

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AUSTIN, TEXAS

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WATER AVAILABILITY DIV.

**APPLICATION FOR AMENDMENTS TO  
CERTIFICATES OF ADJUDICATION NOS. 23-153 AND 23-37,  
RIO GRANDE**

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Pursuant to the Texas Water Code and the Commission's Rules and Regulations, RUSSELL PLANTATION, LTD., of Cameron County, Texas, (hereafter called APPLICANT), hereby requests the Commission to change the point of diversion, and place of use of the right to divert up to a maximum of 375.00 acre feet of water per annum from the Rio Grande on a Class "B" Irrigation priority basis being a portion of those water rights evidenced by Certificate of Adjudication No. 23-153, as amended, No. 23-153B ("Certificate No. 23-153 rights"), and the right to divert up to a maximum of 231.250 acre feet of water from the Rio Grande on a Class "B" irrigation priority basis, being a portion of those rights evidenced by Certificate of Adjudication No. 23-37, as amended, No. 23-37B ("Certificate No. 23-37 rights"), and as grounds for this Application, Applicant would state as follows:

1. Madera Properties, Ltd., has conveyed to Applicant the Certificate No. 23-153 rights, amounting to the right to divert 375.00 acre feet per annum for irrigation purposes on a Class "B" priority basis, and the Certificate No. 23-37 rights amounting to the right to divert 231.250 acre feet per annum for irrigation purposes on a Class "B" priority basis.

A copy of said Conveyance is provided herewith and will be or has been filed with the Commission with respect to the change in ownership. These water rights are hereinafter referred to as the "Water Rights."

2. The existing purpose of use of the Water Rights is for irrigation purposes. Applicant will utilize the allocated water under the Water Rights for irrigation purposes, and therefore, a change in purpose of use is not hereby requested.

3. (a) The existing place of use of the Water Rights of Applicant is upon property in Cameron County, Texas, as described in the Conveyance mentioned above in Paragraph 1.

(b) The proposed new place of use of the Water Rights of Applicant is within a tract of land containing a net of 1,159.65 acres, more or less, out of Blocks 2, 3, 4 and 5 of the Barrera Gardens Subdivision as described as Tract #1 in that certain Warranty Deed dated December 18, 1984, of record in Volume 1395, Page 261 of the Official Records of Cameron County, Texas, and more particularly described on Exhibit "A" attached hereto.

4. The diversion point of the Water Rights is requested to be changed to the diversion point of Rio Grande Palms Water District, which is well known to the Rio Grande Watermaster and is the diversion point for the proposed new place of use.

5. Applicant states that the change of point of diversion, and place of use, as requested herein, does not contemplate an increased appropriation of water or rate of diversion which would harm any other existing water right holders on the Rio Grande below Amistad and Falcon Reservoirs; and will not prejudice any other water right holder on the Rio Grande below Amistad Reservoir.

6. Applicant understands that the Commission may require additional information in regard to the requested Amendment of the Water Rights before considering this Application. Applicant is submitting the required fees herewith.

7. The address of Applicant is:

RUSSELL PLANTATION, LTD.  
28481 State Highway 100  
San Benito, TX 78566

Tax I.D.: 2344345

WHEREFORE, Applicant respectfully requests that the Commission approve this Application and issue Amendment to Certificate of Adjudication Nos. 23-153 and 23-37 and such other appropriate orders as are necessary changing the ownership to the Applicant, point of diversion, and place of use of the Water Rights as above requested, and for such other relief to which Applicant is entitled.

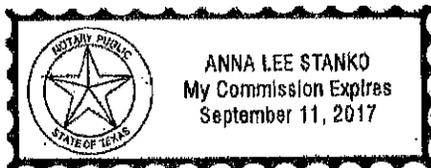
DATED this 5th day of September, 2016.

RUSSELL PLANTATION, a Texas  
Limited Partnership  
J&S Russell Investments, Inc.  
General Partner

By: [Signature]  
James D. Russell, President

STATE OF TEXAS §  
COUNTY OF CAMERON §

SUBSCRIBED AND SWORN TO BEFORE ME by the said James D. Russell  
in the capacity as stated, on this the 5th day of September, 2016.



[Signature]  
Notary Public in and for The State of Texas