/yr -83 ft/60 yrs	275	61.9	72.73	<b>134.63</b>	35.94	0.82	0	0	140.37	190	0
Hensell (middle)	-2.28 ft/yr -137 ft/60 yrs	1100	259.3	208.44	<b>467.74</b>	44.70	5.37	84.26	0	548	534	14
Hosston (lower)	-5.50 ft/yr -330 ft/60 yrs	7900	1181.4	3324.99	<b>4506.39</b>	1860.31	229.84	3215.61	***552.80	178	60	118
Total		<b>9275</b>	1502.6	3606.16	<b>5108.76</b>	1940.95 (37.99%)	236.02 (4.62%)	<b>3299.75</b>	<b>552.92</b>	866.37	784	132

\*Desired Future Conditions (DFC) is the description of how the aquifer should look in the future (60 years).

\*\*The Modeled Available Groundwater (MAG) is the estimated amount of water available for permitting assigned to Clearwater UWCD by the Executive Administrator of TWDB.

\*\*\*Pending applications

City of Temple N3-23-004P (239 ac-ft/yr)

UMHB N3-23-005P (64 ac-ft/yr)

Mustang Springs N3-23-010P & N3-23-011P (249.8 ac-ft/yr)

NS Retail Holdings, LLC N3-24-001P (0.12 ac-ft/yr)



## CUWCD Exempt Well Use Summary

As of: 2/12/2024

Aquifer	Total Active Registered Exempt Wells <sup>3</sup>	Registered Domestic Wells	Estimated Domestic Use Gallons/Day <sup>1,2</sup>	Estimated Domestic Use Ac-ft/Year <sup>1,2</sup>	Registered Stock Wells	Estimated Stock Use Gallons/Day <sup>4</sup>	Estimated Stock Use Ac-ft/Year <sup>4</sup>	Total Estimated Use Gallons/Day <sup>7</sup>	Total Estimated Exempt Well Use Ac-ft/Year <sup>7</sup>	MAG Reserved Exempt Well Use
Glen Rose (Upper Trinity)	428	350	102,396	115	78	67,392	75	169,788	190	
Hensell (Middle Trinity)	993	931	423,297	474	62	53,568	60	476,865	534	
Hosston (Lower Trinity)	162	151	44,177	49	11	9,504	11	53,681	60	
Trinity (Total) <sup>5</sup>	1,583	1,432	569,870	638	151	130,464	146	700,334	784	1,419
Edwards BFZ	855	723	211,521	237	132	114,048	128	325,569	365	825
Edwards Equivalent	485	386	112,928	126	99	85,536	96	198,464	222	
Buda	28	15	4,388	5	13	11,232	13	15,620	17	
Lake Waco	8	3	878	1	5	4,320	5	5,198	6	
Austin Chalk	226	141	41,251	46	85	73,440	82	114,691	128	
Ozan	161	114	33,352	37	47	40,608	45	73,960	83	
Pecan Gap	67	44	12,873	14	23	19,872	22	32,745	37	
Kemp	15	11	3,218	4	4	3,456	4	6,674	7	
Alluvium	585	377	110,295	124	208	179,712	201	290,007	325	
Other <sup>6</sup>	1,575	1,091	319,183	358	484	418,176	468	737,359	826	
<b>CUWCD Total Active</b>	<b>4,013</b>	<b>3,246</b>	<b>1,100,574</b>	<b>1,233</b>	<b>767</b>	<b>662,688</b>	<b>742</b>	<b>1,763,262</b>	<b>1,975</b>	

1. Domestic use estimate assumes 106 gallons/person per day (USGS estimate of domestic use outside of a municipal water system) and 2.76 persons/household (U.S. Census Bureau, Population Estimates Program (PEP) July 1, 2019)
2. Benjamin G. Wherley, Ph.D. Associate Professor- Turfgrass Science & Ecology Dept. of Soil and Crop Sciences Texas A&M University estimate of 2,000ft<sup>2</sup> warm season turfgrass requires 38,855gal/yr/lawn or 106gal/day/lawn; "Ranchette" Avg. lawn size is 13,042ft<sup>2</sup>, 6.5X larger; 6.5 X 106gal/day/lawn= 689gal/day/lawn; ~217 "Ranchette" Middle Trinity Wells; 689 X 217=an additional 150,924gal/day/lawn; **490ac-ft/yr or an 89% increase in Middle Trinity exempt well use from the 2018 estimate of 258ac-ft/yr.**
3. Exempt well use estimate factors out all plugged, capped, monitor and inactive wells in the database.
4. Source of stock water estimates is Texas Agrilife Extension @ 18 gallons water per day per cow. Livestock water use estimates are based on the 2017 Census of Agriculture, USDA National Agricultural Statistics Service. 36,868 cows / 771 stock wells= 48 cows/stock well; 48\* 18gpd= 846 gal/day/stock well, **747ac-ft/yr or a 34% increase in annual stock use from the 2018 estimate of 556ac-ft/yr.**
5. The "Other" designation is the total of minor aquifer and alluvium source designation of the exempt wells.
6. Trinity Aquifer wells registered with unknown depth are assigned to the Middle Trinity per Board decision.
7. All estimates of groundwater use by exempt well owners is based on assumptions and scientific data, but by no means are they to be interpreted as recommended practices by CUWCD.

# CUWCD Guidance Memo



**Clearwater Underground Water Conservation District**  
P.O. Box 1989, Belton, Texas 76513  
Phone: 254/933-0120 Fax: 254/933-8396  
www.cuwcd.org

**Leland Gersbach, President**  
**Jody Williams, Vice President**  
**C. Gary Young, Secretary**  
**Jim Brown, Director**  
**Scott A. Brooks, Director**

February 23, 2024

Victory Rock Companies LLC (dba Victory Rock Texas LLC)  
c/o Scott Cusick [scusick@cusickcorp.com](mailto:scusick@cusickcorp.com)  
2802 Flintrock Trace, Suite 214  
Austin, TX 78738

VIA EMAIL

Dear Scott,

This letter is in response to your inquiry concerning a letter from Clearwater UWCD to Bell County that the current Lower Trinity Well (N2-21-001P) is permitted in a manner that you can pump groundwater to a batch plant south of the current tract.

I have pursued an opinion from our legal team and per that analysis you must pursue a Major Amendment to your current operating permit per our District's Rules before piping groundwater to the new batch plant. I have outlined the following path forward in order for you to use the current groundwater operating permit for a batch plant located on another tract of land. I have attached the current permit that shows the specificity of your permit and it's limits to the current tract for defined beneficial use described as Industrial Use (Dust Suppression, Washing & Crushing Operation alone).

- You or your consultants will need to pursue a formal amendment to the existing operating permit (O-24-116) in accordance with the District's Rules prior to using any permitted water on the adjacent tract (Bell CAD PID 41920) for the concrete batch plant.
  - **Rule 6.1.3 Permit Amendment Required:** *A permit amendment is required prior to any deviation from the permit terms regarding the maximum amount of groundwater to be produced from a Well, ownership of a Well or permit, the location of a proposed Well, the purpose of use of the water, the location of use of the groundwater, or the Drilling and Operation of additional Wells, even if aggregate withdrawals remain same.*
  - In your case, Victory Rock will need to apply for an amendment to your existing operating permit in accordance with the District's Rules **prior to** using any permitted water on the adjacent tract for the concrete batch plant.
- Victory Rock's initial permit does not contemplate use on the adjacent tract nor for a batch plant. Under **District Rule 6.1.4(b)**, these changes require a "**major amendment**," which

Clearwater Underground Water Conservation District (CUWCD) is a political subdivision of the State of Texas and underground water conservation district created and operating under and by virtue of Article XVI, Section 59, of the Texas Constitution; Texas Water Code Chapter 36; the District's enabling act, Act of May 27, 1989, 71<sup>st</sup> Legislature, Regular Session, Chapter 524 (House Bill 3172), as amended by Act of April 25, 2001, 77<sup>th</sup> Legislature, Regular Session, Chapter 22 (Senate Bill 404), Act of May 7, 2009, 81<sup>st</sup> Legislature, Regular Session, Chapter 64 (Senate Bill 1755), and Act of May 27, 2015, 84<sup>th</sup> Legislature, Regular Session, Chapter 1196, Section 2 (Senate Bill 1336)(omnibus districts bill); and the applicable general laws of the State of Texas; and confirmed by voters of Bell County on August 21, 1999.

necessitates a separate formal application, payment of fees (if applicable), notice to adjacent landowners, and a public hearing as prescribed under Rule 6.9.1.

- If you, representing Victory Rock, are proposing this new use, in addition to the uses provided in your current permit, and if you desire additional water (beyond the 30 acre-feet per year) provided for in the initial permit, Victory Rock will be required to pay requisite application fees (under the Districts current fee schedule) but the fact you now have a full well completion report (by Gamblin Engineering) you will only need to have a new pumping test upon the well's renovation. You should then have sufficient data necessary for an application to increase your current production from the new well.

Application needs are as follows:

- 1) Application is at [https://cuwcd.org/wp-content/uploads/2022/10/N3\\_Application.pdf](https://cuwcd.org/wp-content/uploads/2022/10/N3_Application.pdf) to amend a current operating permit.
- 2) Application should have a cover letter describing all the necessary amendment needs you might be contemplating.
  - a. Change in purpose & use of the groundwater?
  - b. Change in location & use of the groundwater?
  - c. Increase in your current operating permit with fees?
  - d. Provide with the application the copies of all requisite TCEQ permits for the batch plant, which includes but not limited to the Air Quality Standard Permit per Section 382.05195 and all other information found at:  
<https://www.tceq.texas.gov/agency/decisions/participation/permitting-participation/concrete-batch>

Sincerely,

Dirk Aaron

Digitally signed by Dirk Aaron  
Date: 2024.02.23 14:09:20  
-06'00'

Dirk Aaron [daaron@cuwcd.org](mailto:daaron@cuwcd.org)

General Manager

Cc: Cole Ruiz [cruiz@lglawfirm.com](mailto:cruiz@lglawfirm.com)  
Leland Gersbach [Lgersbach@cuwcd.org](mailto:Lgersbach@cuwcd.org)  
Mike Keester [mike@ktgroundwater.com](mailto:mike@ktgroundwater.com)  
Jordan Furnans [jordan.furnans@lrewater.com](mailto:jordan.furnans@lrewater.com)  
Jon Taliaferro [Jon.Taliaferro@trinityconsultants.com](mailto:Jon.Taliaferro@trinityconsultants.com)  
Walter B. Neaves [Bryan.Neaves@bellcounty.texas.gov](mailto:Bryan.Neaves@bellcounty.texas.gov)  
Robert D. Whitson [Bobby.Whitson@bellcounty.texas.gov](mailto:Bobby.Whitson@bellcounty.texas.gov)

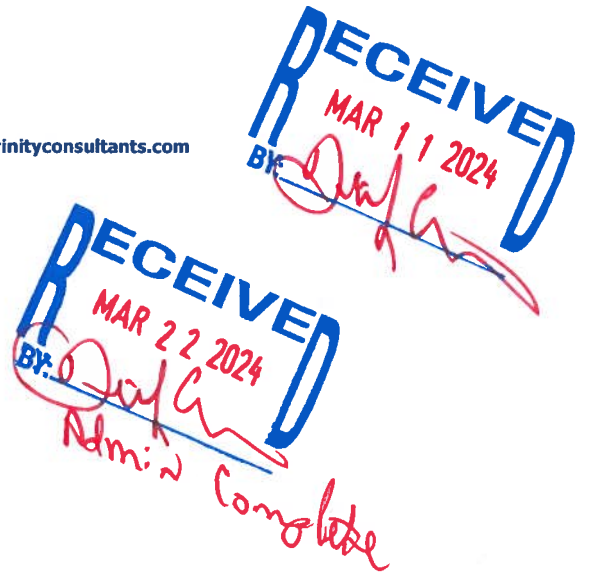
# Application



9737 Great Hills Trl, Ste 340, Austin, TX 78759 / P 512.349.5800 / F 512.233.0803 / [trinityconsultants.com](http://trinityconsultants.com)

03/08/2024

Mr. Dirk Aaron  
General Manager  
Clearwater UWCD  
700 Kennedy Ct  
City, ST 97205  
[daaron@cuwcd.org](mailto:daaron@cuwcd.org)



Dear Mr. Aaron:

Trinity Consultants is submitting this application on behalf of Victory Companies, LLC (VC), who will operate the well according to the amended permit upon approval of the Board.

The Jarrell Plant is currently permitted to pump groundwater for industrial use from the Lower Trinity Well (N2-21-001P) by Operating Permit O-24-116. VC is requesting a Major Amendment to the current operating permit to supply groundwater to a batch plant south of the current tract, across Solana Ranch Road, in addition to the currently permitted water uses. The batch plant is owned and operated by Five Star Concrete, LLC and permitted by Air New Source Standard Permit Registration Number 172917. Water is required for water spray controls, mixing with aggregates to produce concrete, cleaning mixer trucks, and other minor miscellaneous purposes. There is no request for additional water beyond the 30 acre-feet per year provided for in the current permit. Attached are the N3 Application form and TCEQ approval letter for the batch plant's air permit.

If you have any questions or comments about the information presented in this letter, please do not hesitate to call me at 361.215.9994.

Sincerely,

TRINITY CONSULTANTS

Jon Taliaferro, EIT  
Senior Consultant

Attachments: N3\_Application\_VR\_LowerTrinity\_O-24-116  
AIR NSR\_172917-357974\_Permits\_Public\_20231013\_Final Action\_6738044

cc: Mr. Scott Cusick, Victory Companies, LLC

**HEADQUARTERS**

12700 Park Central Dr, Ste 600, Dallas, TX 75251 / P 800.229.6655 / P 972.661.8100 / F 972.385.9203



# Application for Non-Exempt Well Classification 3

<p>Check one of the following:</p> <p><input type="radio"/> COMBINATION PERMIT</p> <p><input type="radio"/> DRILLING PERMIT</p> <p><input type="radio"/> OPERATING PERMIT</p> <p><input checked="" type="radio"/> PERMIT AMENDMENT</p>	<p>Answer the following:</p> <p>Is this for a New Well? <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Is this for a Replacement Well? <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Do you plan to Export Water Outside District? <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Are you modifying a Drilling Permit? <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Are you modifying an Operating Permit? <input checked="" type="radio"/> Yes <input type="radio"/> No</p>
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**1. Owner Information**

Well Owner: Victory Companies LLC Email: scusick@cusickcorp.com Telephone: 5127171499  
 Address (Street/P.O. Box, City, State, ZIP): 2802 Flintrock Track, Suite 214, Austin, TX 78738  
 Contact Person (if other than owner): \_\_\_\_\_ Telephone: \_\_\_\_\_  
 If ownership of Well has changed, name the previous owner: \_\_\_\_\_ State Well #: N2-21-001P

**2. Property Location & Proposed Well Location**

Owner of Property (if different from Well Owner): \_\_\_\_\_  
 The well is located in Management Zone: \_\_\_\_\_  
 Acreage: \_\_\_\_\_ Bell CAD Property ID #: \_\_\_\_\_ Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

**3. Well Description (Submit if State of Texas Well Report is Available)**

a. Proposed use of well and estimated amount of water, in acre-feet, to be used for each purpose:  
 \_\_\_\_\_ \*Domestic; \_\_\_\_\_ Livestock/Poultry; \_\_\_\_\_ Agricultural/Irrigation;  
 \_\_\_\_\_ \*\* Public Supply; \_\_\_\_\_ Industrial \_\_\_\_\_ Other  
 \*Total number of houses to be serviced by the well \_\_\_\_\_.  
 \*\* Applicant is required to give notice to TCEQ to obtain or modify a Certificate of Convenience and Necessity to provide water or wastewater service with water obtained pursuant to the requested permit.

b. Estimated distance, in feet, from the nearest:  
 \_\_\_\_\_ N / S Property Line; \_\_\_\_\_ E / W Property Line; \_\_\_\_\_ Existing Septic Leach Field  
 \_\_\_\_\_ River, Stream, or Lake; \_\_\_\_\_ Existing Water Well; \_\_\_\_\_ Livestock Enclosure;  
 \_\_\_\_\_ Other Source of Contamination (cemetery, pesticide mixing/loading, petroleum storage tank, etc.)

c. Estimated Rate of Withdrawal (GPM): \_\_\_\_\_

d. Is the Property subject to flooding? \_\_\_\_\_

e. Is there another well on the property? \_\_\_\_\_ ; If YES, how many wells? \_\_\_\_\_

f. Is the well part of a multi-well aggregate system? \_\_\_\_\_  
 If YES, list the State or District Well Numbers: \_\_\_\_\_

<b>REQUIRED BY LAW: Pump Installer / Well Driller Information</b>	
Name: _____	Street Address: _____
TDLR Pump Installer License #: _____	City, State, ZIP: _____
TDLR Well Driller License #: _____	Phone: _____ Fax: _____
Email: _____	
Name of Consultant preparing Application (if applicable): _____	
Con. Phone: _____	Con. Fax: _____ Con. Email: _____



**4. Completion Information**

Provide the following information to the extent known and available at the time of application:

**Proposed Total Depth of Well:** \_\_\_\_\_ ft;  
**Borehole Diameter (Dia):** \_\_\_\_\_ inches (in) from \_\_\_\_\_ to \_\_\_\_\_;  
**Dia (2)** \_\_\_\_\_ in from \_\_\_\_\_ to \_\_\_\_\_;  
**Casing Material:** \_\_\_\_\_; **Inside Diameter (ID):** \_\_\_\_\_ in;  
**Screen Type:** \_\_\_\_\_; **Screen Dia.** \_\_\_\_\_ in from \_\_\_\_\_ to \_\_\_\_\_; **# of Packers:** \_\_\_\_\_  
**Pump Type:** \_\_\_\_\_; **Power:** \_\_\_\_\_; **Horsepower Rating:** \_\_\_\_\_;  
**Pump Depth:** \_\_\_\_\_; **Column Pipe ID:** \_\_\_\_\_ in.  
**Date Completed:** \_\_\_\_\_  
**Proposed Water Bearing Formation:** \_\_\_\_\_; **Management Zone:** \_\_\_\_\_

**5. Operating Permit**

Number of contiguous acres owned or leased on which water is to be produced: 283 \_\_\_\_\_ acres  
Total annual production requested with this operating permit: 30 \_\_\_\_\_ acre-feet  
If exporting water, what is the annual volume requested for export out of the District: \_\_\_\_\_ Gallons  
What is the annual volume requested for export as a % of total pumpage: \_\_\_\_\_ %  
If modifying an operating permit, what is the current, permitted annual production: 30 \_\_\_\_\_ ac-ft  
What is the requested amount of annual production: 30 \_\_\_\_\_ ac-ft

**6. Attachments**

Include a statement/documentation explaining your requested production.  
If amending an existing permit, explain the requested amendment and the reason for the amendment in a signed and dated letter, attached to this application.  
If requesting operating permits or permit renewals for multiple wells, please attach a separate sheet with the information requested in Section 5 for each well.  
If applicant plans to export water outside the District, address the following in an attachment and provide documents relevant to these issues:

- The availability of water in the District and in the proposed receiving area during the period requested
- The projected effect of the proposed export on aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users within the District
- How the proposed export is consistent with the approved regional water plan and certified District Management Plan

For more attachments that may be needed, please see the *Full Summary of the Permit Application Process* document.

**7. Certification**

*I hereby certify that the information contained herein is true and correct to the best of my knowledge and belief. I certify to abide by the terms of the District Rules, the District Management Plan, and orders of the Board of Directors. I agree to comply with all District well plugging and capping guidelines as stated in the District Rules.*

Typed Name of the Owner or Designee: Scott Cusick

Signature: Scott Cusick Date: 3/8/24

# Lease Agreement

**SECOND LANDLORD CONSENT TO SUBLEASE AND ESTOPPEL CERTIFICATE**

**THIS SECOND LANDLORD CONSENT TO SUBLEASE AND ESTOPPEL CERTIFICATE ("Consent Agreement")** is entered into as of the 16th day of ~~September~~<sup>October</sup>, 2023, by and among Byron Goode, Sr. ("**Landlord**"), Victory Companies, L.L.C, a Texas limited liability company ("**Sublandlord**"), and Five Star Concrete, LLC a Delaware Limited Liability company ("**Subtenant**").

**RECITALS:**

A. Landlord, as landlord, and Sublandlord, as tenant, are parties to that certain lease agreement dated May 27, 2015 (as amended, the "**Lease**") pursuant to which Landlord has leased to Victory Rock Texas, L.L.C, as predecessor-in-interest to Sublandlord, certain premises identified on **Exhibit A** hereto (the "**Premises**").

B. Sublandlord and Subtenant have entered into that certain sublease agreement dated May 25, 2023, attached hereto as **Exhibit B** (the "**Original Sublease**"), pursuant to which Sublandlord agreed to sublease to Subtenant the portion of the Premises identified therein.

C. Sublandlord and Subtenant intend to enter into that certain Amendment to Sublease, dated on about the date hereof and attached hereto as **Exhibit C** (the "**Amendment**"; the Original Sublease, as amended by the Amendment, the "**Sublease**"), pursuant to which Sublandlord and Subtenant will agree to change the sublet premises to the land described on **Exhibit A** attached thereto (the "**Sublet Premises**").

D. Sublandlord and Subtenant have requested Landlord's consent to the Amendment and the Sublease.

E. Landlord has agreed to give such consent upon the terms and conditions contained in this Agreement.

**NOW THEREFORE**, in consideration of the foregoing preambles which by this reference are incorporated herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord hereby consents to the Amendment and the Sublease subject to the following terms and conditions, all of which are hereby acknowledged and agreed to by Sublandlord and Subtenant:

1. Recitals. The foregoing recitals are hereby incorporated by reference. All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Lease.

2. Landlord's Consent. Subject to the terms and conditions of this Consent Agreement, Landlord hereby consents to the subletting of the Sublet Premises by Sublandlord to Subtenant pursuant to the Sublease and the use of the Sublet Premises for the manufacture and distribution of ready-mix concrete products and any related or ancillary purposes, including but not limited to surveying, permitting, and construction of improvements for such purposes.

3. Lease Agreement. Landlord and Sublandlord hereby represent that a true and complete copy of the Lease is attached hereto as **Exhibit A**, and Sublandlord and Landlord agree that the Lease shall not be modified in a way that materially affects the Sublet Premises without Subtenant's prior written consent, which consent shall not be unreasonably withheld, conditioned or delayed.

4. Representations.

Landlord hereby represents and warrants, as of the date hereof, that (i) Landlord has full power and authority to enter into this Consent Agreement, (ii) the Lease is in full force and effect, (iii) to the best of Landlord's knowledge, Sublandlord is not in default thereunder; and (iv) Landlord has received no notice that it is in default under the Lease nor has Landlord any knowledge of the existence of any condition or the occurrence of any event which, if not timely acted upon, would result in Landlord's default under the Lease.

5. Landlord Confirmation of Lease Information. Landlord hereby represents and warrants, as of the date hereof, as follows:

a. There are no improvements or alterations to be removed from the Premises, and there is no other restoration work required to be performed, upon the expiration or sooner termination of the Lease, and Subtenant shall not be required to remove any improvements or alterations existing in the Premises or perform any restoration work to the Premises.

b. Subtenant shall have unimpeded access to the Sublet Premises.

6. Additional Rights of Subtenant. Landlord hereby agrees and consents to the following exercise of rights by Subtenant under the Lease:

a. Subtenant shall be permitted to exercise all rights of Sublandlord, as tenant, under the Lease, which rights shall be subject to the requirements of the Lease. In no event shall Subtenant pay a management fee to Landlord but shall be responsible for Landlord's costs to the extent permitted by the Lease.

b. Subtenant shall be permitted to exercise all rights of Sublandlord, as tenant, under the Lease with respect to the Sublet Premises.

c. Landlord hereby consents to Subtenant's installation of such alterations and improvements as Subtenant may require or desire in connection with Subtenant's construction of a concrete batch plant within the Sublet Premises.

7. No Release. Nothing contained in the Sublease or this Consent Agreement shall be construed as relieving or releasing Sublandlord from any of its obligations under the Lease, it being expressly understood and agreed that Sublandlord shall remain liable for such obligations notwithstanding anything contained in the Sublease or this Consent Agreement or any subsequent assignment(s), sublease(s) or transfer(s) of the interest of the tenant under the Lease. Sublandlord

shall be responsible for the collection of all rent due it from Subtenant, and for the performance of all the other terms and conditions of the Sublease.

8. No Transfer. Subtenant shall not further sublease the Sublet Premises, assign its interest as the Subtenant under the Sublease or otherwise transfer its interest in the Sublet Premises or the Sublease to any person or entity, except to the extent otherwise permitted by Landlord in accordance with the assignment and subletting provisions of the Lease.

9. Lease. The parties agree that the Sublease is subject and subordinate to all the terms of the Lease, except as expressly provided in this Consent Agreement.

10. Non-Disturbance of Subtenant. In the event that the Lease is terminated by Landlord because of a default by Sublandlord under the Lease (other than such a default which is caused by a default by Subtenant under the Sublease), or if the Lease terminates for any other reason, Landlord shall notify Subtenant in writing ("Landlord's Notice") within fifteen (15) business days after such termination. Subtenant shall then have the option, exercisable solely by giving Landlord notice of exercise of such option no later than five (5) business days after receiving Landlord's Notice, to enter into a Direct Lease (defined below) with Landlord of the Sublet Premises on the terms provided under the Sublease (excluding however the provisions of Section 4 of the Sublease, and provided that the rent payable under the Direct Lease shall be [REDACTED] per month); provided, that Subtenant shall have no such option if it is then in default under the Sublease. If Subtenant fails to give such notice of exercise to Landlord in timely fashion, Subtenant shall have no right to enter into a Direct Lease with Landlord and the Sublease shall immediately terminate. If Subtenant timely exercises such option, Landlord and Subtenant shall within thirty (30) business days after the date of such exercise enter into a direct lease of the Sublet Premises between Landlord, as landlord, and Subtenant, as tenant (the "Direct Lease"). The effective date of the Direct Lease, for rent commencement and other purposes, shall be contemporaneous with the termination of the Sublease.

11. Sublandlord Notice Address. Landlord may continue to send notices to Sublandlord at the address(es) provided in, and in accordance with the terms of, the Lease and shall send copies of any notices to be sent to Subtenant to [REDACTED] with a copy to the Premises.

12. Authority. Each party to this Consent Agreement hereby represents that the individual executing this Consent Agreement on behalf of such party has the authority to execute and deliver the same on behalf of the party hereto for which such individual is acting.

13. Counterparts. This Consent Agreement may be executed in counterparts and shall constitute an agreement binding on all parties notwithstanding that all parties are not signatories to the original or the same counterpart provided that all parties are furnished a copy or copies thereof reflecting the signature of all parties.

W

IN WITNESS WHEREOF, Landlord, Sublandlord and Subtenant have executed this Consent Agreement as of the date set forth above.

**SUBLANDLORD:**

Victory Companies, LLC  
a Texas limited liability company

By: Scott Cusick

Name: Scott Cusick

Title: CEO/President

**SUBTENANT:**

Five Star Concrete, LLC  
a Delaware limited liability company

By: [Signature]

Name: Thomas L. Garsen III

Title: President

**LANDLORD:**

[Signature]  
Byron Goode

*W*

**Exhibit A**

See attached.

*Exhibit A*

*ik*

**EXHIBIT A**

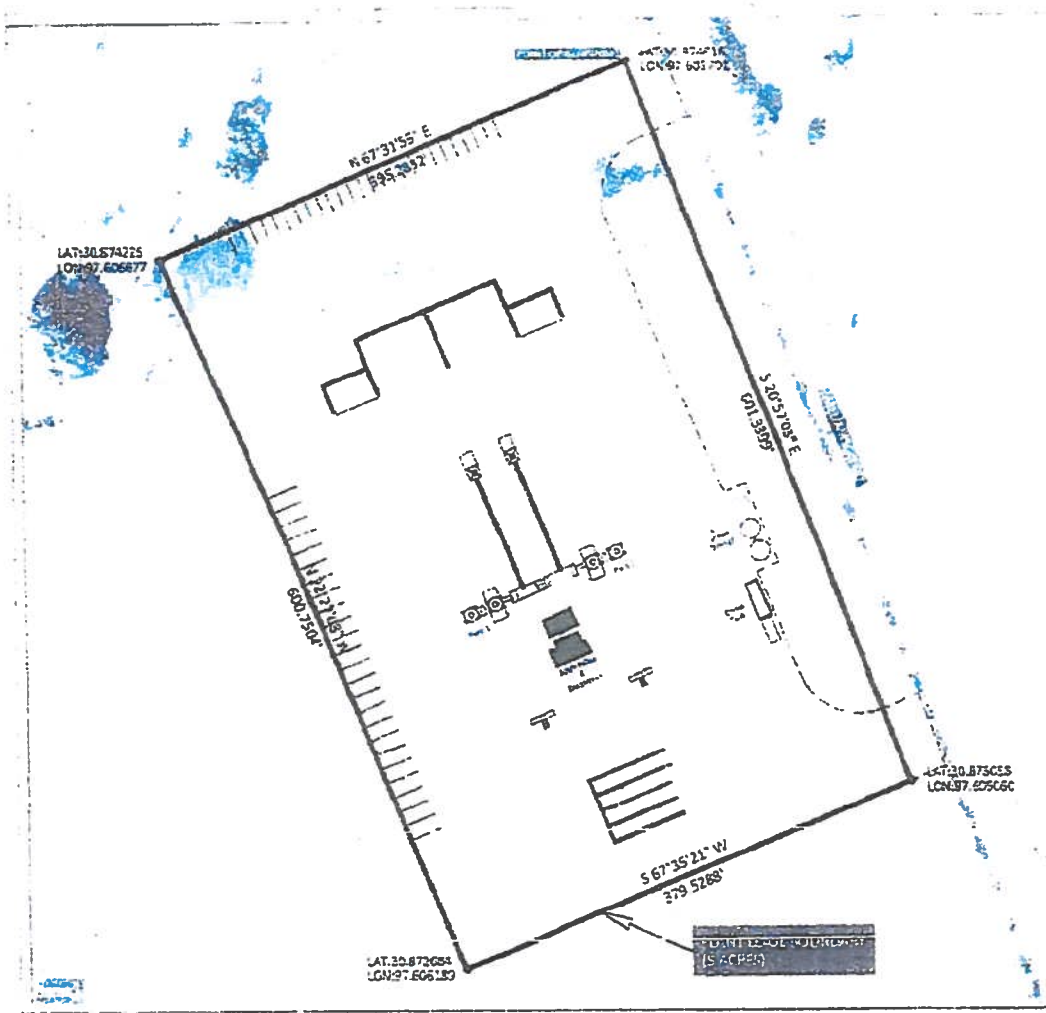
**Description of Leased Premises**

BEGINNING AT A POINT WHICH IS A WOODEN RAIL TIE SET  
FOR CORNER FENCE POST THAT LIES APPROXIMATELY 40' TO  
THE SOUTHWEST OF THE SOLANA RANCH RD AND  
WILLIAMSON ROAD INTERSECTION CENTER;  
THENCE S 20°57'03" E A DISTANCE OF 377.07';  
THENCE S 68°45'01" W A DISTANCE OF 599.24';  
THENCE N 21°14'59" W A DISTANCE OF 364.45';  
THENCE N 67°32'52" E A DISTANCE OF 601.34';  
WHICH IS THE POINT OF BEGINNING.  
AREA LYING WITHIN THE SAID BOUNDARY IS APPROXIMATELY  
5.10 ACRES AND IS SET TO BE THE PLANT LEASE BOUNDARY LINE.

*S. Wick*



ML



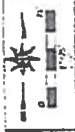
### LEASE BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH WES84 COORDINATES ARE 30.874616° LATITUDE AND 97.605701° LONGITUDE THAT LIES APPROXIMATELY 850' S 20° 57' 03\"/>

V.R. JARRELL  
 REALTY BROKER  
 5518 E. 10TH



"EXHIBIT A"



	VICTORY ROCK
Name:	<i>Scott Cusick</i>
Date:	10/16/23
Signature:	<i>SCC</i>
	FIVE STAR CONCRETE
Name:	
Date:	
Signature:	

RELEASE AGREEMENT  
 (FORM 1077) (REV. 07/2022)

# TCEQ Batch Plant Approval

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Kelly Keel, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 13, 2023

MR STEPHEN HAMPTON  
COMPLIANCE MANAGER  
FIVE STAR CONCRETE LLC  
2 GRIST MILL RD  
UHLAND TX 78640-9363

Re: Air Quality Standard Permit for Concrete Batch Plant with Enhanced Controls  
(As effective August 16, 2004)  
Standard Permit Registration Number: 172917  
Standard Permit Expiration Date: October 13, 2033  
Five Star Concrete LLC  
Concrete Batch Plant  
Jarrell, Bell County  
Regulated Entity Number: RN111747184  
Customer Reference Number: CN606069078

Dear Mr. Hampton:

Five Star Concrete, LLC submitted an application on May 26, 2023 to register construction of a concrete batch plant to be located at the following driving directions, from the southbound Interstate Highway 35 frontage road take County Road 304 West Williamson Road West for approximately 2.17 miles and the location will be on the left, near Jarrell, Bell County.

The Texas Commission on Environmental Quality (TCEQ) has determined that your proposed construction is authorized under the Texas Clean Air Act § 382.05198 and § 382.05199 as codified in the Texas Health and Safety Code, if constructed and operated as described in your registration. The standard permit for concrete batch plants with enhanced controls became effective August 16, 2004.

Copies of the standard permit general conditions and air quality standard permit for concrete batch plants with enhanced controls are enclosed. You must begin construction or modification of these facilities in accordance with the standard permit no later than 18 months after the date of this letter. After completion of construction or modification, the appropriate TCEQ Regional Office must be notified prior to commencing operation and the facility shall be operated in compliance with all applicable conditions of the claimed standard permit (enclosed).

If you need further information or have any questions, please contact Mr. Alexander Hilla at (512) 239-0157 or write to the Texas Commission on Environmental Quality, Office of Air, Air Permits Division, MC-163, P.O. Box 13087, Austin, Texas 78711-3087.

Sincerely,

Mr. Stephen Hampton  
Page 2  
October 13, 2023

Re: Standard Permit Registration Number 172917

A handwritten signature in black ink, appearing to read 'Samuel Short', followed by a long horizontal line extending to the right.

Samuel Short, Deputy Director  
Air Permits Division  
Office of Air  
Texas Commission on Environmental Quality

Enclosure

cc: Air Section Manager, Region 9 - Waco

Project Number: 357974

## Standard Permit General Conditions

The following general conditions are applicable to holders of standard permits, but will not necessarily be specifically stated within the standard permit document.

- (1) Protection of public health and welfare. The emissions from the facility must comply with all applicable rules and regulations of the commission adopted under the Texas Health and Safety Code, Chapter 382, and with intent of the TCAA, including protection of health and property of the public.
- (2) Standard permit representations. All representations with regard to construction plans, operating procedures, and maximum emission rates in any registration for a standard permit become conditions upon which the facility or changes thereto, must be constructed and operated. It is unlawful for any person to vary from such representations if the change will affect that person's right to claim a standard permit under this section. Any change in condition such that a person is no longer eligible to claim a standard permit under this section requires proper authorization under Title 30 Texas Administrative Code § 116.110 (30 TAC § 116.110) (relating to Applicability). Any changes in representations are subject to the following requirements:
  - (A) For the addition of a new facility, the owner or operator shall submit a new registration incorporating existing facilities with a fee, in accordance with §116.611 and §116.614 (relating to Registration to use a Standard Permit and Standard Permit Fees) prior to commencing construction. If the applicable standard permit requires public notice, construction of the new facility or facilities may not commence until the new registration has been issued by the executive director.
  - (B) For any change in the method of control of emissions, a change in the character of the emissions, or an increase in the discharge of the various emissions, the owner or operator shall submit written notification to the executive director describing the change(s), along with the designated fee, no later than 30 days after the change.
  - (C) For any other change to the representations, the owner or operator shall submit written notification to the executive director describing the change(s) no later than 30 days after the change.
  - (D) Any facility registered under a standard permit which contains conditions or procedures for addressing changes to the registered facility which differ from subparagraphs (A) - (C) of this paragraph shall comply with the applicable requirements of the standard permit in place of subparagraphs (A) - (C) of this paragraph.
  - (E) Standard permit in lieu of permit amendment. All changes authorized by standard permit to a facility previously permitted under 30 TAC § 116.110 shall be administratively incorporated into that facility's permit at such time as the permit is amended or renewed.
  - (F) Construction progress. Start of construction, construction interruptions exceeding 45 days, and completion of construction shall be reported to the appropriate regional office not later than 15 working days after occurrence of the event, except where a different time period is specified for a particular standard permit.
  - (G) Start-up notification. The appropriate air program regional office of the commission and any other air pollution control program having jurisdiction shall be notified prior to the commencement of operations of the facilities authorized by the standard permit in such a manner that a representative of the executive director may be present. For phased construction, which may involve a series of units commencing operations at different times, the owner or operator of the facility shall provide separate notification for the commencement of operations for each unit. A particular standard permit may modify start-up notification requirements.

- (H) Sampling requirements. If sampling of stacks or process vents is required, the standard permit holder shall contact the Office of Air and any other air pollution control program having jurisdiction prior to sampling to obtain the proper data forms and procedures. All sampling and testing procedures must be approved by the executive director and coordinated with the regional representatives of the commission. The standard permit holder is also responsible for providing sampling facilities and conducting the sampling operations or contracting with an independent sampling consultant.
- (I) Equivalency of methods. The standard permit holder shall demonstrate or otherwise justify the equivalency of emission control methods, sampling or other emission testing methods, and monitoring methods proposed as alternatives to methods indicated in the conditions of the standard permit. Alternative methods must be applied for in writing and must be reviewed and approved by the executive director prior to their use in fulfilling any requirements of the standard permit.
- (J) Recordkeeping. A copy of the standard permit along with information and data sufficient to demonstrate applicability of and compliance with the standard permit shall be maintained in a file at the plant site and made available at the request of representatives of the executive director, the U.S. Environmental Protection Agency, or any air pollution control program having jurisdiction. For facilities that normally operate unattended, this information shall be maintained at the nearest staffed location within Texas specified by the standard permit holder in the standard permit registration. This information must include (but is not limited to) production records and operating hours. Additional recordkeeping requirements may be specified in the conditions of the standard permit. Information and data sufficient to demonstrate applicability of and compliance with the standard permit must be retained for at least two years following the date that the information or data is obtained. The copy of the standard permit must be maintained as a permanent record.
- (K) Maintenance of emission control. The facilities covered by the standard permit may not be operated unless all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal facility operations. Notification for upsets and maintenance shall be made in accordance with 30 TAC §§ 101.201 and 101.211 (relating to Emissions Event Reporting and Recordkeeping Requirements, Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements, Recordkeeping; and Operational Requirements).
- (L) Compliance with rules. Registration of a standard permit by a standard permit applicant constitutes an acknowledgment and agreement that the holder will comply with all rules, regulations, and orders of the commission issued in conformity with the TCAA and the conditions precedent to the claiming of the standard permit. If more than one state or federal rule or regulation or permit condition is applicable, the most stringent limit or condition shall govern. Acceptance includes consent to the entrance of commission employees and designated representatives of any air pollution control program having jurisdiction into the permitted premises at reasonable times to investigate conditions relating to the emission or concentration of air contaminants, including compliance with the standard permit.
- (M) Distance Limitations. Distance limitations, setbacks, and buffer zones. Notwithstanding any requirement in any standard permit, if a standard permit for a facility requires a distance, setback, or buffer from other property or structures as a condition of the permit, the determination of whether the distance, setback, or buffer is satisfied shall be made on the basis of conditions existing at the earlier of:

- (A) The date new construction, expansion, or modification of a facility begins; or
- (B) The date any application or notice of intent is first filed with the commission to obtain approval for the construction or operation of the facility.

## Air Quality Standard Permit for Concrete Batch Plants with Enhanced Controls

Effective Date August 16, 2004

This air quality standard permit authorizes concrete batch plant facilities which meet all of the conditions listed in sections (1) through (3).

### (1) Administrative Requirements

- (A) Any concrete batch plant authorized under this standard permit must be registered in accordance with 30 TAC § 116.611, Registration to Use a Standard Permit. Owners or operators must submit a completed current Form PI-1S, Table 20 and the Concrete Batch Plant with Enhanced Controls Standard Permit Checklist, and a scaled plot plan of the plant site. Facilities which meet the conditions of this standard permit do not have to meet the emissions and distance limitations listed in 30 TAC § 116.610(a)(1), "Applicability."
- (B) Registration applications must comply with 30 TAC § 116.614 "Standard Permit Fees."
- (C) No owner or operator of a concrete batch plant is permitted to begin construction and/or operation without obtaining written approval from the TCEQ Executive Director. The time period in 30 TAC § 116.611(b) (45 days) does not apply to facilities registering under this permit. Start of construction of any facility registered under this standard permit must comply with 30 TAC § 116.120 and commence construction within 18 months of written approval from the TCEQ.
- (D) Applicants are not required to submit air dispersion modeling as a part of any concrete batch plant standard permit application.
- (E) The following production records must be maintained on site for a rolling 24-month period while the plant is in operation:
  - (i) production rates for each hour of operation demonstrating compliance with (3)(H); and
  - (ii) other records as required by 30 TAC §§ 101.201 and 101.211.
- (F) For the purposes of this standard permit, a "site" is defined as one or more contiguous or adjacent properties which are under common control of the same person (or persons under common control).

### (2) Public Notice

- (A) An application for authorization to construct and operate a concrete batch plant under this standard permit is not subject to the public notice requirements in 30 TAC Chapter 39, Subchapters H and K.
- (B) For authorization to use this standard permit, an applicant must publish notice under this section not later than the earlier of:
  - (i) the 30th day after the date the applicant receives written notice from the executive director that the application is technically complete; or
  - (ii) the 75th day after the date the executive director receives the application.



- (C) The applicant must publish notice at least once in a newspaper of general circulation in the municipality in which the plant is proposed to be located or in the municipality nearest to the proposed location of the plant. If the elementary or middle school nearest to the proposed plant provides a bilingual education program as required by Subchapter B, Chapter 29, Education Code, the applicant must also publish the notice at least once in an additional publication of general circulation in the municipality or county in which the plant is proposed to be located that is published in the language taught in the bilingual education program. This requirement is waived if such a publication does not exist or if the publisher refuses to publish the notice.
- (D) The notice must include:
- (i) a brief description of the proposed location and nature of the proposed plant;
  - (ii) a description, including a telephone number, of the manner in which the TCEQ Executive Director may be contacted for further information;
  - (iii) a description, including a telephone number, of the manner in which the applicant may be contacted for further information;
  - (iv) the location and hours of operation of the TCEQ regional office at which a copy of the application is available for review and copying; and
  - (v) a brief description of the public comment process, including the time and location of the public hearing, and the mailing address and deadline for filing written comments.
- (E) The public comment period begins on the first date notice is published under Subsection (2)(B) and extends to the close of the public hearing.
- (F) A public hearing must be held not less than 30 days and not more than 45 days after the first date notice is published under Subsection (2)(B). The public hearing must be held in the county in which the plant is proposed to be located.
- (G) A public hearing held under this standard permit is not an evidentiary proceeding. Any person may submit an oral or written statement concerning the application at the public hearing.
- (H) Not later than the 35th day after the date the public hearing is held, the TCEQ Executive Director will approve or deny the application for authorization to use the standard permit. The executive director must base the decision on whether the application meets the requirements of this standard permit. The executive director must consider all comments received during the public comment period and at the public hearing in determining whether to approve the application. If the executive director denies the application, the executive director must state the reasons for the denial and any modifications to the application necessary for the proposed plant to qualify for the authorization.
- (I) The TCEQ Executive Director will issue a written response to any public comments received related to the issuance of an authorization to use the standard permit at the same time as or as soon as practicable after the executive director grants or denies the application. Issuance of the response after the granting or denial of the application does not affect the validity of the executive director's decision to grant or deny the application. The executive director will:
- (i) mail the response to each person who filed a comment; and
  - (ii) make the response available to the public.

### **(3) Design and Operating Requirements**

- (A) Each cement/fly ash storage silo and weigh hopper must be equipped with a fabric or cartridge filter or vented to a fabric or cartridge filter system.
- (B) Fabric or cartridge filters and collection systems must meet all of the following:
  - (i) each fabric filter or cartridge filter, and its associated collection system, and any suction shroud must be maintained and operated properly with no tears or leaks;
  - (ii) excluding the suction shroud filter system, each filter system must be designed to meet an outlet grain-loading standard of at least 0.01 grains/dry standard cubic foot;
  - (iii) each filter system and each mixer-loading and batch truck-loading emissions control device must meet a performance standard of no visible emissions exceeding 30 seconds in a five minute period as determined using EPA Test Method 22 as that method existed on September 1, 2003; and
  - (iv) if a cement or fly ash silo is filled during non-daylight hours, the silo filter system exhaust must be sufficiently illuminated to enable a determination of compliance with the performance standard described by (3)(B)(iii) of this permit.
- (C) Conveying systems for the transfer of cement or fly ash must meet all of the following:
  - (i) the conveying system for the transfer of cement or fly ash to and from each storage silo must be totally enclosed, operated properly, and maintained without any tears or leaks; and
  - (ii) except during cement or fly ash tanker connection or disconnection, each conveying system for the transfer of cement or fly ash must meet the performance standard described in paragraph (3)(B)(iii) of this permit.
- (D) A warning device must be installed on each bulk storage silo.
  - (i) The warning device must be designed to alert the operator in sufficient time for the operator to stop loading operations before the silo is filled to a level that may adversely affect the pollution abatement equipment; and
  - (ii) if filling a silo results in failure of the pollution abatement system or failure to meet the performance standard described by paragraph (3)(B)(iii) of this standard permit, the failure must be documented and reported to the commission following the requirements of 30 TAC §§ 101.201 or 101.211, as appropriate.
- (E) Each road, parking lot, or other area at the plant site that is used by vehicles must be paved with a cohesive hard surface that is properly maintained, cleaned, and watered so as to minimize dust emissions.
- (F) Each stockpile must be sprinkled with water or dust-suppressant chemicals or covered so as to minimize dust emissions.
- (G) Material used in the batch that is spilled must be immediately cleaned up and contained or dampened so as to minimize dust emissions.
- (H) The production of concrete at the site must not exceed 300 cubic yards per hour.

- (I) A suction shroud or other pickup device must be installed at the batch drop point or, in the case of a central mix plant, at the drum feed, and vented to a fabric or cartridge filter system with a minimum capacity of 5,000 cubic feet per minute of air.
- (J) The bag filter and capture system must be properly designed to accommodate the increased flow from the suction shroud and achieve a control efficiency of at least 99.5 percent.
- (K) The following distance limitations must be met:
  - (i) the suction shroud baghouse exhaust must be more than 100 feet from any property line;
  - (ii) stationary equipment, stockpiles, and vehicles used at the plant, except for incidental traffic and vehicles as they enter and exit the site, must be located or operated more than 100 feet from any property line; and
  - (iii) if the plant is located in an area that is not subject to municipal zoning regulation, the central baghouse must be located at least 440 yards from any building used as a single or multifamily residence, school, or place of worship at the time the standard permit registration is filed with the commission.
- (L) In lieu of meeting the distance requirements for roads and stockpiles of (3)(K)(ii), the following must be followed:
  - (i) each road, parking lot, and other traffic area is bordered by dust-suppressing fencing or another barrier at least 12 feet high; and
  - (ii) each stockpile located within the applicable distance of a property line is contained within a three-walled bunker that extends at least two feet above the top of the stockpile.

Notification

## N2-21-001P Contact List

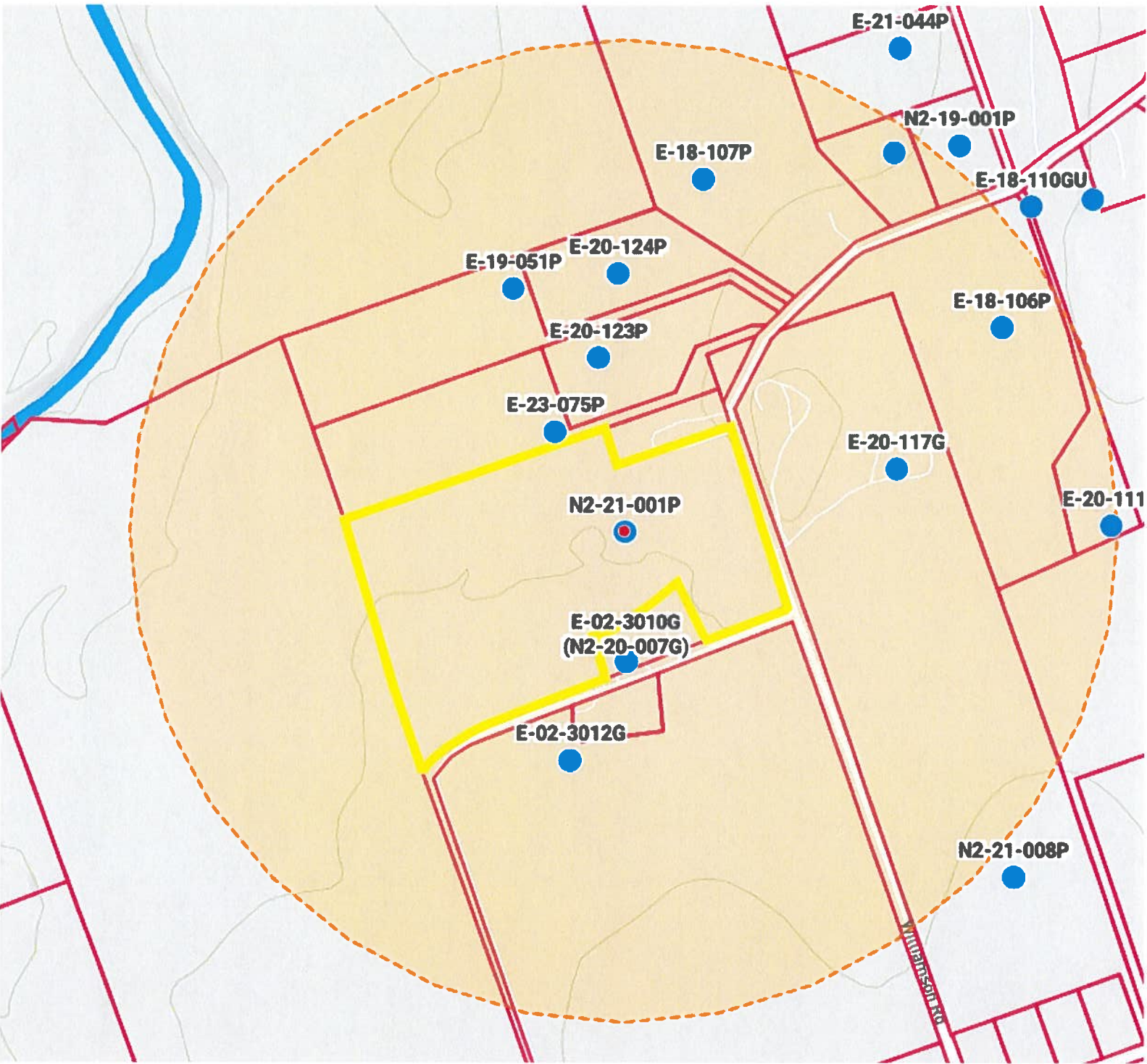
### Wells 1/2 Mile

<u>Prop ID</u>	<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	<u>Well #</u>	<u>Status</u>	<u>Depth</u>	<u>Aquifer</u>	<u>Use</u>	<u>Distance</u>
41920	Byron Goode	PO Box 297	Jarrell	TX	76537	E-02-3012G	Inactive	unknown	unknown	Not used	1,247 ft
113755	Matthew Baird	6577 Solana Ranch Rd	Salado	TX	76571	E-20-123P	Active	900	Middle Trinity	Domestic	942 ft
107127	Byron Goode	PO Box 297	Jarrell	TX	76537	E-02-3010G	Active	880	Middle Trinity	Industrial	691 ft (previously N2-20-007G)
484912	Dennis Baird	6604 Solana Ranch Rd	Salado	TX	76571	E-23-075P	Active	890	Middle Trinity	Domestic	645 ft
351652	Zach & Charlotte Baird	968 Prairie Dell Church Rd	Salado	TX	76571	E-20-117G	Inactive	75	Edwards BFZ	Domestic	1,502 ft
501690	Ashley Voss-Liebig	6261 Solana Ranch Rd	Salado	TX	76571	E-20-111P	Active	900	Middle Trinity	Domestic	2,383 ft
484918	Johnny & Sharon Baird	6573 Solana Ranch Rd	Salado	TX	76571	E-19-051P	Active	887	Middle Trinity	Domestic	1,489 ft
484907	Marcus & Tanya Edwards	PO Box 338	Salado	TX	76571	E-18-107P	Active	140	Edwards BFZ	Domestic	1,883 ft
483877	Tim & Louise Watkins	6327 Solana Ranch Rd	Salado	TX	76571	E-18-106P	Active	158	Edwards BFZ	Domestic	2,402 ft
484919	Casey & Emily DeWees	6569 Solana Ranch Rd	Salado	TX	76571	E-20-124P	Active	900	Middle Trinity	Domestic	1,387 ft
490773	David & Patricia Penney	6350 Solana Ranch Rd	Salado	TX	76571	N2-19-002P	Active	900	Middle Trinity	Domestic	2,520 ft

### Adjacent Property

186827	Jose Espinoza & Terencio Ramirez Guerra	PO Box 553	Jarrell	TX	76537
484912	Dennis Baird	1309 Tiffany Lane	Longview	TX	75605
41920	Byron Goode	PO Box 297	Jarrell	TX	76537
351652	Zach & Charlotte Baird	968 Prairie Dell Church Rd	Salado	TX	76571
107127	Byron Goode	PO Box 297	Jarrell	TX	76537
523554	Byron Goode	PO Box 297	Jarrell	TX	76537
419635	Patsy Faulkner	3412 Darion Lane	Plano	TX	75093
41911	Byron Goode	PO Box 297	Jarrell	TX	76537
108586	Solana Ranch Co. c/o Kirk Michaux	PO Box 1199	Salado	TX	76571
34912	Patsy Faulkner	3412 Darion Lane	Plano	TX	75093
34913	Patsy Faulkner	3412 Darion Lane	Plano	TX	75093
34909	Patsy Faulkner	3412 Darion Lane	Plano	TX	75093
58224	Byron Goode	PO Box 297	Jarrell	TX	76537

<b>Name</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
Matthew Baird	6577 Solana Ranch Rd	Salado	TX	76571
Byron Goode	PO Box 297	Jarrell	TX	76537
Dennis Baird	6604 Solana Ranch Rd	Salado	TX	76571
Zach & Charlotte Baird	968 Prairie Dell Church Rd	Salado	TX	76571
Ashley Voss-Liebig	6261 Solana Ranch Rd	Salado	TX	76571
Johnny & Sharon Baird	6573 Solana Ranch Rd	Salado	TX	76571
Marcus & Tanya Edwards	PO Box 338	Salado	TX	76571
Tim & Louise Watkins	6327 Solana Ranch Rd	Salado	TX	76571
Casey & Emily DeWees	6569 Solana Ranch Rd	Salado	TX	76571
David & Patricia Penney	6350 Solana Ranch Rd	Salado	TX	76571
Jose Espinoza & Terencio Ramirez Guerra	PO Box 553	Jarrell	TX	76537
Solana Ranch Co. c/o Kirk Michaux	PO Box 1199	Salado	TX	76571
Patsy Faulkner	3412 Darion Lane	Plano	TX	75093



March 22, 2024

**NOTICE OF APPLICATION FOR AN AMENDMENT OF BENEFICIAL USE**

*Name*  
*Address*  
*City, State Zip*

**VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

RE: Application for an Amendment to an Existing Lower Trinity Production Well #N2-21-001P for a specific change in Beneficial Use to Include a Concrete Batch Plant on an adjacent property PID: 41920 (110.735-acres)

To Whom It May Concern:

On behalf of Victory Rock Texas LLC, I Jon Taliaferro as Senior Consultant with Trinity Consultants, have made an application to the Clearwater Underground Water Conservation District (CUWCD) on March 8, 2024, for an amendment to their current operating permit. The current operating permit does authorize production of groundwater not to exceed 30-ac-ft (9,775,000 gallons) per year from a well (N2-21-001P) completed in the Hosston Layer of Trinity aquifer. This application does not contemplate any additional groundwater production beyond the current operating amount of 30-ac-ft/year.

The current operating permit is to produce groundwater for a defined beneficial use for a dual purpose specifically for dust suppression and mining/crushing aggregates on contiguous tracts of land known as PID: 41910 and PID: 41912 of approximately 283-acres.

Victory Rock Texas LLC is proposing an amendment to the permit to add an additional tract of land PID: 41920 totaling 110.73-acres to their contiguous property leased from Byron Goode. The proposed additional beneficial use is to include a Concrete Batch Plant Facility known as Five Star, Concrete, LLC.

CUWCD well #N2-21-001P is located in the Stillhouse Hollow Management Zone and is completed to 1205 feet below land surface, screened in the Hosston Layer of the Trinity Aquifer at approximately 1056 to 1160 feet below land surface. The well is currently equipped with a maximum 1 ¼ -inch column pipe equipped with a 7 ½ HP submersible pump rated at 16 gallons per minute on the 283-acre tract located at 7170 Solana Ranch Rd, Salado TX, 76571, Latitude 30.878055°, Longitude - 97.609444° currently producing groundwater for the sole purpose of mining and crushing aggregates and dust suppression.

This application will be set for hearing before the CUWCD Board upon notice posted at the Bell County Clerk's Office and at the CUWCD Office. If you would like to support, protest, or provide comments on this application, you must appear at the hearing and comply with District Rule 6.10. For additional information about this application or the permitting process, please contact CUWCD at 700 Kennedy Court (PO Box 1989), Belton, Texas 76513, 254-933-0120. I, the applicant's representative, Mr. Jon Taliaferro may be contacted at 9737 Great Hills Trail, Ste 340, Austin TX 78759, or by calling (361)215-9994.

Sincerely,

Jon Taliaferro EIT  
Senior Consultant  
Trinity Consultants



**NOTICE OF APPLICATION FOR AN AMENDMENT OF BENEFICIAL USE**  
**TO**  
**CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT**

Victory Rock Texas LLC, c/o Jon Taliaferro as Senior Consultant with Trinity Consultants, has made an application to the Clearwater Underground Water Conservation District (CUWCD) on March 8, 2024, for an amendment to their current operating permit. The current operating permit does authorize production of groundwater not to exceed 30-ac-ft (9,775,000 gallons) per year from a well (N2-21-001P) completed in the Hosston Layer of Trinity aquifer. This application does not contemplate any additional groundwater production beyond the current operating amount of 30-ac-ft/year.

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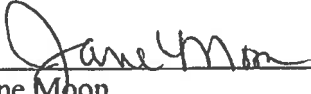
# Publisher's Affidavit

State of Texas  
County of Bell


Before Me, The Undersigned Authority, this day personally appeared Jane Moon after being by me duly sworn, says that she is the Classified Manager Inside Sales of the Temple Daily Telegram, a newspaper published in Bell County, Texas and that the stated advertisement was published in said newspaper on the following date(s):

March 27, 2024

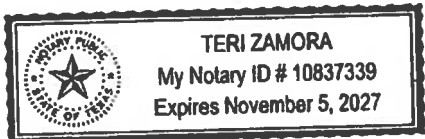
For: Trinity Consultants  
Victory Rock Texas LLC  
Ad #: 16691618  
Cost: \$199.65  
Times Published:

  
Jane Moon  
Classified Manager Inside Sales

Subscribed and sworn to before me,  
this day: March 27, 2024

  
Notary Public in and for  
Bell County, Texas

(Seal)



## NOTICE OF APPLICATION FOR AN AMENDMENT OF BENEFICIAL USE TO CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT

Victory Rock Texas LLC, c/o Jon Tallaferra as Senior Consultant with Trinity Consultants, has made an application to the Clearwater Underground Water Conservation District (CUWCD) on March 8, 2024, for an amendment to their current operating permit. The current operating permit does authorize production of groundwater not to exceed 30-ac-ft (9,775,000 gallons) per year from a well (N2-21-001P) completed in the Hosston Layer of Trinity aquifer. This application does not contemplate any additional groundwater production beyond the current operating amount of 30-ac-ft/year.

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CROSSWORD

By THOMAS JOSEPH

ACROSS 44 Newscaat 1 Unexciting segment 5 The Milky Way, e.g. 11 Shortly, in poems 12 Infant outfit 13 Poker game 14 Select on the radio dial 15 Model buy 16 Triangular sails 17 Half of Hispaniola 19 Urgent call 22 Boring Cone fill 26 River to the Severn 27 Greek liquor 28 Ceases 30 Sacred song 31 Pub pit 32 Suppress 34 Supply with cash 35 Young seal 38 Luau setting 41 Tedious 42 "King of the Trumpet" 43 Radius partner

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DOWN 1 Chore 2 Opposed in 3 Ski mask 4 Purpose of a sort call 5 "1 under-stand" 6 Jackal-headed god 7 Micro-scope part 8 Enzyme suffix 9 Noon, on a clock 10 Desire water 11 Huck's friend 18 Pop's sister 19 Low point, of a sort call 20 Seep 21 Location 22 "Very funny" 23 Track-sesses 24 Shape 25 Dove calls summit 29 Use a 40 Question of identity 30 Enraged flower

Yesterday's answer

11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44

ACROSS 44 Newscaat 1 Unexciting segment 5 The Milky Way, e.g. 11 Shortly, in poems 12 Infant outfit 13 Poker game 14 Select on the radio dial 15 Model buy 16 Triangular sails 17 Half of Hispaniola 19 Urgent call 22 Boring Cone fill 26 River to the Severn 27 Greek liquor 28 Ceases 30 Sacred song 31 Pub pit 32 Suppress 34 Supply with cash 35 Young seal 38 Luau setting 41 Tedious 42 "King of the Trumpet" 43 Radius partner

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su do ku

7 6 1 5 3 2 6 4 1 3 8 6 1 3 5 1 6 2 7 4 1 3 7 9 2 8 2 6 4 1

Difficulty: ★★★ 3/27

How to Play: Using the numbers provided, complete the grid so that every row, column, and 3x3 square contains the numbers 1-9 without duplications. Find solutions, tips, and computer program at www.sudoku.com

AXYDLBAAXR LONGFELLOW One letter stands for another. In this sample, A is used for the three L's, X for the two O's, etc. Single letters, apostrophes, the length and formation of the words are all hints. Each day the code letters are different.

CRYPTOQUOTE YCT'P YP ALDYOPKXD PU EMFL XBYLTAC HURYTO XBUR

MXMB? — HEYTLCL KBUFLBS Yesterday's Cryptquote: ONE IS LOVED BECAUSE ONE IS LOVED. NO REASON IS NEEDED FOR LOVING. — PAULO COELHO

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Postage	\$ 40.00	

To: Jose Espinoza & Terencio Ramirez Guerra  
PO Box 553  
Jarrell, TX 76537

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To: Solana Ranch Co. c/o Kirk Michaux  
PO Box 1199  
Salado, TX 76571

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 40.00	
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Postage	\$ 40.00	

To: David & Patricia Penney  
6350 Solana Ranch Rd  
Salado, TX 76571

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 40.00	
<input type="checkbox"/> Adult Signature Required	\$ 40.00	
Postage	\$ 40.00	

To: Tim & Louise Watkins  
6327 Solana Ranch Rd  
Salado, TX 76571

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Extra Services & Fees (check box, add fee as appropriate)	\$ 47.25	
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<input type="checkbox"/> Return Receipt (electronic)	\$ 30.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 40.00	
<input type="checkbox"/> Adult Signature Required	\$ 40.00	
Postage	\$ 40.00	

To: Johnny & Sharon Baird  
6573 Solana Ranch Rd  
Salado, TX 76571

03/26/2024

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.00	
Total	\$8.72	03/26/2014

Byron Goode

Sent To PO Box 297

Street

City, St Jarrell, TX 76537

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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.00	
Total	\$8.72	03/26/2014

Casey & Emily DeWees

6569 Solana Ranch Rd

Salado, TX 76571

PS Form 3800, January 2013 PSN 7530-02-000-9047 See Reverse for Instructions

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Certified Mail Fee	\$4.40	0400
Extra Services & Fees (check box, add fee as appropriate)	\$17.25	19
<input type="checkbox"/> Return Receipt (hardcopy)	\$3.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.00	
Total	\$8.72	03/26/2014

Matthew Baird

6577 Solana Ranch Rd

Salado, TX 76571

PS Form 3800, January 2013 PSN 7530-02-000-9047 See Reverse for Instructions

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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.00	
Total	\$8.72	03/26/2014

Marcus & Tanya Edwards

PO Box 338

Salado, TX 76571

PS Form 3800, January 2013 PSN 7530-02-000-9047 See Reverse for Instructions

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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.00	
Total	\$8.72	03/26/2014

Dennis Baird

6604 Solana Ranch Rd

Salado, TX 76571

PS Form 3800, January 2013 PSN 7530-02-000-9047 See Reverse for Instructions

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.00	
Total	\$8.72	03/26/2014

Zach & Charlotte Baird

968 Prairie Dell Church Rd

Salado, TX 76571

PS Form 3800, January 2013 PSN 7530-02-000-9047 See Reverse for Instructions

Victory Rock

9589 0710 5270 0331 0921 77

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Salado, TX 76571

OFFICIAL USE

Certified Mail Fee	\$4.40
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$3.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$1.33

Total \$5.73

Send 6261 Solana Ranch Rd

Street

City Salado, TX 76571

City

Postmark Here

03/28/2024

# Application Fees

**Clearwater Underground Water Conservation**PO Box 1989  
Belton, TX 76513**Invoice****Invoice #:** 224**Invoice Date:** 3/11/2024**Due Date:** 3/11/2024**Project:****P.O. Number:****Bill To:**Victory Companies, LLC  
2802 FLintrock Track #214  
Austin, TX 78738

Date	Description	Amount
3/11/2024	Permit Application Fee 30 acre-feet	1,125.00

**Total** \$1,125.00**Payments/Credits** -\$1,125.00**Balance Due** \$0.00



THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

**Victory Rock LLC**  
2320 Creve Coeur Mill Road  
Maryland Heights, MO 63043  
(314) 344-0070

**Bank of Austin**

30-2564  
1140

**43001313**

**VOID AFTER 90 DAYS**

**PAYEE**  
171299

DATE	AMOUNT
3/22/2024	\$*****1,125.00

**PAY** ONE THOUSAND ONE HUNDRED TWENTY FIVE AND 00/100\*\*\*\*\*

**Victory Rock LLC**

**TO  
THE  
ORDER  
OF**

Clearwater Underground Water Cons. Dist.  
PO Box 1989  
Belton TX 76513



*[Handwritten Signature]*  
**K. Weill**



THIS CHECK IS VOID WITHOUT A BLUE & GREEN BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK - HOLD AT AN ANGLE TO VIEW



**Clearwater Underground Water Conservation District**  
 P.O. Box 1989, Belton, TX 76513  
 Phone: 254/933-0120 Fax: 254/933-8396

**ADMINISTRATIVE FEE SCHEDULE**  
**Effective November 1, 2022**

<i>DESCRIPTION</i>	<i>FEES</i>
<b><u>Exempt Well Registration (unregistered wells)</u></b>	No Fee
<b><u>Exempt Well Application (New or Replacement)</u></b>	No Fee

**Non-Exempt Permit Application Fee Schedule:** *(Fee calculation Table is available by request)*

Title	Annual Withdrawal (ac-ft)	Withdrawal Limit Condition	Drilling Permit Base Fee	Drilling Permit Progressive Fee	Progressive Fee Unit	Operating Permit Base Fee	Operating Permit Progressive Fee	Progressive Fee Unit
Level I <sup>†</sup>	0	Up to and including 1 ac-ft	\$ 150.00	\$ -	-	\$ -	\$ -	-
Level II <sup>†</sup>	1	Up to but not including 5 ac-ft	\$ 150.00	\$ 210.00	per ac-ft	\$ -	\$ -	-
Level III	5	Up to but not including 130 ac-ft	\$ 400.00	\$ 15.00	per ac-ft	\$ 600.00	\$ 20.00	per ac-ft
Level IV	130	Equal to or Greater than 130 ac-ft	\$ 2,200.00	\$ 7.50	per ac-ft	\$ 3,300.00	\$ 10.00	per ac-ft

<sup>†</sup> Level I and Level II use a Combination Permit, the Combination Permit fees are listed under Drilling Fees

**Reference Table of Fees:**

Table of Fees			
ac-ft	Combined Fee	Drilling Fee	Operating Fee
0.5	\$ 150.00	-	-
1	\$ 150.00	-	-
2	\$ 360.00	-	-
3	\$ 570.00	-	-
4	\$ 780.00	-	-
5	\$ 1,000.00	\$ 400.00	\$ 600.00
30	\$ 1,875.00	\$ 750.00	\$ 1,125.00
55	\$ 2,750.00	\$ 1,100.00	\$ 1,650.00
80	\$ 3,625.00	\$ 1,450.00	\$ 2,175.00
105	\$ 4,500.00	\$ 1,800.00	\$ 2,700.00
130	\$ 5,500.00	\$ 2,200.00	\$ 3,300.00
155	\$ 5,937.50	\$ 2,375.00	\$ 3,562.50
180	\$ 6,375.00	\$ 2,550.00	\$ 3,825.00
205	\$ 6,812.50	\$ 2,725.00	\$ 4,087.50
230	\$ 7,250.00	\$ 2,900.00	\$ 4,350.00

All Drilling and Operating Permit applications of 5-acre feet or more are a two-step process, with progressive fees that have a maximum cost not to exceed as follows:

<b>Drilling Permit Fee</b>	<b>Maximum</b>
<b>Operating Permit Fee</b>	<b>\$ 7,500.00</b>
<b>Combined Total</b>	<b>\$ 10,000.00</b>
	<b>\$ 17,500.00</b>