

# TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader  
Water Rights Permitting Team

FROM: Hal E. Bailey, Jr., Project Manager  
Water Rights Permitting Team

DATE: August 8, 2022

SUBJECT: The Cole Ranch Company, L.P. & Cole Ranch Improvement District  
No. 1 of Denton County  
WRPERM 13830  
CN605997071, CN605997113, RN111460275  
Application No. 13830 for a Water Use Permit  
Texas Water Code §§ 11.042, 11.121, 11.143, Requiring Published  
and Limited Mailed Notice  
Unnamed tributaries of Hickory Creek, Trinity River Basin  
Denton County

The application and fees were received on March 17, 2022. Additional information was received on March 23, May 24, and July 20, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on August 8, 2022. Published notice to water right holders of record in the Trinity River Basin is required pursuant to Title 30 Texas Administrative Code (TAC) § 295.152(b). Mailed notice to downstream water right holders of record in the Trinity River Basin, to the North Texas Groundwater Conservation District, to the Texas Parks and Wildlife Department, and to the Office of Public Interest Counsel is required pursuant to Title 30 TAC §§ 295.153(c), 295.161(a) and 295.161(c), respectively.

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

*Hal E. Bailey, Jr.*

Hal E. Bailey, Jr., 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*

August 8, 2022

Mr. Hunter Teel  
LJA Engineering  
3017 W. 7<sup>th</sup> Street, Suite 300  
Fort Worth, Texas 76107

**VIA E-MAIL**

RE: The Cole Ranch Company, L.P. & Cole Ranch Improvement District No. 1  
of Denton County  
WRPERM 13830  
CN605997071, CN605997113, RN111460275  
Application No. 13830 for a Water Use Permit  
Texas Water Code §§ 11.042, 11.121, 11.143, Requiring Published and Limited  
Mailed Notice  
Unnamed tributaries of Hickory Creek, Trinity River Basin  
Denton County

Dear Mr. Teel:

This acknowledges receipt, on March 23, May 24, and July 20, 2022, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on August 8, 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 [hal.bailey@tceq.texas.gov](mailto:hal.bailey@tceq.texas.gov) or at (512) 239-4615.

Sincerely,

A handwritten signature in cursive script that reads "Hal E. Bailey, Jr.".

Hal E. Bailey, Jr., Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

## Hal Bailey

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**From:** Hunter Teel [REDACTED] >  
**Sent:** Monday, August 1, 2022 3:28 PM  
**To:** Hal Bailey  
**Cc:** Chris Kozlowski; 0136 - Cole Ranch; Larissa Knapp-Scott  
**Subject:** RE: Cole Ranch Company, L.P & Cole Ranch Improvement District No. 1 of Denton County Application No. 13830 Extension Approved

Hal,

Any update on the Cole Ranch Water Rights review?

Thanks,

**Hunter Teel, P.E., CFM**  
Assistant Project Manager

**LJA Engineering** | We seek solutions.

• [Fort Worth](#)

D: 817.288.1967

C: 361.816.9285

*Celebrating 50 Years! 1972-2022*

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**From:** Hunter Teel  
**Sent:** Wednesday, July 20, 2022 8:00 AM  
**To:** 'Hal Bailey' <Hal.Bailey@tceq.texas.gov>  
**Cc:** 'Chris Kozlowski' <chris.kozlowski@tceq.texas.gov>; [REDACTED]; Larissa Knapp-Scott <[REDACTED]>; Leonard Dougal [REDACTED] <[REDACTED]>; Ocie Vest <[REDACTED]>; Jennifer Alexander <[REDACTED]>; [REDACTED]; Christopher Cook <[REDACTED]>; Lauren Gilstrap [REDACTED] >  
**Subject:** RE: Cole Ranch Company, L.P & Cole Ranch Improvement District No. 1 of Denton County Application No. 13830 Extension Approved

Good morning Hal,

Attached is the revisions to the Water Rights Application per the two comments discussed with LJA during the meeting on June 8<sup>th</sup>, 2022. Below are the comments restated as well as the responses.

- **TCEQ Comment #1** – There currently are not enough wells to satisfy the full capacity of replacement that the permit is asking for. Provide water well permits accounting for the total replacement needs or a signed letter from the controlling groundwater district for the future wells.
  - **Comment Response** – A signed letter from the North Texas Groundwater Conservation District is attached. This letter shows that The Cole Ranch Company is in direct communication with the groundwater district and working to acquire the permits for the needed wells. The water rights application has been revised to reduce the number of acres proposed to be irrigated from 470 acres to 235 acres, therefore reducing the needed replacement gpm. The report and application has been revised to reflect the irrigation acres changes.
- **TCEQ Comment #2** – The water quality testing provided for the active well does not meet TCEQ screening requirements for the downstream segment (Lake Lewisville). Provide an amendment plan for

the groundwater or prove that the groundwater well does not adversely impact the stream the wells are directly discharging to.

- Comment Response – Per the LJA conversation with Leslie Patterson at TCEQ on June 14<sup>th</sup>, 2022, water quality testing upstream and downstream of the discharge point can be performed to prove that the groundwater wells discharge will not adversely impact the stream’s water quality. Therefore, water quality testing is being performed by WaterCentric at points upstream and downstream of Hickory Creek where the water will discharge as well as the two lakes. Detailed results of the testing and the plan to monitor the water quality will be provided during technical review.

The provided responses and materials should satisfy the administrative portion of the Water Rights review and allow the permit to proceed to technical review.

Please let us know if you have any questions.

Thanks,

**Hunter Teel, P.E., CFM**  
Assistant Project Manager

**LJA Engineering** | We seek solutions.

● [Fort Worth](#)

D: 817.288.1967

C: 361.816.9285

*Celebrating 50 Years! 1972-2022*

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**From:** Hal Bailey <[Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)>

**Sent:** Monday, June 20, 2022 11:43 AM

**To:** Hunter Teel <[REDACTED]>

**Cc:** Chris Kozlowski <[chris.kozlowski@tceq.texas.gov](mailto:chris.kozlowski@tceq.texas.gov)>

**Subject:** Cole Ranch Company, L.P & Cole Ranch Improvement District No. 1 of Denton County Application No. 13830 Extension Approved

[EXTERNAL EMAIL]

Good morning Hunter,

Your request for an extension has been approved. Attached is an electronic copy of the extension approval letter.

Please provide the requested additional information by COB on 07/20/2022.

Thank you,

*Hal E. Bailey, Jr.*

*Natural Resources Specialist III*

*Water Rights Permitting Team*

*Water Availability Division*

*Texas Commission on Environmental Quality*

*512-239-4615 [Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)*

**[EXTERNAL EMAIL]** Exercise caution. Do not open attachments or click links from unknown senders or unexpected email

# Cole Ranch Lake 12 & 13 Water Rights Permit

**City of Denton, Denton County, Texas**

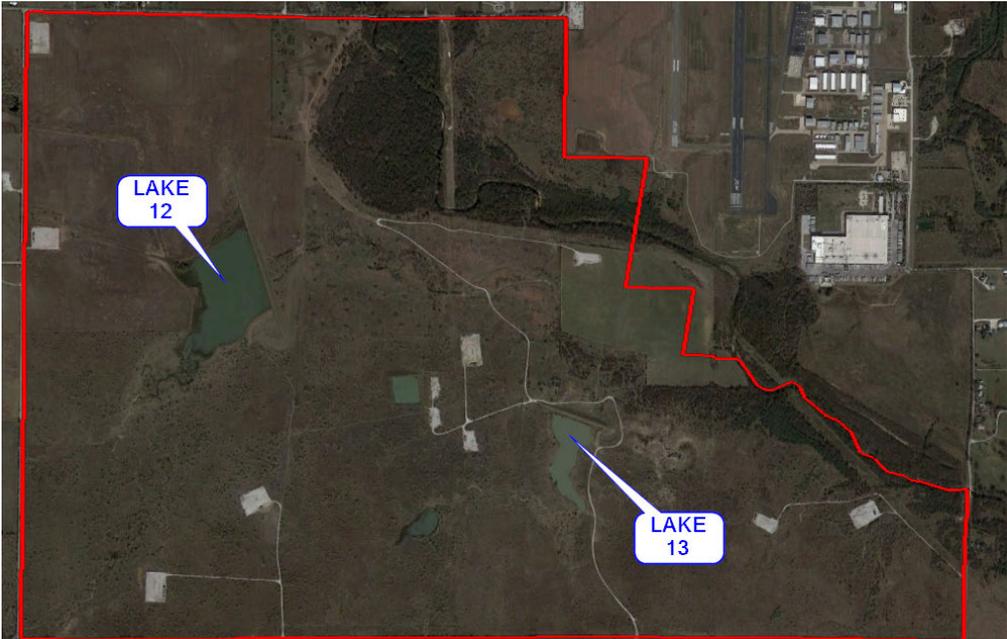
Prepared for:

The Cole Ranch Company, L.P. &  
Cole Ranch Improvement District No. 1 of Denton County

By:



July 2022



# Cole Ranch Lake 12 & 13 Water Rights Permit



## Cole Ranch

Project No: 0136  
Document Title: Cole Ranch Lake 12 & 13 Water Rights Permit  
Document No.: 1  
Revision: 3  
Date: July 2022  
Client Name: The Cole Ranch Company, L.P. & The Cole Ranch Improvement District No. 1 of Denton County  
Client No: NT135  
Project Manager: Lauren Gilstrap, P.E.  
Author: Hunter Teel, P.E., CFM  
QC Manager: Larissa Knapp-Scott, CFM  
File Name: S:\NTX-LAND\0136\300 SUPPORT\361 Water Rights\WAP\Docs\20220719 Cole Ranch Lake 12 & 13 WAP.docx

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### Document history and status

Revision	Date	Description	By	Review	Approved
1	03/10/22	Revisions from TCEQ Pre-Application Meeting	HLT	LKS	HLT
2	05/20/22	Revisions from Administrative RFI	HLT	LKS	HLT
3	07/18/22	Revisions from TCEQ comments	HLT	LKS	HLT

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## I. INTRODUCTION / GENERAL INFORMATION

Cole Ranch is a proposed development located west of US HWY 35W and north of FM 2449 in the City of Denton, Denton County, Texas. A vicinity map, aerial photo map, and USGS topographic map are shown in **Appendix A, Exhibit 1, 2, & 3**. The applicants (The Cole Ranch Company, L.P. & The Cole Ranch Improvement District No. 1 of Denton County) are submitting this permit to appropriate state water. There are two existing NRCS reservoirs, Hickory Creek WS SCS Site 12 (Lake 12) and 13 (Lake 13), located within the property. Both reservoirs are listed in the National Inventory of Dams (NID) with identification numbers TX00610 (Lake 12) and TX00611 (Lake 13). These reservoirs are located on FEMA streams Hickory Creek Tributary 10 (Lake 12) and Hickory Creek Tributary 10.1 (Lake 13), tributaries to Hickory Creek, as noted on the FEMA FIRM Map, **Appendix A, Exhibit 4**. Tributary 10 and 10.1 as well as Lakes 12 and 13 are unnamed through the USGS.

The reservoirs will be part of a single-family residential development. The proposed development is located in portions of the J. W. Kjelberg Abstract No. 1610, C. Manchaca Abstract No. 789, M. Paine Abstract No. 1036, F. N. Oliver Abstract No. 989, J. T. Evans Abstract No. 411, BBB & CRR Abstract No. 176, S. Paine Abstract No. 1035, G. W. Petingale Abstract No. 1041, George West Abstract No. 1393, J. A. Burn Abstract No. 132, T.C. Carruth Abstract No. 1707, C.W. Byerly Abstract No. 1458, I. N. Hembrie Abstract No. 594, A.C. Madden Abstract No. 851, T & P Abstract No. 1292, and the J. McDonald Abstract No. 873. The property boundary and abstract survey boundaries are shown in **Exhibit 5 in Appendix A**.

The existing reservoirs are located on-channel, which requires a bed-and-banks permit for the use of state waters for recreational and agricultural/irrigation use. LJA Engineering Inc. has prepared an Application for Permit to Appropriate State Water (TCEQ-10214) for the existing reservoirs (**Appendix B**). Proof of signatory authority for Jennifer Alexander (landowner) and Shawn Street (Board) to sign the application is provided in **Appendix C**.

This project will not reduce or impair the volume of State water available for downstream water rights holders. In fact, as compared to the original exempt impoundment conditions, this Project will have a net benefit to the watershed equal to the makeup of the former evaporation losses, which will now be entirely replaced by the addition of the alternative water source. Groundwater wells will be used as the alternative water source with sufficient production to compensate for net evaporation losses and diversions from the pond. The water surface elevation will be maintained at a normal pool elevation of 635.57 feet or greater for Lake 12 and at a normal pool of 610.27 feet or greater for Lake 13 so that all inflow of State water is passed downstream of the reservoirs. A float system or equivalent will be installed to detect a drop in water surface elevation and activate the alternative water supply. The float system will be maintained by the applicant and used for reporting. The permit application will not result in a loss or use of State water.

## II. WORKSHEET 1.0 – QUANTITY, PURPOSE AND PLACE OF USE

The applicant is proposing to utilize on-site groundwater wells as an alternate source to provide 226 acre-feet of water annually for evaporation losses within the lakes as well as

613 acre-feet per year for landscape irrigation uses on the Cole Ranch. The place of use in both cases is Denton County. The existing lakes have a total of 151 acre-feet of storage at normal pool making the total annual water use being proposed 990 acre-feet.

### III. WORKSHEET 2.0 – IMPOUNDMENT / DAM INFORMATION

Hickory Creek WS SCS Site 12 was constructed in 1970 for the then Soil Conservation Service (SCS), now known as the Natural Resources Conservation Services (NRCS). The drainage area for the reservoir is 1761 acres (2.75 square-miles). Lake 12 has a surface area of approximately 32.4 acres and a storage volume of approximately 121 acre-feet at the normal pool elevation of 635.57 feet maintained by a 24"x48"x7' concrete riser drop inlet with a 160 feet 24 inch RCP outlet. The dam is approximately 25.7 feet tall with the top of dam is at 648.87 feet with an emergency spillway at 645.57 feet. **Table 1** below shows the volume of the existing Lake 12.

**Table 1 - Lake 12 Volume**

Elevation	Area		Incremental Volume	Cumulative Volume
	(sq-ft)	(acre)		
628.07	87,120	2.00	0	0
629.07	239,580	5.50	2.3	3.71
630.07	392,040	9.00	4.05	10.94
631.07	544,500	12.50	5.81	21.68
632.07	696,960	16.00	7.56	35.92
633.07	908,537	20.86	9.82	54.34
634.07	1,143,916	26.26	12.91	77.18
635.07	1,322,460	30.36	14.35	104.87
635.57 (Normal Pool)	1,411,496	32.40	15.69	120.56
636	1,585,998	36.41	17.19	137.75
637	1,961,964	45.04	21.08	177.77
638	2,378,289	54.60	25.77	226.93
639	2,817,134	64.67	30.76	285.94
640	3,329,644	76.44	36.43	355.87
641	3,859,438	88.60	42.49	437.82
642	4,468,742	102.59	49.13	532.59
643	5,205,294	119.50	57.02	642.42
644	5,838,870	134.04	64.72	768.23
645	6,458,175	148.26	72.02	908.72
645.57 (Emergency Spillway)	6,758,613	155.16	75.85	984.57
646	7,225,933	165.88	80.25	1,064.82
647	7,981,033	183.22	89.02	1,238.54
648	8,799,961	202.02	98.09	1,430.03
649	9,640,342	221.31	107.78	1,640.77
650	10,567,948	242.61	117.95	1,871.36
651	11,563,825	265.47	129.18	2,124.02
652	12,535,087	287.77	140.41	2,399.27

The dam and reservoir are located in T & P Survey Abstract No. 1292 in Denton County. Property deeds are included in **Appendix D**.

Hickory Creek WS SCS Site 13 was constructed in 1970 for the then SCS. The drainage area for the reservoir is 491 acres (0.77 square-miles). Lake 13 has a surface area of approximately 10.3 acres and a storage volume of approximately 30 acre-feet at the normal pool elevation of 610.27 feet maintained by a 24"x48"x7' concrete riser drop inlet with a 180 feet 18 inch RCP outlet. The dam is approximately 27.3 feet tall with the top of dam is at 626.87 feet with an emergency spillway at 622.57 feet. **Table 2** below shows the volume of the existing Lake 13.

**Table 2 – Lake 13 Volume**

Elevation	Area		Incremental Volume	Cumulative Volume
	(sq-ft)	(acre)		
604.07	43,560	1.00	0	0
605.07	87,120	2.00	0.87	1.49
606.07	130,680	3.00	1.37	3.98
607.07	174,240	4.00	1.87	7.47
608.07	217,800	5.00	2.37	11.96
609.07	297,000	6.82	3.18	17.86
610.07	436,924	10.03	3.81	25.30
610.27 (Normal Pool)	449,801	10.33	5.09	30.39
611	466,732	10.71	5.26	35.65
612	518,717	11.91	5.78	46.91
613	597,177	13.71	6.64	59.74
614	669,069	15.36	7.46	74.25
615	743,121	17.06	8.34	90.50
616	804,375	18.47	9.06	108.27
617	865,289	19.86	9.76	127.44
618	928,708	21.32	10.47	148.02
619	1,006,175	23.10	11.3	170.18
620	1,106,324	25.40	12.4	194.41
621	1,230,631	28.25	13.75	221.19
622	1,373,965	31.54	15.36	251.08
622.57 (Emergency Spillway)	1,446,815	33.21	16.19	267.27
623	1,519,199	34.88	17.02	284.29
624	1,683,106	38.64	18.83	321.01
625	1,872,649	42.99	20.93	361.78
626	2,092,130	48.03	23.37	407.26
627	2,336,624	53.64	26.11	458.08
628	2,598,202	59.65	29.05	514.68
629	2,884,887	66.23	32.28	577.60
630	3,193,362	73.31	35.75	647.33

The dam and reservoir are located in J. McDonald Survey Abstract No. 873 in Denton County. Property deeds are included in **Appendix D**.

A structure location map is provided in **Appendix A, Exhibit 6** showing the location of dams, reservoirs, and associated diversion and discharge points.

Pursuant to 30 TAC 295.42, to apply for a permit to appropriate public water through Texas Commission on Environmental Quality a notification is required to all commissioners and council members of the governing bodies of each county and municipality in which the reservoirs are located. A letter will be sent to all of the Denton County Commissioners and all of the Denton City Council members and Mayor. A draft copy of the letter and list of recipients are included in **Appendix E**. Certified mail receipts will be provided upon receipt.

The Texas Administrative Code Section 299.1 specifies dam safety requirements for dam structures that exceed the height of six feet and have a capacity greater than or equal to 50 ac-ft. TCEQ does not currently monitor these dams within the Dam Safety program because Lake 12 is currently classified as an intermediate, low hazard dam, and Lake 13 is classified as a small, low hazard dam. The National Inventory of Dams (NID) has assigned ID numbers for Lake 12 (TX00610) and Lake 13 (TX00611). Upon application for this water appropriations permit, the dam safety team will further classify these dams and its hazards based on downstream development. Dam safety team has been contacted and these NRCS structures were discussed with Johnny Cosgrove on January 6, 2022.

#### IV. WORKSHEET 3.0 – DIVERSION POINT INFORMATION

The applicant is proposing two (2) diversion points, one for each reservoir, to supply water for the irrigation of the Cole Ranch. These diversion points are assigned based on the centerline of the dam for the reservoir and will represent the entire perimeter of the lake for where water can be withdrawn from. The drainage area (**Appendix A, Exhibit 7**) above the Lake 12 diversion point (Diversion Point No. 1) was calculated to be 1761 acres (2.75 square-miles) and the drainage area above the Lake 13 diversion point (Diversion Point No. 2) was calculated to be 491 acres (0.77 square-miles).

The applicant's proposing to supply a maximum of 1,331,667 gallons per day (613 acre-foot per year) to irrigate approximately 235 acres of the Cole Ranch. The water was assumed to be used over a 10-hour period to compute a maximum pumping rate for the irrigation needs.

The Lake 12 diversion point is located in the T & P Survey Abstract No. 1292 and the Lake 13 diversion point is located in the J. McDonald Survey Abstract No. 873 in Denton County. **Exhibit 6** shows the location of dams, reservoirs, and associated diversion and discharge points. The location of the discharge points was determined to 6 decimal places using Google Earth software.

#### V. WORKSHEET 4.0 – DISCHARGE INFORMATION

The total annual water use is 839 ac-ft (613 ac-ft for irrigation plus 226 ac-ft for evaporative losses). Groundwater wells will be used as the alternative water source to keep the lakes at their normal pool elevations. A float system or equivalent will be installed to detect a drop in water surface elevation and activate the alternative water supply. The float system

will be maintained by the applicant and used for reporting. The permit application will not reduce or impair the volume of State water available for downstream water rights holders.

There is currently one existing groundwater well, one groundwater well currently being drilled, and additional proposed groundwater wells proposed to be drilled into the Trinity Aquifer (Antlers) that will have sufficient capacity to provide makeup water for evaporative losses and diversions. The permits for the existing groundwater well and the well in progress are included in **Appendix F**. The pumping capacity of the proposed groundwater wells will be designed to meet the maximum monthly evaporative losses (341 gpm) and the irrigation needs (925 gpm). This equates to a pumping capacity of at least 1,266 gpm needed for both lakes combined.

Annual evaporation rates were calculated based upon the TCEQ WAM EVA files from 1940 to 1996 evaporation data for Quadrangle 410. The year 1952 had the highest net evaporation (4.64 feet) values on record. The annual evaporation losses are calculated below in **Table 3**. Each reservoir is proposed to have a fountain for aeration to maintain water quality. Each fountain system was assumed to have a 3-acre effect on surface evaporation.

**Table 3 - Maximum Annual Evaporative Losses at Normal Pool Elevation**

Existing Pond	Surface Area (acres)	Surface Area (sq-ft)	Evaporation Volume (cf)	Evaporation Volume (ac-ft)	Evaporation Volume (gallons)	Maximum Pump Capacity
Lake 12	32.4	1,411,344	6,548,636	150.3	48,983,798	93.2
Lake 13	10.3	448,668	2,081,820	47.8	15,572,010	29.6
Lake 12 Fountain	3	130,680	606,355	13.9	4,535,537	8.6
Lake 13 Fountain	3	130,680	606,355	13.9	4,535,537	8.6
Total	48.7	2,121,372	9,843,166	226	73,626,882	140

Evaporation accounts for 27 percent of the total annual water use.  $226 / 839 = 27\%$

## VI. WORKSHEET 4.1 – DISCHARGE POINT INFORMATION

The discharge point for Lake 12 is located in the T & P Survey Abstract No. 1292 and Lake 13 is located in the J. McDonald Survey Abstract No. in Denton County. These discharge points are assigned based on the centerline of the dam for the reservoir and will represent the entire perimeter of the lake for where water can be discharged. **Exhibit 6** shows the location of dams, reservoirs, and associated diversion points and discharge points. The location of the discharge points was determined to 6 decimal places using Google Earth software.

## VII. WORKSHEET 5.0 – ENVIRONMENTAL INFORMATION

The existing lakes have an average depth of approximately 5-6 feet. Proposed recreational uses include secondary uses with limited contact with the water. The waterbody aesthetics may be described as a natural area setting. Proposed land use upstream and downstream of the pond is residential. Photographs of the pond and its upstream and downstream riparian areas are located in **Appendix G**. **Appendix A, Exhibit 8** depicts the locations where the photographs were taken.

The diversion pump intakes will have a mesh screen of no greater than 0.25 inches to minimize entrainment and impingement of aquatic organisms. This application only requests to discharge and subsequently divert groundwater. The amount of water diverted will not exceed the amount of water discharged, less losses, therefore there should be no changes to downstream instream flows or freshwater inflows.

Lakes 12 and 13 will use a groundwater well to maintain a constant pool level to allow for the passage of State water. Water chemistry data for only the existing well is currently available and are shown below in **Table 4**. Testing for the well in progress will be provided once the well is complete. Additional information for the well is included in **Appendix H**. A water well location map is located in **Appendix A, Exhibit 5**, which shows the locations of existing groundwater wells in the vicinity of the project site.

**Table 4. Groundwater Quality Information**

Well Number	1954603
Depth of Well (ft)	1060
Aquifer Withdrawn	Trinity (Antlers)
Date of Testing	04/20/2021
Chlorides (mg/L)	79.90
Sulfates (mg/L)	108.47
Total Dissolved Solids (TDS)	656.00
pH (SU)	9.11
Temperature (°C)	23.88

Standard Best Management Practices (BMPs) such as rock check dams and silt fence will be implemented during construction to reduce erosion into nearby waterways per Texas Pollution Discharge Elimination System (TPDES) regulations in accordance with General Permit No. TXR150000. A copy of the Storm Water Pollution Prevention Plan (SWPPP) will be maintained on-site during construction along with posted copies of the construction site notices. The construction site notice will also be submitted to the local MS4 (City of Denton) in accordance with TPDES regulations. As previously mentioned, construction related soil stabilization will be addressed in the Construction SWPPP. Additionally, post-construction BMPs will be implemented on this site to address long-term storm water quality. Sufficient post-construction BMPs will be installed to prevent or reduce potential contaminants in storm water runoff from entering the stream.

Beyond initial planning efforts, impacts to waters of the U.S. will be minimized during construction activities through the incorporation of the Construction SWPPP. Erosion Control devices to be used include temporary vegetation, blankets/matting, mulch and sod. Where appropriate, these erosion and sedimentation control structures will be in place prior to the initiation of construction and will be maintained throughout the duration of the construction. Clearing of vegetation will be limited and/or phased in order to maintain a natural water quality buffer and minimize the amount of erodible earth exposed at any one time. Upon completion of the earthwork operations, disturbed areas will be restored and reseeded.

The construction contractor will take appropriate measures to prevent, minimize, and control the spill of fuels, lubricants, and hazardous materials in the construction staging

area. All spills shall be cleaned immediately, and any contaminated soil shall be immediately removed from the site and disposed of properly. All construction equipment and materials used within the stream channel and immediate vicinity will be removed as soon as the work schedule permits and/or when not in use and shall be stored in an area protected from run-on and run-off. All materials being removed and/or disposed of by the contractor will be done so in accordance with state and federal laws and by the approval of the Project Engineer.

The North Central Texas Council of Governments (NCTCOG) intergraded stormwater management manual (iSWM) for construction sites will also be used as a guide. The reservoirs will be surrounded by a vegetated buffer strip that will consist of native grasses, shrubs, and trees. The vegetative buffer is shown on **Exhibit 9** in **Appendix A**.

## VIII. WORKSHEET 7.0 – ACCOUNTING PLAN INFORMATION

Accounting plans and spreadsheets for recording the daily and monthly measurements are included in **Appendix I**.

## IX. CONCLUSION

The Cole Ranch Company, L.P. & The Cole Ranch Improvement District No. 1 of Denton County are required by the Texas Water Code (TWC) to apply for a water appropriation permit for existing on-channel impoundments containing State water. Hickory Creek WS SCS Sites 12 and 13 are existing NRCS reservoirs with normal pools maintained at a constant level.

The information presented in this report shows that reservoirs meet all TCEQ requirements to obtain a Water Appropriations Permit under Section 11.143 of the TWC following development of the site.

## **APPENDIX A - EXHIBITS**

- 1 - Vicinity Map
- 2 - Aerial Map
- 3 - USGS Topographic Map
- 4 - Effective Firm
- 5 - Survey Abstracts & Groundwater Well Map
- 6 - Structure Location Map
- 7 - Drainage Area Map
- 8 - Photograph Location Map
- 9 - Vegetative Buffer Map

# **APPENDIX B – WATER APPROPRIATION PERMIT APPLICATION**

# **APPENDIX C - PROOF OF SIGNATORY AUTHORITY**

## **APPENDIX D – PROPERTY DEEDS**

# **APPENDIX E – NOTIFICATION LETTERS AND CERTIFIED MAIL RECEIPTS**

## **APPENDIX F – WELL PERMITS**

## **APPENDIX G – PHOTOGRAPHS**

# **APPENDIX H – GROUNDWATER INFORMATION**

# **APPENDIX I – ACCOUNTING PLAN**

# TECHNICAL INFORMATION REPORT

## WATER RIGHTS PERMITTING

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

**Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4600 to schedule a meeting.** Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N<sup>Y</sup>\_\_\_\_\_ (If yes, date : 02/03/2022\_\_\_\_\_).

### 1. New or Additional Appropriations of State Water. Texas Water Code (TWC) § 11.121 (Instructions, Page. 12)

**State Water is:** *The water of the ordinary flow, underflow, and tides of every flowing river, natural stream, and lake, and of every bay or arm of the Gulf of Mexico, and the storm water, floodwater, and rainwater of every river, natural stream, canyon, ravine, depression, and watershed in the state. TWC § 11.021.*

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y / N<sup>Y</sup>\_\_\_\_\_
- b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? Y / N<sup>N</sup>\_\_\_\_\_ (If yes, indicate the Certificate or Permit number:\_\_\_\_\_)

*If Applicant answered yes to (a) or (b) above, does Applicant also wish to be considered for a term permit pursuant to TWC § 11.1381? Y / N<sup>N</sup>\_\_\_\_\_*

- c. Applicant requests to extend an existing Term authorization or to make the right permanent? Y / N<sup>N</sup>\_\_\_\_\_ (If yes, indicate the Term Certificate or Permit number:\_\_\_\_\_)

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

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

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

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

**2. Amendments to Water Rights. TWC § 11.122 (Instructions, Page. 12) N/a**

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

Water Right (Certificate or Permit) number you are requesting to amend: \_\_\_\_\_

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

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

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

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

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

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

c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? Y / N \_\_\_\_\_

*If yes, submit:*

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

d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? Y / N \_\_\_\_\_

*If yes, submit:*

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

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

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

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

**Additionally, all amendments require:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Worksheets and information:*

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)
- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)

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

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

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

Applicant is proposing to use a groundwater well as an alternative water source to  
compensate for evaporation losses and diversions for agricultural/irrigation use. The  
Lakes will be kept full at all times to pass State water. The application is consistent  
with the 2021 Region C Water Plan and the 2022 State Water Plan because there is  
nothing in the plans that conflict with the application

b. Did the Applicant perform its own Water Availability Analysis? Y / N<sup>N</sup>\_\_\_\_\_

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

c. Does the application include required Maps? (Instructions Page. 15) Y / N<sup>Y</sup>\_\_\_\_\_

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

### 1. New Authorizations (Instructions, Page. 16)

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

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

<sup>990</sup> \_\_\_\_\_ Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

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

a. Location Information Regarding the Lands to be Irrigated

i) Applicant proposes to irrigate a total of 235 acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of 3,034,942 acres in Denton County, TX.

ii) Location of land to be irrigated: In the T&P Original Survey No. N/a, Abstract No. \_\_\_\_\_.

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

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

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

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

### 1. New Authorizations (Instructions, Page. 16)

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ii) Location of land to be irrigated: In the J. McDonald Original Survey No. N/a, Abstract No. 873.

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

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

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# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

### 1. New Authorizations (Instructions, Page. 16)

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151	Hickory Creek	Lake Storage	Denton County
839	Trinity (Antlers)	Recreation/Agriculture	Denton County

<sup>990</sup> \_\_\_\_\_ Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

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

a. Location Information Regarding the Lands to be Irrigated

i) Applicant proposes to irrigate a total of 235 acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of 3,034,942 acres in Denton County, TX.

ii) Location of land to be irrigated: In the J.A. Burn Original Survey No. N/a, Abstract No. 132.

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

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

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

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

### 1. New Authorizations (Instructions, Page. 16)

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

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

<sup>990</sup> \_\_\_\_\_ Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

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

a. Location Information Regarding the Lands to be Irrigated

i) Applicant proposes to irrigate a total of 235 acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of 3,034,942 acres in Denton County, TX.

ii) Location of land to be irrigated: In the B.B.B. & C.R.R. Original Survey No. N/a, Abstract No. 176.

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

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# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

### 1. New Authorizations (Instructions, Page. 16)

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151	Hickory Creek	Lake Storage	Denton County
839	Trinity (Antlers)	Recreation/Agriculture	Denton County

<sup>990</sup> \_\_\_\_\_ Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

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

a. Location Information Regarding the Lands to be Irrigated

i) Applicant proposes to irrigate a total of 235 acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of 3,034,942 acres in Denton County, TX.

ii) Location of land to be irrigated: In the J.W. Kjeiberg Original Survey No. N/a, Abstract No. 1610.

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

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

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

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

### 1. New Authorizations (Instructions, Page. 16)

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

<sup>990</sup> \_\_\_\_\_ Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

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

a. Location Information Regarding the Lands to be Irrigated

i) Applicant proposes to irrigate a total of 235 acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of 3,034,942 acres in Denton County, TX.

ii) Location of land to be irrigated: In the LN. Hembrie Original Survey No. N/a, Abstract No. 594.

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

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

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

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

### 1. New Authorizations (Instructions, Page. 16)

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

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

<sup>990</sup> \_\_\_\_\_ Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

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

a. Location Information Regarding the Lands to be Irrigated

i) Applicant proposes to irrigate a total of 235 acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of 3,034,942 acres in Denton County, TX.

ii) Location of land to be irrigated: In the C.W. Byerly Original Survey No. N/a, Abstract No. 1458.

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

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

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

**2. Amendments - Purpose or Place of Use (Instructions, Page. 12) N/a**

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

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**

*\*If the request is to add additional purpose(s) of use, include the existing and new purposes of use under "Proposed Purpose(s) of Use."*

*\*\*If the request is to add additional place(s) of use, include the existing and new places of use under "Proposed Place(s) of Use."*

*Changes to the purpose of use in the Rio Grande Basin may require conversion. 30 TAC § 303.43.*

b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:

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

ii. Location of land to be irrigated: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_.

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

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

c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.

d. See Worksheet 1.2, Marshall Criteria, and submit if required.

e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

**WORKSHEET 1.1**  
**INTERBASIN TRANSFERS, TWC § 11.085**

N/a

Submit this worksheet for an application for a new or amended water right which requests to transfer State Water from its river basin of origin to use in a different river basin. A river basin is defined and designated by the Texas Water Development Board by rule pursuant to TWC § 16.051.

Applicant requests to transfer State Water to another river basin within the State? Y / N\_\_\_\_\_

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

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

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

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

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

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

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

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

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

## WORKSHEET 1.2 NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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

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

# WORKSHEET 2.0

## Impoundment/Dam Information

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

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

### 1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: N/a
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 121
- c. The impoundment is on-channel Y or off-channel \_\_\_\_\_ (mark one)
  - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? **Y / N<sup>N</sup>** \_\_\_\_\_
  - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? **Y / N<sup>Y</sup>** \_\_\_\_\_
- d. Is the impoundment structure already constructed? **Y / N<sup>Y</sup>** \_\_\_\_\_
  - i. For already constructed **on-channel** structures:
    1. Date of Construction: 1970
    2. Was it constructed to be an exempt structure under TWC § 11.142? **Y / N<sup>Y</sup>** \_\_\_\_\_
      - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? **Y / N<sup>Y</sup>** \_\_\_\_\_
      - b. If No, has the structure been issued a notice of violation by TCEQ? **Y / N<sup>N</sup>** \_\_\_\_\_
    3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? **Y / N<sup>Y</sup>** \_\_\_\_\_
      - a. If yes, provide the Site No. 12 and watershed project name Hickory Creek;
      - b. Authorization to close "ports" in the service spillway requested? **Y / N<sup>N</sup>** \_\_\_\_\_
  - ii. For **any** proposed new structures or modifications to structures:
    1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? **Y / N<sup>Y</sup>** \_\_\_\_\_  
Provide the date and the name of the Staff Person 01/06/2022; Johnny Cosgrove
    2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
      - a. No additional dam safety documents required with the Application. **Y / N<sup>N</sup>** \_\_\_\_\_
      - b. Plans (with engineer's seal) for the structure required. **Y / N<sup>N</sup>** \_\_\_\_\_
      - c. Engineer's signed and sealed hazard classification required. **Y / N<sup>N</sup>** \_\_\_\_\_
      - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. **Y / N<sup>N</sup>** \_\_\_\_\_

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

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: <sup>32.4</sup>\_\_\_\_\_.
2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option. Applicant has calculated the drainage area. Y/N<sup>Y</sup>\_\_\_\_\_ If yes, the drainage area is <sup>2.75</sup>\_\_\_\_\_sq. miles. (If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

## 2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): Unnamed tributary to Hickory Creek
- b. Zip Code: 76259
- c. In the <sup>T&P</sup>\_\_\_\_\_ Original Survey No. <sup>Na</sup>\_\_\_\_\_, Abstract No. <sup>1292</sup>\_\_\_\_\_,  
<sup>Denton</sup>\_\_\_\_\_ County, Texas.

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

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

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

Latitude <sup>33.189985</sup>\_\_\_\_\_°N, Longitude <sup>97.218711</sup>\_\_\_\_\_°W.

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

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

# WORKSHEET 2.0

## Impoundment/Dam Information

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

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

### 1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: N/a
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 30
- c. The impoundment is on-channel Y or off-channel \_\_\_\_\_ (mark one)
  - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? **Y / N<sup>N</sup>** \_\_\_\_\_
  - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? **Y / N<sup>Y</sup>** \_\_\_\_\_
- d. Is the impoundment structure already constructed? **Y / N<sup>Y</sup>** \_\_\_\_\_
  - i. For already constructed **on-channel** structures:
    - 1. Date of Construction: 1970
    - 2. Was it constructed to be an exempt structure under TWC § 11.142? **Y / N<sup>Y</sup>** \_\_\_\_\_
      - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? **Y / N<sup>Y</sup>** \_\_\_\_\_
      - b. If No, has the structure been issued a notice of violation by TCEQ? **Y / N<sup>N</sup>** \_\_\_\_\_
    - 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? **Y / N<sup>Y</sup>** \_\_\_\_\_
      - a. If yes, provide the Site No. <sup>13</sup> \_\_\_\_\_ and watershed project name Hickory Creek;
      - b. Authorization to close "ports" in the service spillway requested? **Y / N<sup>N</sup>** \_\_\_\_\_
  - ii. For **any** proposed new structures or modifications to structures:
    - 1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? **Y / N<sup>Y</sup>** \_\_\_\_\_  
Provide the date and the name of the Staff Person 01/06/2022; Johnny Cosgrove
    - 2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
      - a. No additional dam safety documents required with the Application. **Y / N<sup>N</sup>** \_\_\_\_\_
      - b. Plans (with engineer's seal) for the structure required. **Y / N<sup>N</sup>** \_\_\_\_\_
      - c. Engineer's signed and sealed hazard classification required. **Y / N<sup>N</sup>** \_\_\_\_\_
      - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. **Y / N<sup>N</sup>** \_\_\_\_\_

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

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: <sup>10.3</sup>\_\_\_\_\_.
2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option. Applicant has calculated the drainage area. Y/N<sup>Y</sup>\_\_\_\_\_ If yes, the drainage area is <sup>0.77</sup>\_\_\_\_\_sq. miles. (If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

## 2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): Unnamed tributary to Hickory Creek
- b. Zip Code: 76259
- c. In the J. McDonald Original Survey No. Na, Abstract No. 873,  
Denton County, Texas.

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

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

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

Latitude 33.184949°N, Longitude 97.204639°W.

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

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



## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Unnamed tributary to Hickory Creek
- b. Zip Code: 76259
- c. Location of point: In the T&P Original Survey No. N/a, Abstract No. 1292, Denton County, Texas.

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

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

- d. Point is at:  
Latitude 33.189985 °N, Longitude 97.218711 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): GIS
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

### 1. Diversion Information (Instructions, Page. 24)

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

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

b. Maximum Rate of Diversion for **this new point**       <sup>3.0</sup> cfs (cubic feet per second)  
or       <sup>1.357</sup> gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N**   Y    
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*       <sup>6.7</sup> cfs or       <sup>3.038</sup> gpm

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

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

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

Check one		Write: Existing or Proposed
	Directly from stream	
X	From an on-channel reservoir	Proposed
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

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

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

If yes, the drainage area is       <sup>0.77</sup> sq. miles.

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

## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Unnamed tributary to Hickory Creek
- b. Zip Code: 76259
- c. Location of point: In the J. McDonald Original Survey No. N/a, Abstract No. 873, Denton County, Texas.

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

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

- d. Point is at:  
Latitude 33.184949 °N, Longitude 97.204639 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): GIS
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.



# WORKSHEET 4.1

## DISCHARGE POINT INFORMATION

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

**For water discharged at this location provide:**

- a. The amount of water that will be discharged at this point is 464 acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of 3.4 cfs or 1,266 gpm.
- c. Name of Watercourse as shown on Official USGS maps: Unnamed tributary to Hickory Creek
- d. Zip Code 76259
- f. Location of point: In the T&P \_\_\_\_\_ Original Survey No. N/a, Abstract No. 1292, Denton County, Texas.
- g. Point is at:  
Latitude 33.189985 °N, Longitude 97.218711 °W.  
***\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- h. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): GIS

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

# WORKSHEET 4.1

## DISCHARGE POINT INFORMATION

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

**For water discharged at this location provide:**

- a. The amount of water that will be discharged at this point is 375 acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of 3.4 cfs or 1,266 gpm.
- c. Name of Watercourse as shown on Official USGS maps: Unnamed tributary to Hickory Creek
- d. Zip Code 76259
- f. Location of point: In the J. McDonald Original Survey No. N/a, Abstract No. 873, Denton County, Texas.
- g. Point is at:  
Latitude 33.184949 °N, Longitude 97.204639 °W.  
***\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- h. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): GIS

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

# WORKSHEET 5.0

## ENVIRONMENTAL INFORMATION

### 1. Impingement and Entrainment Hickory Creek WS Site 12

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 29.**

Applicant will take reasonable measures to avoid impingement and entrainment of aquatic organisms.

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

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: 6

Other, specify: \_\_\_\_\_

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

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



Personal observation

Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

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

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

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

- a. For all bed and banks applications:
  - i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

b. For all alternate source applications:

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

**Onsite existing well 25688. Water testing for the well in progress will be provided once complete.**

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L	108.47	108.47	1	Grab	04/21
Chloride, mg/L	<b>79.90</b>	<b>79.90</b>	<b>1</b>	<b>Grab</b>	<b>04/21</b>
Total Dissolved Solids, mg/L	656.00	656.00	1	Grab	04/21
pH, standard units	<b>9.11</b>	<b>9.11</b>	<b>1</b>	<b>Grab</b>	<b>04/21</b>
Temperature*, degrees Celsius	23.88	23.88	1	Grab	04/21

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

- iii. If groundwater will be used, provide the depth of the well 1060 ft/ TBD and the name of the aquifer from which water is withdrawn Trinity (Antlers).

# WORKSHEET 6.0 N/a

## Water Conservation/Drought Contingency Plans

This form is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plans is required and to specify the requirements for plans.

**Instructions, Page 31.**

*The TCEQ has developed guidance and model plans to help applicants prepare plans. Applicants may use the model plan with pertinent information filled in. For assistance submitting a plan call the Resource Protection Team (Water Conservation staff) at 512-239-4600, or e-mail [wras@tceq.texas.gov](mailto:wras@tceq.texas.gov). The model plans can also be downloaded from the TCEQ webpage. **Please use the most up-to-date plan documents available on the webpage.***

### 1. Water Conservation Plans

a. The following applications must include a completed Water Conservation Plan (30 TAC § 295.9) for each use specified in 30 TAC, Chapter 288 (municipal, industrial or mining, agriculture – including irrigation, wholesale):

1. Request for a new appropriation or use of State Water.
2. Request to amend water right to increase appropriation of State Water.
3. Request to amend water right to extend a term.
4. Request to amend water right to change a place of use.  
*\*does not apply to a request to expand irrigation acreage to adjacent tracts.*
5. Request to amend water right to change the purpose of use.  
*\*applicant need only address new uses.*
6. Request for bed and banks under TWC § 11.042(c), when the source water is State Water  
*\*including return flows, contract water, or other State Water.*

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

1. \_\_\_\_Municipal Use. See 30 TAC § 288.2. \*\*
2. \_\_\_\_Industrial or Mining Use. See 30 TAC § 288.3.
3. \_\_\_\_Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. \_\_\_\_Wholesale Water Suppliers. See 30 TAC § 288.5. \*\*

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

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

N/a

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

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

## 2. Drought Contingency Plans

- a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above - indicate each that applies:
1. \_\_\_Municipal Uses by public water suppliers. See 30 TAC § 288.20.
  2. \_\_\_Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
  3. \_\_\_Wholesale Water Suppliers. See 30 TAC § 288.22.
- b. If Applicant must submit a plan under section 2(a) above, Applicant has also submitted documentation of adoption of drought contingency plan (*ordinance, resolution, or tariff, etc. See 30 TAC § 288.30*) Y / N\_\_\_

# WORKSHEET 7.0

## ACCOUNTING PLAN INFORMATION WORKSHEET

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

### 1. Is Accounting Plan Required

Accounting Plans are generally required:

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

### 2. Accounting Plan Requirements

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





To: The Cole Ranch Company LP  
Jennifer Alexander  
512 West Hickory, Ste 100  
Denton, TX 76201

CC: WaterCentric LLC  
Kenneth W. Cook, CEO  
12700 Hillcrest Rd., Ste 125  
Dallas, TX 75230

From: Paul Sigle, Groundwater Technical Lead

Wednesday July 13, 2022

Re: The Cole Ranch TCEQ Water Rights Permit Application

The North Texas Groundwater Conservation District is aware of The Cole Ranch's TCEQ Water Rights Permit application and the District is in the process of reviewing the application. The District had some preliminary discussions with The Cole Ranch Company about the requirements for the District's permitting process and The Cole Ranch Company are in the process of meeting those requirements. If you have any questions or concerns, please contact me by email at [p.sigle@northtexasgcd.org](mailto:p.sigle@northtexasgcd.org) or by phone at (855) 426-4433.

Sincerely,

Paul Sigle  
Groundwater Technical Lead

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 20, 2022

Mr. Hunter Teel  
LJA Engineering  
3017 W. 7<sup>th</sup> Street, Suite 300  
Fort Worth, Texas 76107

VIA E-MAIL

RE: The Cole Ranch Company, L.P. & Cole Ranch Improvement District No. 1  
of Denton County  
WRPERM 13830  
CN605997071, CN605997113, RN111460275  
Application No. 13830 for a Water Use Permit  
Texas Water Code §§ 11.042, 11.121, 11.143, Requiring Published and Limited  
Mailed Notice  
Unnamed tributaries of Hickory Creek, Trinity River Basin  
Denton County

Dear Mr. Teel:

This acknowledges receipt, on June 20, 2022, of the applicant's request for an extension of time to respond to the Texas Commission on Environmental Quality request for additional information letter, dated April 26, 2022.

An extension is granted until July 20, 2022, and after that date the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18. No further extensions will be granted associated with this request for information.

If you have any questions concerning the application, please contact Hal Bailey, Jr. via e-mail at [hal.bailey@tceq.texas.gov](mailto:hal.bailey@tceq.texas.gov) or by telephone at (512) 239-4615.

Sincerely,

*Chris Kozlowski* For

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

BM/hb

## Hal Bailey

---

**From:** Hunter Teel [REDACTED] >  
**Sent:** Monday, June 20, 2022 8:31 AM  
**To:** Hal Bailey  
**Cc:** 0136 - Cole Ranch; Chris Kozlowski  
**Subject:** RE: Cole Ranch Company, L.P & Cole Ranch Improvement District No. 1 of Denton County Application No. 13830 RFI

Good morning Hal,

We are still working on the path forward for the comments on the Cole Ranch Water Rights Permit, and do not yet know when we will resubmit. Therefore I am officially requesting an extension.

Leslie did call me last week and gave me more insight on the water quality concerns.

Thanks,

**Hunter Teel, P.E., CFM**  
Assistant Project Manager

**LJA Engineering** | We seek solutions.

• [Fort Worth](#)

D: 817.288.1967

C: 361.816.9285

*Celebrating 50 Years! 1972-2022*

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

Call to: Hunter Teel (LJA Engineering)	Call from: Leslie Patterson (TCEQ Resource Protection Team)
Date: June 14, 2022	Project No: WRPERM 13830

*Information for File follows:*

Leslie spoke with the applicant representative (Hunter Teel) and discussed Instream's preliminary screening of the water quality data submitted for well #1. She indicated our preliminary analysis showed the water quality exceeded the water quality standards for Segment 823 (Lake Lewisville) for TDS, sulfates, and pH. She stated that in tech review, we would need on-site water quality data submitted for the additional wells they are drilling.

Signed *Hal E. Bailey, Jr.*

## Hal Bailey

---

**From:** Hunter Teel [REDACTED] >  
**Sent:** Friday, June 10, 2022 9:39 AM  
**To:** Hal Bailey  
**Cc:** 0136 - Cole Ranch; Chris Kozlowski  
**Subject:** RE: Cole Ranch Company, L.P & Cole Ranch Improvement District No. 1 of Denton County Application No. 13830 RFI

Good morning Hal,

Have you been able to discuss with Leslie about the water quality concerns for the Cole Ranch Water Rights Permit? We have talked to our irrigators and they can make a plan to amend the water but need to know to what specifications.

Thanks,

**Hunter Teel, P.E., CFM**  
Assistant Project Manager

**LJA Engineering | We seek solutions.**

• [Fort Worth](#)

D: 817.288.1967

C: 361.816.9285

*Celebrating 50 Years! 1972-2022*

---

**From:** Hal Bailey <Hal.Bailey@tceq.texas.gov>  
**Sent:** Wednesday, June 1, 2022 8:11 AM  
**To:** Hunter Teel [REDACTED] >  
**Cc:** 0136 - Cole Ranch [REDACTED]; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>  
**Subject:** RE: Cole Ranch Company, L.P & Cole Ranch Improvement District No. 1 of Denton County Application No. 13830 RFI

[EXTERNAL EMAIL]

Good morning Hunter,

I have distributed the RFI response to the section for their review. I will let you know if we require any additional information.

Thanks,

*Hal E. Bailey, Jr.*  
*Natural Resources Specialist III*  
*Water Rights Permitting Team*  
*Water Availability Division*  
*Texas Commission on Environmental Quality*  
512-239-4615 [Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)

---

**From:** Hunter Teel [REDACTED] >  
**Sent:** Wednesday, June 1, 2022 8:00 AM  
**To:** Hal Bailey <[Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)>  
**Cc:** 0136 - Cole Ranch [REDACTED] >; Chris Kozlowski <[chris.kozlowski@tceq.texas.gov](mailto:chris.kozlowski@tceq.texas.gov)>  
**Subject:** RE: Cole Ranch Company, L.P & Cole Ranch Improvement District No. 1 of Denton County Application No. 13830 RFI

Good morning Hal,

Just checking in to see if you were able to receive all the data that was sent and if there was a planned schedule for the review?

Thanks,

**Hunter Teel, P.E., CFM**  
Assistant Project Manager

**LJA Engineering** | We seek solutions.

• [Fort Worth](#)

D: 817.288.1967

C: 361.816.9285

*Celebrating 50 Years! 1972-2022*

---

**From:** Hunter Teel  
**Sent:** Tuesday, May 24, 2022 8:50 AM  
**To:** Hal Bailey <[Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)>  
**Cc:** Chris Kozlowski <[chris.kozlowski@tceq.texas.gov](mailto:chris.kozlowski@tceq.texas.gov)>; [REDACTED]; Larissa Knapp-Scott <[REDACTED]>; Leonard Dougal ([REDACTED]) <[REDACTED]>; Ocie Vest <[REDACTED]>; Jennifer Alexander <[REDACTED]>  
**Subject:** RE: Cole Ranch Company, L.P & Cole Ranch Improvement District No. 1 of Denton County Application No. 13830 RFI

Good morning Hal,

Attached is the responses to the RFI with the documents that were revised.

Let us know if you have any questions.

Thanks,

**Hunter Teel, P.E., CFM**  
Assistant Project Manager

**LJA Engineering** | We seek solutions.

• [Fort Worth](#)

D: 817.288.1967

C: 361.816.9285

*Celebrating 50 Years! 1972-2022*

---

**From:** Hal Bailey <[Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)>  
**Sent:** Tuesday, April 26, 2022 10:56 AM

To: Hunter Teel [REDACTED] >

Cc: Chris Kozlowski <[chris.kozlowski@tceq.texas.gov](mailto:chris.kozlowski@tceq.texas.gov)>

Subject: Cole Ranch Company, L.P & Cole Ranch Improvement District No. 1 of Denton County Application No. 13830 RFI

[EXTERNAL EMAIL]

Good morning Hunter,

Attached is a Request for Information (RFI) letter for application no. 13830.

Please provide the requested additional information by COB on 05/26/2022.

Should you have any questions, or if you need additional time to respond, please let me know.

Thank you,

*Hal E. Bailey, Jr.*

*Natural Resources Specialist III*

*Water Rights Permitting Team*

*Water Availability Division*

*Texas Commission on Environmental Quality*

*512-239-4615 [Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)*

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[EXTERNAL EMAIL] Exercise caution. Do not open attachments or click links from unknown senders or unexpected email



3017 West 7th Street, Suite 300, Fort Worth, Texas 76107  
t 817.288.1900 LJA.com TBPE F-1386

---

May 24, 2022

Texas Commission on Environmental Quality  
PO Box 13087  
Austin, Texas 78711-3087  
Attn: Hal E. Bailey, Jr.

Re: Response letter for Case No. WRPERM 13830  
The Cole Ranch Company, L.P. & Cole Ranch Improvement District No. 1 of Denton County  
LJA Job No. NT135-0136

Dear Mr. Bailey, Jr.:

In response to the TCEQ comments dated April 26, 2022, we have addressed your comments as follows.

1. Provide a copy of the groundwater well permit from the North Texas Groundwater Conservation District or evidence that a groundwater well permit is not required.

*Response: Groundwater well permits for the existing water wells from the North Texas Groundwater Conservation District are provided in Appendix F. There are currently only 2 water wells on the site that will be used to make up losses, additional wells are proposed as discussed in Section V of the report, but exact locations are under determination and will be permitted as required.*

2. Confirm that the requested place of use for agricultural purposes is 470 acres out of 3,034.942 acres in Denton County. Staff notes that the acreage referenced in Exhibit A of the *Affidavit of Fact as to Name Change* does not total 3,050 acres as indicated in the application.

*Response: 470 acres out of the 3,034.942 acres of the Cole Ranch is proposed to be irrigated with this permit. The total acreage for the Cole Ranch is 3,034.942 acres from the deeds and affidavit, and not the 3,050 acres indicated in the original application. Revised application is included in Appendix B.*

3. Indicate whether the applicants would like to have a Water Right Consolidated Contact for the permit, once issued. Information on the consolidated contact can be found on Page 9, Item 4 of Form TCEQ-10214A-inst. Staff notes that Hunter Teel is listed as the Water Right Consolidated Contact in the application.

*Response: The applicants would like to be the contacts for the issued permits, with Jennifer Alexander for The Cole Ranch Company, L.P. and Shawn Street for the Cole Ranch Improvement District No. 1 of Denton County.*

Please provide the requested information by May 26, 2022, or the application may be returned pursuant to Title 30 Texas Administrative Code (TAC) §281.18.

Additional information is required before technical review of the application can be completed.

4. Provide onsite water chemistry information for the groundwater to be discharged from the well(s) identified to support the application, including, but not limited to, the following parameters in the table below. For each well, provide the well number or identifier, depth of well, and name of the aquifer and formation from which the water is withdrawn. Staff notes that data for sulfate, chloride, and pH have been submitted for one existing, onsite well (No. 25688), drawing from the Trinity-Antlers formation, and that historical groundwater data was provided for State Well No. 19-54-603, drawing from the Trinity-Twin Mountains formation.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L	108.47	108.47	1	Grab	04/20/21 @ 10am
Choride, mg/L	79.90	79.90	1	Grab	04/20/21 @ 10am
Total Dissolved Solids, mg/L	656.00	656.00	1	Grab	04/20/21 @ 10am
pH, standard units	9.11	9.11	1	Grab	04/20/21 @ 10am
Temperature*, degree Celsius	23.88	23.88	1	Grab	04/20/21 @ 10am

\*Temperature must be measured on site at the time the groundwater sample is collected.

*Response: Water chemistry information for the existing onsite water well is provided in Appendix H. Testing will be conducted on the well in progress once the well is complete.*

5. Provide a copy of the final signed document evidencing consent to the application from Denton County Soil and Conservation District No. 574, pursuant to 30 TAC §295.12. Staff acknowledges receipt of a draft consent document.

*Response: A copy of the final signed document from the Denton County Soil and Conservation District No. 574 is included in Appendix C.*

We trust this additional information will allow further review and processing for approval. If you have any questions or require additional information, please contact me at 817-288-1967 or [REDACTED]

Sincerely,



Hunter Teel, PE  
Assistant Project Manager

HT/rr

CC: The Cole Ranch Company, L.P.  
Cole Ranch Improvement District No. 1 of Denton County  
LJA – Lauren Gilstrap, Larissa Knapp-Scott

# **Cole Ranch Lake 12 & 13 Water Rights Permit**

**City of Denton, Denton County, Texas**

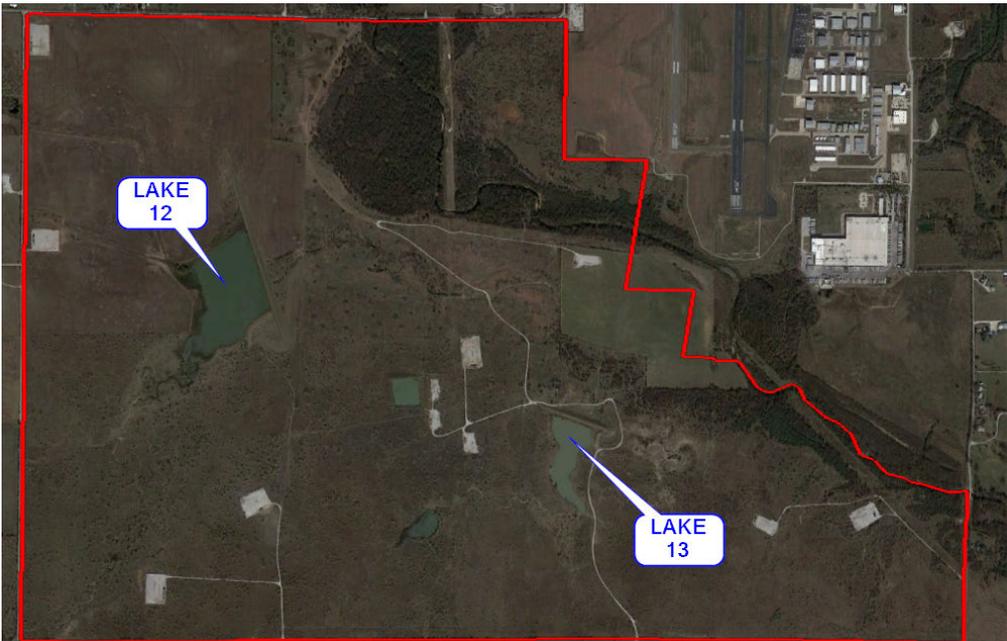
Prepared for:

The Cole Ranch Company, L.P. &  
Cole Ranch Improvement District No. 1 of Denton County

By:



May 2022



# Cole Ranch Lake 12 & 13 Water Rights Permit



## Cole Ranch

Project No: 0136  
Document Title: Cole Ranch Lake 12 & 13 Water Rights Permit  
Document No.: 1  
Revision: 2  
Date: May 2022  
Client Name: The Cole Ranch Company, L.P. & The Cole Ranch Improvement District No. 1 of Denton County  
Client No: NT135  
Project Manager: Lauren Gilstrap, P.E.  
Author: Hunter Teel, P.E., CFM; Larissa Knapp-Scott, CFM  
File Name: S:\NTX-LAND\0136\300 SUPPORT\361 Water Rights\WAP\Docs\20220520 Cole Ranch Lake 12 & 13 WAP.docx

LJA Engineering  
3017 W 7th St. Suite 300  
Fort Worth, Texas 76107  
817.288.1900  
[www.LJA.com](http://www.LJA.com)

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### Document history and status

Revision	Date	Description	By	Review	Approved
1	03/10/22	Revisions from TCEQ Pre-Application Meeting	HLT	LKS	HLT
2	05/20/22	Revisions from Administrative RFI	HLT	LKS	HLT

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- 1 - Vicinity Map
- 2 - Aerial Map
- 3 - USGS Topographic Map
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- 5 - Survey Abstracts & Groundwater Well Map
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APPENDIX B – WATER APPROPRIATION PERMIT APPLICATION

APPENDIX C – PROOF OF SIGNATORY AUTHORITY

APPENDIX D – PROPERTY DEEDS

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APPENDIX G – PHOTOGRAPHS

APPENDIX H – GROUNDWATER INFORMATION

APPENDIX I – ACCOUNTING PLAN

## I. INTRODUCTION / GENERAL INFORMATION

Cole Ranch is a proposed development located west of US HWY 35W and north of FM 2449 in the City of Denton, Denton County, Texas. A vicinity map, aerial photo map, and USGS topographic map are shown in **Appendix A, Exhibit 1, 2, & 3**. The applicants (The Cole Ranch Company, L.P. & The Cole Ranch Improvement District No. 1 of Denton County) are submitting this permit to appropriate state water. There are two existing NRCS reservoirs, Hickory Creek WS SCS Site 12 (Lake 12) and 13 (Lake 13), located within the property. Both reservoirs are listed in the National Inventory of Dams (NID) with identification numbers TX00610 (Lake 12) and TX00611 (Lake 13). These reservoirs are located on FEMA streams Hickory Creek Tributary 10 (Lake 12) and Hickory Creek Tributary 10.1 (Lake 13), tributaries to Hickory Creek, as noted on the FEMA FIRM Map, **Appendix A, Exhibit 4**. Tributary 10 and 10.1 as well as Lakes 12 and 13 are unnamed through the USGS.

The reservoirs will be part of a single-family residential development. The proposed development is located in portions of the J. W. Kjelberg Abstract No. 1610, C. Manchaca Abstract No. 789, M. Paine Abstract No. 1036, F. N. Oliver Abstract No. 989, J. T. Evans Abstract No. 411, BBB & CRR Abstract No. 176, S. Paine Abstract No. 1035, G. W. Petingale Abstract No. 1041, George West Abstract No. 1393, J. A. Burn Abstract No. 132, T.C. Carruth Abstract No. 1707, C.W. Byerly Abstract No. 1458, I. N. Hembrie Abstract No. 594, A.C. Madden Abstract No. 851, T & P Abstract No. 1292, and the J. McDonald Abstract No. 873. The property boundary and abstract survey boundaries are shown in **Exhibit 5 in Appendix A**.

The existing reservoirs are located on-channel, which requires a bed-and-banks permit for the use of state waters for recreational and agricultural/irrigation use. LJA Engineering Inc. has prepared an Application for Permit to Appropriate State Water (TCEQ-10214) for the existing reservoirs (**Appendix B**). Proof of signatory authority for Jennifer Alexander (landowner) and Shawn Street (Board) to sign the application is provided in **Appendix C**.

This project will not reduce or impair the volume of State water available for downstream water rights holders. In fact, as compared to the original exempt impoundment conditions, this Project will have a net benefit to the watershed equal to the makeup of the former evaporation losses, which will now be entirely replaced by the addition of the alternative water source. Groundwater wells will be used as the alternative water source with sufficient production to compensate for net evaporation losses and diversions from the pond. The water surface elevation will be maintained at a normal pool elevation of 635.57 feet or greater for Lake 12 and at a normal pool of 610.27 feet or greater for Lake 13 so that all inflow of State water is passed downstream of the reservoirs. A float system or equivalent will be installed to detect a drop in water surface elevation and activate the alternative water supply. The float system will be maintained by the applicant and used for reporting. The permit application will not result in a loss or use of State water.

## II. WORKSHEET 1.0 – QUANTITY, PURPOSE AND PLACE OF USE

The applicant is proposing to utilize on-site groundwater wells as an alternate source to provide 226 ac-ft of water annually for evaporation losses within the amenity pond as well

as 1,745 ac-ft per year for landscape irrigation uses on the Cole Ranch. The place of use in both cases is Denton County. The total annual water use being proposed is 1,971 acre-feet.

### III. WORKSHEET 2.0 – IMPOUNDMENT / DAM INFORMATION

Hickory Creek WS SCS Site 12 was constructed in 1970 for the then Soil Conservation Service (SCS), now known as the Natural Resources Conservation Services (NRCS). The drainage area for the reservoir is 1761 acres (2.75 square-miles). Lake 12 has a surface area of approximately 32.4 acres and a storage volume of approximately 121 acre-feet at the normal pool elevation of 635.57 feet maintained by a 24"x48"x7' concrete riser drop inlet with a 160 feet 24 inch RCP outlet. The dam is approximately 25.7 feet tall with the top of dam is at 648.87 feet with an emergency spillway at 645.57 feet. **Table 1** below shows the volume of the existing Lake 12.

**Table 1 - Lake 12 Volume**

Elevation	Area		Incremental Volume	Cumulative Volume
	(sq-ft)	(acre)	(acre-ft)	(acre-ft)
628.07	87,120	2.00	0	0
629.07	239,580	5.50	2.3	3.71
630.07	392,040	9.00	4.05	10.94
631.07	544,500	12.50	5.81	21.68
632.07	696,960	16.00	7.56	35.92
633.07	908,537	20.86	9.82	54.34
634.07	1,143,916	26.26	12.91	77.18
635.07	1,322,460	30.36	14.35	104.87
635.57 (Normal Pool)	1,411,496	32.40	15.69	120.56
636	1,585,998	36.41	17.19	137.75
637	1,961,964	45.04	21.08	177.77
638	2,378,289	54.60	25.77	226.93
639	2,817,134	64.67	30.76	285.94
640	3,329,644	76.44	36.43	355.87
641	3,859,438	88.60	42.49	437.82
642	4,468,742	102.59	49.13	532.59
643	5,205,294	119.50	57.02	642.42
644	5,838,870	134.04	64.72	768.23
645	6,458,175	148.26	72.02	908.72
645.57 (Emergency Spillway)	6,758,613	155.16	75.85	984.57
646	7,225,933	165.88	80.25	1,064.82
647	7,981,033	183.22	89.02	1,238.54
648	8,799,961	202.02	98.09	1,430.03
649	9,640,342	221.31	107.78	1,640.77
650	10,567,948	242.61	117.95	1,871.36
651	11,563,825	265.47	129.18	2,124.02
652	12,535,087	287.77	140.41	2,399.27

The dam and reservoir are located in T & P Survey Abstract No. 1292 in Denton County. Property deeds are included in **Appendix D**.

Hickory Creek WS SCS Site 13 was constructed in 1970 for the then SCS. The drainage area for the reservoir is 491 acres (0.77 square-miles). Lake 13 has a surface area of approximately 10.3 acres and a storage volume of approximately 30 acre-feet at the normal pool elevation of 610.27 feet maintained by a 24"x48"x7' concrete riser drop inlet with a 180 feet 18 inch RCP outlet. The dam is approximately 27.3 feet tall with the top of dam is at 626.87 feet with an emergency spillway at 622.57 feet. **Table 2** below shows the volume of the existing Lake 13.

**Table 2 – Lake 13 Volume**

Elevation	Area		Incremental Volume	Cumulative Volume
	(sq-ft)	(acre)		
604.07	43,560	1.00	0	0
605.07	87,120	2.00	0.87	1.49
606.07	130,680	3.00	1.37	3.98
607.07	174,240	4.00	1.87	7.47
608.07	217,800	5.00	2.37	11.96
609.07	297,000	6.82	3.18	17.86
610.07	436,924	10.03	3.81	25.30
610.27 (Normal Pool)	449,801	10.33	5.09	30.39
611	466,732	10.71	5.26	35.65
612	518,717	11.91	5.78	46.91
613	597,177	13.71	6.64	59.74
614	669,069	15.36	7.46	74.25
615	743,121	17.06	8.34	90.50
616	804,375	18.47	9.06	108.27
617	865,289	19.86	9.76	127.44
618	928,708	21.32	10.47	148.02
619	1,006,175	23.10	11.3	170.18
620	1,106,324	25.40	12.4	194.41
621	1,230,631	28.25	13.75	221.19
622	1,373,965	31.54	15.36	251.08
622.57 (Emergency Spillway)	1,446,815	33.21	16.19	267.27
623	1,519,199	34.88	17.02	284.29
624	1,683,106	38.64	18.83	321.01
625	1,872,649	42.99	20.93	361.78
626	2,092,130	48.03	23.37	407.26
627	2,336,624	53.64	26.11	458.08
628	2,598,202	59.65	29.05	514.68
629	2,884,887	66.23	32.28	577.60
630	3,193,362	73.31	35.75	647.33

The dam and reservoir are located in J. McDonald Survey Abstract No. 873 in Denton County. Property deeds are included in **Appendix D**.

A structure location map is provided in **Appendix A, Exhibit 6** showing the location of dams, reservoirs, and associated diversion and discharge points.

Pursuant to 30 TAC 295.42, to apply for a permit to appropriate public water through Texas Commission on Environmental Quality a notification is required to all commissioners and council members of the governing bodies of each county and municipality in which the reservoirs are located. A letter will be sent to all of the Denton County Commissioners and all of the Denton City Council members and Mayor. A draft copy of the letter and list of recipients are included in **Appendix E**. Certified mail receipts will be provided upon receipt.

The Texas Administrative Code Section 299.1 specifies dam safety requirements for dam structures that exceed the height of six feet and have a capacity greater than or equal to 50 ac-ft. TCEQ does not currently monitor these dams within the Dam Safety program because Lake 12 is currently classified as an intermediate, low hazard dam, and Lake 13 is classified as a small, low hazard dam. The National Inventory of Dams (NID) has assigned ID numbers for Lake 12 (TX00610) and Lake 13 (TX00611). Upon application for this water appropriations permit, the dam safety team will further classify these dams and its hazards based on downstream development. Dam safety team has been contacted and these NRCS structures were discussed with Johnny Cosgrove on January 6, 2022.

#### IV. WORKSHEET 3.0 – DIVERSION POINT INFORMATION

The applicant is proposing two (2) diversion points, one for each reservoir, to supply water for the irrigation of the Cole Ranch. These diversion points are assigned based on the centerline of the dam for the reservoir and will represent the entire perimeter of the lake for where water can be withdrawn from. The drainage area (**Appendix A, Exhibit 7**) above the Lake 12 diversion point was calculated to be 1761 acres (2.75 square-miles) and the drainage area above the Lake 13 diversion point was calculated to be 491 acres (0.77 square-miles).

The applicant's agreement is to supply a maximum of 3,833,695 gallons per day (1,745 acre-feet per year) to irrigate approximately 470 acres of the Cole Ranch. The water was assumed to be used over a 10-hour period to compute a maximum pumping rate for the irrigation needs.

The Lake 12 diversion point is located in the T & P Survey Abstract No. 1292 and the Lake 13 diversion point is located in the J. McDonald Survey Abstract No. 873 in Denton County. **Exhibit 6** shows the location of dams, reservoirs, and associated diversion and discharge points. The location of the discharge points was determined to 6 decimal places using Google Earth software.

#### V. WORKSHEET 4.0 – DISCHARGE INFORMATION

The total annual water use is 1,971 ac-ft (1,745 ac-ft for irrigation plus 226 ac-ft for evaporative losses). Groundwater wells will be used as the alternative water source to keep the lakes at their normal pool elevations. A float system or equivalent will be installed to detect a drop in water surface elevation and activate the alternative water supply. The float system will be maintained by the applicant and used for reporting. The permit

application will not reduce or impair the volume of State water available for downstream water rights holders.

There is currently one existing groundwater well, one groundwater well currently being drilled, and additional proposed groundwater wells proposed to be drilled into the Trinity Aquifer (Antlers) that will have sufficient capacity to provide makeup water for evaporative losses and diversions. The permits for the existing groundwater well and the well in progress are included in **Appendix F**. The pumping capacity of the proposed groundwater wells will be designed to meet the maximum monthly evaporative losses (345 gpm) and the irrigation needs (2,662 gpm). This equates to a pumping capacity of at least 3,007 gpm needed for both lakes combined.

Annual evaporation rates were calculated based upon the TCEQ WAM EVA files from 1940 to 1996 evaporation data for Quadrangle 410. The year 1952 had the highest net evaporation (4.64 feet) values on record. The annual evaporation losses are calculated below in **Table 3**. Each reservoir is proposed to have a fountain for aeration to maintain water quality. Each fountain system was assumed to have a 3-acre effect on surface evaporation.

**Table 3 - Maximum Annual Evaporative Losses at Normal Pool Elevation**

Existing Pond	Surface Area (acres)	Surface Area (sq-ft)	Evaporation Volume (cf)	Evaporation Volume (ac-ft)	Evaporation Volume (gallons)	Maximum Pump Capacity
Lake 12	32.4	1,411,344	6,548,636	150.3	48,983,798	93.2
Lake 13	10.3	448,668	2,081,820	47.8	15,572,010	29.6
Lake 12 Fountain	3	130,680	606,355	13.9	4,535,537	8.6
Lake 13 Fountain	3	130,680	606,355	13.9	4,535,537	8.6
Total	48.7	2,121,372	9,843,166	226	73,626,882	140

Evaporation accounts for 11 percent of the total annual water use.  $226 / 1,971 = 11\%$

## VI. WORKSHEET 4.1 – DISCHARGE POINT INFORMATION

The discharge point for Lake 12 is located in the T & P Survey Abstract No. 1292 and Lake 13 is located in the J. McDonald Survey Abstract No. in Denton County. These discharge points are assigned based on the centerline of the dam for the reservoir and will represent the entire perimeter of the lake for where water can be discharged. **Exhibit 6** shows the location of dams, reservoirs, and associated diversion points and discharge points. The location of the discharge points was determined to 6 decimal places using Google Earth software.

## VII. WORKSHEET 5.0 – ENVIRONMENTAL INFORMATION

The existing lakes have an average depth of approximately 5-6 feet. Proposed recreational uses include secondary uses with limited contact with the water. The waterbody aesthetics may be described as a natural area setting. Proposed land use upstream and downstream of the pond is residential. Photographs of the pond and its upstream and downstream riparian areas are located in **Appendix G**. **Appendix A, Exhibit 8** depicts the locations where the photographs were taken.

The diversion pump intakes will have a mesh screen of no greater than 0.25 inches to minimize entrainment and impingement of aquatic organisms. This application only requests to discharge and subsequently divert groundwater. The amount of water diverted will not exceed the amount of water discharged, less losses, therefore there should be no changes to downstream instream flows or freshwater inflows.

Lakes 12 and 13 will use a groundwater well to maintain a constant pool level to allow for the passage of State water. Water chemistry data for only the existing well is currently available and are shown below in **Table 4**. Testing for the well in progress will be provided once the well is complete. Additional information for the well is included in **Appendix H**. A water well location map is located in **Appendix A, Exhibit 5**, which shows the locations of existing groundwater wells in the vicinity of the project site.

**Table 4. Groundwater Quality Information**

Well Number	1954603
Depth of Well (ft)	1060
Aquifer Withdrawn	Trinity (Antlers)
Date of Testing	04/20/2021
Chlorides (mg/L)	79.90
Sulfates (mg/L)	108.47
Total Dissolved Solids (TDS)	656.00
pH (SU)	9.11
Temperature (°C)	23.88

Standard Best Management Practices (BMPs) such as rock check dams and silt fence will be implemented during construction to reduce erosion into nearby waterways per Texas Pollution Discharge Elimination System (TPDES) regulations in accordance with General Permit No. TXR150000. A copy of the Storm Water Pollution Prevention Plan (SWPPP) will be maintained on-site during construction along with posted copies of the construction site notices. The construction site notice will also be submitted to the local MS4 (City of Denton) in accordance with TPDES regulations. As previously mentioned, construction related soil stabilization will be addressed in the Construction SWPPP. Additionally, post-construction BMPs will be implemented on this site to address long-term storm water quality. Sufficient post-construction BMPs will be installed to prevent or reduce potential contaminants in storm water runoff from entering the stream.

Beyond initial planning efforts, impacts to waters of the U.S. will be minimized during construction activities through the incorporation of the Construction SWPPP. Erosion Control devices to be used include temporary vegetation, blankets/matting, mulch and sod. Where appropriate, these erosion and sedimentation control structures will be in place prior to the initiation of construction and will be maintained throughout the duration of the construction. Clearing of vegetation will be limited and/or phased in order to maintain a natural water quality buffer and minimize the amount of erodible earth exposed at any one time. Upon completion of the earthwork operations, disturbed areas will be restored and reseeded.

The construction contractor will take appropriate measures to prevent, minimize, and control the spill of fuels, lubricants, and hazardous materials in the construction staging

area. All spills shall be cleaned immediately, and any contaminated soil shall be immediately removed from the site and disposed of properly. All construction equipment and materials used within the stream channel and immediate vicinity will be removed as soon as the work schedule permits and/or when not in use and shall be stored in an area protected from run-on and run-off. All materials being removed and/or disposed of by the contractor will be done so in accordance with state and federal laws and by the approval of the Project Engineer.

The North Central Texas Council of Governments (NCTCOG) intergraded stormwater management manual (iSWM) for construction sites will also be used as a guide. The reservoirs will be surrounded by a vegetated buffer strip that will consist of native grasses, shrubs, and trees. The vegetative buffer is shown on **Exhibit 9** in **Appendix A**.

## VIII. WORKSHEET 7.0 – ACCOUNTING PLAN INFORMATION

Accounting plans and spreadsheets for recording the daily and monthly measurements are included in **Appendix I**.

## IX. CONCLUSION

The Cole Ranch Company, L.P. & The Cole Ranch Improvement District No. 1 of Denton County are required by the Texas Water Code (TWC) to apply for a water appropriation permit for existing on-channel impoundments containing State water. Hickory Creek WS SCS Sites 12 and 13 are existing NRCS reservoirs with normal pools maintained at a constant level.

The information presented in this report shows that reservoirs meet all TCEQ requirements to obtain a Water Appropriations Permit under Section 11.143 of the TWC following development of the site.

## **APPENDIX A - EXHIBITS**

- 1 - Vicinity Map
- 2 - Aerial Map
- 3 - USGS Topographic Map
- 4 - Effective Firm
- 5 - Survey Abstracts & Groundwater Well Map
- 6 - Structure Location Map
- 7 - Drainage Area Map
- 8 - Photograph Location Map
- 9 - Vegetative Buffer Map

# **APPENDIX B – WATER APPROPRIATION PERMIT APPLICATION**

# **APPENDIX C - PROOF OF SIGNATORY AUTHORITY**

## **APPENDIX D – PROPERTY DEEDS**

# **APPENDIX E – NOTIFICATION LETTERS AND CERTIFIED MAIL RECEIPTS**

## **APPENDIX F – WELL PERMITS**

## **APPENDIX G – PHOTOGRAPHS**

# **APPENDIX H – GROUNDWATER INFORMATION**

# **APPENDIX I – ACCOUNTING PLAN**

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## TCEQ WATER RIGHTS PERMITTING APPLICATION

### ADMINISTRATIVE INFORMATION CHECKLIST

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

APPLICANT(S): The Cole Ranch Company, L.P. & Cole Ranch Improvement District No. 1 of Denton County

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

Y/N

- Administrative Information Report**
- Additional Co-Applicant Information
- Additional Co-Applicant Signature Pages
- Written Evidence of Signature Authority
- Technical Information Report**
- USGS Map (or equivalent)
- Map Showing Project Details
- Original Photographs
- Water Availability Analysis
- Worksheet 1.0**
- Recorded Deeds for Irrigated Land
- Consent For Irrigation Land
- Worksheet 1.1**
- Addendum to Worksheet 1.1
- Worksheet 1.2**
- Addendum to Worksheet 1.2
- Worksheet 2.0**
- Additional W.S 2.0 for Each Reservoir
- Dam Safety Documents
- Notice(s) to Governing Bodies
- Recorded Deeds for Inundated Land
- Consent For Inundation Land

Y/N

- Worksheet 3.0**
- Additional W.S 3.0 for each Point
- Recorded Deeds for Diversion Points
- Consent For Diversion Access
- Worksheet 4.0**
- TPDES Permit(s)
- WWTP Discharge Data
- 24-hour Pump Test
- Groundwater Well Permit
- Signed Water Supply Contract
- Worksheet 4.1**
- Worksheet 5.0**
- Addendum to Worksheet 5.0
- Worksheet 6.0**
- Water Conservation Plan(s)
- Drought Contingency Plan(s)
- Documentation of Adoption
- Worksheet 7.0**
- Accounting Plan
- Worksheet 8.0**
- Fees

**For Commission Use Only:**

Proposed/Current Water Right Number: \_\_\_\_\_

Basin: \_\_\_\_\_ Watermaster area Y/N: \_\_\_\_\_

# ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

New Appropriation of State Water

Amendment to a Water Right \*

Bed and Banks

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

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

Applicant is proposing to use existing Hickory Creek WS SCS Sites 12 and 13 for recreation, irrigation, and aesthetics. The lakes will be kept full at all times to pass State water. The applicant proposes to use groundwater wells to make up water to compensate for evaporation losses and diversions.

**2. APPLICANT INFORMATION (Instructions, Page. 6 )**

**a. Applicant**

Indicate the number of Applicants/Co-Applicants 2  
(Include a copy of this section for each Co-Applicant, if any)

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

**The Cole Ranch Company, L.P.**

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

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)? You may search for your CN on the TCEQ website at

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

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

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

First/Last Name: **Jennifer Alexander**

Title: **Manager**

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

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

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

Name: **Jennifer Alexander**

Mailing Address: **PO Drawer S**

City: **Denton**

State: **Tx**

ZIP Code: **76202**

Indicate an X next to the type of Applicant:

Individual

Sole Proprietorship-D.B.A.

Partnership

Corporation

Trust

Estate

Federal Government

State Government

County Government

City Government

Other Government

Other \_\_\_\_\_

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: \_\_\_\_\_ SOS Charter (filing) Number: \_\_\_\_\_

**2. APPLICANT INFORMATION (Instructions, Page. 6 )**

**a. Applicant**

Indicate the number of Applicants/Co-Applicants 2  
(Include a copy of this section for each Co-Applicant, if any)

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

**Cole Ranch Improvement District No. 1 of Denton County**

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

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)? You may search for your CN on the TCEQ website at

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

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

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

First/Last Name: **Shawn Street**

Title: **President**

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

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

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

Name: **Cole Ranch Improvement District No. 1 of Denton County**

Mailing Address: **3100 McKinnon Street, Suite 1100**

City: **Dallas**

State: **Tx**

ZIP Code: **75201**

Indicate an X next to the type of Applicant:

Individual

Sole Proprietorship-D.B.A.

Partnership

Corporation

Trust

Estate

Federal Government

State Government

County Government

City Government

Other Government

Other \_\_\_\_\_

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: \_\_\_\_\_ SOS Charter (filing) Number: \_\_\_\_\_

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

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

First and Last Name: Jennifer Alexander

Title: Manager

Organization Name: The Cole Ranch Company, L.P.

Mailing Address: PO Drawer S

City: Denton

State: Tx

ZIP Code: 76202

Phone No.: (940) 368-2379

Extension:

Fax No.:

E-mail Address:



## 5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your application.

1. Does Applicant or Co-Applicant owe any fees to the TCEQ? **Yes / No No**

If **yes**, provide the following information:

Account number:

Amount past due:

2. Does Applicant or Co-Applicant owe any penalties to the TCEQ? **Yes / No No**

If **yes**, please provide the following information:

Enforcement order number:

Amount past due:

b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicant's may check their status with the Comptroller at <https://mycpa.cpa.state.tx.us/coa/>

Is the Applicant or Co-Applicant in good standing with the Comptroller? **Yes / No Yes**

c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use - if required. See TWC §16.012(m) and 30 TAC § 297.41(a)(5).

Applicant has submitted all required TWDB surveys of groundwater and surface water? **Yes / No Yes**

**6. SIGNATURE PAGE (Instructions, Page. 11)**

Applicant:

I, Jennifer Alexander  
(Typed or printed name)

Manager  
(Title)

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

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

Signature:  Date: 2-9-2022  
(Use blue ink)

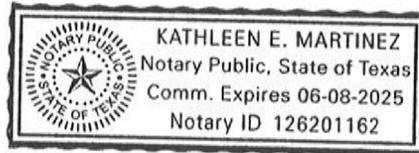
Subscribed and Sworn to before me by the said

on this 9th day of February, 20 22.

My commission expires on the 8th day of June, 20 25.

Notary Public

  
County, Texas (Denton)



[SEAL]

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

**6. SIGNATURE PAGE (Instructions, Page. 11)**

Applicant:

I, Shawn Street

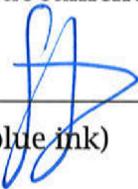
President

(Typed or printed name)

(Title)

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

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

Signature:  President Date: 2/9/22  
(Use blue ink)

Subscribed and Sworn to before me by the said

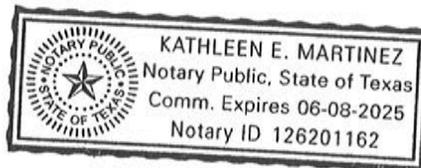
on this 9th day of February, 2022.

My commission expires on the 8th day of June, 2025.

Notary Public

Kathleen E. Martinez

County, Texas (Denton)



[SEAL]

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

# TECHNICAL INFORMATION REPORT

## WATER RIGHTS PERMITTING

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

**Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4600 to schedule a meeting.** Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N<sup>Y</sup>\_\_\_\_\_ (If yes, date : <sup>02/03/2022</sup>\_\_\_\_\_).

### 1. New or Additional Appropriations of State Water. Texas Water Code (TWC) § 11.121 (Instructions, Page. 12)

**State Water is:** *The water of the ordinary flow, underflow, and tides of every flowing river, natural stream, and lake, and of every bay or arm of the Gulf of Mexico, and the storm water, floodwater, and rainwater of every river, natural stream, canyon, ravine, depression, and watershed in the state. TWC § 11.021.*

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y / N<sup>Y</sup>\_\_\_\_\_
- b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? Y / N<sup>N</sup>\_\_\_\_\_ (If yes, indicate the Certificate or Permit number:\_\_\_\_\_)

*If Applicant answered yes to (a) or (b) above, does Applicant also wish to be considered for a term permit pursuant to TWC § 11.1381? Y / N<sup>N</sup>\_\_\_\_\_*

- c. Applicant requests to extend an existing Term authorization or to make the right permanent? Y / N<sup>N</sup>\_\_\_\_\_ (If yes, indicate the Term Certificate or Permit number:\_\_\_\_\_)

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

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

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

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

**2. Amendments to Water Rights. TWC § 11.122 (Instructions, Page. 12) N/a**

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

Water Right (Certificate or Permit) number you are requesting to amend: \_\_\_\_\_

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

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

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

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

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

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

c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? Y / N \_\_\_\_\_

*If yes, submit:*

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

d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? Y / N \_\_\_\_\_

*If yes, submit:*

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

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

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

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

**Additionally, all amendments require:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Worksheets and information:*

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)
- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)

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

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

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

Applicant is proposing to use a groundwater well as an alternative water source to  
compensate for evaporation losses and diversions for agricultural/irrigation use. The  
Lakes will be kept full at all times to pass State water. The application is consistent  
with the 2021 Region C Water Plan and the 2022 State Water Plan because there is  
nothing in the plans that conflict with the application

b. Did the Applicant perform its own Water Availability Analysis? Y / N<sup>N</sup>\_\_\_\_\_

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

c. Does the application include required Maps? (Instructions Page. 15) Y / N<sup>Y</sup>\_\_\_\_\_

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

### 1. New Authorizations (Instructions, Page. 16)

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

Quantity (acre- feet) <i>(Include losses for Bed and Banks)</i>	State Water Source (River Basin) or Alternate Source <i>*each alternate source (and new appropriation based on return flows of others) also requires completion of Worksheet 4.0</i>	Purpose(s) of Use	Place(s) of Use <i>*requests to move state water out of basin also require completion of Worksheet 1.1 Interbasin Transfer</i>
151	Hickory Creek	Lake Storage	Denton County
1,971	Trinity (Antlers)	Recreation/Agriculture	Denton County

2,122 Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

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

a. Location Information Regarding the Lands to be Irrigated

i) Applicant proposes to irrigate a total of 470 acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of 3,034,942 acres in Denton County, TX.

ii) Location of land to be irrigated: In the T&P Original Survey No. N/a, Abstract No. 1292.

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

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

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

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

### 1. New Authorizations (Instructions, Page. 16)

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ii) Location of land to be irrigated: In the <sup>J. McDonald</sup>\_\_\_\_\_ Original Survey No. <sup>N/a</sup>\_\_\_\_\_, Abstract No. <sup>873</sup>\_\_\_\_\_.

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

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

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ii) Location of land to be irrigated: In the <sup>J.A. Burn</sup>\_\_\_\_\_ Original Survey No. <sup>N/a</sup>\_\_\_\_\_, Abstract No. <sup>132</sup>\_\_\_\_\_.

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

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## Quantity, Purpose and Place of Use

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<sup>2,122</sup> \_\_\_\_\_ Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

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

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i) Applicant proposes to irrigate a total of <sup>470</sup>\_\_\_\_\_ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of <sup>3,034,942</sup>\_\_\_\_\_ acres in <sup>Denton</sup>\_\_\_\_\_ County, TX.

ii) Location of land to be irrigated: In the <sup>B.B.B. & C.R.R.</sup>\_\_\_\_\_ Original Survey No. <sup>N/a</sup>\_\_\_\_\_, Abstract No. <sup>176</sup>\_\_\_\_\_.

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

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# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

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<sup>2,122</sup> \_\_\_\_\_ Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

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

a. Location Information Regarding the Lands to be Irrigated

i) Applicant proposes to irrigate a total of <sup>470</sup>\_\_\_\_\_ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of <sup>3,034,942</sup>\_\_\_\_\_ acres in <sup>Denton</sup>\_\_\_\_\_ County, TX.

ii) Location of land to be irrigated: In the <sup>J.W. Kjeiberg</sup>\_\_\_\_\_ Original Survey No. <sup>N/a</sup>\_\_\_\_\_, Abstract No. <sup>1610</sup>\_\_\_\_\_.

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

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

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# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

### 1. New Authorizations (Instructions, Page. 16)

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

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1,971	Trinity (Antlers)	Recreation/Agriculture	Denton County

<sup>2,122</sup> \_\_\_\_\_ Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

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

a. Location Information Regarding the Lands to be Irrigated

i) Applicant proposes to irrigate a total of <sup>470</sup>\_\_\_\_\_ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of <sup>3,034,942</sup>\_\_\_\_\_ acres in <sup>Denton</sup>\_\_\_\_\_ County, TX.

ii) Location of land to be irrigated: In the <sup>I.N. Hembrie</sup>\_\_\_\_\_ Original Survey No. <sup>N/a</sup>\_\_\_\_\_, Abstract No. <sup>594</sup>\_\_\_\_\_.

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

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

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# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

### 1. New Authorizations (Instructions, Page. 16)

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

Quantity (acre-foot) <i>(Include losses for Bed and Banks)</i>	State Water Source (River Basin) or Alternate Source <i>*each alternate source (and new appropriation based on return flows of others) also requires completion of Worksheet 4.0</i>	Purpose(s) of Use	Place(s) of Use <i>*requests to move state water out of basin also require completion of Worksheet 1.1 Interbasin Transfer</i>
151	Hickory Creek	Lake Storage	Denton County
1,971	Trinity (Antlers)	Recreation/Agriculture	Denton County

<sup>2,122</sup> \_\_\_\_\_ Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

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

a. Location Information Regarding the Lands to be Irrigated

i) Applicant proposes to irrigate a total of <sup>470</sup>\_\_\_\_\_ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of <sup>3,034,942</sup>\_\_\_\_\_ acres in <sup>Denton</sup>\_\_\_\_\_ County, TX.

ii) Location of land to be irrigated: In the <sup>C.W. Byerly</sup>\_\_\_\_\_ Original Survey No. <sup>N/a</sup>\_\_\_\_\_, Abstract No. <sup>1458</sup>\_\_\_\_\_.

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

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

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

**2. Amendments - Purpose or Place of Use (Instructions, Page. 12) N/a**

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

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**

*\*If the request is to add additional purpose(s) of use, include the existing and new purposes of use under "Proposed Purpose(s) of Use."*

*\*\*If the request is to add additional place(s) of use, include the existing and new places of use under "Proposed Place(s) of Use."*

*Changes to the purpose of use in the Rio Grande Basin may require conversion. 30 TAC § 303.43.*

b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:

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

ii. Location of land to be irrigated: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. <sup>1292</sup>\_\_\_\_\_.

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

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

c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.

d. See Worksheet 1.2, Marshall Criteria, and submit if required.

e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

**WORKSHEET 1.1**  
**INTERBASIN TRANSFERS, TWC § 11.085**

N/a

Submit this worksheet for an application for a new or amended water right which requests to transfer State Water from its river basin of origin to use in a different river basin. A river basin is defined and designated by the Texas Water Development Board by rule pursuant to TWC § 16.051.

Applicant requests to transfer State Water to another river basin within the State? Y / N\_\_\_\_\_

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

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

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

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

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

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

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

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

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

## WORKSHEET 1.2 NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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

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

# WORKSHEET 2.0

## Impoundment/Dam Information

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

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

### 1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: N/a
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 121.
- c. The impoundment is on-channel Y or off-channel \_\_\_\_\_ (mark one)
  - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? **Y / N<sup>N</sup>** \_\_\_\_\_
  - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? **Y / N<sup>Y</sup>** \_\_\_\_\_
- d. Is the impoundment structure already constructed? **Y / N<sup>Y</sup>** \_\_\_\_\_
  - i. For already constructed **on-channel** structures:
    - 1. Date of Construction: 1970
    - 2. Was it constructed to be an exempt structure under TWC § 11.142? **Y / N<sup>Y</sup>** \_\_\_\_\_
      - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? **Y / N<sup>Y</sup>** \_\_\_\_\_
      - b. If No, has the structure been issued a notice of violation by TCEQ? **Y / N<sup>N</sup>** \_\_\_\_\_
    - 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? **Y / N<sup>Y</sup>** \_\_\_\_\_
      - a. If yes, provide the Site No. 12 and watershed project name Hickory Creek;
      - b. Authorization to close "ports" in the service spillway requested? **Y / N<sup>N</sup>** \_\_\_\_\_
  - ii. For **any** proposed new structures or modifications to structures:
    - 1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? **Y / N<sup>Y</sup>** \_\_\_\_\_  
Provide the date and the name of the Staff Person 01/06/2022; Johnny Cosgrove
    - 2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
      - a. No additional dam safety documents required with the Application. **Y / N<sup>N</sup>** \_\_\_\_\_
      - b. Plans (with engineer's seal) for the structure required. **Y / N<sup>N</sup>** \_\_\_\_\_
      - c. Engineer's signed and sealed hazard classification required. **Y / N<sup>N</sup>** \_\_\_\_\_
      - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. **Y / N<sup>N</sup>** \_\_\_\_\_

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

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: <sup>32.4</sup>\_\_\_\_\_.
2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option. Applicant has calculated the drainage area. Y/N<sup>Y</sup>\_\_\_\_\_ If yes, the drainage area is <sup>2.75</sup>\_\_\_\_\_ sq. miles. (If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

## 2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): Unnamed tributary to Hickory Creek
- b. Zip Code: 76259
- c. In the <sup>T&P</sup>\_\_\_\_\_ Original Survey No. <sup>Na</sup>\_\_\_\_\_, Abstract No. <sup>1292</sup>\_\_\_\_\_,  
<sup>Denton</sup>\_\_\_\_\_ County, Texas.

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

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

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

Latitude <sup>33.189985</sup>\_\_\_\_\_°N, Longitude <sup>97.218711</sup>\_\_\_\_\_°W.

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

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

# WORKSHEET 2.0

## Impoundment/Dam Information

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

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

### 1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: N/a
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 30.
- c. The impoundment is on-channel Y or off-channel \_\_\_\_\_ (mark one)
  - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? **Y / N<sup>N</sup>** \_\_\_\_\_
  - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? **Y / N<sup>Y</sup>** \_\_\_\_\_
- d. Is the impoundment structure already constructed? **Y / N<sup>Y</sup>** \_\_\_\_\_
  - i. For already constructed **on-channel** structures:
    1. Date of Construction: 1970
    2. Was it constructed to be an exempt structure under TWC § 11.142? **Y / N<sup>Y</sup>** \_\_\_\_\_
      - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? **Y / N<sup>Y</sup>** \_\_\_\_\_
      - b. If No, has the structure been issued a notice of violation by TCEQ? **Y / N<sup>N</sup>** \_\_\_\_\_
    3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? **Y / N<sup>Y</sup>** \_\_\_\_\_
      - a. If yes, provide the Site No. <sup>13</sup> \_\_\_\_\_ and watershed project name Hickory Creek \_\_\_\_\_;
      - b. Authorization to close "ports" in the service spillway requested? **Y / N<sup>N</sup>** \_\_\_\_\_
  - ii. For **any** proposed new structures or modifications to structures:
    1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? **Y / N<sup>Y</sup>** \_\_\_\_\_ Provide the date and the name of the Staff Person 01/06/2022; Johnny Cosgrove
    2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
      - a. No additional dam safety documents required with the Application. **Y / N<sup>N</sup>** \_\_\_\_\_
      - b. Plans (with engineer's seal) for the structure required. **Y / N<sup>N</sup>** \_\_\_\_\_
      - c. Engineer's signed and sealed hazard classification required. **Y / N<sup>N</sup>** \_\_\_\_\_
      - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. **Y / N<sup>N</sup>** \_\_\_\_\_

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

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: <sup>10.3</sup>\_\_\_\_\_.
2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option. Applicant has calculated the drainage area. Y/N<sup>Y</sup>\_\_\_\_\_ If yes, the drainage area is <sup>0.77</sup>\_\_\_\_\_ sq. miles. (If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

## 2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): Unnamed tributary to Hickory Creek
- b. Zip Code: 76259
- c. In the J. McDonald Original Survey No. N/a, Abstract No. 873,  
Denton County, Texas.

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

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

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

Latitude 33.184949°N, Longitude 97.204639°W.

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

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



## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Unnamed tributary to Hickory Creek
- b. Zip Code: 76259
- c. Location of point: In the T&P Original Survey No. N/a, Abstract No. 1292, Denton County, Texas.

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

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

- d. Point is at:  
Latitude 33.189985 °N, Longitude 97.218711 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): GIS
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

# WORKSHEET 3.0

## DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

### 1. Diversion Information (Instructions, Page. 24)

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

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

b. Maximum Rate of Diversion for **this new point**       3.0       cfs (cubic feet per second)  
 or   1.359   gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N**   Y    
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*   14       cfs or   6.389   gpm

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

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

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

Check one		Write: Existing or Proposed
	Directly from stream	
X	From an on-channel reservoir	Proposed
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

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

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

If yes, the drainage area is   0.77   sq. miles.

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

## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Unnamed tributary to Hickory Creek
- b. Zip Code: 76259
- c. Location of point: In the J. McDonald Original Survey No. N/a, Abstract No. 873, Denton County, Texas.

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

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

- d. Point is at:  
Latitude 33.184949 °N, Longitude 97.204639 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): GIS
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

# WORKSHEET 4.0

## DISCHARGE INFORMATION

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

- a. The purpose of use for the water being discharged will be recreation and agricultural (irrigation).
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses <sup>11</sup>                      % and explain the method of calculation: Evaporation calculated based on TCEQ WAM EVA files from 1940 to 1996 for Quadrangle 410.

Is the source of the discharged water return flows? Y / N N If yes, provide the following information:

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

*PLEASE NOTE: If Applicant is not the discharger of the return flows, the application should be submitted under Section 1, New or Additional Appropriation of State Water, as a request for a new appropriation of state water. If Applicant is the discharger, then the application should be submitted under Section 3, Bed and Banks.*

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
  4. The percentage of return flows from groundwater N/a, surface water N/a?
  5. If any percentage is surface water, provide the base water right number(s) N/a.
- c. Is the source of the water being discharged groundwater? Y / N Y If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped: Trinity (Antlers)
  2. Any 24 hour pump test for the well if one has been conducted. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbprpt.asp>. Additionally, provide well numbers or identifiers 19-54-603, production information attached.
  3. Indicate how the groundwater will be conveyed to the stream or reservoir.  
Pumped
  4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.
- ci. Is the source of the water being discharged a surface water supply contract? Y / N N  
If yes, provide the signed contract(s).
- cii. Identify any other source of the water N/a

## WORKSHEET 4.1 DISCHARGE POINT INFORMATION

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

**For water discharged at this location provide:**

- a. The amount of water that will be discharged at this point is 1,538 acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of 5.2 cfs or 2,346 gpm.
- c. Name of Watercourse as shown on Official USGS maps: Unnamed tributary to Hickory Creek
- d. Zip Code 76259
- f. Location of point: In the T&P \_\_\_\_\_ Original Survey No. N/a, Abstract No. 1292, Denton County, Texas.
- g. Point is at:  
Latitude 33.189985 °N, Longitude 97.218711 °W.  
***\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- h. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): GIS

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

## WORKSHEET 4.1 DISCHARGE POINT INFORMATION

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

**For water discharged at this location provide:**

- a. The amount of water that will be discharged at this point is 433 acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of 1.5 cfs or 661 gpm.
- c. Name of Watercourse as shown on Official USGS maps: Unnamed tributary to Hickory Creek
- d. Zip Code 76259
- f. Location of point: In the J. McDonald Original Survey No. N/a, Abstract No. 873, Denton County, Texas.
- g. Point is at:  
Latitude 33.184949 °N, Longitude 97.204639 °W.  
***\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- h. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): GIS

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

# WORKSHEET 5.0

## ENVIRONMENTAL INFORMATION

### 1. Impingement and Entrainment Hickory Creek WS Site 12

**This section is required for any new diversion point that is not already authorized.** Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 29.**

Applicant will take reasonable measures to avoid impingement and entrainment of aquatic organisms.

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

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: 6

Other, specify: \_\_\_\_\_

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

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

# WORKSHEET 5.0

## ENVIRONMENTAL INFORMATION

### 1. Impingement and Entrainment Hickory Creek WS Site 13

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 29.**

Applicant will take reasonable measures including screens to avoid impingement and  
\_\_\_\_\_  
entrainment of aquatic organisms.  
\_\_\_\_\_

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

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: 5 \_\_\_\_\_

Other, specify: \_\_\_\_\_

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

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

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

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

- a. For all bed and banks applications:
  - i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

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

**Onsite existing well 25688. Water testing for the well in progress will be provided once complete.**

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L	108.47	108.47	1	Grab	04/21
Chloride, mg/L	<b>79.90</b>	<b>79.90</b>	<b>1</b>	<b>Grab</b>	<b>04/21</b>
Total Dissolved Solids, mg/L	656.00	656.00	1	Grab	04/21
pH, standard units	<b>9.11</b>	<b>9.11</b>	<b>1</b>	<b>Grab</b>	<b>04/21</b>
Temperature*, degrees Celsius	23.88	23.88	1	Grab	04/21

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

- iii. If groundwater will be used, provide the depth of the well 1060 ft/ TBD and the name of the aquifer from which water is withdrawn Trinity (Antlers).

# WORKSHEET 6.0 N/a

## Water Conservation/Drought Contingency Plans

This form is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plans is required and to specify the requirements for plans.

**Instructions, Page 31.**

*The TCEQ has developed guidance and model plans to help applicants prepare plans. Applicants may use the model plan with pertinent information filled in. For assistance submitting a plan call the Resource Protection Team (Water Conservation staff) at 512-239-4600, or e-mail [wras@tceq.texas.gov](mailto:wras@tceq.texas.gov). The model plans can also be downloaded from the TCEQ webpage. **Please use the most up-to-date plan documents available on the webpage.***

### 1. Water Conservation Plans

a. The following applications must include a completed Water Conservation Plan (30 TAC § 295.9) for each use specified in 30 TAC, Chapter 288 (municipal, industrial or mining, agriculture - including irrigation, wholesale):

1. Request for a new appropriation or use of State Water.
2. Request to amend water right to increase appropriation of State Water.
3. Request to amend water right to extend a term.
4. Request to amend water right to change a place of use.  
*\*does not apply to a request to expand irrigation acreage to adjacent tracts.*
5. Request to amend water right to change the purpose of use.  
*\*applicant need only address new uses.*
6. Request for bed and banks under TWC § 11.042(c), when the source water is State Water  
*\*including return flows, contract water, or other State Water.*

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

1. \_\_\_\_Municipal Use. See 30 TAC § 288.2. \*\*
2. \_\_\_\_Industrial or Mining Use. See 30 TAC § 288.3.
3. \_\_\_\_Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. \_\_\_\_Wholesale Water Suppliers. See 30 TAC § 288.5. \*\*

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

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

N/a

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

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

## 2. Drought Contingency Plans

- a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above - indicate each that applies:
1. \_\_\_Municipal Uses by public water suppliers. See 30 TAC § 288.20.
  2. \_\_\_Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
  3. \_\_\_Wholesale Water Suppliers. See 30 TAC § 288.22.
- b. If Applicant must submit a plan under section 2(a) above, Applicant has also submitted documentation of adoption of drought contingency plan (*ordinance, resolution, or tariff, etc. See 30 TAC § 288.30*) Y / N\_\_\_

# WORKSHEET 7.0

## ACCOUNTING PLAN INFORMATION WORKSHEET

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

### 1. Is Accounting Plan Required

Accounting Plans are generally required:

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

### 2. Accounting Plan Requirements

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



# Accounting Plan for Cole Ranch Lake 12 & 13 Water Rights Permit

**City of Denton, Denton County, Texas**

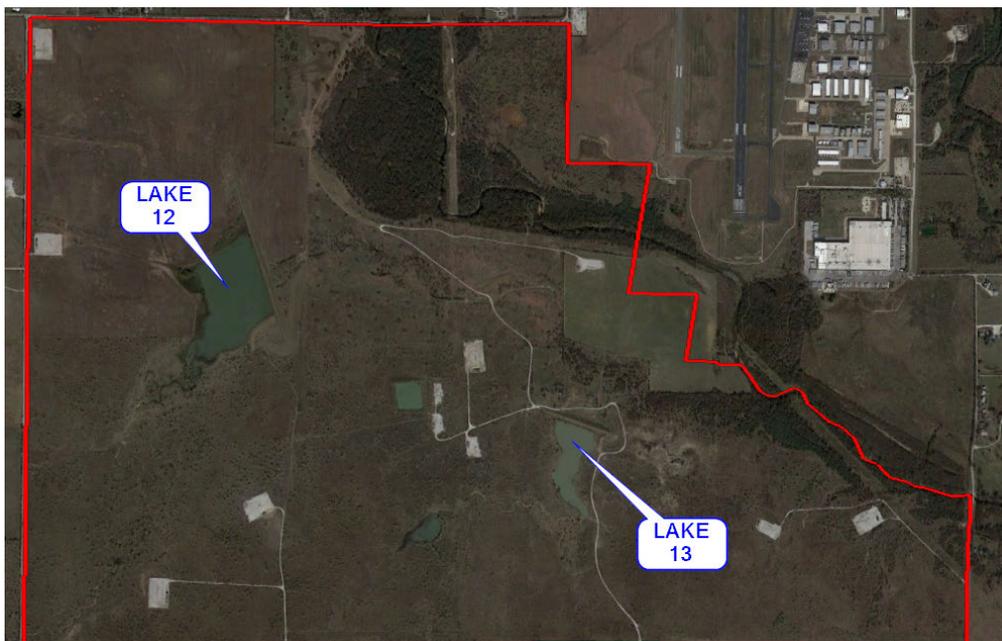
Prepared for:

The Cole Ranch Company, L.P. &  
Cole Ranch Improvement District No. 1 of Denton County

By:



May 2022



# Cole Ranch Lake 12 & 13 Water Rights Permit



## Cole Ranch

Project No: 0136  
Document Title: Accounting Plan for Cole Ranch Lake 12 & 13 Water Rights Permit  
Document No.: 1  
Revision: 2  
Date: May 2022  
Client Name: The Cole Ranch Company, L.P. & The Cole Ranch Improvement District No. 1 of Denton County  
Client No: NT135  
Project Manager: Lauren Gilstrap, P.E.  
Author: Hunter Teel, P.E., CFM; Larissa Knapp-Scott, CFM  
File Name: S:\NTX-LAND\0136\300 SUPPORT\361 Water Rights\WAP\Docs\20220520 Cole Ranch Lake 12 & 13 Accounting Plan.docx

LJA Engineering  
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Fort Worth, Texas 76107  
817.288.1900  
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### Document history and status

Revision	Date	Description	By	Review	Approved
1	03/10/22	Revisions from TCEQ Pre-Application Meeting	HLT	LKS	HLT
2	05/20/22	Revised Column Descriptions	HLT	LKS	HLT



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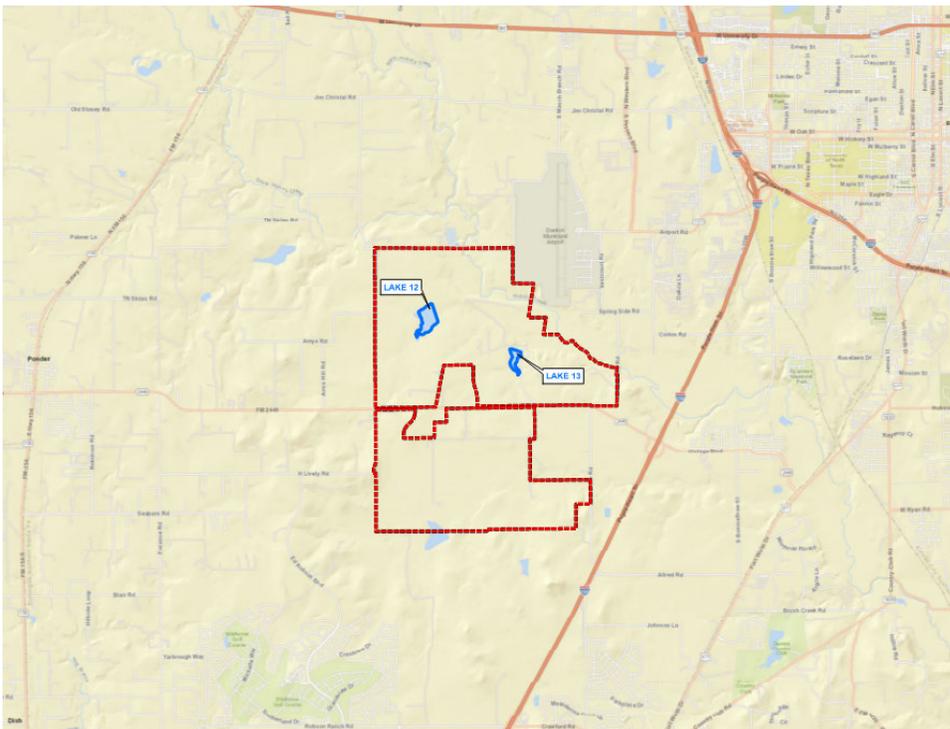
APPENDIX A – Accounting Spreadsheet

APPENDIX B – Instructions and Example of Annual Report

## I. INTRODUCTION / GENERAL INFORMATION

Cole Ranch is a proposed development located west of US HWY 35W and north of FM 2449 in the City of Denton, Denton County, Texas. The applicants (The Cole Ranch Company, L.P. & The Cole Ranch Improvement District No. 1 of Denton County) are submitting this permit to appropriate state water. There are two existing NRCS reservoirs, Hickory Creek WS SCS Site 12 (Lake 12) and 13 (Lake 13), located within the property. These reservoirs are located on Hickory Creek Tributary 10 (Lake 12) and Hickory Creek Tributary 10.1 (Lake 13), tributaries to Hickory Creek, as noted on the FEMA FIRM Map. Tributary 10 and 10.1 as well as Lakes 12 and 13 are unnamed through the USGS.

A vicinity map and aerial photo map are shown below in **Figures 1 and 2**. **Figure 3** shows the location of the discharge and diversion points within the pond.



**Figure 1. Vicinity Map**

# Cole Ranch Lake 12 & 13 Water Rights Permit

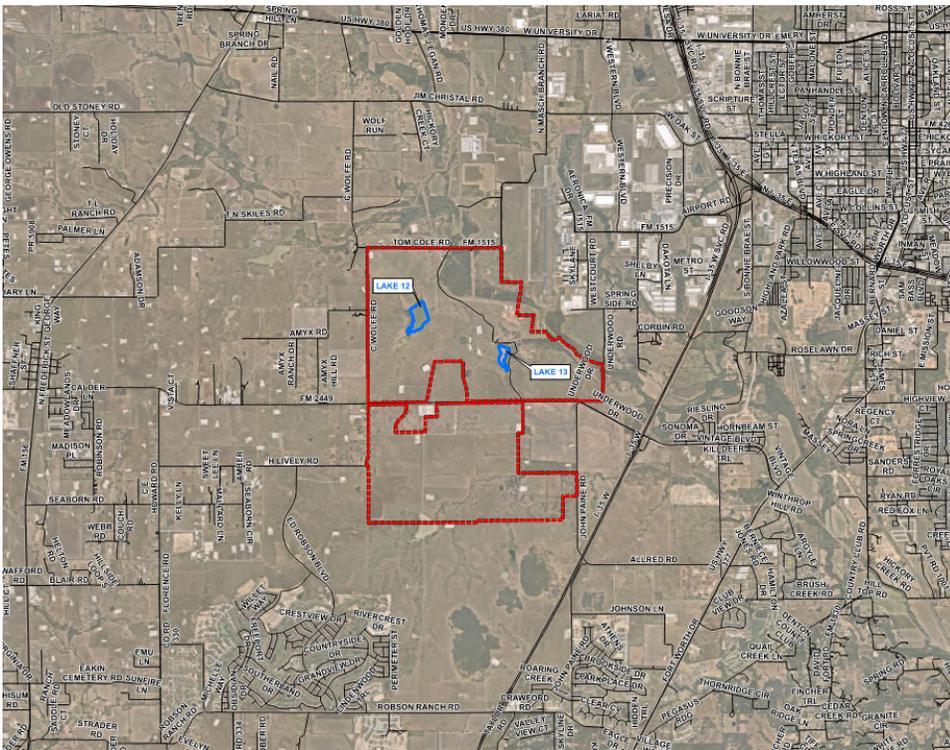


Figure 2. Aerial Map

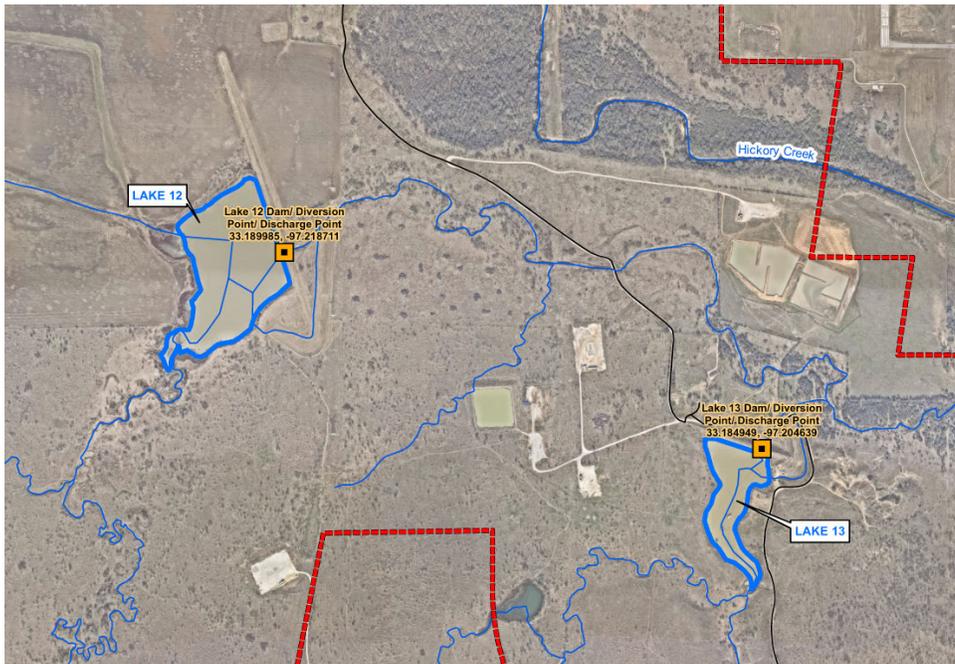


Figure 3. Location of Reservoir Diversion Points and Discharge Points

The existing reservoirs are located on-channel, which requires a bed-and-banks permit for the use of state waters for recreational and agricultural/irrigation use. LJA Engineering Inc. has prepared an Application for Permit to Appropriate State Water (TCEQ-10214) for the existing reservoirs.

This project will have no effect on the volume of State water available for downstream water rights holders. Groundwater wells will be used as the alternative water source with sufficient production to compensate for net evaporation losses and diversions from the pond. The water surface elevation will be maintained at a normal pool elevation of 635.57 feet or greater for Lake 12 and at a normal pool of 610.27 feet or greater for Lake 13 so that all inflow of State water is passed downstream of the reservoirs. A float system or equivalent will be installed to detect a drop in water surface elevation and activate the alternative water supply. The float system will be maintained by the applicant and used for reporting. The permit application will not result in a loss or use of State water.

Accounting Plans are required by TCEQ for certain water appropriation permits. In this case, where an alternate source of water is conveyed and diverted from an on-channel pond. An accounting plan is required for the Cole Ranch to document the transfer of water into and out of the reservoirs to ensure that all State waters are passed downstream and no State water is impounded.

An accounting plan is a written document that includes:

- An introduction explaining the water rights and what they authorize;
- An explanation of the fields in the accounting plan spreadsheet including how they are calculated and the source of the data;
- Should provide a summary of all sources of water.

This report documents the specifics of the accounting plan for the Cole Ranch.

## II. ACCOUNTING PLAN

This section documents the data to be recorded on a daily and monthly basis. The data will be recorded in the spreadsheet located in Appendix A. Each column in the spreadsheet is described below.

Data for each of the daily measurements is recorded at 3:00 pm CST for the previous 24-hour period. Columns in red are input columns.

### **Column 1 – Day of the Month**

Data in this column represents the day of the month.

### **Column 2 – Groundwater Pumped into Reservoirs**

Data in this column represents the amount of groundwater pumped into the pond on a daily basis. The data is measured by a meter at the well head and recorded by an electronic datalogger on a daily basis. Units = gallons.

### **Column 3 – Water Pumped out of Reservoirs**

Data in this column represents the amount of water pumped out of the pond on a daily basis for agricultural basis. The data is recorded by a meter at the diversion pump and recorded by an electronic datalogger on a daily basis. Units = gallons.

### **Column 4 – Water Level in Reservoirs**

Data in this column represents the daily water level in to pond to ensure that the pond is being kept full to pass State water. The data is recorded by a level meter and recorded by an electronic datalogger on a daily basis. Units = feet above mean sea level (MSL). The normal pool elevation for Lake 12 is 635.57 feet and Lake 13 is 610.27 feet above MSL.

### **Column 5 – Excess Groundwater Pumped into Reservoirs**

Data in this column is a calculated field and represents the amount of groundwater pumped into the pond minus the amount of irrigation water pumped out of the pond on a daily basis for agricultural purposes. The amount of excess groundwater pumped into the pond is used to compensate for evaporation from the pond surface on a daily basis. Units = gallons. The spreadsheet will automatically calculate this field.

Column 5 = Column 2 – Column 3

### **Column 6 – Monthly Groundwater Pumped into Reservoirs**

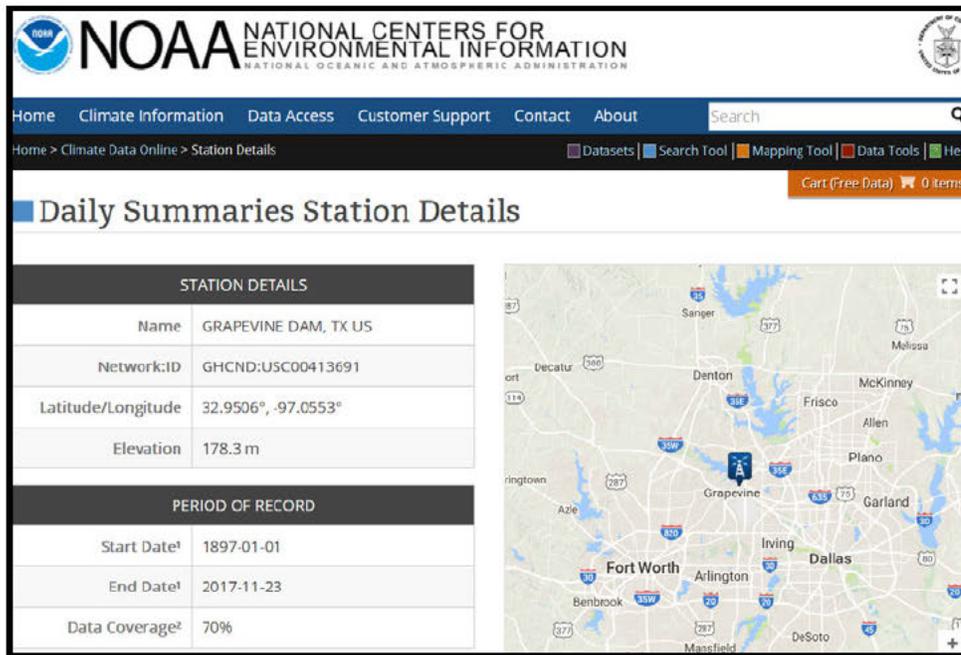
Data in this column is a calculated field and represents the sum of the excess groundwater pumped into the pond on a monthly basis to compensate for evaporation. This is the sum of Column 5, rows 1 through 31. Units = gallons. The spreadsheet will automatically calculate this field.

Column 6 = sum of Column 5, row 1 through 31.

### **Column 7 – Monthly PAN Evaporation for Grapevine Lake**

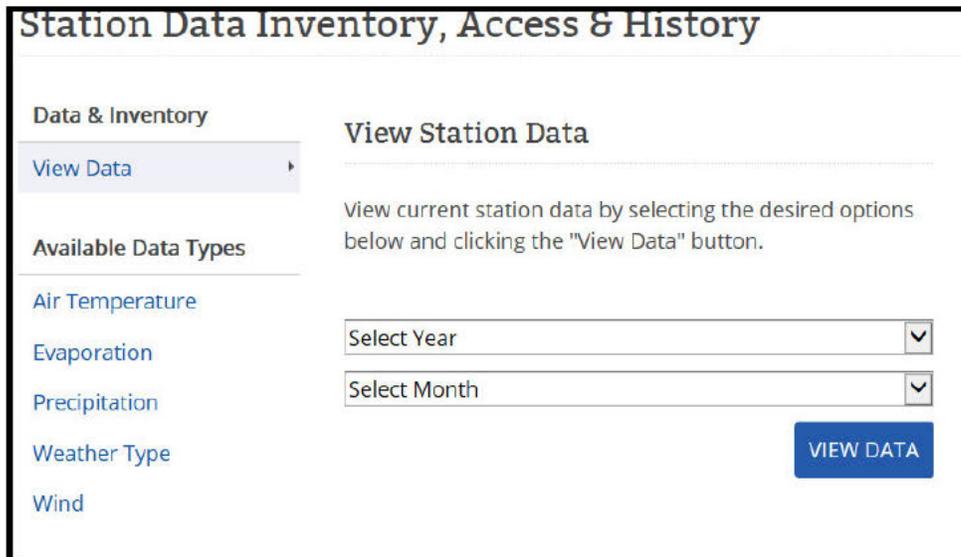
Data in this column is a monthly PAN evaporation recorded for Lake Grapevine. This data is derived from the National Oceanic and Atmospheric Administration (NOAA) website <https://www.ncdc.noaa.gov/cdo-web/datasets/GHCND/stations/GHCND:USC00413691/detail>. Units = inches.

The webpage is shown in **Figure 4** below.



**Figure 4. Screen Shot of NOAA Webpage**

To download data, select the Year and Month and click “View Data” as shown in **Figure 5** below.



**Figure 5. Screen Shot of NOAA Webpage**

An example of the data is shown **Figure 6** below.

Cole Ranch Lake 12 & 13 Water Rights Permit



U.S. Department of Commerce  
National Oceanic & Atmospheric Administration  
National Environmental Satellite, Data, and Information Service  
Current Location: Elev: 585 ft. Lat: 32.9506° N Lon: -97.0553° W  
Station: GRAPEVINE DAM, TX US USC00413691

**Record of Climatological Observations**  
These data are quality controlled and may not be identical to the original observations.  
Generated on 11/17/2017

National Centers for Environmental Information  
151 Patton Avenue  
Asheville, North Carolina 28801

Year	Month	Day	Temperature (F)		Precipitation					24 Hour Wind Movement (mi)	Evaporation	Soil Temperature (F)					
			24 Hrs. Ending at Observation Time		24 Hour Amounts Ending at Observation Time							4 in. Depth		8 in. Depth			
			Max.	Min.	Rain, Melted Snow, Etc. (in)	F i a g	Snow, Ice Pellets, Hail (in)	F i a g	Snow, Ice Pellets, Hail, Ice on Ground (in)			Amount of Evap. (in)	Ground Cover (%)	Max.	Min.	Ground Cover (see *)	Max.
2017	09	01	86	65	70	0.00					52.8	0.32					
2017	09	02	88	67	77	0.00					21.7	0.22					
2017	09	03	92	71	78	0.00					26.0	0.33					
2017	09	04	93	70	76	0.00					62.1	0.30					
2017	09	05	93	70	74	0.00					115.3	0.62					
2017	09	06	87	62	64	0.00					75.8	0.32					
2017	09	07	81	54	61	0.00					46.0	0.25					
2017	09	08	84	61	65	0.00					41.0	0.08					
2017	09	09	84	58	65	0.00					46.0	0.44					
2017	09	10	85	58	63	0.00					34.2	0.25					
2017	09	11	84	58	63	0.00					31.7	0.20					
2017	09	12	81	59	61	0.01					29.1	0.12					
2017	09	13	82	58	62	0.00					44.7	0.18					
2017	09	14	89	62	68	0.00					31.1	0.11					
2017	09	15	96	62	74	0.00					121.2	0.12					
2017	09	16	93	73	74	0.00					133.0	0.33					
2017	09	17	94	72	76	0.00					106.3	0.31					
2017	09	18	94	70	72	0.00					55.9	0.30					
2017	09	19	92	72	75	0.00					65.9	0.13					
2017	09	20	96	73	77	0.02					139.2	0.30					
2017	09	21	96	77	79	0.00					157.9						
2017	09	22	95	74	77	0.00					131.7	0.40					
2017	09	23	93	72	73	0.00					93.8	0.09					
2017	09	24	93	73	75	0.03					93.2	0.31					
2017	09	25	91	71	73	0.00					83.3	0.37					
2017	09	26	91	73	74	0.00					88.2	0.26					
2017	09	27	89	73	73	0.00					46.0	0.07					
2017	09	28	86	66	66	0.56					67.0	0.19					
2017	09	29	77	65	65	0.35					64.8	0.11					
2017	09	30	75	63	69	0.08					31.1	0.04					
2017	09	Summary	89	67		1.05	0.0										

Empty, or blank, cells indicate that a data observation was not reported.  
\*Ground Cover: 1=Grass; 2=fallow; 3=Bare Ground; 4=Broome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 9=Unknown  
\* This data value failed one of NCDC's quality control tests  
\* "T" values in the Precipitation or Snow category above indicate a "trace" value was recorded.  
\* "A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.  
Data value inconsistency may be present due to rounding calculations during the conversion process from SI metric units to standard imperial units.

Figure 6. Example of Monthly Data from NOAA Webpage

In the example above, data is not reported for day 21. In the case of missing data, take the average of the previous day and following day and use that value as an estimate for the missing data.

Sum the data in the evaporation column and enter it into Column 7 of the spreadsheet.

**Column 8 – Monthly Surface Evaporation**

Data in this column is a monthly calculation of the lake surface evaporation and is the PAN evaporation recorded for Lake Grapevine multiplied by the PAN coefficient (Table 1) for the specific month. This calculation converts PAN evaporation to lake surface evaporation. PAN coefficient factors for each month are listed below. PAN factors are developed and published by the Texas Water Development Board (TWDB) for locations throughout Texas.

Column 8 = Column 7 x the PAN factor listed below for the specific month. Units = inches.

Table 1. Monthly PAN Coefficients for TWDB Quad 410

January	February	March	April	May	June	July	August	September	October	November	December
0.735	0.705	0.695	0.675	0.605	0.675	0.695	0.705	0.735	0.775	0.805	0.775

### **Column 9 – Conversion of Evaporation from Inches to Gallons**

Data in this column is a monthly calculation which converts the monthly evaporation in inches (Column 8) to evaporation in gallons. The spreadsheet will automatically compute this field. Units = gallons.

Column 9 = Column 8 (inches) x 4.42 acres x 27,154.3 gallons/acre-inch.

27,154.3 is the conversion factor to convert acre-inches to gallons.

### **Column 10 - Additional Water to Pump Downstream**

Data in this column is a monthly calculation of the evaporation deficit that was not accounted for in the groundwater that was pumped into the pond. Units = gallons.

Column 10 = Column 6 – Column 9.

If Column 6 exceeds Column 9 and the value is positive, no further adjustment is necessary. If Column 6 does not exceed Column 9 and the value is negative, additional water needs to be pumped out of the pond to the downstream channel. The dates when this water is pumped downstream will be recorded in Column 11 of the next month's spreadsheet.

### **Column 11 - Additional Water Pumped Downstream from Previous Month's Calculation**

Enter the volume on the day or days when additional water was pumped downstream to account for previous month's deficit. Units = gallons

Column 11, Row 32 is the sum of Days 1 through 31.

## **III. Groundwater Wells**

Groundwater wells will be used as an alternate source of water to keep the reservoirs full in order to pass all State water downstream. There is currently one existing groundwater well, one groundwater well currently being drilled, and additional proposed groundwater wells proposed to be drilled.

## **IV. Instrumentation**

To be added when installed.

# **APPENDIX A – Accounting Spreadsheet**

## **APPENDIX B - Instructions and Example of Annual Report**

**DENTON COUNTY SOIL AND WATER  
CONSERVATION DISTRICT NO. 547**

525 South Loop 288, Suite C-1  
Denton, Texas 76205-4515

April 7, 2022

Mr. Shawn Street, President  
Cole Ranch Improvement District No. 1 of Denton County, Texas  
3100 McKinnon, Suite 1100  
Dallas, Texas 75201

RE: Consent of Denton County SWCD No. 547 for Water Rights Permit Application

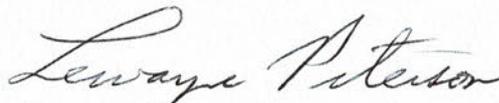
Dear Mr. Street:

Thank you for providing a copy of the Water Rights Permit Application related to Cole Ranch Lakes 12 and 13, in Denton County (the "Permit Application"). Pursuant to that certain Partial Assignment and Partial Release of Access Easements and Agreements Relating to Flood Control, Drainage and Improvements, executed by the parties effective as of November 10, 2021 (the "Assigned Easement"), the Cole Ranch Improvement District No. 1 of Denton County, Texas (the "Cole Ranch District") was granted joint, undivided title and interest in the easement and reservoirs for Flood Water Retarding Structures Nos. 12 and 13. Further, the parties contemplated that the Cole Ranch District would make application for a water rights permit for storage, diversion and use of surface water related to the Structures.

The Denton County SWCD No. 547 has now reviewed the Permit Application presented by the Cole Ranch District and hereby officially consents to the use of the subject reservoirs for storage/diversion as set forth in the Permit Application. This consent and acknowledgement is provided, as contemplated by 30 Texas Administrative Code § 295.12, and we understand will be filed with the Texas Commission on Environmental Quality as part of the application.

Thank you for your cooperation in this matter, if you have any questions please let me know.

Sincerely,



Lewayne Peterson, Chairman  
Denton County SWCD No. 547

cc: Leonard H. Dougal  
Jackson Walker L.L.P.

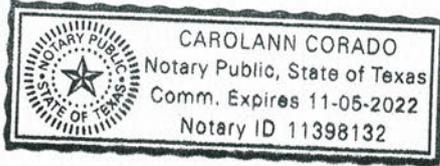
ACKNOWLEDGEMENT

STATE OF TEXAS                   §  
   §  
COUNTY OF DENTON           §

This instrument was acknowledged before me on the 7<sup>th</sup> day of April, 2022  
by Lewayne Peterson, Chairman, Denton County Soil and Water Conservation District No. 547.

*Carolann Corado*

Notary Public in and for the State of Texas





## PRODUCTION PERMIT

Permit No. NPA020

**Well Owner (“Permittee”):**

The Cole Ranch Company LP  
PO Drawer S  
Denton, TX 76202

**Total Number of Wells: 1**

**Purpose of Use:** Irrigation for Tree Production and Filling a Pond(s)/Surface Impoundment(s)

**Aquifer:** Trinity (Antlers)

**Well(s) Information:**

ID	Well Name	Latitude	Longitude	Capacity	Drilling Deadline
NT-5056	Well #1	33.186529	-97.206070	190 GPM	3/10/2022

**Term and Renewal:** This permit is effective beginning on **7/13/2021**. This permit is perpetual in nature; provided, however, that the District will conduct inspections and will request information from a permit holder from time-to-time as required to ensure the accuracy and integrity of the District’s information, and to enforce compliance with District Rules, the District Act, and Chapter 36 of the Texas Water Code.

**Notice of Revocation:** Failure to pay groundwater use fees, report pumpage, comply with District rules, orders, special provisions, and permit conditions can result in revocation of this permit.

**Amount of Authorized Production:** The amount of groundwater needed for use by Permittee for beneficial use, which shall not exceed: **22,212,000 gallons/year** for only that well or well system identified above.

**Permit Conditions – This Permit is conditioned on each of the following precise terms:**

1. This permit is granted subject to the District’s rules, orders of the District Board of Directors, special provisions, permit conditions, and laws of the State of Texas, including but not limited to Chapter 36 of the Texas Water Code and the District’s enabling legislation codified at Chapter 8856 of the Special District Local Laws Code.
2. Acceptance of this permit and production of groundwater under the authority granted herein by Permittee constitutes acknowledgement and agreement that Permittee is required to abide by the precise terms of this permit and comply with the District’s rules, orders of the District Board of Directors, special provisions, permit conditions, and laws applicable to Permittee.
3. Violation of the terms of this permit shall result in enforcement in accordance with the District’s Enforcement Policy and Civil Penalty Schedule, Chapter 36 of the Texas Water Code, and the District’s enabling legislation codified at Chapter 8856 of the Special District Local Laws Code.
4. This permit does not confer any rights and/or privileges to Permittee other than those expressly set forth herein.
5. The well(s) identified in this permit shall be installed, equipped, operated, maintained, plugged, capped, or closed, as may be appropriate in accordance with the District’s rules.
6. Permittee’s production shall not exceed the Amount of Authorized Production set forth in this permit.

7. Produced groundwater shall be put to a beneficial use at all times. Operation of the well(s) under this permit shall be conducted in a manner so as to avoid waste, pollution, or harm to groundwater resources.
8. The well site shall be accessible to District representatives and/or agents for inspection during business hours and during emergencies. The Permittee agrees to cooperate fully in any reasonable monitoring or sampling of the well(s).
9. Permittee shall provide written notice to the District of any change of ownership, name of Permittee or Permittee's authorized representative, well operator, mailing address or telephone number in accordance with District rules.
10. Permittee shall reduce water production as required by District rules and orders of the Board of Directors, including but not limited to proportional adjustments issued based on achievement of the District's Desired Future Conditions, and/or adjustments due to times of drought and in accordance with the District's Drought Contingency Plan, as applicable.
11. The application pursuant to which this permit has been granted is incorporated herein, and this permit has been granted based on the accuracy thereof. A finding that false information has been supplied to the District shall be grounds for immediate revocation of this permit, and shall subject Permittee to enforcement.
12. This permit contains all matters approved by the District related to Permittee's use of groundwater, and all other matters requested by Permittee not included in this Permit are denied.
13. Any production of groundwater above the Authorized Production Amount, or above any additional amount as otherwise authorized by District Rules (e.g., initiation of Drought Buffer under District Rule 6.2), or a change to the well(s) or use authorized under this permit requires the submission of a Permit Amendment Application prior to such change being made.
14. In the event of a conflict between the terms of this permit and the application pursuant to which this permit has been granted, the terms of this permit shall prevail.

**Special Conditions/Terms:** *Smart irrigation controllers (weather-based or soil moisture-based) are required for any irrigation systems using the groundwater from this permit.*

***District Approval***



\_\_\_\_\_  
*Signature*

*Drew Satterwhite, P.E.*

\_\_\_\_\_  
*Print Name*

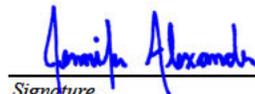
*General Manager*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Date*

***Applicant Signature***

*Required for permit to be effective*



\_\_\_\_\_  
*Signature*

*Jennifer Alexander*

\_\_\_\_\_  
*Print Name*

*Manager MT Cole Family Partnership*

\_\_\_\_\_  
*Title*

*7-19-2021*

\_\_\_\_\_  
*Date*

**Return one signed original copy to the District at: P.O. Box 508, Gainesville, TX 76241**



**NORTH TEXAS GROUNDWATER CONSERVATION DISTRICT**

P.O. Box 508, Gainesville, TX 76241  
5100 Airport Drive, Denison, TX 75020  
Office: (855) 426-4433 | Fax: (903) 786-8211  
[ntgcd@northtexasgcd.org](mailto:ntgcd@northtexasgcd.org) | [www.northtexasgcd.org](http://www.northtexasgcd.org)

**TRANSFER OF WELL OWNERSHIP**

*Please complete one application for each well*

**Previous Well Owner**

Name: MT Cole Family Partnership #2 Phone: 940-368-2379  
Account #: 2000001755 Registration #: NT-1111 Ext.

**New Well Owner**

Name: The Cole Ranch Company Email:   
Phone: 940-368-2379 Fax: \_\_\_\_\_  
Designated Contact: Jennifer Alexander E-mail: \_\_\_\_\_  
Phone: \_\_\_\_\_ Alt. Phone: \_\_\_\_\_  
Mailing Address: PO Drawer S Denton, TX 76202  
Address City State Zip code

**Well Information**

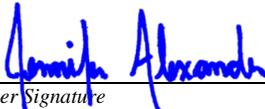
Latitude: 33.18533 Longitude: -97.21178  
Well Address: 4358 FM 2449 Denton, TX  
Address City State Zip code

Primary use of the well:

- Municipal/Public Water System
- Industrial/Manufacturing
- Commercial/Small Business
- Oil/Gas
- Filling Pond(s)/Other Impoundment
- Domestic (household/lawn at residence)
- Livestock/Poultry
- Agriculture/Irrigation
- Other Irrigation
- Other

If other, explain: \_\_\_\_\_

*I hereby certify that the information given herewith is true and accurate to the best of my knowledge and belief.*

Jennifer Alexander  4-5-2021  
Print New Owner Name New Owner Signature Date

*Please submit this application to the District by mail, fax or email:*

*North Texas Groundwater Conservation District  
P.O. Box 508, Gainesville, TX 76241  
Fax: (903) 786-8211 | [ntgcd@northtexasgcd.org](mailto:ntgcd@northtexasgcd.org)*

*If you have any questions, please call (855) 426-4433*



RE: Cole 576 Well Water Parameters

May 23, 2022

Requested water parameters were observed on the water well(s) listed below:

- Well Name: Cole Trust 576
  - Well Number: NT-1111
  - Well Owner: The Cole Ranch Company
  - Well Location: 33.18533, -97.21178
  - County : Denton

Sample Date: April 20, 2021, ~10am

Sample Method:

Wellhead's discharge - allowed the well to run for 5 minutes to clear the column pipe of stagnant water before collection was taken. Collected sample was tested immediately with on-site testing equipment. pH/TDS Meter: Measurement Range pH 0 - 14, 0-9990ppm; Accuracy  $\pm$  2%, 32.0-176.0°F. Sample was sent to AgSource Laboratories for Sulfate and Chloride results.

Sample Analysis:

- pH = 9.11
- TDS = 656.00 ppm; 0.656 mg/mL
- Sulfate = 108.47 ppm; 0.10847 mg/mL
- Chloride = 79.90 ppm; 0.0799 mg/mL
- Temperature = 75.0°F; 23.88°C

Christopher M. Cook  
VP Water Services | Sr. Agronomist  
WaterCentric, LLC  
TXLI22505 | AZROC 329541

## Hal Bailey

---

**From:** Hunter Teel [REDACTED] >  
**Sent:** Monday, May 9, 2022 12:58 PM  
**To:** Hal Bailey  
**Cc:** Chris Kozlowski; 0136 - Cole Ranch  
**Subject:** RE: Cole Ranch Company, L.P & Cole Ranch Improvement District No. 1 of Denton County Application No. 13830 RFI

Hal,

In coordinating with the clients on the resolution of the RFI, we have a question about the permit contact question (#3). Are we able to have a consolidated contact (the irrigator in our case) and then have a person from each of the clients be additional contacts?

At this point we are just waiting for testing to be performed on the existing wells. We might go ahead and resubmit before we get the testing back so that we can finalize the administrative part of the process.

Thanks for your help,

**Hunter Teel, P.E., CFM**  
Assistant Project Manager

**LJA Engineering |** We seek solutions.

• [Fort Worth](#)

D: 817.288.1967

C: 361.816.9285

*Celebrating 50 Years! 1972-2022*

---

**From:** Hal Bailey <Hal.Bailey@tceq.texas.gov>  
**Sent:** Wednesday, April 27, 2022 10:27 AM  
**To:** Hunter Teel [REDACTED] >  
**Cc:** Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; 0136 - Cole Ranch [REDACTED] >  
**Subject:** RE: Cole Ranch Company, L.P & Cole Ranch Improvement District No. 1 of Denton County Application No. 13830 RFI

[EXTERNAL EMAIL]

Hunter,

The print outs we receive from the Cashier's Office often have multiple receipts on them. The \$5,043.15 is the total amount for all payments on that page. I just cut out the portion that applies to this application. The amount paid by LJA is \$533.50.

Thank you,

*Hal E. Bailey, Jr.*  
*Natural Resources Specialist III*

Water Rights Permitting Team  
Water Availability Division  
Texas Commission on Environmental Quality  
512-239-4615 [Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)

---

From: Hunter Teel [REDACTED] >  
Sent: Wednesday, April 27, 2022 10:07 AM  
To: Hal Bailey <[Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)>  
Cc: Chris Kozlowski <[chris.kozlowski@tceq.texas.gov](mailto:chris.kozlowski@tceq.texas.gov)>; 0136 - Cole Ranch [REDACTED] >  
Subject: RE: Cole Ranch Company, L.P & Cole Ranch Improvement District No. 1 of Denton County Application No. 13830 RFI

Hal,

Thank you for sending this over. We are in the process of addressing the RFI and have no questions on the comments. I do however have a question about the receipt. It has the \$533.50 that was paid but at the bottom of the it shows a total of -\$5,043.15. What is that amount for or from?

Thanks for your help,

Hunter Teel, P.E., CFM  
Assistant Project Manager

**LJA Engineering** | We seek solutions.

• [Fort Worth](#)

D: 817.288.1967

C: 361.816.9285

*Celebrating 50 Years! 1972-2022*

---

From: Hal Bailey <[Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)>  
Sent: Tuesday, April 26, 2022 10:56 AM  
To: Hunter Teel <[REDACTED]>  
Cc: Chris Kozlowski <[chris.kozlowski@tceq.texas.gov](mailto:chris.kozlowski@tceq.texas.gov)>  
Subject: Cole Ranch Company, L.P & Cole Ranch Improvement District No. 1 of Denton County Application No. 13830 RFI

**[EXTERNAL EMAIL]**

Good morning Hunter,

Attached is a Request for Information (RFI) letter for application no. 13830.

Please provide the requested additional information by COB on 05/26/2022.

Should you have any questions, or if you need additional time to respond, please let me know.

Thank you,

Hal E. Bailey, Jr.  
Natural Resources Specialist III  
Water Rights Permitting Team

Water Availability Division  
Texas Commission on Environmental Quality  
512-239-4615 [Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)

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**[EXTERNAL EMAIL]** Exercise caution. Do not open attachments or click links from unknown senders or unexpected email

## Hal Bailey

---

**From:** Hal Bailey  
**Sent:** Tuesday, April 26, 2022 10:56 AM  
**To:** Hunter Teel  
**Cc:** Chris Kozlowski  
**Subject:** Cole Ranch Company, L.P & Cole Ranch Improvement District No. 1 of Denton County Application No. 13830 RFI  
**Attachments:** Cole\_Ranch\_RFI\_Sent\_04.26.2022.pdf

Good morning Hunter,

Attached is a Request for Information (RFI) letter for application no. 13830.

Please provide the requested additional information by COB on 05/26/2022.

Should you have any questions, or if you need additional time to respond, please let me know.

Thank you,

*Hal E. Bailey, Jr.  
Natural Resources Specialist III  
Water Rights Permitting Team  
Water Availability Division  
Texas Commission on Environmental Quality  
512-239-4615 [Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)*

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 26, 2022

Mr. Hunter Teel  
LJA Engineering  
3017 W. 7<sup>th</sup> Street, Suite 300  
Fort Worth, Texas 76107

VIA E-MAIL

RE: The Cole Ranch Company, L.P. & Cole Ranch Improvement District No. 1  
of Denton County  
WRPERM 13830  
CN605997071, CN605997113, RN111460275  
Application No. 13830 for a Water Use Permit  
Texas Water Code §§ 11.042, 11.121, 11.143, Requiring Published and Limited  
Mailed Notice  
Unnamed tributaries of Hickory Creek, Trinity River Basin  
Denton County

Dear Mr. Teel:

This acknowledges receipt, on March 17, 2022, of the referenced application and fees in the amount of \$533.50 (Receipt No. M214342, copy attached).

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

1. Provide a copy of the groundwater well permit from the North Texas Groundwater Conservation District or evidence that a groundwater well permit is not required .
2. Confirm that the requested place of use for agricultural purposes is 470 acres out of 3,034.942 acres in Denton County. Staff notes that the acreage referenced in Exhibit A of the *Affidavit of Fact as to Name Change* does not total 3,050 acres as indicated in the application.
3. Indicate whether the applicants would like to have a Water Right Consolidated Contact for the permit, once issued. Information on the consolidated contact can be found on Page 9, Item 4 of Form TCEQ-10214A-inst. Staff notes that Hunter Teel is listed as the Water Right Consolidated Contact in the application.

Please provide the requested information by May 26, 2022, or the application may be returned pursuant to Title 30 Texas Administrative Code (TAC) § 281.18.

Additional information is required before technical review of the application can be completed.

4. Provide onsite water chemistry information for the groundwater to be discharged from the well(s) identified to support the application, including, but not limited to, the following parameters in the table below. For each well, provide the well number or identifier, depth of well, and name of the aquifer and formation from which the water is withdrawn. Staff notes that data for sulfate, chloride, and pH have been submitted for one existing, onsite well (No. 25688), drawing from the Trinity-Antlers formation, and that historical groundwater data was provided for State Well No. 19-54-603, drawing from the Trinity-Twin Mountains formation.

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

\*Temperature must be measured on site at the time the groundwater sample is collected.

5. Provide a copy of the final signed document evidencing consent to the application from Denton County Soil and Conservation District No. 574, pursuant to 30 TAC § 295.12. Staff acknowledges receipt of a draft consent document.

If you have any questions concerning this matter, please contact me via email at [hal.bailey@tceq.texas.gov](mailto:hal.bailey@tceq.texas.gov) or by telephone at (512) 239-4615.

Sincerely,



Hal E. Bailey, Jr., Project Manager  
 Water Rights Permitting Team  
 Water Rights Permitting and Availability Section

Attachment



15-MAR-22 10:59 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>
WTR USE PERMITS	WUP	M214342	1001		BS00093308	15-MAR-22	-\$533.50
	WUP		031522	N	D2802233		
WATER USE PERMITS		TEEL, HUNTER L	RHDAVIS	CK			
						Total (Fee Code):	-\$533.50
						Grand Total:	-\$5,043.15

RECEIVED  
MAR 16 2022  
Water Availability Division

## Hal Bailey

---

**From:** Hunter Teel [REDACTED] >  
**Sent:** Wednesday, March 23, 2022 4:02 PM  
**To:** Hal Bailey  
**Subject:** Re: Cole Ranch Application Contact Clarification

Correct, I would like to be the main contact.

---

**From:** Hal Bailey <Hal.Bailey@tceq.texas.gov>  
**Sent:** Wednesday, March 23, 2022 3:57:48 PM  
**To:** Hunter Teel [REDACTED] >  
**Subject:** Cole Ranch Application Contact Clarification

[EXTERNAL EMAIL]

Good afternoon Hunter,

Please confirm that you wish to be the main point of contact for this application going forward. Ms. Jennifer Alexander is currently listed as the applicant contact on page 4 of the Administrative Information Report. You are listed as the contact on the Water Right Consolidated Contact Information page; however, that section is for when there are multiple owners for an authorization, and all owners agree to let one owner receive all correspondence from TCEQ. As the main contact, all permit-related correspondence will be sent to you to relay to the applicants.

Thanks,

*Hal E. Bailey, Jr.  
Natural Resources Specialist III  
Water Rights Permitting Team  
Water Availability Division  
Texas Commission on Environmental Quality  
512-239-4615 [Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)*

[EXTERNAL EMAIL] Exercise caution. Do not open attachments or click links from unknown senders or unexpected email

# **Cole Ranch Lake 12 & 13 Water Rights Permit**

**City of Denton, Denton County, Texas**

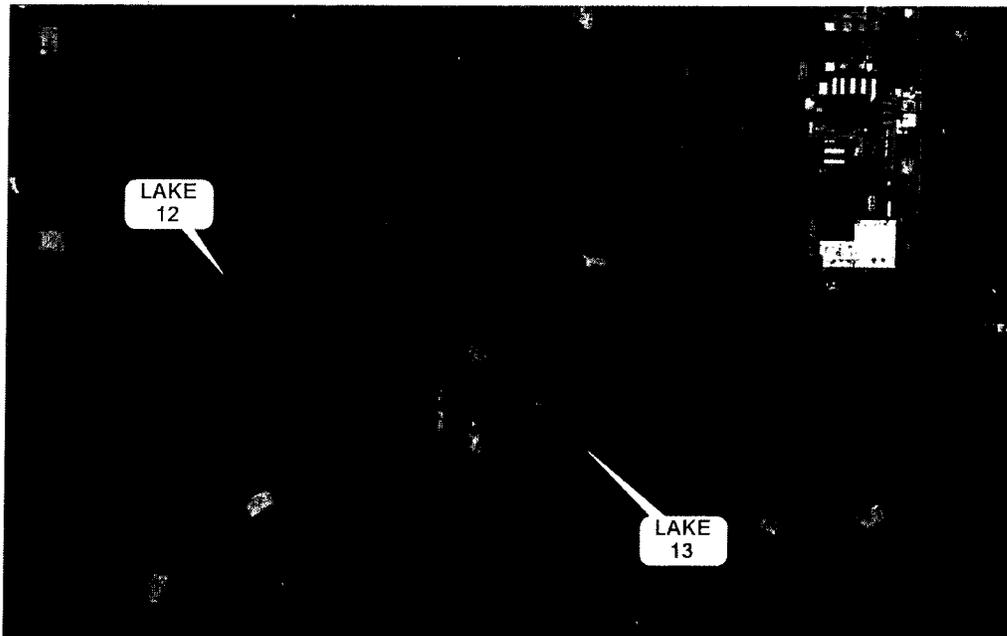
Prepared for:

The Cole Ranch Company, L.P. &  
Cole Ranch Improvement District No. 1 of Denton County

By:



March 2022



# Cole Ranch Lake 12 & 13 Water Rights Permit



## Cole Ranch

Project No: 0136  
Document Title: Cole Ranch Lake 12 & 13 Water Rights Permit  
Document No.: 1  
Revision: 1  
Date: March 2022  
Client Name: The Cole Ranch Company, L.P. & The Cole Ranch Improvement District No. 1 of Denton County  
Client No: NT135  
Project Manager: Lauren Gilstrap, P.E.  
Author: Hunter Teel, P.E., CFM; Larissa Knapp-Scott, CFM  
File Name: S:\NTX-LAND\0136\300 SUPPORT\361 Water Rights\WAP\Docs\20220310 Cole Ranch Lake 12 & 13 WAP.docx

LJA Engineering  
3017 W 7th St. Suite 300  
Fort Worth, Texas 76107  
817.288.1900  
[www.LJA.com](http://www.LJA.com)

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### Document history and status

Revision	Date	Description	By	Review	Approved
1	03/10/22	Revisions from TCEQ Pre-Application Meeting	HLT	LKS	HLT

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APPENDIX A – EXHIBITS

- 1 - Vicinity Map
- 2 - Aerial Map
- 3 - USGS Topographic Map
- 4 - Effective Firm
- 5 - Survey Abstracts & Groundwater Well Map
- 6 - Structure Location Map
- 7 - Drainage Area Map
- 8 - Photograph Location Map
- 9 - Vegetative Buffer Map

APPENDIX B – WATER APPROPRIATION PERMIT APPLICATION

APPENDIX C – PROOF OF SIGNATORY AUTHORITY

APPENDIX D – PROPERTY DEEDS

APPENDIX E – NOTIFICATION LETTERS AND CERTIFIED MAIL RECEIPTS

APPENDIX F – WELL PERMITS

APPENDIX G – PHOTOGRAPHS

APPENDIX H – GROUNDWATER INFORMATION

APPENDIX I – ACCOUNTING PLAN

## I. INTRODUCTION / GENERAL INFORMATION

Cole Ranch is a proposed development located west of US HWY 35W and north of FM 2449 in the City of Denton, Denton County, Texas. A vicinity map, aerial photo map, and USGS topographic map are shown in **Appendix A, Exhibit 1, 2, & 3**. The applicants (The Cole Ranch Company, L.P. & The Cole Ranch Improvement District No. 1 of Denton County) are submitting this permit to appropriate state water. There are two existing NRCS reservoirs, Hickory Creek WS SCS Site 12 (Lake 12) and 13 (Lake 13), located within the property. Both reservoirs are listed in the National Inventory of Dams (NID) with identification numbers TX00610 (Lake 12) and TX00611 (Lake 13). These reservoirs are located on FEMA streams Hickory Creek Tributary 10 (Lake 12) and Hickory Creek Tributary 10.1 (Lake 13), tributaries to Hickory Creek, as noted on the FEMA FIRM Map, **Appendix A, Exhibit 4**. Tributary 10 and 10.1 as well as Lakes 12 and 13 are unnamed through the USGS.

The reservoirs will be part of a single-family residential development. The proposed development is located in portions of the J. W. Kjelberg Abstract No. 1610, C. Manchaca Abstract No. 789, M. Paine Abstract No. 1036, F. N. Oliver Abstract No. 989, J. T. Evans Abstract No. 411, BBB & CRR Abstract No. 176, S. Paine Abstract No. 1035, G. W. Petingale Abstract No. 1041, George West Abstract No. 1393, J. A. Burn Abstract No. 132, T.C. Carruth Abstract No. 1707, C.W. Byerly Abstract No. 1458, I. N. Hembrie Abstract No. 594, A.C. Madden Abstract No. 851, T & P Abstract No. 1292, and the J. McDonald Abstract No. 873. The property boundary and abstract survey boundaries are shown in **Exhibit 5 in Appendix A**.

The existing reservoirs are located on-channel, which requires a bed-and-banks permit for the use of state waters for recreational and agricultural/irrigation use. LJA Engineering Inc. has prepared an Application for Permit to Appropriate State Water (TCEQ-10214) for the existing reservoirs (**Appendix B**). Proof of signatory authority for Jennifer Alexander (landowner) and Shawn Street (Board) to sign the application is provided in **Appendix C**.

This project will not reduce or impair the volume of State water available for downstream water rights holders. In fact, as compared to the original exempt impoundment conditions, this Project will have a net benefit to the watershed equal to the makeup of the former evaporation losses, which will now be entirely replaced by the addition of the alternative water source. Groundwater wells will be used as the alternative water source with sufficient production to compensate for net evaporation losses and diversions from the pond. The water surface elevation will be maintained at a normal pool elevation of 635.57 feet or greater for Lake 12 and at a normal pool of 610.27 feet or greater for Lake 13 so that all inflow of State water is passed downstream of the reservoirs. A float system or equivalent will be installed to detect a drop in water surface elevation and activate the alternative water supply. The float system will be maintained by the applicant and used for reporting. The permit application will not result in a loss or use of State water.

## II. WORKSHEET 1.0 – QUANTITY, PURPOSE AND PLACE OF USE

The applicant is proposing to utilize on-site groundwater wells as an alternate source to provide 226 ac-ft of water annually for evaporation losses within the amenity pond as well

as 1,745 ac-ft per year for landscape irrigation uses on the Cole Ranch. The place of use in both cases is Denton County. The total annual water use being proposed is 1,971 acre-feet.

### III. WORKSHEET 2.0 – IMPOUNDMENT / DAM INFORMATION

Hickory Creek WS SCS Site 12 was constructed in 1970 for the then Soil Conservation Service (SCS), now known as the Natural Resources Conservation Services (NRCS). The drainage area for the reservoir is 1761 acres (2.75 square-miles). Lake 12 has a surface area of approximately 32.4 acres and a storage volume of approximately 121 acre-feet at the normal pool elevation of 635.57 feet maintained by a 24"x48"x7' concrete riser drop inlet with a 160 feet 24 inch RCP outlet. The dam is approximately 25.7 feet tall with the top of dam is at 648.87 feet with an emergency spillway at 645.57 feet. **Table 1** below shows the volume of the existing Lake 12.

**Table 1 - Lake 12 Volume**

Elevation	Area		Incremental Volume	Cumulative Volume
	(sq-ft)	(acre)	(acre-ft)	(acre-ft)
(ft)				
628.07	87,120	2.00	0	0
629.07	239,580	5.50	2.3	3.71
630.07	392,040	9.00	4.05	10.94
631.07	544,500	12.50	5.81	21.68
632.07	696,960	16.00	7.56	35.92
633.07	908,537	20.86	9.82	54.34
634.07	1,143,916	26.26	12.91	77.18
635.07	1,322,460	30.36	14.35	104.87
635.57 (Normal Pool)	1,411,496	32.40	15.69	120.56
636	1,585,998	36.41	17.19	137.75
637	1,961,964	45.04	21.08	177.77
638	2,378,289	54.60	25.77	226.93
639	2,817,134	64.67	30.76	285.94
640	3,329,644	76.44	36.43	355.87
641	3,859,438	88.60	42.49	437.82
642	4,468,742	102.59	49.13	532.59
643	5,205,294	119.50	57.02	642.42
644	5,838,870	134.04	64.72	768.23
645	6,458,175	148.26	72.02	908.72
645.57 (Emergency Spillway)	6,758,613	155.16	75.85	984.57
646	7,225,933	165.88	80.25	1,064.82
647	7,981,033	183.22	89.02	1,238.54
648	8,799,961	202.02	98.09	1,430.03
649	9,640,342	221.31	107.78	1,640.77
650	10,567,948	242.61	117.95	1,871.36
651	11,563,825	265.47	129.18	2,124.02
652	12,535,087	287.77	140.41	2,399.27

The dam and reservoir are located in T & P Survey Abstract No. 1292 in Denton County. Property deeds are included in **Appendix D**.

Hickory Creek WS SCS Site 13 was constructed in 1970 for the then SCS. The drainage area for the reservoir is 491 acres (0.77 square-miles). Lake 13 has a surface area of approximately 10.3 acres and a storage volume of approximately 30 acre-feet at the normal pool elevation of 610.27 feet maintained by a 24"x48"x7' concrete riser drop inlet with a 180 feet 18 inch RCP outlet. The dam is approximately 27.3 feet tall with the top of dam is at 626.87 feet with an emergency spillway at 622.57 feet. **Table 2** below shows the volume of the existing Lake 13.

**Table 2 - Lake 13 Volume**

Elevation	Area		Incremental Volume	Cumulative Volume
	(sq-ft)	(acre)		
604.07	43,560	1.00	0	0
605.07	87,120	2.00	0.87	1.49
606.07	130,680	3.00	1.37	3.98
607.07	174,240	4.00	1.87	7.47
608.07	217,800	5.00	2.37	11.96
609.07	297,000	6.82	3.18	17.86
610.07	436,924	10.03	3.81	25.30
610.27 (Normal Pool)	449,801	10.33	5.09	30.39
611	466,732	10.71	5.26	35.65
612	518,717	11.91	5.78	46.91
613	597,177	13.71	6.64	59.74
614	669,069	15.36	7.46	74.25
615	743,121	17.06	8.34	90.50
616	804,375	18.47	9.06	108.27
617	865,289	19.86	9.76	127.44
618	928,708	21.32	10.47	148.02
619	1,006,175	23.10	11.3	170.18
620	1,106,324	25.40	12.4	194.41
621	1,230,631	28.25	13.75	221.19
622	1,373,965	31.54	15.36	251.08
622.57 (Emergency Spillway)	1,446,815	33.21	16.19	267.27
623	1,519,199	34.88	17.02	284.29
624	1,683,106	38.64	18.83	321.01
625	1,872,649	42.99	20.93	361.78
626	2,092,130	48.03	23.37	407.26
627	2,336,624	53.64	26.11	458.08
628	2,598,202	59.65	29.05	514.68
629	2,884,887	66.23	32.28	577.60
630	3,193,362	73.31	35.75	647.33

The dam and reservoir are located in J. McDonald Survey Abstract No. 873 in Denton County. Property deeds are included in **Appendix D**.

A structure location map is provided in **Appendix A, Exhibit 6** showing the location of dams, reservoirs, and associated diversion and discharge points.

Pursuant to 30 TAC 295.42, to apply for a permit to appropriate public water through Texas Commission on Environmental Quality a notification is required to all commissioners and council members of the governing bodies of each county and municipality in which the reservoirs are located. A letter will be sent to all of the Denton County Commissioners and all of the Denton City Council members and Mayor. A draft copy of the letter and list of recipients are included in **Appendix E**. Certified mail receipts will be provided upon receipt.

The Texas Administrative Code Section 299.1 specifies dam safety requirements for dam structures that exceed the height of six feet and have a capacity greater than or equal to 50 ac-ft. TCEQ does not currently monitor these dams within the Dam Safety program because Lake 12 is currently classified as an intermediate, low hazard dam, and Lake 13 is classified as a small, low hazard dam. The National Inventory of Dams (NID) has assigned ID numbers for Lake 12 (TX00610) and Lake 13 (TX00611). Upon application for this water appropriations permit, the dam safety team will further classify these dams and its hazards based on downstream development. Dam safety team has been contacted and these NRCS structures were discussed with Johnny Cosgrove on January 6, 2022.

#### IV. WORKSHEET 3.0 – DIVERSION POINT INFORMATION

The applicant is proposing two (2) diversion points, one for each reservoir, to supply water for the irrigation of the Cole Ranch. These diversion points are assigned based on the centerline of the dam for the reservoir and will represent the entire perimeter of the lake for where water can be withdrawn from. The drainage area (**Appendix A, Exhibit 7**) above the Lake 12 diversion point was calculated to be 1761 acres (2.75 square-miles) and the drainage area above the Lake 13 diversion point was calculated to be 491 acres (0.77 square-miles).

The applicant's agreement is to supply a maximum of 3,833,695 gallons per day (1,745 acre-feet per year) for the irrigation. The water was assumed to be used over a 10-hour period to compute a maximum pumping rate for the irrigation needs.

The Lake 12 diversion point is located in the T & P Survey Abstract No. 1292 and the Lake 13 diversion point is located in the J. McDonald Survey Abstract No. 873 in Denton County. **Exhibit 6** shows the location of dams, reservoirs, and associated diversion and discharge points. The location of the discharge points was determined to 6 decimal places using Google Earth software.

#### V. WORKSHEET 4.0 – DISCHARGE INFORMATION

The total annual water use is 1,971 ac-ft (1,745 ac-ft for irrigation plus 226 ac-ft for evaporative losses). Groundwater wells will be used as the alternative water source to keep the lakes at their normal pool elevations. A float system or equivalent will be installed to detect a drop in water surface elevation and activate the alternative water supply. The float system will be maintained by the applicant and used for reporting. The permit

application will not reduce or impair the volume of State water available for downstream water rights holders.

There is currently one existing groundwater well, one groundwater well currently being drilled, and additional proposed groundwater wells proposed to be drilled into the Trinity Aquifer (Antlers) that will have sufficient capacity to provide makeup water for evaporative losses and diversions. The permits for the existing groundwater well and the well in progress are included in **Appendix F**. The pumping capacity of the proposed groundwater wells will be designed to meet the maximum monthly evaporative losses (345 gpm) and the irrigation needs (2,662 gpm). This equates to a pumping capacity of at least 3,007 gpm needed for both lakes combined.

Annual evaporation rates were calculated based upon the TCEQ WAM EVA files from 1940 to 1996 evaporation data for Quadrangle 410. The year 1952 had the highest net evaporation (4.64 feet) values on record. The annual evaporation losses are calculated below in **Table 3**. Each reservoir is proposed to have a fountain for aeration to maintain water quality. Each fountain system was assumed to have a 3-acre effect on surface evaporation.

**Table 3 - Maximum Annual Evaporative Losses at Normal Pool Elevation**

Existing Pond	Surface Area (acres)	Surface Area (sq-ft)	Evaporation Volume (cf)	Evaporation Volume (ac-ft)	Evaporation Volume (gallons)	Maximum Pump Capacity
Lake 12	32.4	1,411,344	6,548,636	150.3	48,983,798	93.2
Lake 13	10.3	448,668	2,081,820	47.8	15,572,010	29.6
Lake 12 Fountain	3	130,680	606,355	13.9	4,535,537	8.6
Lake 13 Fountain	3	130,680	606,355	13.9	4,535,537	8.6
Total	48.7	2,121,372	9,843,166	226	73,626,882	140

Evaporation accounts for 11 percent of the total annual water use.  $226 / 1,971 = 11\%$

## VI. WORKSHEET 4.1 – DISCHARGE POINT INFORMATION

The discharge point for Lake 12 is located in the T & P Survey Abstract No. 1292 and Lake 13 is located in the J. McDonald Survey Abstract No. in Denton County. These discharge points are assigned based on the centerline of the dam for the reservoir and will represent the entire perimeter of the lake for where water can be discharged. **Exhibit 6** shows the location of dams, reservoirs, and associated diversion points and discharge points. The location of the discharge points was determined to 6 decimal places using Google Earth software.

## VII. WORKSHEET 5.0 – ENVIRONMENTAL INFORMATION

The existing lakes have an average depth of approximately 5-6 feet. Proposed recreational uses include secondary uses with limited contact with the water. The waterbody aesthetics may be described as a natural area setting. Proposed land use upstream and downstream of the pond is residential. Photographs of the pond and its upstream and downstream riparian areas are located in **Appendix G**. **Appendix A**, **Exhibit 8** depicts the locations where the photographs were taken.

The diversion pump intakes will have a mesh screen of no greater than 0.25 inches to minimize entrainment and impingement of aquatic organisms. This application only requests to discharge and subsequently divert groundwater. The amount of water diverted will not exceed the amount of water discharged, less losses, therefore there should be no changes to downstream instream flows or freshwater inflows.

Lakes 12 and 13 will use a groundwater well to maintain a constant pool level to allow for the passage of State water. Water chemistry data for the proposed groundwater well is not currently available; however, data from a nearby well (State Well Number 1954603) was obtained from the Texas Water Development Board website. The well screened is in the Trinity Aquifer (Twins Mountains Formation). **Table 4** details the water quality in this well. Additional information for the well is included in **Appendix H**. A water well location map is located in **Appendix A, Exhibit 5**, which shows the locations of existing groundwater wells in the vicinity of the proposed well.

Results of the 24-hour pump test and water quality data for the new wells will be submitted when data becomes available.

**Table 4. Groundwater Quality Information**

Well Number	1954603	1954603	1954603	1954603
<b>Depth of Well (ft)</b>	980	980	980	980
<b>Aquifer Withdrawn</b>	Trinity	Trinity	Trinity	Trinity
<b>Date of Testing</b>	7/23/71	8/02/76	3/10/83	6/22/88
<b>Chlorides (mg/L)</b>	51	59	70	--
<b>Sulfates (mg/L)</b>	68	68	65	--
<b>Total Dissolved Solids (TDS)</b>	480	496	506	--
<b>pH (SU)</b>	8.6	8.0	8.7	8.5
<b>Temperature (°C)</b>	--	26	24	25

-- Data not available

Standard Best Management Practices (BMPs) such as rock check dams and silt fence will be implemented during construction to reduce erosion into nearby waterways per Texas Pollution Discharge Elimination System (TPDES) regulations in accordance with General Permit No. TXR150000. A copy of the Storm Water Pollution Prevention Plan (SWPPP) will be maintained on-site during construction along with posted copies of the construction site notices. The construction site notice will also be submitted to the local MS4 (City of Denton) in accordance with TPDES regulations. As previously mentioned, construction related soil stabilization will be addressed in the Construction SWPPP. Additionally, post-construction BMPs will be implemented on this site to address long-term storm water quality. Sufficient post-construction BMPs will be installed to prevent or reduce potential contaminants in storm water runoff from entering the stream.

Beyond initial planning efforts, impacts to waters of the U.S. will be minimized during construction activities through the incorporation of the Construction SWPPP. Erosion Control devices to be used include temporary vegetation, blankets/matting, mulch and sod. Where appropriate, these erosion and sedimentation control structures will be in place prior to the initiation of construction and will be maintained throughout the duration of the construction. Clearing of vegetation will be limited and/or phased in order to maintain a natural water quality buffer and minimize the amount of erodible earth exposed at any

one time. Upon completion of the earthwork operations, disturbed areas will be restored and reseeded.

The construction contractor will take appropriate measures to prevent, minimize, and control the spill of fuels, lubricants, and hazardous materials in the construction staging area. All spills shall be cleaned immediately, and any contaminated soil shall be immediately removed from the site and disposed of properly. All construction equipment and materials used within the stream channel and immediate vicinity will be removed as soon as the work schedule permits and/or when not in use and shall be stored in an area protected from run-on and run-off. All materials being removed and/or disposed of by the contractor will be done so in accordance with state and federal laws and by the approval of the Project Engineer.

The North Central Texas Council of Governments (NCTCOG) intergraded stormwater management manual (iSWM) for construction sites will also be used as a guide. The reservoirs will be surrounded by a vegetated buffer strip that will consist of native grasses, shrubs, and trees. The vegetative buffer is shown on **Exhibit 9** in **Appendix A**.

## **VIII. WORKSHEET 7.0 – ACCOUNTING PLAN INFORMATION**

Accounting plans and spreadsheets for recording the daily and monthly measurements are included in **Appendix I**.

## **IX. CONCLUSION**

The Cole Ranch Company, L.P. & The Cole Ranch Improvement District No. 1 of Denton County are required by the Texas Water Code (TWC) to apply for a water appropriation permit for existing on-channel impoundments containing State water. Hickory Creek WS SCS Sites 12 and 13 are existing NRCS reservoirs with normal pools maintained at a constant level.

The information presented in this report shows that reservoirs meet all TCEQ requirements to obtain a Water Appropriations Permit under Section 11.143 of the TWC following development of the site.

## **APPENDIX A - EXHIBITS**

- 1 - Vicinity Map
- 2 - Aerial Map
- 3 - USGS Topographic Map
- 4 - Effective Firm
- 5 - Survey Abstracts & Groundwater Well Map
- 6 - Structure Location Map
- 7 - Drainage Area Map
- 8 - Photograph Location Map
- 9 - Vegetative Buffer Map

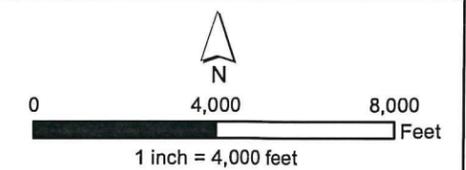
# Cole Ranch Water Rights Permitting

City of Denton,  
Denton County,  
Texas

## Exhibit 1 Vicinity Map

### Key to Features

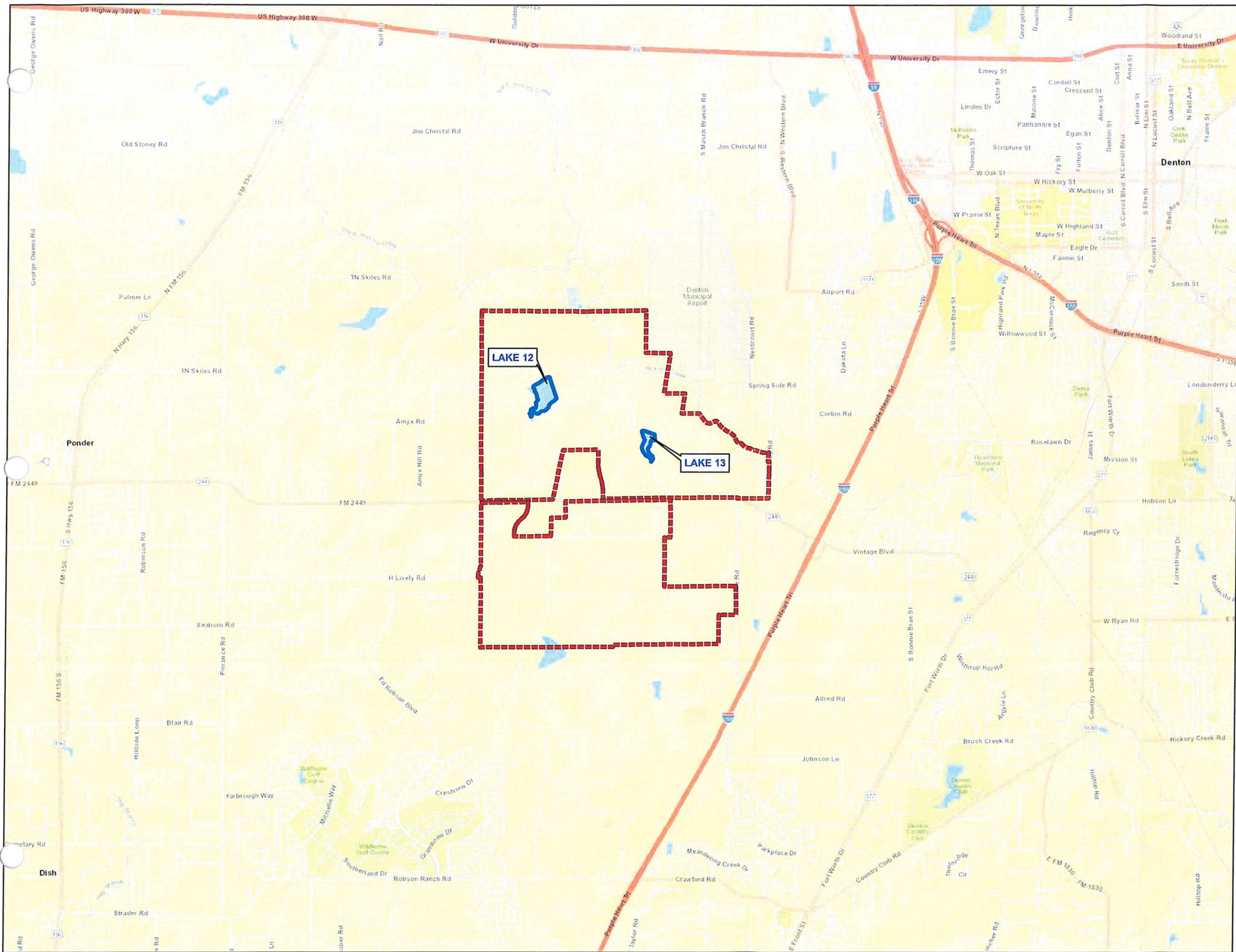
-  Road
-  Reservoir
-  Cole Ranch Property Boundary



Sources: ESRI, 2021;  
US Census Bureau, 2021

Project No. NT135-0136

**LJA**  
LJA ENGINEERING  
FRN - F - 1386



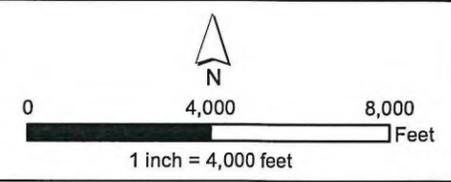
# Cole Ranch Water Rights Permitting

City of Denton,  
Denton County,  
Texas

## Exhibit 2 Aerial Map

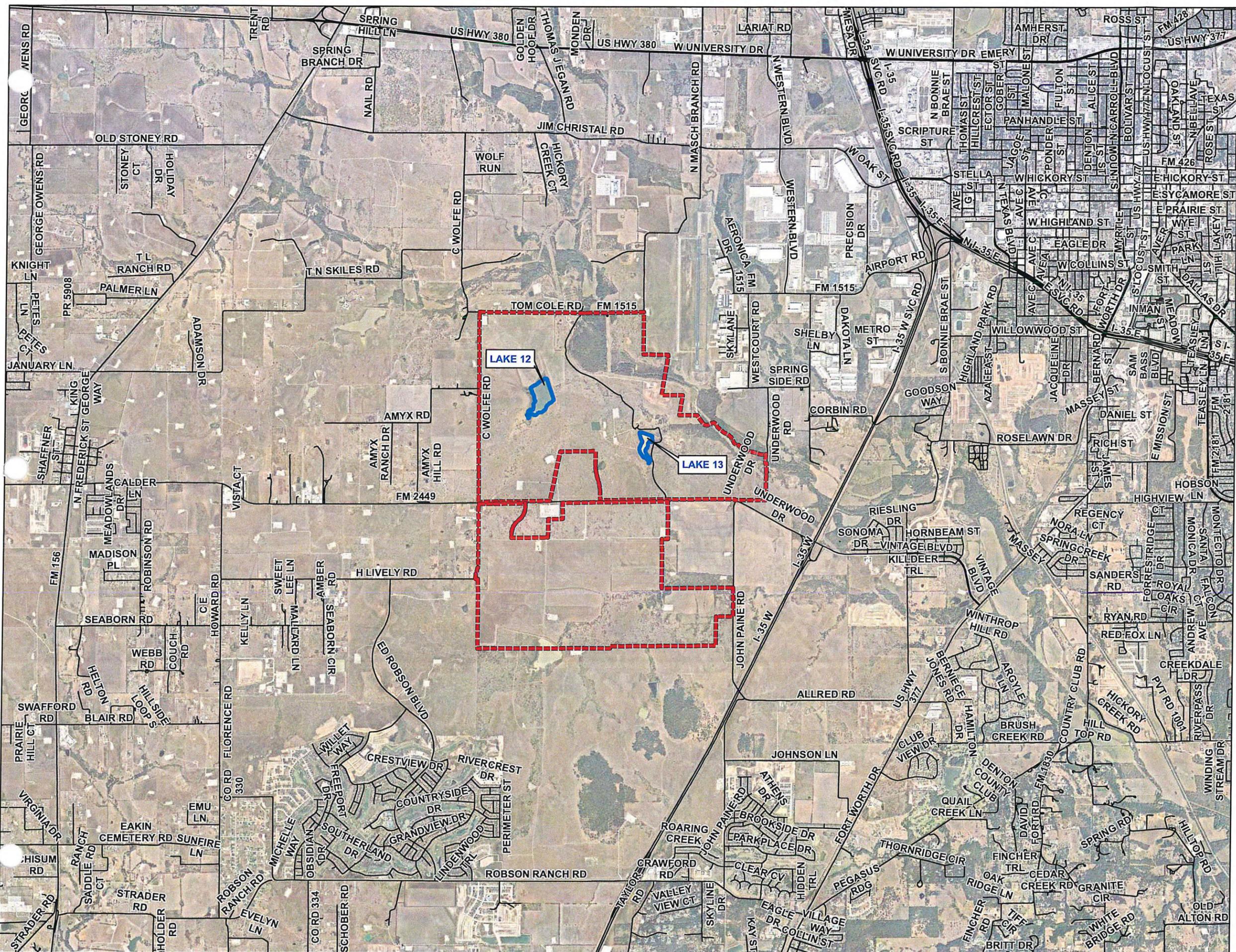
### Key to Features

-  Road
-  Reservoir
-  Cole Ranch Property Boundary



Sources: Nearmap, 2021;  
US Census Bureau, 2021

Project No. NT135-0136



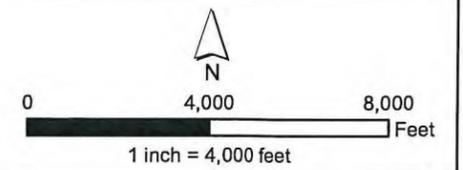
# Cole Ranch Water Rights Permitting

City of Denton,  
Denton County,  
Texas

## Exhibit 3 USGS Topographic Map

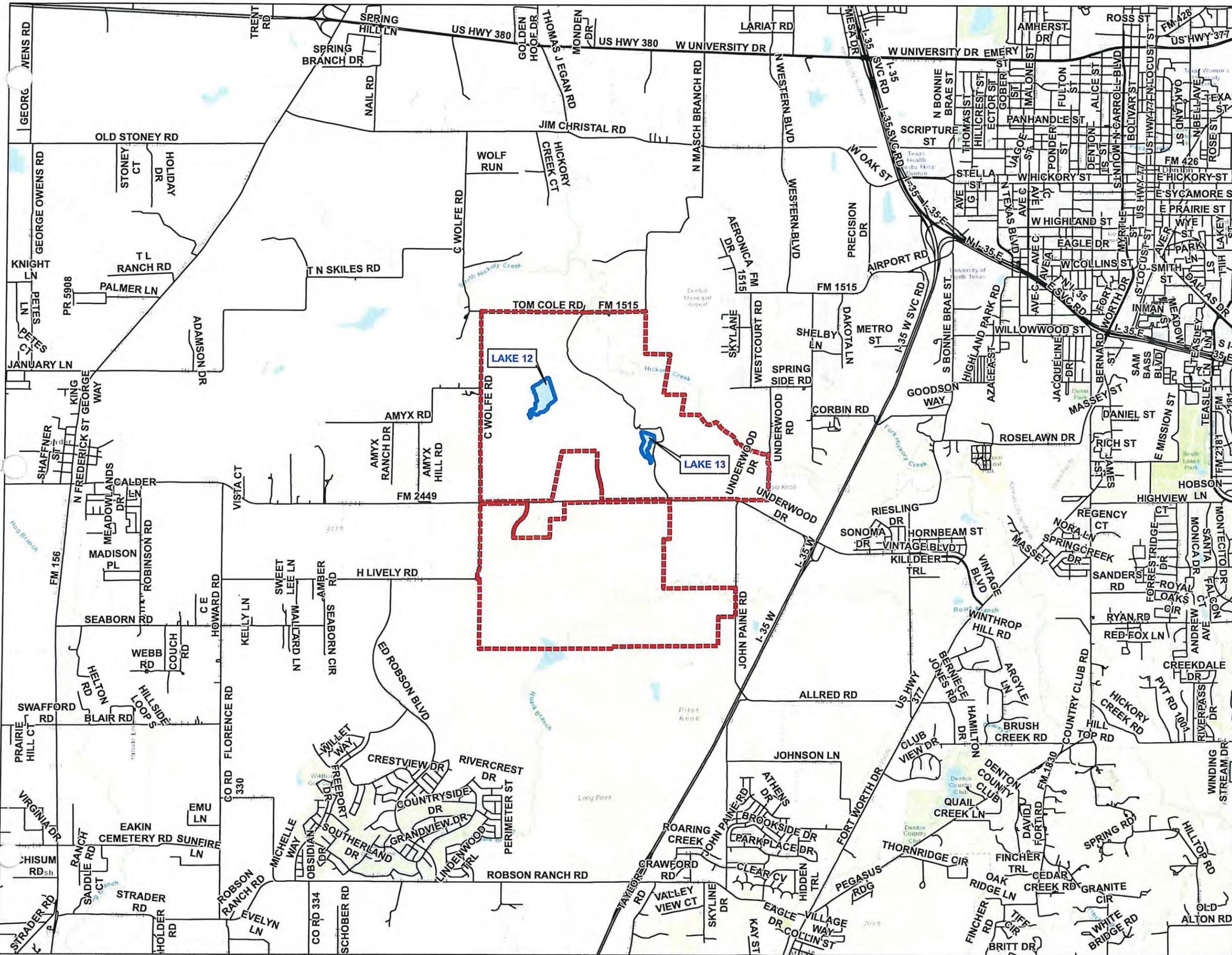
### Key to Features

-  Road
-  Reservoir
-  Cole Ranch Property Boundary



Sources: ESRI, 2021;  
US Census Bureau, 2021

Project No. NT135-0136



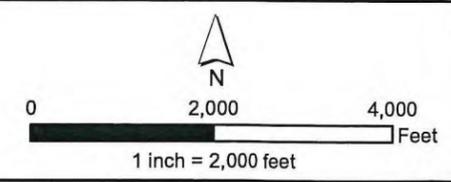
# Cole Ranch Water Rights Permitting

City of Denton,  
Denton County,  
Texas

## Exhibit 4 Effective FIRM Map

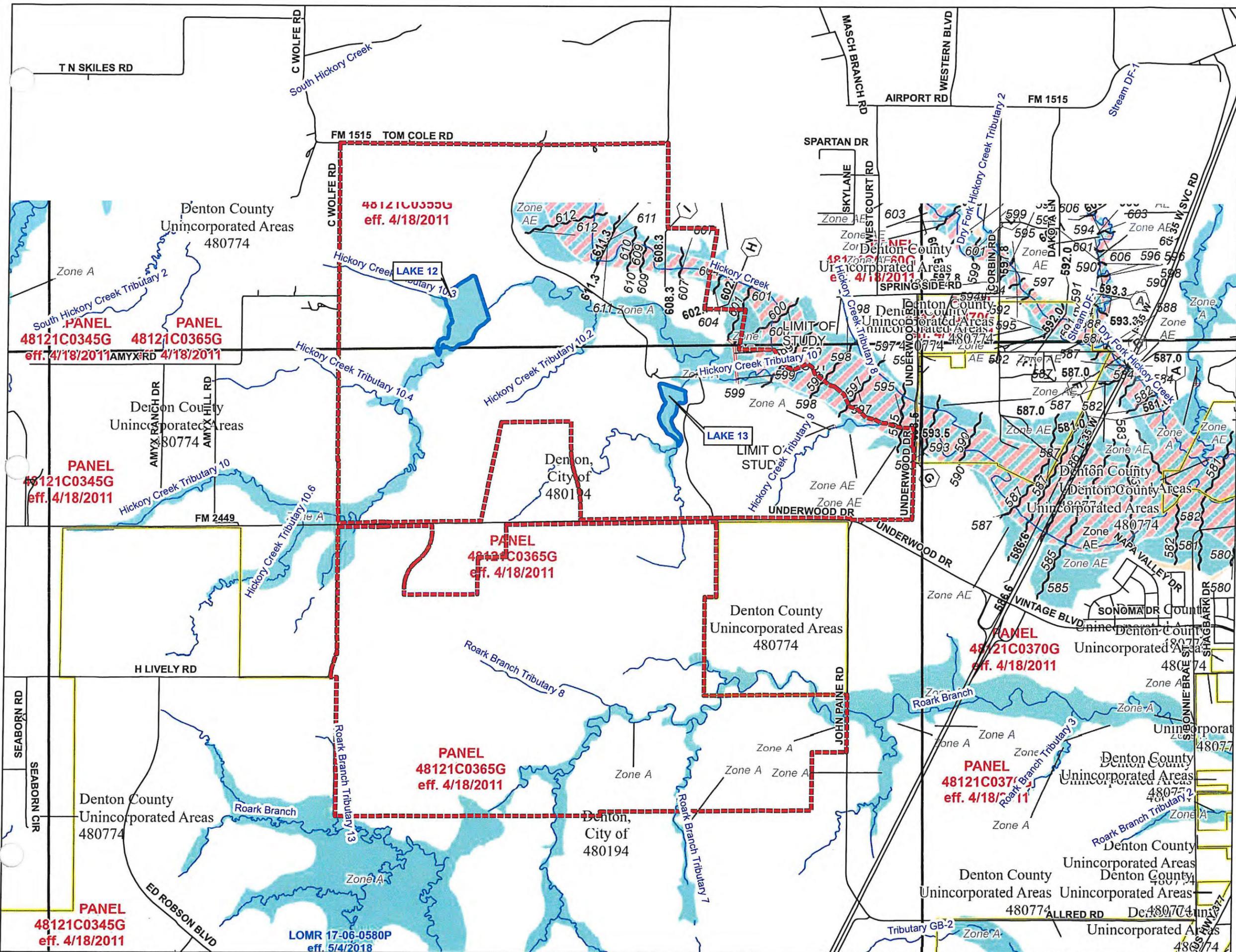
### Key to Features

- Road
- Reservoir
- Cole Ranch Property Boundary
- FEMA Data**
  - FEMA Cross-Sections
  - FEMA Stream Centerline
  - Base Flood Elevations
  - Effective LOMR
  - FIRM Panels
  - Political Jurisdictions
- Flood Hazard Zones**
  - Regulatory Floodway
  - 1% Annual Chance Flood Hazard
  - 0.2% Annual Chance Flood Hazard
  - Area of Undetermined Flood Hazard



Sources: NFHL, 2021

Project No. NT135-0136



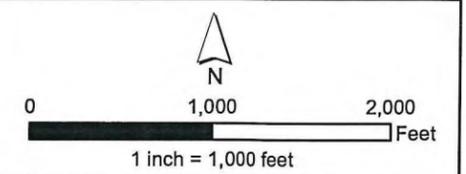
# Cole Ranch Water Rights Permitting

City of Denton,  
Denton County,  
Texas

## Exhibit 5 Groundwater Well Map

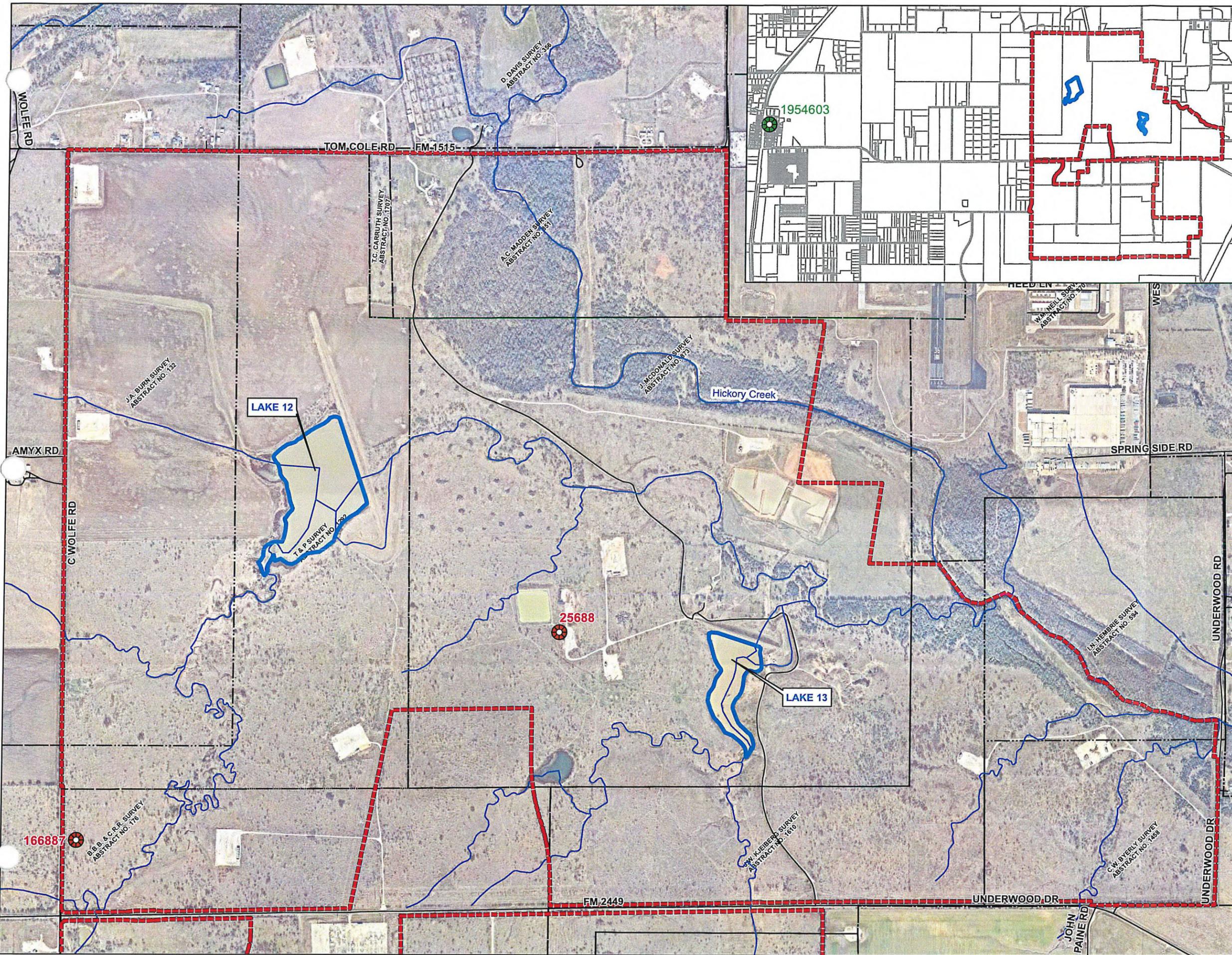
### Key to Features

-  SDRDB Well Location
-  State Well 1954603
-  Abstract Boundary
-  Road
-  USGS Streamline
-  Reservoir
-  Cole Ranch Property Boundary



Sources: Nearmap, 2021;  
US Census Bureau, 2021  
Denton County

Project No. NT135-0136



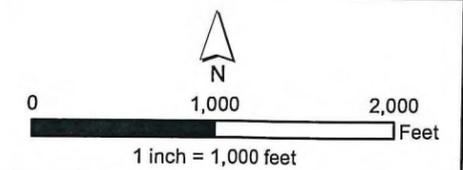
# Cole Ranch Water Rights Permitting

City of Denton,  
Denton County,  
Texas

## Exhibit 6 Structure Location Map

### Key to Features

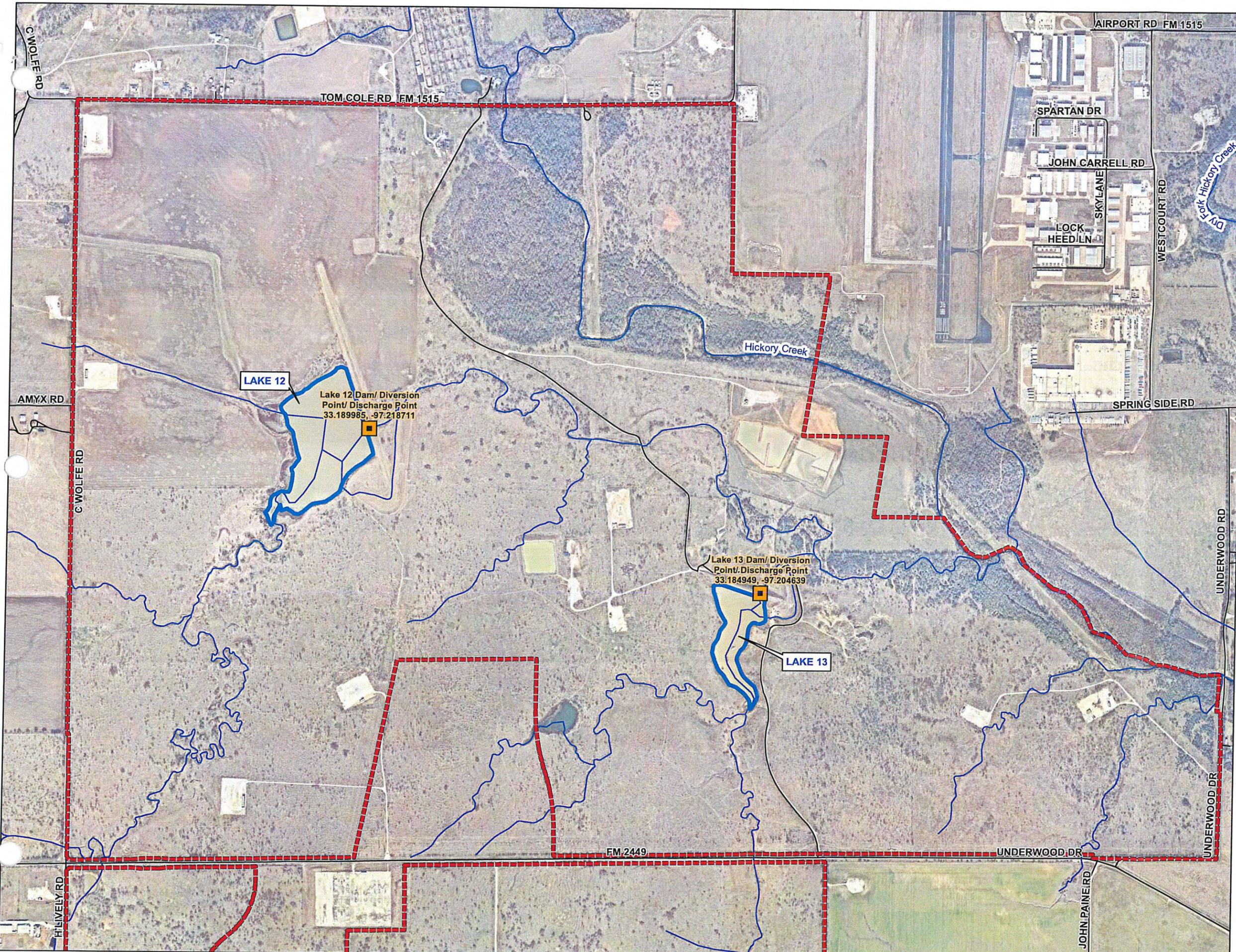
-  Reservoir Feature
-  Road
-  USGS Streamline
-  Reservoir
-  Cole Ranch Property Boundary



Sources: Nearmap, 2021;  
US Census Bureau, 2021

Project No. NT135-0136

  
LJA ENGINEERING  
FRN - F - 1386



**Cole Ranch  
Water Rights Permitting**

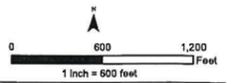
City of Denton,  
Denton County,  
Texas

**Exhibit 7  
Drainage Area**

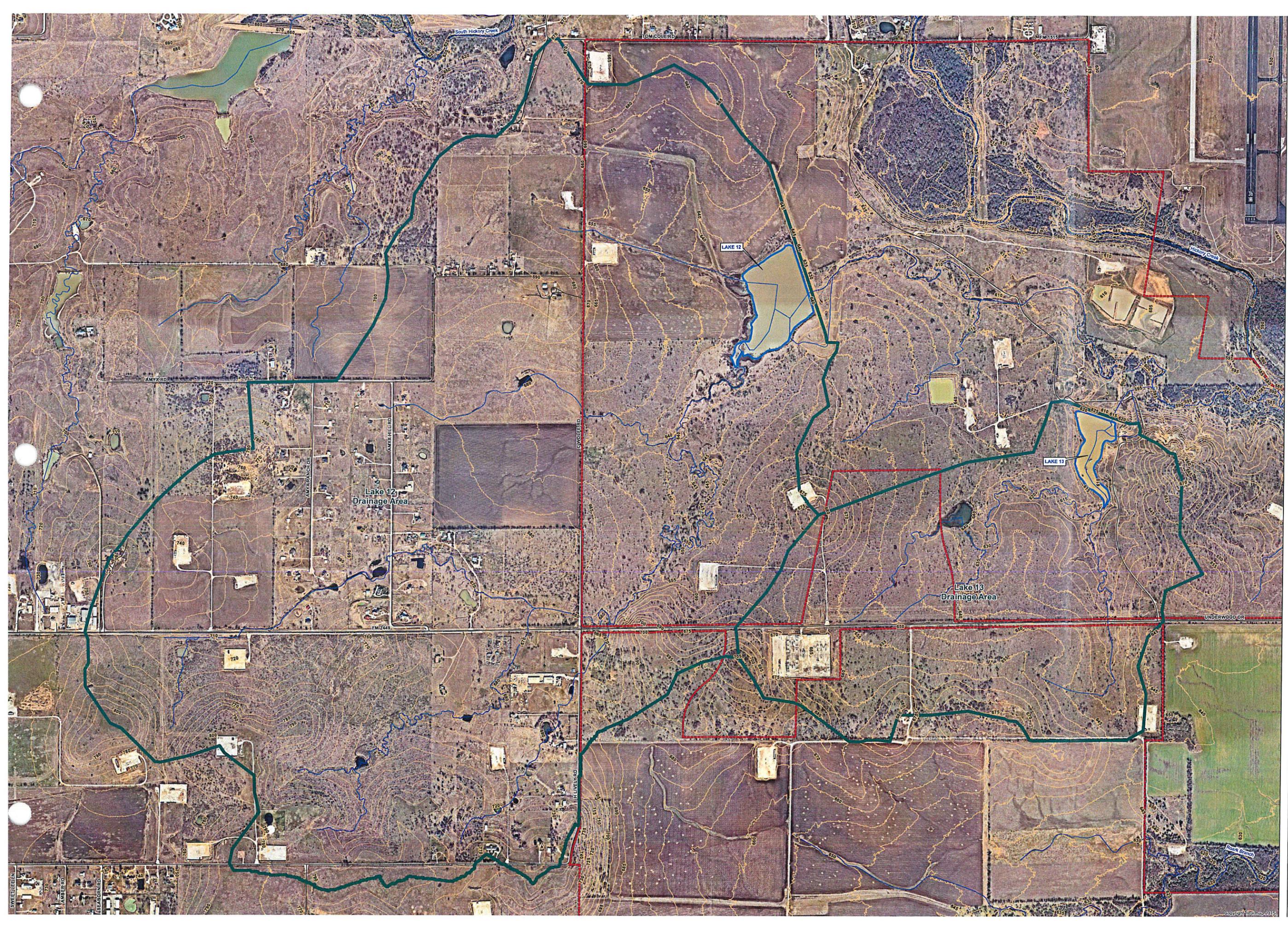
**Key to Features**

- Road
- USGS Streamline
- Reservoir
- Cole Ranch Property Boundary
- Existing Drainage Area

Sources: Nearmap  
LJA Survey  
TNRIS  
USGS



Project No. NT135-0136



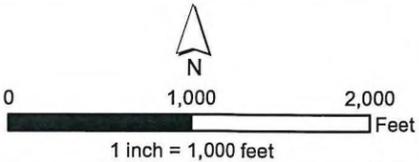
# Cole Ranch Water Rights Permitting

City of Denton,  
Denton County,  
Texas

## Exhibit 8 Photo Location Map

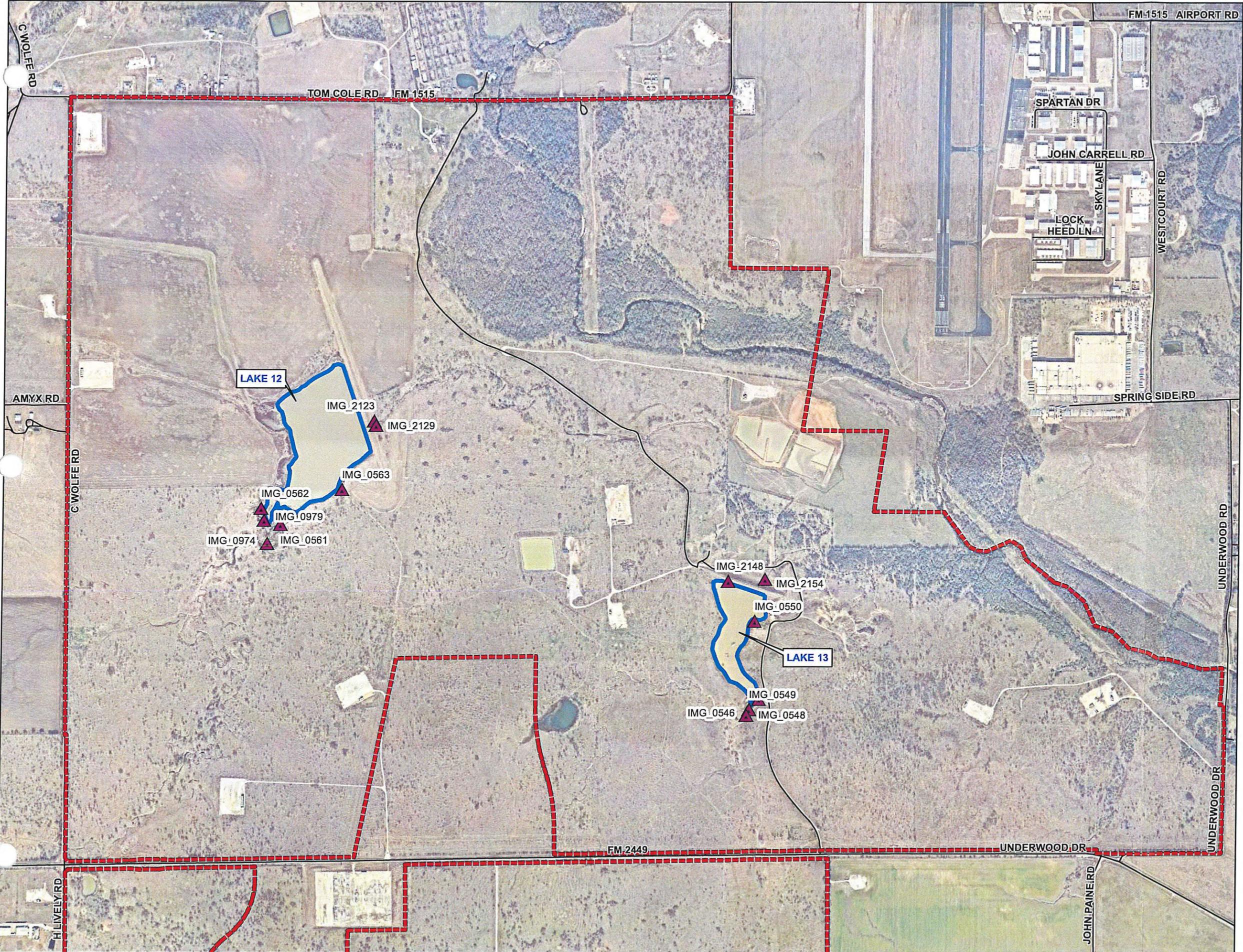
### Key to Features

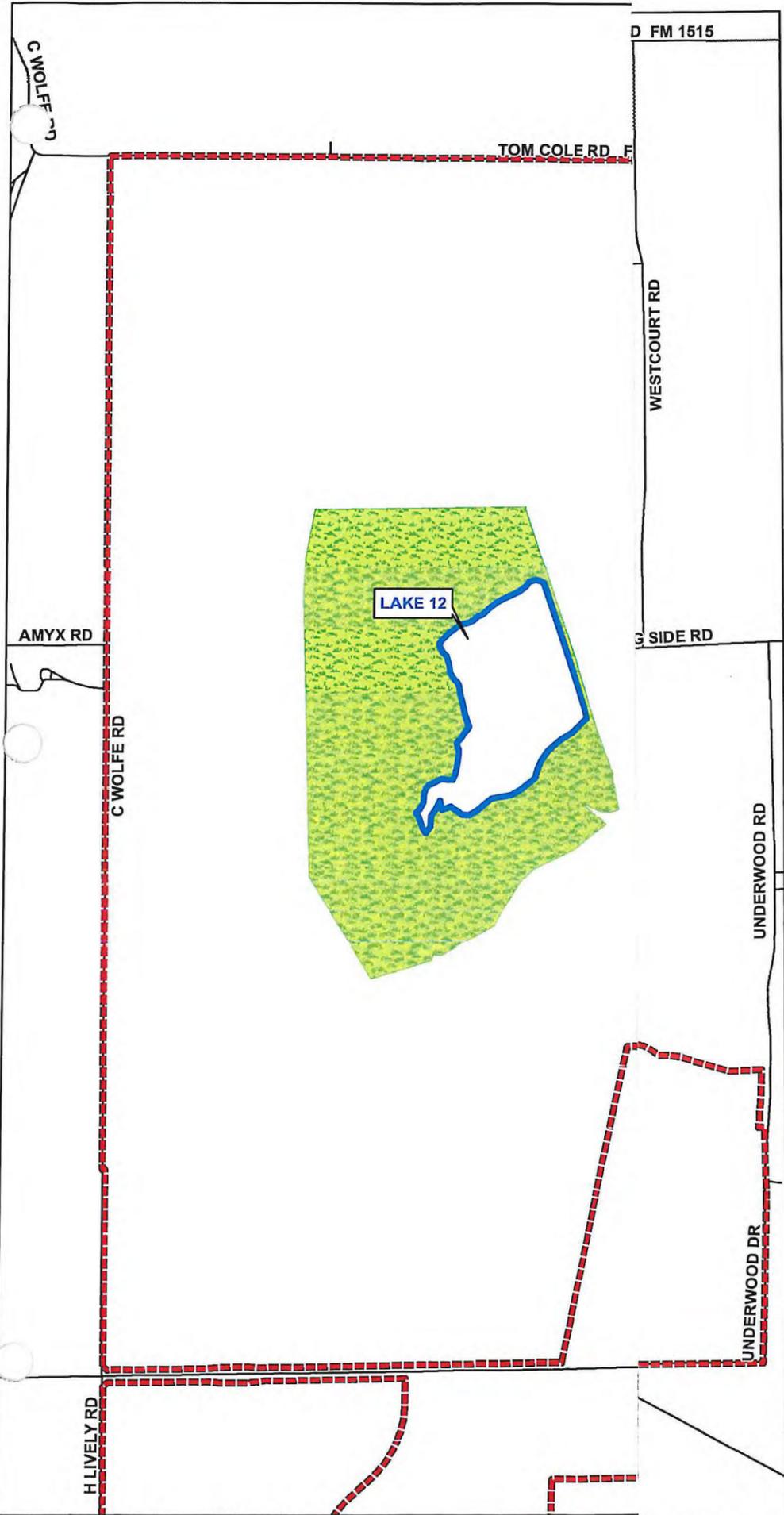
- ▲ Photo Location
- ⤵ Road
- 🌊 Reservoir
- 🔴 Cole Ranch Property Boundary



Sources: Nearmap, 2021;  
US Census Bureau, 2021

Project No. NT135-0136





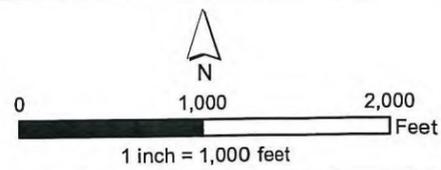
# Cole Ranch Water Rights Permitting

City of Denton,  
Denton County,  
Texas

## Exhibit 9 Vegetative Buffer Map

### Key to Features

-  Road
-  Vegetated\_Buffer
-  Reservoir
-  Cole Ranch Property Boundary



Sources: Nearmap, 2021;  
US Census Bureau, 2021

**Project No. NT135-0136**



# **APPENDIX B – WATER APPROPRIATION PERMIT APPLICATION**

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## TCEQ WATER RIGHTS PERMITTING APPLICATION

### ADMINISTRATIVE INFORMATION CHECKLIST

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

APPLICANT(S): The Cole Ranch Company, L.P. & Cole Ranch Improvement District No. 1 of Denton County

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

Y/N

- Administrative Information Report**
- Additional Co-Applicant Information
- Additional Co-Applicant Signature Pages
- Written Evidence of Signature Authority
- Technical Information Report**
- USGS Map (or equivalent)
- Map Showing Project Details
- Original Photographs
- Water Availability Analysis
- Worksheet 1.0**
- Recorded Deeds for Irrigated Land
- Consent For Irrigation Land
- Worksheet 1.1**
- Addendum to Worksheet 1.1
- Worksheet 1.2**
- Addendum to Worksheet 1.2
- Worksheet 2.0**
- Additional W.S 2.0 for Each Reservoir
- Dam Safety Documents
- Notice(s) to Governing Bodies
- Recorded Deeds for Inundated Land
- Consent For Inundation Land

Y/N

- Worksheet 3.0**
- Additional W.S 3.0 for each Point
- Recorded Deeds for Diversion Points
- Consent For Diversion Access
- Worksheet 4.0**
- TPDES Permit(s)
- WWTP Discharge Data
- 24-hour Pump Test
- Groundwater Well Permit
- Signed Water Supply Contract
- Worksheet 4.1**
- Worksheet 5.0**
- Addendum to Worksheet 5.0
- Worksheet 6.0**
- Water Conservation Plan(s)
- Drought Contingency Plan(s)
- Documentation of Adoption
- Worksheet 7.0**
- Accounting Plan
- Worksheet 8.0**
- Fees

**For Commission Use Only:**

Proposed/Current Water Right Number: \_\_\_\_\_

Basin: \_\_\_\_\_ Watermaster area Y/N: \_\_\_\_\_

# ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

New Appropriation of State Water

Amendment to a Water Right \*

Bed and Banks

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

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

Applicant is proposing to use existing Hickory Creek WS SCS Sites 12 and 13 for recreation,  
irrigation, and aesthetics. The lakes will be kept full at all times to pass State water. The applicant  
proposes to use groundwater wells to make up water to compensate for evaporation losses and  
diversions.

**2. APPLICANT INFORMATION (Instructions, Page. 6 )**

**a. Applicant**

Indicate the number of Applicants/Co-Applicants 2  
(Include a copy of this section for each Co-Applicant, if any)

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

The Cole Ranch Company, L.P.

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

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

You may search for your CN on the TCEQ website at

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

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

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

First/Last Name: Jennifer Alexander

Title: Manager

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

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

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

Name: Jennifer Alexander

Mailing Address: PO Drawer S

City: Denton

State: Tx

ZIP Code: 76202

Indicate an X next to the type of Applicant:

Individual  Sole Proprietorship-D.B.A.

Partnership  Corporation

Trust  Estate

Federal Government  State Government

County Government  City Government

Other Government  Other \_\_\_\_\_

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: \_\_\_\_\_ SOS Charter (filing) Number: \_\_\_\_\_

**2. APPLICANT INFORMATION (Instructions, Page. 6 )**

**a. Applicant**

**Indicate the number of Applicants/Co-Applicants 2**  
**(Include a copy of this section for each Co-Applicant, if any)**

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

Cole Ranch Improvement District No. 1 of Denton County

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

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?  
You may search for your CN on the TCEQ website at

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

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

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

First/Last Name: Shawn Street

Title: President

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

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

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

Name: Cole Ranch Improvement District No. 1 of Denton County

Mailing Address: 3100 McKinnon Street, Suite 1100

City: Dallas

State: Tx

ZIP Code: 75201

Indicate an X next to the type of Applicant:

Individual

Sole Proprietorship-D.B.A.

Partnership

Corporation

Trust

Estate

Federal Government

State Government

County Government

City Government

Other Government

Other \_\_\_\_\_

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: \_\_\_\_\_ SOS Charter (filing) Number: \_\_\_\_\_

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

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

First and Last Name: Jennifer Alexander

Title: Manager

Organization Name: The Cole Ranch Company, L.P.

Mailing Address: PO Drawer S

City: Denton

State: Tx

ZIP Code: 76202

Phone No.: (940) 368-2379

Extension:

Fax No.:

E-mail Address: 

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

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

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

First and Last Name: Hunter Teel

Title: Water Resources Engineer

Organization Name: LJA Engineering

Mailing Address: 3017 W 7th Street, Ste 300

City: Fort Worth

State: TX

ZIP Code: 76107

Phone No.: (817) 288-1967

Extension:

Fax No.:

E-mail Address: [REDACTED]

## 5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your application.

1. Does Applicant or Co-Applicant owe any fees to the TCEQ? **Yes / No No**

If **yes**, provide the following information:

Account number:

Amount past due:

2. Does Applicant or Co-Applicant owe any penalties to the TCEQ? **Yes / No No**

If **yes**, please provide the following information:

Enforcement order number:

Amount past due:

b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicant's may check their status with the Comptroller at <https://mycpa.cpa.state.tx.us/coa/>

Is the Applicant or Co-Applicant in good standing with the Comptroller? **Yes / No Yes**

c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use - if required. See TWC §16.012(m) and 30 TAC § 297.41(a)(5).

Applicant has submitted all required TWDB surveys of groundwater and surface water? **Yes / No Yes**

**6. SIGNATURE PAGE (Instructions, Page. 11)**

Applicant:

I, Shawn Street

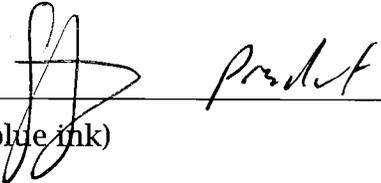
President

(Typed or printed name)

(Title)

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

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

Signature:  Date: 2/9/22  
(Use blue ink)

Subscribed and Sworn to before me by the said

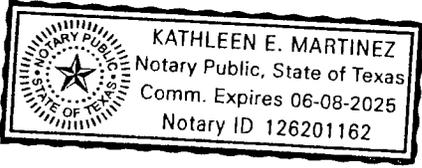
on this 9th day of February, 2022.

My commission expires on the 8th day of June, 2025.

Notary Public



County, Texas (Denton)



[SEAL]

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

**6. SIGNATURE PAGE (Instructions, Page. 11)**

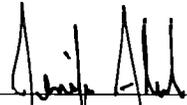
Applicant:

I, Jennifer Alexander  
(Typed or printed name)

Manager  
(Title)

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

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

Signature:  Date: 2-9-2022  
(Use blue ink)

Subscribed and Sworn to before me by the said

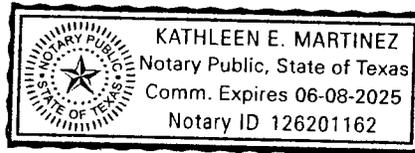
on this 9th day of February, 20 22.

My commission expires on the 8th day of June, 20 25.

Notary Public

[SEAL]

Kathleen E. Martinez  
County, Texas (Denton)



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

# TECHNICAL INFORMATION REPORT

## WATER RIGHTS PERMITTING

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

***Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4600 to schedule a meeting.*** Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N<sup>Y</sup>\_\_\_\_\_ (If yes, date : 02/03/2022).

### 1. New or Additional Appropriations of State Water. Texas Water Code (TWC) § 11.121 (Instructions, Page. 12)

**State Water is:** *The water of the ordinary flow, underflow, and tides of every flowing river, natural stream, and lake, and of every bay or arm of the Gulf of Mexico, and the storm water, floodwater, and rainwater of every river, natural stream, canyon, ravine, depression, and watershed in the state. TWC § 11.021.*

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y / N<sup>Y</sup>\_\_\_\_\_
- b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? Y / N<sup>N</sup>\_\_\_\_\_ (If yes, indicate the Certificate or Permit number:\_\_\_\_\_)

*If Applicant answered yes to (a) or (b) above, does Applicant also wish to be considered for a term permit pursuant to TWC § 11.1381? Y / N<sup>N</sup>\_\_\_\_\_*

- c. Applicant requests to extend an existing Term authorization or to make the right permanent? Y / N<sup>N</sup>\_\_\_\_\_ (If yes, indicate the Term Certificate or Permit number:\_\_\_\_\_)

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

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

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

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

**2. Amendments to Water Rights. TWC § 11.122 (Instructions, Page. 12) N/a**

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

Water Right (Certificate or Permit) number you are requesting to amend: \_\_\_\_\_

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

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

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

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

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

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

- c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? Y / N \_\_\_\_\_

*If yes, submit:*

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

- d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? Y / N \_\_\_\_\_

*If yes, submit:*

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

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

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

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

**Additionally, all amendments require:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Worksheets and information:*

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)
- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)

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

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

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

Applicant is proposing to use a groundwater well as an alternative water source to

compensate for evaporation losses and diversions for agricultural/irrigation use. The

Lakes will be kept full at all times to pass State water. The application is consistent

with the 2021 Region C Water Plan and the 2022 State Water Plan because there is

nothing in the plans that conflict with the application

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

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

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

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

### 1. New Authorizations (Instructions, Page. 16)

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

Quantity (acre- feet) <i>(Include losses for Bed and Banks)</i>	State Water Source (River Basin) or Alternate Source <i>*each alternate source (and new appropriation based on return flows of others) also requires completion of Worksheet 4.0</i>	Purpose(s) of Use	Place(s) of Use <i>*requests to move state water out of basin also require completion of Worksheet 1.1 Interbasin Transfer</i>
151	Hickory Creek	Lake Storage	Denton County
1,971	Trinity (Antlers)	Recreation/Agriculture	Denton County

<sup>2,122</sup> \_\_\_\_\_ Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

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

a. Location Information Regarding the Lands to be Irrigated

i) Applicant proposes to irrigate a total of <sup>470</sup> \_\_\_\_\_ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of <sup>3050</sup> \_\_\_\_\_ acres in <sup>Denton</sup> \_\_\_\_\_ County, TX.

ii) Location of land to be irrigated: In the <sup>T&P</sup> \_\_\_\_\_ Original Survey No. <sup>N/a</sup> \_\_\_\_\_, Abstract No. <sup>1292</sup> \_\_\_\_\_.

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

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

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

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ii) Location of land to be irrigated: In the <sup>J. McDonald</sup> \_\_\_\_\_ Original Survey No. <sup>N/a</sup> \_\_\_\_\_, Abstract No. <sup>873</sup> \_\_\_\_\_.

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ii) Location of land to be irrigated: In the <sup>J.A. Burn</sup>\_\_\_\_\_ Original Survey No. <sup>Na</sup>\_\_\_\_\_, Abstract No. <sup>132</sup>\_\_\_\_\_.

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

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ii) Location of land to be irrigated: In the <sup>B.B.B. & C.R.R.</sup> \_\_\_\_\_ Original Survey No. <sup>N/a</sup> \_\_\_\_\_, Abstract No. <sup>176</sup> \_\_\_\_\_.

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

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ii) Location of land to be irrigated: In the <sup>J.W. Kjeiberg</sup> \_\_\_\_\_ Original Survey No. <sup>N/a</sup> \_\_\_\_\_, Abstract No. <sup>1610</sup> \_\_\_\_\_.

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ii) Location of land to be irrigated: In the <sup>L.N. Hembrie</sup> \_\_\_\_\_ Original Survey No. <sup>N/a</sup> \_\_\_\_\_, Abstract No. <sup>594</sup> \_\_\_\_\_.

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

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ii) Location of land to be irrigated: In the <sup>C.W. Byerly</sup> \_\_\_\_\_ Original Survey No. <sup>N/a</sup> \_\_\_\_\_, Abstract No. <sup>1458</sup> \_\_\_\_\_.

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

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

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

**2. Amendments - Purpose or Place of Use (Instructions, Page. 12) N/a**

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

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**

*\*If the request is to add additional purpose(s) of use, include the existing and new purposes of use under "Proposed Purpose(s) of Use."*

*\*\*If the request is to add additional place(s) of use, include the existing and new places of use under "Proposed Place(s) of Use."*

*Changes to the purpose of use in the Rio Grande Basin may require conversion. 30 TAC § 303.43.*

b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:

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

ii. Location of land to be irrigated: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. <sup>1292</sup>\_\_\_\_\_.

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

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

c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.

d. See Worksheet 1.2, Marshall Criteria, and submit if required.

e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

**WORKSHEET 1.1**  
**INTERBASIN TRANSFERS, TWC § 11.085** N/a

Submit this worksheet for an application for a new or amended water right which requests to transfer State Water from its river basin of origin to use in a different river basin. A river basin is defined and designated by the Texas Water Development Board by rule pursuant to TWC § 16.051.

Applicant requests to transfer State Water to another river basin within the State? Y / N\_\_\_\_\_

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

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

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

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

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

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

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

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

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

## WORKSHEET 1.2

### NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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

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

# WORKSHEET 2.0

## Impoundment/Dam Information

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

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

### 1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: Na
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 121.
- c. The impoundment is on-channel Y or off-channel \_\_\_\_\_ (mark one)
  - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / N<sup>N</sup>
  - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / N<sup>Y</sup>
- d. Is the impoundment structure already constructed? Y / N<sup>Y</sup>
  - i. For already constructed **on-channel** structures:
    1. Date of Construction: 1970
    2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N<sup>Y</sup>
      - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N<sup>Y</sup>
      - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N
    3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N<sup>Y</sup>
      - a. If yes, provide the Site No. 12 and watershed project name Hickory Creek;
      - b. Authorization to close "ports" in the service spillway requested? Y / N<sup>N</sup>
  - ii. For **any** proposed new structures or modifications to structures:
    1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? Y / N<sup>Y</sup>  
Provide the date and the name of the Staff Person 01/06/2022; Johnny Cosgrove
    2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
      - a. No additional dam safety documents required with the Application. Y / N<sup>N</sup>
      - b. Plans (with engineer's seal) for the structure required. Y / N<sup>N</sup>
      - c. Engineer's signed and sealed hazard classification required. Y / N<sup>N</sup>
      - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N<sup>N</sup>



# WORKSHEET 2.0

## Impoundment/Dam Information

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

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

### 1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: Na
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 30
- c. The impoundment is on-channel Y or off-channel \_\_\_\_\_ (mark one)
  - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / N<sup>N</sup>
  - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / N<sup>Y</sup>
- d. Is the impoundment structure already constructed? Y / N<sup>Y</sup>
  - i. For already constructed **on-channel** structures:
    1. Date of Construction: 1970
    2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N<sup>Y</sup>
      - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N<sup>Y</sup>
      - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N<sup>N</sup>
    3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N<sup>Y</sup>
      - a. If yes, provide the Site No. 13 and watershed project name Hickory Creek;
      - b. Authorization to close "ports" in the service spillway requested? Y / N<sup>N</sup>
  - ii. For **any** proposed new structures or modifications to structures:
    1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? Y / N<sup>Y</sup>  
Provide the date and the name of the Staff Person 01/06/2022, Johnny Cosgrave
    2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
      - a. No additional dam safety documents required with the Application. Y / N<sup>N</sup>
      - b. Plans (with engineer's seal) for the structure required. Y / N<sup>N</sup>
      - c. Engineer's signed and sealed hazard classification required. Y / N<sup>N</sup>
      - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N<sup>N</sup>

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

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: 10.3.
2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option. Applicant has calculated the drainage area. Y/N Y  
If yes, the drainage area is 0.77 sq. miles.  
(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

## 2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): Unnamed tributary to Hickory Creek
- b. Zip Code: 76259
- c. In the J. McDonald Original Survey No. N/a, Abstract No. 873,  
Denton County, Texas.

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

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

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

Latitude 33.184949°N, Longitude 97.204639°W.

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

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



## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Unnamed tributary to Hickory Creek
- b. Zip Code: 76259
- c. Location of point: In the T&P \_\_\_\_\_ Original Survey No. N/a, Abstract No. 1292, Denton County, Texas.

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

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

- d. Point is at:  
Latitude 33.189985 °N, Longitude 97.218711 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): GIS
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.



## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Unnamed tributary to Hickory Creek
- b. Zip Code: 76259
- c. Location of point: In the J. McDonald Original Survey No. N/a, Abstract No. 873, Denton County, Texas.

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

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

- d. Point is at:  
Latitude 33.184949°N, Longitude 97.204639°W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): gis
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

# WORKSHEET 4.0

## DISCHARGE INFORMATION

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

- a. The purpose of use for the water being discharged will be recreation and agricultural (irrigation).
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses 11 % and explain the method of calculation: Evaporation calculated based on TCEQ WAM EVA files from 1940 to 1996 for Quadrangle 410.

Is the source of the discharged water return flows? Y / N N If yes, provide the following information:

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

*PLEASE NOTE: If Applicant is not the discharger of the return flows, the application should be submitted under Section 1, New or Additional Appropriation of State Water, as a request for a new appropriation of state water. If Applicant is the discharger, then the application should be submitted under Section 3, Bed and Banks.*

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
  4. The percentage of return flows from groundwater N/a, surface water N/a?
  5. If any percentage is surface water, provide the base water right number(s) N/a.
- c. Is the source of the water being discharged groundwater? Y / N Y If yes, provide the following information:

1. Source aquifer(s) from which water will be pumped: Trinity (Antlers)
2. Any 24 hour pump test for the well if one has been conducted. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbrrpt.asp>. Additionally, provide well numbers or identifiers 19-54-603, production information attached.
3. Indicate how the groundwater will be conveyed to the stream or reservoir.  
Pumped
4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.

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

cii. Identify any other source of the water N/a

# WORKSHEET 4.1

## DISCHARGE POINT INFORMATION

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

**For water discharged at this location provide:**

- a. The amount of water that will be discharged at this point is 1,538 acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of 5.2 cfs or 2,346 gpm.
- c. Name of Watercourse as shown on Official USGS maps: Unnamed tributary to Hickory Creek
- d. Zip Code 76259
- f. Location of point: In the T&P Original Survey No. N/a, Abstract No. 1292, Denton County, Texas.
- g. Point is at:  
Latitude 33.189985 °N, Longitude 97.218711 °W.  
***\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- h. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): gis

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

## WORKSHEET 4.1 DISCHARGE POINT INFORMATION

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

**For water discharged at this location provide:**

- a. The amount of water that will be discharged at this point is 433 acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of 1.5 cfs or 661 gpm.
- c. Name of Watercourse as shown on Official USGS maps: Unnamed tributary to Hickory Creek
- d. Zip Code 76259
- f. Location of point: In the J. McDonald Original Survey No. N/a, Abstract No. 873, Denton County, Texas.
- g. Point is at:  
Latitude 33.184949 °N, Longitude 97.204639 °W.  
***\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- h. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): GIS

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

# WORKSHEET 5.0

## ENVIRONMENTAL INFORMATION

### 1. Impingement and Entrainment Hickory Creek WS Site 12

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 29.**

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Applicant will take reasonable measures to avoid impingement and entrainment of aquatic organisms.

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

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: 6

Other, specify: \_\_\_\_\_

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

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

# WORKSHEET 5.0

## ENVIRONMENTAL INFORMATION

### 1. Impingement and Entrainment Hickory Creek WS Site 13

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 29.**

Applicant will take reasonable measures including screens to avoid impingement and  
\_\_\_\_\_

\_\_\_\_\_

entrainment of aquatic organisms.  
\_\_\_\_\_

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

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: 5 \_\_\_\_\_

Other, specify: \_\_\_\_\_

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

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

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

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

a. For all bed and banks applications:

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

b. For all alternate source applications:

- i. If the alternate source is treated return flows, provide the TPDES permit number\_\_\_\_\_

- ii. If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:

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

Onsite existing well 25688. TDS and temperature testing will be provided during technical review.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L	108.47	108.47	1	Grab	04/27/2021
Chloride, mg/L	79.90	79.90	1	Grab	04/27/2021
Total Dissolved Solids, mg/L					
pH, standard units	9.11	9.11	1	Grab	04/27/2021
Temperature*, degrees Celsius					

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

- iii. If groundwater will be used, provide the depth of the well 1060 ft/ TBD and the name of the aquifer from which water is withdrawn Trinity (Antlers).

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

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

- a. For all bed and banks applications:
  - i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.
- b. For all alternate source applications:
  - i. If the alternate source is treated return flows, provide the TPDES permit number\_\_\_\_\_
  - ii. If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:  
Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

Historical data for well 19-54-603.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L	67	68	3	Grab	07/71-03/83
Chloride, mg/L	60	70	3	Grab	07/71-03/83
Total Dissolved Solids, mg/L	494	506	3	Grab	07/71-03/83
pH, standard units	8.45	8.7	4	Grab	07/71-06/88
Temperature*, degrees Celsius	25	26	3	Grab	08/76-06/88

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

- iii. If groundwater will be used, provide the depth of the well 1060 II/ TBD and the name of the aquifer from which water is withdrawn Trinity (Antlers).

# WORKSHEET 6.0 N/a

## Water Conservation/Drought Contingency Plans

This form is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plans is required and to specify the requirements for plans. **Instructions, Page 31.**

*The TCEQ has developed guidance and model plans to help applicants prepare plans. Applicants may use the model plan with pertinent information filled in. For assistance submitting a plan call the Resource Protection Team (Water Conservation staff) at 512-239-4600, or e-mail [wras@tceq.texas.gov](mailto:wras@tceq.texas.gov). The model plans can also be downloaded from the TCEQ webpage. Please use the most up-to-date plan documents available on the webpage.*

### 1. Water Conservation Plans

a. The following applications must include a completed Water Conservation Plan (30 TAC § 295.9) for each use specified in 30 TAC, Chapter 288 (municipal, industrial or mining, agriculture - including irrigation, wholesale):

1. Request for a new appropriation or use of State Water.
2. Request to amend water right to increase appropriation of State Water.
3. Request to amend water right to extend a term.
4. Request to amend water right to change a place of use.  
*\*does not apply to a request to expand irrigation acreage to adjacent tracts.*
5. Request to amend water right to change the purpose of use.  
*\*applicant need only address new uses.*
6. Request for bed and banks under TWC § 11.042(c), when the source water is State Water  
*\*including return flows, contract water, or other State Water.*

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

1. \_\_\_\_Municipal Use. See 30 TAC § 288.2. \*\*
2. \_\_\_\_Industrial or Mining Use. See 30 TAC § 288.3.
3. \_\_\_\_Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. \_\_\_\_Wholesale Water Suppliers. See 30 TAC § 288.5. \*\*

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

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

N/a

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

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

## 2. Drought Contingency Plans

- a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above – indicate each that applies:
1. \_\_\_\_Municipal Uses by public water suppliers. See 30 TAC § 288.20.
  2. \_\_\_\_Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
  3. \_\_\_\_Wholesale Water Suppliers. See 30 TAC § 288.22.
- b. If Applicant must submit a plan under section 2(a) above, Applicant has also submitted documentation of adoption of drought contingency plan (*ordinance, resolution, or tariff, etc. See 30 TAC § 288.30*) Y / N\_\_\_\_

# WORKSHEET 7.0

## ACCOUNTING PLAN INFORMATION WORKSHEET

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

### 1. **Is Accounting Plan Required**

Accounting Plans are generally required:

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

### 2. **Accounting Plan Requirements**

a. A **text file** that includes:

1. an introduction explaining the water rights and what they authorize;
2. an explanation of the fields in the accounting plan spreadsheet including how they are calculated and the source of the data;
3. for accounting plans that include multiple priority dates and authorizations, a section that discusses how water is accounted for by priority date and which water is subject to a priority call by whom; and
4. Should provide a summary of all sources of water.

b. A **spreadsheet** that includes:

1. Basic daily data such as diversions, deliveries, compliance with any instream flow requirements, return flows discharged and diverted and reservoir content;
2. Method for accounting for inflows if needed;
3. Reporting of all water use from all authorizations, both existing and proposed;
4. An accounting for all sources of water;
5. An accounting of water by priority date;
6. For bed and banks applications, the accounting plan must track the discharged water from the point of delivery to the final point of diversion;
7. Accounting for conveyance losses;
8. Evaporation losses if the water will be stored in or transported through a reservoir. Include changes in evaporation losses and a method for measuring reservoir content resulting from the discharge of additional water into the reservoir;
9. An accounting for spills of other water added to the reservoir; and
10. Calculation of the amount of drawdown resulting from diversion by junior rights or diversions of other water discharged into and then stored in the reservoir.

## WORKSHEET 8.0 CALCULATION OF FEES

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

### 1. NEW APPROPRIATION

	Description	Amount (\$)	
<b>Filing Fee</b>	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under <b>Amount (\$)</b> . <u>In Acre-Feet</u>	250.00	
	a. Less than 100		\$100.00
	b. 100 - 5,000		\$250.00
	c. 5,001 - 10,000		\$500.00
	d. 10,001 - 250,000		\$1,000.00
	e. More than 250,000	\$2,000.00	
<b>Recording Fee</b>		\$25.00	
<b>Agriculture Use Fee</b>	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **		
<b>Use Fee</b>	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **		
<b>Recreational Storage Fee</b>	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x <sup>146</sup> _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	146	
<b>Storage Fee</b>	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.		
<b>Mailed Notice</b>	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	TBD	
<b>TOTAL</b>		\$ 421.00	

### 2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
<b>Filing Fee</b>	Amendment: \$100	
	OR Sever and Combine: \$100 x _____ of water rights to combine	
<b>Recording Fee</b>		\$12.50
<b>Mailed Notice</b>	Additional notice fee to be determined once application is submitted.	
<b>TOTAL INCLUDED</b>		\$ 0.00

### 3. BED AND BANKS

	Description	Amount (\$)
<b>Filing Fee</b>		\$100.00
<b>Recording Fee</b>		\$12.50
<b>Mailed Notice</b>	Additional notice fee to be determined once application is submitted.	
<b>TOTAL INCLUDED</b>		\$ 533.50



**APPENDIX C - PROOF OF SIGNATORY  
AUTHORITY**

CERTIFICATE OF RESOLUTION

We, Amy Cole Griffin, Manager of THE M.T. COLE FAMILY COMPANY NO. 1, L.L.C, a Texas limited liability company (the "Company"), Jack Donald Cole, Manager of the Company, Jennifer Alexander, Manager of the Company, Ryan Griffin, Manager of the Company, and William Wesley Marshall, Manager of the Company, as the General Partner of THE COLE RANCH COMPANY, L.P., a Texas limited partnership (the "Partnership"), do hereby duly and legally pass and adopt the following resolution:

BE IT RESOLVED, that each and any of the following officers of the Company, for and on behalf of the Company and the Partnership, are hereby duly authorized to execute and deliver any and all instruments, including but not limited to contracts, escrow instructions, deeds, deeds of trust, sales agreements and all other instruments necessary or appropriate in connection with any and all real estate sale transactions, by and for the Company for itself and as General Partner of the Partnership:

Jennifer Alexander                      Manager

IN WITNESS WHEREOF, I have hereunto set my hand as MANAGER of said Company on this 27 day of July, 2021.

  
\_\_\_\_\_  
Amy Cole Griffin

IN WITNESS WHEREOF, I have hereunto set my hand as MANAGER of said Company on this 27 day of July, 2021.

  
\_\_\_\_\_  
Jack Donald Cole

IN WITNESS WHEREOF, I have hereunto set my hand as MANAGER of said Company on this \_\_\_\_ day of July, 2021.

  
\_\_\_\_\_  
Jennifer Alexander

IN WITNESS WHEREOF, I have hereunto set my hand as MANAGER of said Company on this \_\_\_\_ day of July, 2021.

\_\_\_\_\_  
Ryan Griffin

IN WITNESS WHEREOF, I have hereunto set my hand as MANAGER of said Company on this \_\_\_\_ day of July, 2021.

\_\_\_\_\_  
William Wesley Marshall

**CERTIFICATE OF RESOLUTION**

We, Amy Cole Griffin, Manager of THE M.T. COLE FAMILY COMPANY NO. 1, LLC, a Texas limited liability company (the "Company"), Jack Donald Cole, Manager of the Company, Jennifer Alexander, Manager of the Company, Ryan Griffin, Manager of the Company, and William Wesley Marshall, Manager of the Company, as the General Partner of THE COLE RANCH COMPANY, L.P., a Texas limited partnership (the "Partnership"), do hereby duly and legally pass and adopt the following resolution:

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Jennifer Alexander                      Manager

IN WITNESS WHEREOF, I have hereunto set my hand as MANAGER of said Company on this \_\_\_ day of July, 2021.

\_\_\_\_\_  
Amy Cole Griffin

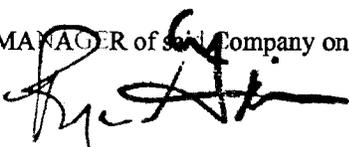
IN WITNESS WHEREOF, I have hereunto set my hand as MANAGER of said Company on this \_\_\_ day of July, 2021.

\_\_\_\_\_  
Jack Donald Cole

IN WITNESS WHEREOF, I have hereunto set my hand as MANAGER of said Company on this \_\_\_ day of July, 2021.

\_\_\_\_\_  
Jennifer Alexander

IN WITNESS WHEREOF, I have hereunto set my hand as MANAGER of said Company on this 27<sup>th</sup> day of July, 2021.

  
\_\_\_\_\_  
Ryan Griffin

IN WITNESS WHEREOF, I have hereunto set my hand as MANAGER of said Company on this \_\_\_ day of July, 2021.

\_\_\_\_\_  
William Wesley Marshall

**CERTIFICATE OF RESOLUTION**

We, Amy Cole Griffin, Manager of THE M.T. COLE FAMILY COMPANY NO. 1, LLC, a Texas limited liability company (the “**Company**”), Jack Donald Cole, Manager of the Company, Jennifer Alexander, Manager of the Company, Ryan Griffin, Manager of the Company, and William Wesley Marshall, Manager of the Company, as the General Partner of THE COLE RANCH COMPANY, L.P., a Texas limited partnership (the “**Partnership**”), do hereby duly and legally pass and adopt the following resolution:

BE IT RESOLVED, that each and any of the following officers of the Company, for and on behalf of the Company and the Partnership, are hereby duly authorized to execute and deliver any and all instruments, including but not limited to contracts, escrow instructions, deeds, deeds of trust, sales agreements and all other instruments necessary or appropriate in connection with any and all real estate sale transactions, by and for the Company for itself and as General Partner of the Partnership:

Jennifer Alexander                      Manager

IN WITNESS WHEREOF, I have hereunto set my hand as MANAGER of said Company on this \_\_\_ day of July, 2021.

\_\_\_\_\_  
Amy Cole Griffin

IN WITNESS WHEREOF, I have hereunto set my hand as MANAGER of said Company on this \_\_\_ day of July, 2021.

\_\_\_\_\_  
Jack Donald Cole

IN WITNESS WHEREOF, I have hereunto set my hand as MANAGER of said Company on this \_\_\_ day of July, 2021.

\_\_\_\_\_  
Jennifer Alexander

IN WITNESS WHEREOF, I have hereunto set my hand as MANAGER of said Company on this \_\_\_ day of July, 2021.

\_\_\_\_\_  
Ryan Griffin

IN WITNESS WHEREOF, I have hereunto set my hand as MANAGER of said Company on this 27 day of July, 2021.

  
\_\_\_\_\_  
William Wesley Marshall

**Minutes of Organizational Meeting  
Board of Directors  
Cole Ranch Improvement District No. 1 of Denton County, Texas  
June 11, 2020**

The Board of Directors ("Board") of Cole Ranch Improvement District No. 1 of Denton County, Texas (the "District"), met in special session via video conference, open to the public, on Thursday, June 11, 2020, at 1:00 p.m., for which notice was given as required by Chapter 551, Government Code, as amended, Chapter 375, Local Government Code, as amended, and Section 418.018, Texas Government Code.

The roll was called of the duly appointed members of the Board, to wit:

Byron Campbell  
Ryan Miller  
Shawn Street  
Russell Hickey  
Warren Threadgill

All members of the Board were present via video conference. Also attending the meeting by video conference were the following: Mr. Ocie Vest, PE of Southridge Park, LLC; Ms. Kathi Dye of Dye & Toverly, LLC; Ms. Amanda Beasley and Mr. David Aitken of Triton Consulting Group; and Mr. Clay E. Crawford of Crawford & Jordan LLP; and other members of the public.

1. A quorum being present, the meeting was called to order.
2. Consideration was next given to declaration of emergency under Section 551.125, Texas Government Code (Texas Open Meetings Act), for reason of epidemic. Mr. Crawford discussed with the Board the provisions of the Open Meetings Act addressing the holding of public meetings by teleconference/video conference during periods of emergency. He further reviewed the March 13, 2020, proclamation of the Governor of Texas concerning the COVID-19 pandemic, as amended. After discussion, upon motion made by Director Street, seconded by Director Campbell, and unanimously carried, the Board declared an emergency under the Open Meetings Act due to pandemic.
3. Consideration was next given to taking appropriate action on the following initial organizational matters.
  - a. Consideration was next given to qualification of Directors, including approval of Director Bonds, Statements of Appointed Officer, Oaths of Office and Qualification Affidavits. Mr. Crawford reported that pursuant to House Bill 4693, 86<sup>th</sup> Session of the Texas Legislature, Regular Session, attached hereto as Exhibit "A", the following named persons were appointed as temporary directors to serve on the Board of the District:

Byron Campbell

Ryan Miller  
Shawn Street  
Russell Hickey  
Warren Threadgill

Mr. Crawford further advised that pursuant to Section 375.067, Local Government Code, as amended, each director was required to: execute a \$10,000 bond payable to the District; make a sworn Statement prescribed by the Texas Constitution for public office; and take the Oath of Office prescribed by the Texas Constitution for public officers. He next presented a Master Director Fidelity Bond issued with respect to the District directors. Each director executed and submitted his/her sworn Statement and Oath of Office. Upon motion by Director Threadgill, seconded by Director Hickey, the Board voted unanimously to approve and accept the Master Director Fidelity Bond, and all of the Director Statements and Oaths presented and authorized their filing as required by law thereby qualifying Messrs. Campbell, Miller, Street, Hickey and Threadgill in all respects as directors for the District.

- b. Consideration was next given to organization of the Board of Directors of the District and election officers. Mr. Crawford indicated to the Board that it was appropriate and in order for the Board to organize and elect officers. Mr. Crawford reviewed the various Board offices and their respective responsibilities and duties. Upon motion made by Director Hickey, seconded by Director Miller, the Board voted unanimously to appoint Director Street to the office of President. Upon motion made by Director Hickey, seconded by Director Miller, the Board voted unanimously to appoint Director Campbell to the office of Vice President. Upon motion made by Director Miller, seconded by Director Threadgill, the Board voted unanimously to appoint Director Hickey to the office of Secretary. Upon motion made by Director Hickey, seconded by Director Miller, the Board voted unanimously to appoint Director Threadgill to the office of Asst. Secretary. Upon motion made by Director Threadgill, seconded by Director Street, the Board voted unanimously to appoint Director Miller to the office of Treasurer.
  - c. Consideration was next given to open government training requirements. Mr. Crawford discussed open government training requirements with the Board.
  - d. Consideration was next given to approval for general liability, director and officer liability insurance for the District, as well as the Master Director Fidelity Bond. Mr. Crawford reviewed the proposal with the Board, a copy of which is attached hereto as Exhibit "B". After discussion, Director Campbell moved that the Board approve such proposal as presented. Director Miller seconded said motion, which carried unanimously.
4. Consideration was next given to taking appropriate action with regard to Consulting Services to Support the Organization and Establishment of the District.

- a. Consideration was next given to engagement of Crawford & Jordan LLP as General Counsel for the District and the approval and execution of an Agreement in connection therewith. President Street recognized Mr. Crawford, who reviewed with the Board the terms and provisions of a proposed engagement letter, a copy of which is attached hereto as Exhibit "C". After discussion, upon motion made by Director Miller, seconded by Director Threadgill, and unanimously carried, the Board engaged Crawford & Jordan LLP to serve as general counsel and authorized execution of agreement.
  - b. Consideration was next given to engagement of Dye & Toverly, LLC as bookkeeper for the District and the approval and execution of an Agreement in connection therewith. President Street recognized Ms. Dye, who reviewed with the Board the terms and provisions of a bookkeeping contract with Dye & Toverly, LLC to serve the District as bookkeeper. A copy of such agreement is attached hereto as Exhibit "D". Upon motion made by Director Campbell, seconded by Director Miller, the Board voted unanimously to accept the bookkeeping contract with Dye & Toverly, LLC, and authorize the execution of same.
  - c. Consideration was next given to proposal of Triton Consulting Group for creation and management of District internet website and approval and execution of an Agreement in connection therewith. Mr. David Aitken reviewed the proposal with the Board, a copy of which is attached hereto as Exhibit "E". After discussion, Director Hickey moved that the Board approve the proposal of Triton Consulting Group for creation and management of District internet website and approve and authorize execution of Agreement. Director Campbell seconded said motion, which carried unanimously.
5. Consideration was next given to taking appropriate action with regard to Consulting Services to Support the Organization and Establishment of the District.
- a. Consideration was next given to the adoption of a seal for the District, including adoption of a Resolution in connection therewith. President Street recognized Mr. Crawford, who advised that pursuant to Section 49.061, Texas Water Code, as amended, the District directors were required to adopt a seal for the District, and presented a Resolution Adopting District Seal, a copy of which is attached hereto as Exhibit "F". After discussion, upon motion made by Director Threadgill, seconded by Director Hickey, the Board voted unanimously to adopt the Resolution Adopting District Seal and authorize execution of same.
  - b. Consideration was next given to establishing Office and Regular Meeting Places of the Board of Directors located outside the boundaries of the District, including the approval of an Order in connection therewith, and authorizing publication of a Notice of such Designation. President Street recognized Mr. Crawford, who presented and reviewed with the Board the Order Establishing Office and Regular Meeting Places of the Board of Directors, a copy of which is attached hereto as

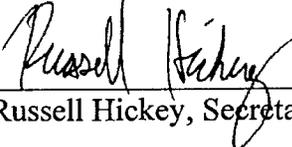
Exhibit "G". He discussed with the Board the purpose of such Order and requirements for publication of a notice in connection with same. Upon motion made by Director Campbell, seconded by Director Threadgill, the Board voted unanimously to approve the Order Establishing Office and Regular Meeting Places of the Board of Directors, authorize execution of same, and authorize publication of a Notice of such Designation.

- c. Consideration was next given to approval and execution of a Resolution Designating Posting Location for Posting Notices of Board of Director Meetings. President Street recognized Mr. Crawford, who presented and reviewed with the Board the Resolution Designating Posting Location, a copy of which is attached hereto as Exhibit "H", and advised the Board that pursuant to Section 49.063, Texas Water Code, as amended, it was necessary to designate a public place within the District for posting Notice of Meetings. After discussion on the matter, upon motion made by Director Hickey seconded by Director Miller, the Board voted unanimously to approve the Resolution Designating Posting Location and authorize execution of same.
- d. Consideration was next given to authorizing General Counsel to establish meeting agendas and post Notice of Public Meetings on behalf of the District. President Street recognized Mr. Crawford, who presented and reviewed with the Board a Resolution Authorizing Attorneys for District to Execute and Provide for Posting of Notice of Meetings of its Board of Directors, a copy of which is attached hereto as Exhibit "I". After discussion on the matter, upon motion made by Director Campbell, seconded by Director Hickey, the Board voted unanimously to adopt the Resolution Authorizing Attorneys for District to Execute and Provide for Posting of Notice of Meetings of its Board of Directors and authorize execution of same.
- e. Consideration was next given to approval and authorizing filing of District Registration Form and District Act. Mr. Crawford discussed with the Board the purpose and terms of the District Registration Form and requirements in connection therewith. He also discussed the filing of the District Act with the Texas Commission on Environmental Quality ("TCEQ"). After discussion, upon motion duly made by Director Hickey, seconded by Director Miller, and unanimously carried, the Board approved preparation and filing of the District Registration Form with the TCEQ and filing the District Act with the TCEQ.
- f. Consideration was next given to adoption of Resolution Establishing Policy Regarding Public Comments. President Street recognized Mr. Crawford, who presented and reviewed the Resolution Establishing Policy Regarding Public Comments, a copy of which is attached hereto as Exhibit "J". After discussion, upon motion duly made by Director Threadgill, seconded by Director Hickey, and unanimously carried, the Board adopted the Resolution Establishing Policy Regarding Public Comments.

- g. Consideration was next given to adoption of Resolution Establishing Fiscal Year for the District. President Street recognized Mr. Crawford, who presented and reviewed the Resolution Establishing Fiscal Year for the District, a copy of which is attached hereto as Exhibit "K". After discussion, upon motion duly made by Director Hickey, seconded by Director Miller, and unanimously carried, the Board adopted the Resolution Establishing Fiscal Year for the District.
  - h. Consideration was next given to adoption of Order Establishing Records Management Program and designating Records Management Officer. President Street recognized Mr. Crawford, who presented and reviewed the Order Establishing Records Management Program and designation of Records Management Officer as Secretary. A copy of the Order Establishing Records Management Program is attached hereto as Exhibit "L". Upon motion duly made by Director Campbell, seconded by Director Hickey, and unanimously carried, the Board adopted Order Establishing Records Management Program and designate Records Management Officer as Secretary.
  - i. Consideration was next given to authorizing preparation of ethics policy. President Street recognized Mr. Crawford, who discussed the requirement for an ethics policy. He further indicated that the ethics policy should incorporate applicable and appropriate provisions of the ethic policies adopted by the City of Denton. Upon motion made by Director Threadgill, seconded by Director Campbell, and unanimously carried, the Board authorized preparation of an ethics policy.
  - j. Consideration was next given to adoption of Order Adopting District's Investment Policy. President Street recognized Mr. Crawford, who presented and reviewed with the Board the Order Adopting District's Investment Policy, a copy of which is attached hereto as Exhibit "M". Upon motion made by Director Hickey, seconded by Director Campbell, the Board voted unanimously to adopt the Order Adopting District's Investment Policy, and authorize the execution of same.
  - k. Consideration was next given to the establishment of District Bank Account and authorizing execution of appropriate documents, including adoption of Resolution Designating Depositories and Establishing Investment Accounts for Deposit of District Funds. President Street recognized Mr. Crawford, who presented and reviewed with the Board a Resolution Designating Depositories and Establishing Investment Accounts for Deposit of District Funds, a copy of which is attached hereto as Exhibit "N". After discussion on the matter, upon motion made by Director Hickey, seconded by Director Miller, the Board voted unanimously to establish a District Bank Account at PlainsCapital Bank and adopt the Resolution Designating Depositories and Establishing Investment Accounts for Deposit of District Funds as presented, and authorize execution of such Resolution.
6. Consideration was next given to approval, execution and delivery of an Operating Agreement with the City of Denton, and adoption of Resolution authorizing such action.

Mr. Crawford reviewed such Resolution, a copy of which is attached hereto as Exhibit "O". Mr. Crawford also reviewed the terms and provisions of the Operating Agreement with the Board. After discussion, Director Hickey moved that the Board approve and authorize execution and delivery of an Operating Agreement with the City of Denton, and adopt the Resolution regarding same. Director Threadgill seconded said motion, which carried unanimously.

7. Consideration was next given to approval, execution and delivery of a Developer Reimbursement Agreement with SLF II Cole Property, L.P., and adoption of Resolution authorizing such action. Mr. Crawford presented and reviewed such Resolution, a copy of which is attached hereto as Exhibit "P". Mr. Crawford also reviewed the terms and provisions of the Developer Reimbursement Agreement with the Board. After discussion, Director Hickey moved that the Board approve and authorize execution and delivery of a Developer Reimbursement Agreement with SLF II Cole Property, L.P., and adopt the Resolution regarding same. Director Campbell seconded said motion, which carried unanimously.
8. Consideration was next given to the Developer's Report, and any related action. President Street recognized Mr. Vest, who thanked the directors for their service to the District. He reported that the Cole Ranch development project has received most of the entitlements needed from the City of Denton; and that civil engineers are being interviewed for the project. Mr. Vest noted that the next meeting is anticipated for January 2021.
9. The Board next deferred consideration of Executive Session pursuant to Sections 551.071, 551.072, and 551.074, Texas Government Code, as amended.
10. Consideration was next given to any other matters that may come before the Board. After noting that there was no further business to come before the Board, upon motion duly made by Director Hickey, seconded by Director Threadgill, and unanimously carried, the meeting was adjourned.

  
\_\_\_\_\_  
Russell Hickey, Secretary

COLE RANCH IMPROVEMENT DISTRICT NO. 1 OF DENTON COUNTY, TEXAS

ORDER APPROVING AND AUTHORIZING FILING OF A SURFACE WATER RIGHTS PERMIT APPLICATION WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

WHEREAS, Cole Ranch Improvement District No. 1 of Denton County, Texas (the "District"), is a political subdivision of the State of Texas created under Article XVI, Section 59, Texas Constitution, by an act of the Texas Legislature codified at Chapter 3981, Texas Special District Local Laws Code (the "District Act"), and operates under the provisions of the District Act and, among other general laws, Chapter 375, Texas Local Government Code, as amended, and Chapter 49, Texas Water Code; and

WHEREAS, there are certain lakes existing within the boundaries of the District, known as "Lakes 12 and 13"; and

WHEREAS, the District is a joint owner of certain dams, spillways, and overflow pipes and valves at Lakes 12 and 13 known as "Floodwater Retarding Structure Nos. 12 and 13" (the "Structures"); and

WHEREAS, the Structures and Lakes 12 and 13 will constitute a portion of the drainage and flood control system serving the area within the District; and

WHEREAS, the Lakes 12 and 13 and surrounding areas are proposed as integral components of future parks, trails, and open space within the District; and

WHEREAS, the District desires to file an Application with the Texas Commission on Environmental Quality (the "TCEQ") for a surface water rights permit, including for storage, diversion, and use of water out of Lakes 12 and 13 in the form attached to this Order (the "Application").

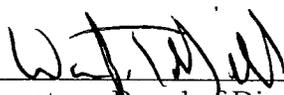
NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF COLE RANCH IMPROVEMENT DISTRICT NO. 1 OF DENTON COUNTY, TEXAS:

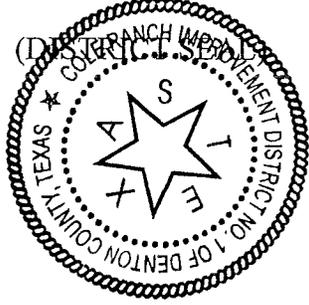
1. That the recitals contained herein above are found to be true and correct.
2. The Board of Directors (the "Board of Directors") of the District hereby approves and authorizes the President or Vice President to execute the Application.
3. Substantial copy of the Application is attached hereto as Exhibit "A" and incorporated herein for all purposes. Minor adjustments to the attached Application are authorized, such as filling in blanks and minor clarifications or corrections, and any modifications made by Board of Directors in the approval of this Order.
4. The President or Vice President is further authorized to carry out all duties and obligations to be performed by the Board of Directors under the Application, unless otherwise reserved in the Application for approval by the Board of Directors.

5. That this Order shall be effective immediately upon its adoption.

PASSED AND APPROVED this 9<sup>th</sup> day of February, 2022.

  
\_\_\_\_\_  
President, Board of Directors

  
\_\_\_\_\_  
Ast. Secretary, Board of Directors



CERTIFICATE FOR  
ORDER APPROVING AND AUTHORIZING FILING OF A SURFACE WATER RIGHTS  
PERMIT APPLICATION WITH THE TEXAS COMMISSION ON ENVIRONMENTAL  
QUALITY

I, the undersigned Assistant Secretary of the Board of Directors (the "Board") of Cole Ranch Improvement District No. 1 of Denton County, Texas (the "District"), hereby certify as follows:

1. The Board, composed as follows:

Shawn Street	President
Byron Campbell	Vice President
Russell Hickey	Secretary
Ryan Miller	Treasurer
Warren Threadgill	Assistant Secretary
Michael Bradshaw	Director

met in special session, open to the public, at the City of Denton Development Services Center, 401 N. Elm Street, Training Room 4 and 5, Denton, Tx 76201, and all of the members of the Board were present, with the exception of Directors Miller and Hickey, thus constituting a quorum. Whereupon, among other business, the following was transacted at such meeting: A written

ORDER APPROVING AND AUTHORIZING FILING OF A SURFACE WATER RIGHTS  
PERMIT APPLICATION WITH THE TEXAS COMMISSION ON ENVIRONMENTAL  
QUALITY

was duly introduced for the consideration of the Board. It was then duly moved and seconded that such Order be adopted, and, after due discussion, such motion, carrying with it the adoption of such Order, prevailed and carried by the following vote:

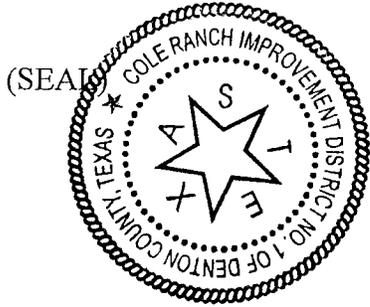
AYES: 4

NOES: 0

2. A true, full and correct copy of the aforesaid Order adopted at the meeting described in the above and foregoing paragraph is attached to said minutes and to this certificate; such Order has been duly recorded in the Board's minutes of such meeting; the above and foregoing paragraph is a true, full and correct copy excerpt from the Board's minutes of such meeting pertaining to the adoption of such Order; the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of such meeting, and that such Order would be introduced and considered for adoption at such meeting; and such meeting was open to the public, and public notice of the time, place and purpose of such meeting was given, all as required by Chapter 551, Texas Government Code, as amended, and Section 49.063, Texas Water Code, as amended.

SIGNED AND SEALED this 9<sup>th</sup> day of February, 2022.

  
Assistant Secretary, Board of Directors



CERTIFICATE FOR

RESOLUTION OF COLE RANCH IMPROVEMENT DISTRICT NO. 1 OF DENTON COUNTY, TEXAS AUTHORIZING THE EXECUTION OF (1) PARTIAL ASSIGNMENT AND PARTIAL RELEASE OF ACCESS EASEMENTS AND AGREEMENTS RELATING TO FLOOD CONTROL, DRAINAGE AND IMPROVEMENTS; (2) SECOND SUPPLEMENTAL WATERSHED AGREEMENT FOR HICKORY CREEK (TRINITY RIVER) WATERSHED PROJECT, TEXAS STRUCTURES AND RESERVOIRS NO. 12 AND 13; AND (3) SECOND AMENDED OPERATION AND MAINTENANCE AGREEMENT FOR STRUCTURAL MEASURES STRUCTURES AND RESERVOIRS NOS. 12 AND 13 RELATIVE TO FUNDING, JOINT OWNERSHIP, IMPROVEMENT, MAINTENANCE, AND REPAIR OF CERTAIN FLOODWATER RETARDING STRUCTURES SERVING PROPERTY LOCATED WITHIN THE DISTRICT AND OTHER RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE

I, the undersigned Secretary of the Board of Directors (the "Board") of Cole Ranch Improvement District No. 1 of Denton County, Texas (the "District"), hereby certify as follows:

1. The Board, composed as follows:

Shawn Street	President
Byron Campbell	Vice President
Russell Hickey	Secretary
Ryan Miller	Treasurer
Warren Threadgill	Assistant Secretary
Michael Bradshaw	Director

met in special session, open to the public, at the City of Denton Development Services Center, 401 N. Elm Street, Training Room 4 and 5, Denton, Tx 76201, and all of the members of the Board were present, with the exception of Directors Miller and Bradshaw, thus constituting a quorum. Whereupon, among other business, the following was transacted at such meeting: A written

RESOLUTION OF COLE RANCH IMPROVEMENT DISTRICT NO. 1 OF DENTON COUNTY, TEXAS AUTHORIZING THE EXECUTION OF (1) PARTIAL ASSIGNMENT AND PARTIAL RELEASE OF ACCESS EASEMENTS AND AGREEMENTS RELATING TO FLOOD CONTROL, DRAINAGE AND IMPROVEMENTS; (2) SECOND SUPPLEMENTAL WATERSHED AGREEMENT FOR HICKORY CREEK (TRINITY RIVER) WATERSHED PROJECT, TEXAS STRUCTURES AND RESERVOIRS NO. 12 AND 13; AND (3) SECOND AMENDED OPERATION AND MAINTENANCE AGREEMENT FOR STRUCTURAL MEASURES STRUCTURES AND RESERVOIRS NOS. 12 AND 13 RELATIVE TO FUNDING, JOINT OWNERSHIP, IMPROVEMENT, MAINTENANCE, AND REPAIR OF CERTAIN FLOODWATER RETARDING STRUCTURES SERVING PROPERTY LOCATED WITHIN THE DISTRICT AND OTHER RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE

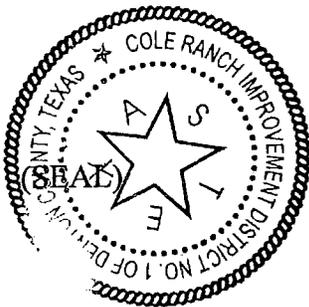
was duly introduced for the consideration of the Board. It was then duly moved and seconded that such Resolution be adopted, and, after due discussion, such motion, carrying with it the adoption of such Resolution, prevailed and carried by the following vote:

AYES: 4

NOES: 0

2. A true, full and correct copy of the aforesaid Resolution adopted at the meeting described in the above and foregoing paragraph is attached to said minutes and to this certificate; such Resolution has been duly recorded in the Board's minutes of such meeting; the above and foregoing paragraph is a true, full and correct copy excerpt from the Board's minutes of such meeting pertaining to the adoption of such Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of such meeting, and that such Resolution would be introduced and considered for adoption at such meeting; and such meeting was open to the public, and public notice of the time, place and purpose of such meeting was given, all as required by Chapter 551, Texas Government Code, as amended, and Section 49.063, Texas Water Code, as amended.

SIGNED AND SEALED this 11<sup>th</sup> day of November, 2021.



Russell Hahn  
Secretary, Board of Directors

RESOLUTION OF COLE RANCH IMPROVEMENT DISTRICT NO. 1 OF DENTON COUNTY, TEXAS AUTHORIZING THE EXECUTION OF (1) PARTIAL ASSIGNMENT AND PARTIAL RELEASE OF ACCESS EASEMENTS AND AGREEMENTS RELATING TO FLOOD CONTROL, DRAINAGE AND IMPROVEMENTS; (2) SECOND SUPPLEMENTAL WATERSHED AGREEMENT FOR HICKORY CREEK (TRINITY RIVER) WATERSHED PROJECT, TEXAS STRUCTURES AND RESERVOIRS NO. 12 AND 13; AND (3) SECOND AMENDED OPERATION AND MAINTENANCE AGREEMENT FOR STRUCTURAL MEASURES STRUCTURES AND RESERVOIRS NOS. 12 AND 13 RELATIVE TO FUNDING, JOINT OWNERSHIP, IMPROVEMENT, MAINTENANCE, AND REPAIR OF CERTAIN FLOODWATER RETARDING STRUCTURES SERVING PROPERTY LOCATED WITHIN THE DISTRICT AND OTHER RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Section 59, Article XVI, Texas Constitution, Cole Ranch Improvement District No. 1 of Denton County, Texas (the "District") has been created during the 86<sup>th</sup> Regular Session of the Texas Legislature through the passage of H.B. 4693 and codified under Chapter 3981, Special District Local Laws Code (the "District Act"), to include land within the corporate limits of the City of Denton, Texas (the "City"), as a special district for the benefit of the public and for public purposes, including the acquisition, construction, improvement, financing, operation, and maintenance of water, wastewater, drainage, road, landscaping, park and recreational facilities; and

WHEREAS, District has entered into agreements with the City and Cole Ranch Company, L.P., owner of land within District (the "Owner"), to construct, from time to time, and maintain improvements (the "Improvements") to Floodwater Retarding Structures Nos. 12 and 13 (collectively, the "Structures") necessary for development of the land within its boundaries in accordance with certain zoning and land use requirements established by the City. The terms "Structure" and "Floodwater Retarding Structure" shall include the dam, its associated impoundment, reservoir, outfall and filling basin; and

WHEREAS, District has entered into agreements with the City and Owner regarding financing of the construction and maintenance of the Improvements; and

WHEREAS, District desires to enter into a Second Supplemental Watershed Agreement for Hickory Creek (Trinity River) Watershed Project, Texas Structures and Reservoirs No. 12 and 13 ("Second Supplemental Watershed Agreement"), among Denton County Soil and Water Conservation District No. 547 ("DCSWCD"), Denton County (the "County"), City, District, and Natural Resources Conservation Service, United States Department of Agriculture ("NRCS"), pursuant to which the parties thereto have agreed to include the District as a "sponsor" of the Hickory Creek Watershed (Trinity River) Project as to Floodwater Retarding Structures Nos. 12 and 13 and associated reservoirs, with all rights, powers, and duties over those structures and reservoirs;

WHEREAS, District desires to enter into a "Second Amended Operation and Maintenance Agreement for Structural Measures Structures and Reservoirs Nos. 12 and 13 ("Second Amended

Operation and Maintenance Agreement”), among DCSWCD, County, City, NRCS, and the District, whereby the District is granted all rights, powers, and duties over the Improvements granted to the sponsor group; and primary operation and maintenance responsibilities for the Improvements, and all financial responsibility for such operation and maintenance responsibilities; and

WHEREAS, District desires to enter into a “Partial Assignment and Partial Release of Access Easements and Agreements Relating to Flood Control, Drainage and Improvements (“Partial Assignment and Partial Release”) among DCSWCD, County, and District, whereby DCSWCD and County propose to convey to District joint, undivided title, and interest into an Easement in Floodwater Retarding Structures Nos. 12 and 13, together with all personal property, fixtures, and or improvements situated on such easement for purposes of operating such structures, and certain access easements; and District proposes to assume primary responsibility for the improvement and maintenance of such Structures and funding such activities; and

WHEREAS, pursuant to the District Act, the District may contract with a governmental or private entity to carry out the acquisition, construction, financing, and maintenance of the improvement projects such as the Improvements.

THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF COLE RANCH IMPROVEMENT DISTRICT NO. 1 OF DENTON COUNTY, TEXAS AS FOLLOWS:

SECTION 1. The Board of Directors of the District hereby incorporates the recitals set forth in the preamble hereto as if set forth in full at this place and further finds and determines that the recitals are true and correct.

SECTION 2. The President or Vice President of the District Board of Directors is hereby authorized to execute the Second Supplemental Watershed Agreement, Second Amended Operation and Maintenance Agreement, and Partial Assignment and Partial Release (collectively, the “Agreements”), attached hereto as Exhibits “A”, “B”, and “C”, respectively, relative to funding, construction, joint ownership, maintenance, and repair of the Improvements to the Structures serving property located within the District and other related matters.

SECTION 3. A substantial copy of each of the Agreements is attached hereto as Exhibits “A”, “B”, and “C”, respectively, and incorporated herein for all purposes. Minor adjustments to the attached Agreements are authorized, such as filling in blanks and minor clarifications or corrections, and any modifications made by District Board of Directors in the approval of this Resolution.

SECTION 4. The President or Vice President and Secretary or Assistant Secretary of the Board of Directors of the District, and all other officers, employees and agents of the District, and each of them, shall be and they are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the District all instruments as may be necessary or desirable in order to carry out the terms and provisions of this Resolution and the Agreements.

SECTION 5. If any word, phrase, clause, sentence, paragraph, section, or other part of this Resolution, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Resolution and the application of such word, phrase, clause, sentence, paragraph, section, or other part of this Resolution to any other persons or circumstances shall not be affected thereby.

SECTION 6. This Resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the 11<sup>th</sup> day of November, 2021.

ATTEST:

/s/ Shawn Street  
Shawn Street, President

/s/ Russell Hickey  
Russell Hickey, Secretary

**DENTON COUNTY SOIL AND WATER  
CONSERVATION DISTRICT NO. 547**

525 South Loop 288, Suite C-1  
Denton, Texas 76205-4515

Under review by DCSWCD  
currently. Signed copy will be  
provided once available.

February \_\_\_, 2022

Mr. Shawn Street, President  
Cole Ranch Improvement District No. 1 of Denton County, Texas  
3100 McKinnon, Suite 1100  
Dallas, Texas 75201

RE: Consent of Denton County SWCD No. 547 for Water Rights Permit Application

Dear Mr. Street:

Thank you for providing a copy of the Water Rights Permit Application related to Cole Ranch Lakes 12 and 13, in Denton County (the "Permit Application"). Pursuant to that certain Partial Assignment and Partial Release of Access Easements and Agreements Relating to Flood Control, Drainage and Improvements, executed by the parties effective as of November 10, 2021 (the "Assigned Easement"), the Cole Ranch Improvement District No. 1 of Denton County, Texas (the "Cole Ranch District") was granted joint, undivided title and interest in the easement and reservoirs for Flood Water Retarding Structures Nos. 12 and 13. Further, the parties contemplated that the Cole Ranch District would make application for a water rights permit for storage, diversion and use of surface water related to the Structures.

The Denton County SWCD No. 547 has now reviewed the Permit Application and hereby officially consents and approves the use of the subject reservoirs and structures as set forth in the Permit Application. This consent and acknowledgement is provided, as contemplated by 30 Texas Administrative Code § 295.12, and we understand will be filed with the Texas Commission on Environmental Quality as part of the application.

Thank you for your cooperation in this matter, if you have any questions please let me know.

Sincerely,

Lewayne Peterson, Chairman  
Denton County SWCD No. 547

cc: Leonard H. Dougal  
Jackson Walker L.L.P.

**ACKNOWLEDGEMENT**

STATE OF TEXAS                   §

§

COUNTY OF DENTON               §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2022  
by Lewayne Peterson, Chairman, Denton County Soil and Water Conservation District No. 547.

\_\_\_\_\_  
Notary Public in and for the State of Texas

## **APPENDIX D – PROPERTY DEEDS**

Denton County  
Juli Luke  
County Clerk

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Instrument Number: 131145

ERecordings-RP

AFFIDAVIT

Recorded On: August 26, 2020 02:10 PM

Number of Pages: 22

---

" Examined and Charged as Follows: "

Total Recording: \$110.00

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\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

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.

**File Information:**

Document Number: 131145  
Receipt Number: 20200826000582  
Recorded Date/Time: August 26, 2020 02:10 PM  
User: Kraig T  
Station: Station 25

**Record and Return To:**

Simplifile

---

STATE OF TEXAS  
COUNTY OF DENTON

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

Juli Luke  
County Clerk  
Denton County, TX



AFFIDAVIT OF FACT AS TO NAME CHANGE

THE STATE OF TEXAS           §  
  §  
COUNTY OF DENTON       §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Jennifer Alexander, manager of The M.T. Cole Family Company No. 1, LLC, a Texas limited liability company, as general partner of The Cole Ranch Company, L.P., a Texas limited partnership, on behalf of said entities, who is well known to me, and who, after being by me duly sworn, deposes and says that she has personal knowledge of and is familiar with certain property located in Denton County, Texas, as more particularly described on Exhibit "A" attached hereto and incorporated herein by reference (the "Property").

AFFIANT further states:

**THIS AFFIDAVIT IS BEING MADE TO SHOW THE CHAIN OF TITLE RELATING TO THE PROPERTY AND TO PLACE OF PUBLIC RECORD NOTICE OF THE NAME CHANGE OF SLF II COLE PROPERTY, L.P., A TEXAS LIMITED PARTNERSHIP TO THE COLE RANCH COMPANY, L.P., A TEXAS LIMITED PARTNERSHIP AS FURTHER REFLECTED IN THE CERTIFICATE OF AMENDMENT ATTACHED HERETO AS EXHIBIT "B" AND INCORPORATED HEREIN BY REFERENCE.**

**SIGNATURE PAGE FOLLOWS**

*Jennifer Alexander*

Jennifer Alexander, manager of The M.T. Cole Family Company No. 1, LLC, a Texas limited liability company, as general partner of The Cole Ranch Company, L.P., a Texas limited partnership

SUBSCRIBED AND SWORN TO BEFORE ME, this 26 day of August, 2020.

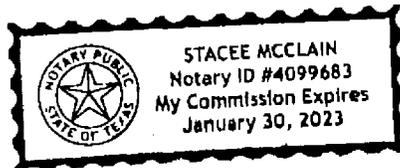
\_\_\_\_\_  
Notary Public in and for the State of Texas

ACKNOWLEDGMENT

STATE OF TEXAS                    §  
  §  
COUNTY OF Denton           §

This instrument was acknowledged before me on the 26 day of August, 2020, by Jennifer Alexander, manager of The M.T. Cole Family Company No. 1, LLC, a Texas limited liability company, as general partner of Cole Ranch Company, L.P., a Texas limited partnership, on behalf of said entities.

*Stacey McClain*  
\_\_\_\_\_  
Notary Public, State of Texas



**EXHIBIT "A"**

**Legal Description**

**TRACT 1**

**1,742.626**

BEING A 1,742.626 ACRE TRACT OF LAND SITUATED IN THE JA BURN SURVEY, ABSTRACT NO. 132, THE B.B.B. & C.R.R. SURVEY, ABSTRACT NO. 176, THE I.N. HEMBRIE SURVEY, ABSTRACT NO. 594, THE C. MANCHACA SURVEY, ABSTRACT NO. 789, THE A.C. MADDEN SURVEY, ABSTRACT NO. 851, THE J. McDONALD SURVEY, ABSTRACT NO. 873, THE T&P SURVEY, ABSTRACT NO. 1292, THE C.W. BYERLY SURVEY, ABSTRACT NO. 1458, THE J.W. KJEIBERG SURVEY, ABSTRACT NO. 1610, AND THE T.C. CARRUTH SURVEY, ABSTRACT NO. 1707, CITY OF DENTON, DENTON COUNTY, TEXAS, AND BEING ALL OF THE REMAINDER OF A 2,049.00 ACRE TRACT OF LAND CONVEYED AS TRACT 1: NORTH TRACT, (TRACT 1), TO SLF II COLE PROPERTY, L.P., AS RECORDED IN COUNTY CLERK'S FILE NO., (C.C.#) 2005-12276, (80% INTEREST), 2005-12277, (19.9% INTEREST), AND IN 2005-12278, (0.1% INTEREST), OFFICIAL PUBLIC RECORDS, DENTON COUNTY, TEXAS, (O.P.R.D.C.T.). SAID 1,742.626 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 DATUM (NAD83 2011, EPOCH DATE 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND DENTON CORS ARP (PID-DF8986), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR A SOUTHWEST CORNER OF SAID TRACT 1. SAID POINT BEING THE NORTHWEST CORNER OF FARM-TO-MARKET (F.M.) ROAD, NO. 2449, (A VARIABLE WIDTH RIGHT-OF-WAY), CONVEYED AS A 20.281 ACRE TRACT TO THE STATE OF TEXAS AND THE COUNTY OF DENTON, AS RECORDED IN VOLUME 489, PAGE 551, O.P.R.D.C.T. AND BEING AT THE NORTHWEST END OF A CORNER CLIP AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF SAID F.M. 2449 AND THE EAST RIGHT-OF-WAY LINE OF C. WOLFE ROAD, (A PRESCRIPTIVE RIGHT-OF-WAY), FROM WHICH A WOODEN HIGHWAY MONUMENT FOUND ON THE NORTH RIGHT-OF-WAY LINE OF SAID F.M. 2449 AND THE COMMON SOUTH LINE OF A 34.5165 ACRE TRACT OF LAND CONVEYED TO WENDELL W. JUDD AND WIFE DOROTHY J. JUDD, AS RECORDED IN VOLUME 1300, PAGE 963, OFFICIAL PUBLIC RECORDS, DENTON COUNTY, TEXAS BEARS, NORTH 46 DEGREES 26 MINUTES 57 SECONDS WEST, A DISTANCE OF 65.96 FEET;

THENCE, ALONG THE WEST LINE OF SAID TRACT 1, THE FOLLOWING COURSES AND DISTANCES:

NORTH 00 DEGREES 11 MINUTES 32 SECONDS WEST, ALONG THE SAID EAST RIGHT-OF-WAY LINE AND THE EAST LINE OF SAID 34.5165 ACRE TRACT, A

DISTANCE OF 1353.59 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR AN INTERIOR ELL CORNER OF SAID TRACT 1 AND THE COMMON NORTHEAST CORNER OF SAID 34.5165 ACRE TRACT;

SOUTH 89 DEGREES 45 MINUTES 19 SECONDS WEST, ALONG THE NORTH LINE OF SAID 34.5165 ACRE TRACT, OVER AND ACROSS SAID C. WOLFE ROAD, A DISTANCE OF 17.14 FEET TO A PK NAIL SET FOR AN EXTERIOR ELL CORNER OF SAID TRACT 1 AND THE COMMON SOUTHEAST CORNER OF A 12.228 ACRE TRACT OF LAND CONVEYED AS SECOND TRACT TO M.C. YARBROUGH, JR. AND WIFE GRACE YARBROUGH, AS RECORDED IN VOLUME 430, PAGE 602, O.P.R.D.C.T. SAID POINT BEING IN THE APPROXIMATE CENTERLINE OF SAID C. WOLFE ROAD;

THENCE, NORTH 00 DEGREES 10 MINUTES 05 SECONDS WEST, CONTINUING ALONG SAID WEST LINE, ALONG SAID APPROXIMATE CENTERLINE, AND ALONG THE EAST LINE OF SAID 12.228 ACRE TRACT AND THE EAST LINE OF A 161.81 ACRE TRACT OF LAND CONVEYED AS FIRST TRACT TO M.C. YARBROUGH, JR. AND WIFE GRACE YARBROUGH, AS RECORDED IN VOLUME 430, PAGE 602, O.P.R.D.C.T. PASSING AT A DISTANCE OF 3623.00 FEET A PK NAIL FOUND FOR THE NORTHEAST CORNER OF SAID 161.81 ACRE TRACT AND THE COMMON SOUTHEAST CORNER OF A 41.00 ACRE TRACT OF LAND CONVEYED TO MARK HICKS INVESTMENTS, LLC, AS RECORDED IN C.C.# 2020-74525, O.P.R.D.C.T., AND CONTINUING ALONG THE EAST LINE OF SAID 41.00 ACRE TRACT, THE EAST LINE OF A 34.00 ACRE TRACT OF LAND CONVEYED TO JOHN E. LATHAM, CECIL MARTIN LATHAM, AND ROY LEON LATHAM, AS RECORDED IN C.C.# 1996-88759, O.P.R.D.C.T., AND THE EAST LINE OF A 45.23 ACRE TRACT OF LAND CONVEYED TO GEORGIA BAKER, AS RECORDED IN VOLUME 2953, PAGE 224, O.P.R.D.C.T., IN ALL A TOTAL DISTANCE OF 6972.21 FEET TO A PK NAIL SET FOR THE NORTHWEST CORNER OF SAID TRACT 1 AND THE COMMON NORTHEAST CORNER OF SAID 45.23 ACRE TRACT. SAID POINT BEING ON THE SOUTH LINE OF AN 8.16 ACRE TRACT OF LAND CONVEYED AS TRACT ONE TO THOMAS KENT HALL, AS RECORDED IN C.C.# 2012-63260, O.P.R.D.C.T. AND BEING IN THE APPROXIMATE CENTERLINE OF TOM COLE ROAD, (PRESCRIPTIVE RIGHT-OF-WAY), FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "RPLS 2010" FOUND BEARS SOUTH 20 DEGREES 17 MINUTES 37 SECONDS EAST, A DISTANCE OF 60.19 FEET AND A 1/2" IRON ROD WITH CAP STAMPED "RPLS 2010" FOUND BEARS SOUTH 59 DEGREES 36 MINUTES 42 SECONDS EAST, A DISTANCE OF 63.18 FEET;

THENCE, ALONG THE NORTH LINE OF SAID TRACT 1, WITH SAID APPROXIMATE CENTERLINE, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 89 DEGREES 37 MINUTES 59 SECONDS EAST, ALONG THE SOUTH LINE OF SAID 8.16 ACRE TRACT, THE SOUTH LINE OF A 5.00 ACRE TRACT OF LAND CONVEYED TO THOMAS KENT HALL AND PENNY YVONNE HALL, AS RECORDED IN C.C.# 2001-22170, O.P.R.D.C.T., THE SOUTH LINE OF A 5.000

ACRE TRACT OF LAND CONVEYED TO JACK B. HALL, III, AND WIFE CYNTHIA A. HALL, AS RECORDED IN VOLUME 822, PAGE 728, O.P.R.D.C.T., THE SOUTH LINE OF A 10.14 ACRE TRACT OF LAND CONVEYED AS TRACT 1, TO JACK B. HALL. AS RECORDED IN C.C.# 2012-63259, O.P.R.D.C.T., THE SOUTH LINE OF AN 18.25 ACRE TRACT OF LAND CONVEYED AS TRACT TWO, TO JACK B. HALL, AS RECORDED IN C.C.# 2012-63255, O.P.R.D.C.T., THE SOUTH LINE OF A 10.00 ACRE TRACT OF LAND CONVEYED TO JACK B. HALL AND CYNTHIA ANN HALL, AS RECORDED IN C.C.# 2012-141975, O.P.R.D.C.T., THE SOUTH LINE OF A 10.00 ACRE TRACT OF LAND CONVEYED AS TRACT ONE TO SUE HALL ALLEN, AS RECORDED IN C.C.# 2012-63255, O.P.R.D.C.T., THE SOUTH LINE OF AN 8.20 ACRE TRACT OF LAND CONVEYED AS TRACT ONE TO JAN HALL, AS RECORDED IN C.C.# 2012-63256, O.P.R.D.C.T., THE SOUTH LINE OF A 13.41 ACRE TRACT OF LAND CONVEYED TO JACK BUCHANAN HALL AND CYNTHIA ANN HALL, AS RECORDED IN C.C.# 2014-96407, O.P.R.D.C.T., THE SOUTH LINE OF A 42.41 ACRE TRACT OF LAND CONVEYED TO THE UNIVERSITY OF NORTH TEXAS, AS RECORDED IN C.C.# 1996-9770, O.P.R.D.C.T., AND THE SOUTH LINE OF A 14.042 ACRE TRACT OF LAND CONVEYED TO TOM COLE EDAN MANAGEMENT GROUP, LLC, - TRUSTEE, AS RECORDED IN C.C.# 2018-3174, O.P.R.D.C.T., A DISTANCE OF 4685.36 FEET TO AN "X" CUT FOUND FOR CORNER;

NORTH 89 DEGREES 00 MINUTES 58 SECONDS EAST, CONTINUING ALONG THE SOUTH LINE OF SAID 14.042 ACRE TRACT, THE SOUTH LINE OF A 1.000 ACRE TRACT OF LAND CONVEYED TO THE UNIVERSITY OF NORTH TEXAS SYSTEM, AS RECORDED IN C.C.# 2006-155067, O.P.R.D.C.T., THE SOUTH LINE OF THE REMAINDER OF AN 11.855 ACRE TRACT OF LAND CONVEYED TO RICHARD RAFES, AS RECORDED IN VOLUME 4103, PAGE 351, O.P.R.D.C.T., AND THE SOUTH LINE OF A 5.433 ACRE TRACT OF LAND CONVEYED TO HENRY L. EVANS, JR., AS RECORDED IN C.C.# 1999-75409, O.P.R.D.C.T., A DISTANCE OF 2521.29 FEET TO A 5/8" IRON ROD FOUND FOR THE NORTHERN MOST NORTHEAST CORNER OF SAID TRACT 1 AND THE COMMON SOUTHEAST CORNER OF SAID 5.433 ACRE TRACT. SAID POINT BEING ON THE WEST LINE OF THE REMAINDER OF A 331.94 ACRE TRACT OF LAND CONVEYED TO THE CITY OF DENTON, AS RECORDED IN C.C.# 2002-20706, O.P.R.D.C.T.;

THENCE, ALONG THE COMMON LINES OF SAID TRACT 1 AND SAID REMAINDER 331.94 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 00 DEGREES 18 MINUTES 35 SECONDS EAST, A DISTANCE OF 1865.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR AN INTERIOR ELL CORNER OF SAID TRACT 1 AND THE COMMON SOUTHWEST CORNER OF SAID REMAINDER 331.94 ACRE TRACT;

SOUTH 89 DEGREES 34 MINUTES 15 SECONDS EAST, A DISTANCE OF 1079.18 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR AN EXTERIOR ELL CORNER OF SAID TRACT 1 AND THE COMMON NORTHWEST CORNER OF A 29.444 ACRE TRACT OF LAND CONVEYED TO THE CITY OF DENTON, TEXAS, AS RECORDED IN C.C.# 2016-163835, O.P.R.D.C.T.;

THENCE, ALONG THE COMMON LINES OF SAID TRACT 1 AND SAID 29.444 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 00 DEGREES 08 MINUTES 18 SECONDS WEST, A DISTANCE OF 69.75 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

SOUTH 08 DEGREES 52 MINUTES 17 SECONDS WEST, A DISTANCE OF 1719.02 FEET TO A 1/2" IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID TRACT 1 AND THE COMMON SOUTHWEST CORNER OF SAID 29.444 ACRE TRACT;

SOUTH 89 DEGREES 39 MINUTES 34 SECONDS EAST, A DISTANCE OF 917.75 FEET TO A 1/2" IRON ROD FOUND FOR AN EXTERIOR ELL CORNER OF SAID TRACT 1 AND THE COMMON SOUTHEAST CORNER OF SAID 29.444 ACRE TRACT. SAID POINT BEING ON THE WEST LINE OF A 31.107 ACRE TRACT OF LAND CONVEYED TO THE CITY OF DENTON, AS RECORDED IN C.C.# 1994-71013, O.P.R.D.C.T.;

THENCE, ALONG THE COMMON LINES OF SAID TRACT 1 AND SAID 31.107 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 08 DEGREES 36 MINUTES 35 SECONDS WEST, A DISTANCE OF 890.28 FEET TO A 1/2" IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID TRACT 1 AND THE COMMON SOUTHWEST CORNER OF SAID 31.107 ACRE TRACT;

SOUTH 89 DEGREES 35 MINUTES 01 SECOND EAST, A DISTANCE OF 771.13 FEET TO A POINT FOR AN EXTERIOR ELL CORNER OF SAID TRACT 1 AND THE COMMON WEST CORNER OF A 184.812 ACRE TRACT OF LAND CONVEYED TO ALDI (TEXAS) L.L.C., AS RECORDED IN C.C.# 2008-50360, O.P.R.D.C.T.. SAID POINT BEING ON THE SOUTH LINE OF SAID 31.107 ACRE TRACT AND IN THE APPROXIMATE CENTERLINE OF A CREEK;

THENCE, ALONG THE COMMON LINES OF SAID TRACT 1 AND SAID 184.812 ACRE TRACT, WITH SAID CREEK, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 36 DEGREES 33 MINUTES 38 SECONDS EAST, A DISTANCE OF 472.90

FEEET TO A POINT FOR CORNER;

SOUTH 65 DEGREES 06 MINUTES 43 SECONDS EAST, A DISTANCE OF 100.00 FEET TO A POINT FOR CORNER;

SOUTH 85 DEGREES 49 MINUTES 36 SECONDS EAST, A DISTANCE OF 100.00 FEET TO A POINT FOR CORNER;

NORTH 65 DEGREES 44 MINUTES 47 SECONDS EAST, A DISTANCE OF 290.00 FEET TO A POINT FOR CORNER;

SOUTH 56 DEGREES 52 MINUTES 40 SECONDS EAST, A DISTANCE OF 130.00 FEET TO A POINT FOR CORNER;

SOUTH 22 DEGREES 59 MINUTES 43 SECONDS EAST, A DISTANCE OF 150.00 FEET TO A POINT FOR CORNER;

SOUTH 51 DEGREES 30 MINUTES 29 SECONDS EAST, A DISTANCE OF 400.00 FEET TO A POINT FOR CORNER;

SOUTH 71 DEGREES 13 MINUTES 17 SECONDS EAST, A DISTANCE OF 135.00 FEET TO A POINT FOR CORNER;

SOUTH 50 DEGREES 31 MINUTES 14 SECONDS EAST, A DISTANCE OF 250.00 FEET TO A POINT FOR CORNER;

SOUTH 25 DEGREES 12 MINUTES 45 SECONDS EAST, A DISTANCE OF 300.00 FEET TO A POINT FOR CORNER;

SOUTH 70 DEGREES 50 MINUTES 29 SECONDS EAST, A DISTANCE OF 200.00 FEET TO A POINT FOR CORNER;

SOUTH 44 DEGREES 53 MINUTES 55 SECONDS EAST, A DISTANCE OF 250.00 FEET TO A POINT FOR CORNER;

SOUTH 77 DEGREES 10 MINUTES 41 SECONDS EAST, A DISTANCE OF 225.00 FEET TO A POINT FOR CORNER;

SOUTH 59 DEGREES 01 MINUTE 20 SECONDS EAST, A DISTANCE OF 125.00 FEET TO A POINT FOR CORNER;

SOUTH 85 DEGREES 04 MINUTES 17 SECONDS EAST, A DISTANCE OF 125.00 FEET TO A POINT FOR CORNER;

SOUTH 73 DEGREES 39 MINUTES 06 SECONDS EAST, A DISTANCE OF 375.00

FEET TO A POINT FOR CORNER;

NORTH 87 DEGREES 31 MINUTES 07 SECONDS EAST, A DISTANCE OF 225.85 FEET TO A POINT FOR AN EXTERIOR ELL CORNER OF SAID TRACT 1 AND THE COMMON NORTHWEST CORNER OF A 0.247 ACRE TRACT OF LAND CONVEYED TO DENTON COUNTY, TEXAS, AS RECORDED IN C.C.# 2010-107113, AND INT C.C.# 2011-68617, O.P.R.D.C.T.. SAID POINT BEING ON THE SOUTH LINE OF SAID 184.812 ACRE TRACT AND THE WEST RIGHT-OF-WAY LINE OF UNDERWOOD ROAD, (A PRESCRIPTIVE RIGHT-OF-WAY);

THENCE, ALONG THE COMMON LINES OF SAID TRACT 1 AND SAID 0.247 ACRE TRACT, WITH SAID WEST RIGHT-OF-WAY LINE, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 02 DEGREES 19 MINUTES 53 SECONDS WEST, A DISTANCE OF 247.64 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TNP" FOUND FOR CORNER, AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 03 DEGREES 12 MINUTES 55 SECONDS, A RADIUS OF 640.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 03 DEGREES 56 MINUTES 22 SECONDS WEST, A DISTANCE OF 35.91 FEET;

ALONG SAID TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 35.91 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

SOUTH 05 DEGREES 32 MINUTES 49 SECONDS WEST, A DISTANCE OF 119.69 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TNP" FOUND FOR AN INTERIOR ELL CORNER OF SAID TRACT 1 AND THE COMMON SOUTHWEST CORNER OF SAID 0.247 ACRE TRACT;

NORTH 89 DEGREES 05 MINUTES 19 SECONDS EAST, A DISTANCE OF 44.80 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR AN EXTERIOR ELL CORNER OF SAID TRACT 1, THE COMMON SOUTHEAST CORNER OF SAID 0.247 ACRE TRACT, AND THE COMMON SOUTHWEST CORNER OF A 1.7875 ACRE TRACT OF LAND CONVEYED TO DENTON COUNTY, TEXAS, AS RECORDED IN C.C.# 2011-69079, O.P.R.D.C.T.. SAID POINT BEING ON THE WEST LINE OF THE REMAINDER OF A 76.768 ACRE TRACT OF LAND CONVEYED TO FAY CHARALAMBOPOULOS, AS RECORDED IN VOLUME 1166, PAGE 235, O.P.R.D.C.T., FROM WHICH A 5/8" IRON ROD WITH CAP STAMPED "TNP" FOUND FOR THE SOUTHEAST CORNER OF SAID 1.7875 ACRE TRACT, BEARS NORTH 89 DEGREES 05 MINUTES 19 SECONDS EAST, A DISTANCE OF 76.02 FEET;

THENCE, SOUTH 00 DEGREES 57 MINUTES 06 SECONDS EAST, ALONG THE EAST

LINE OF SAID TRACT 1, AND THE COMMON WEST LINE OF SAID REMAINDER 76.768 ACRE TRACT, THE WEST LINE OF A 2.408 ACRE TRACT OF LAND CONVEYED TO WILLIAM CLINTON LYNCH AND WIFE, CLAUDIA P. LYNCH, AS RECORDED IN VOLUME 2190, PAGE 507, O.P.R.D.C.T., WEST LINE OF A 0.024 ACRE TRACT OF LAND CONVEYED TO WILLIAM CLINTON LYNCH AND WIFE, CLAUDIA P. LYNCH, AS RECORDED IN VOLUME 2981, PAGE 767, AND THE WEST LINE OF A 4.102 ACRE TRACT OF LAND CONVEYED TO HILLWOOD/McCUTCHIN, LTD., AS RECORDED IN C.C.# 1998-R0117450, O.P.R.D.C.T., WITH SAID UNDERWOOD ROAD, A DISTANCE OF 417.47 FEET TO A PK NAIL SET FOR CORNER, FROM WHICH A 1/2" IRON ROD FOUND BEARS NORTH 37 DEGREES 10 MINUTES 00 SECONDS EAST, A DISTANCE OF 0.91 FEET;

THENCE, SOUTH 01 DEGREE 13 MINUTES 30 SECONDS WEST, CONTINUING ALONG SAID EAST LINE AND THE COMMON WEST LINE OF SAID 4.102 ACRE TRACT, PASSING AT A DISTANCE OF 99.21 FEET A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 4.102 ACRE TRACT AND THE COMMON NORTHWEST CORNER OF A 96.85 ACRE TRACT OF LAND CONVEYED AS TRACT III, TO PETRUS INVESTMENT, L.P., AS RECORDED IN C.C.# 1998-R0117450, O.P.R.D.C.T., AND CONTINUING ALONG SAID 96.85 ACRE TRACT, IN ALL A TOTAL DISTANCE OF 1205.51 FEET TO A 1" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID TRACT 1 AND A COMMON INTERIOR ELL CORNER OF SAID 98.85 ACRE TRACT. SAID POINT BEING AT THE APPROXIMATE INTERSECTION OF SAID UNDERWOOD ROAD, AND H. LIVELY ROAD, (A PRESCRIPTIVE RIGHT-OF-WAY);

THENCE, SOUTH 89 DEGREES 50 MINUTES 38 SECONDS WEST, ALONG THE SOUTH LINE OF SAID TRACT 1 AND A COMMON NORTH LINE OF SAID 96.85 ACRE TRACT, A DISTANCE OF 1362.73 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR AN EXTERIOR ELL CORNER SAID TRACT 1 AND A COMMON INTERIOR ELL CORNER OF AFORESAID 20.281 ACRE TRACT, (F.M. 2449);

THENCE, ALONG THE COMMON LINES OF SAID TRACT 1 AND SAID F.M. 2449, THE FOLLOWING COURSES AND DISTANCES:

NORTH 00 DEGREES 13 MINUTES 43 SECONDS WEST, A DISTANCE OF 45.00 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR AN INTERIOR ELL CORNER OF SAID TRACT 1 AND A COMMON EXTERIOR ELL CORNER OF SAID F.M. 2449, FROM WHICH A WOODEN HIGHWAY MONUMENT FOUND BEARS SOUTH 69 DEGREES 45 MINUTES 44 SECONDS WEST, A DISTANCE OF 1.96 FEET;

SOUTH 89 DEGREES 46 MINUTES 17 SECONDS WEST, A DISTANCE OF 2944.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER;

SOUTH 89 DEGREES 04 MINUTES 20 SECONDS WEST, A DISTANCE OF 2982.15 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR THE SOUTHEAST CORNER OF A 91.78849 ACRE TRACT OF LAND CONVEYED TO DENTON INDEPENDENT SCHOOL DISTRICT, AS RECORDED C.C.# 2007-86024, O.P.R.D.C.T.;

THENCE, OVER AND ACROSS SAID TRACT 1, WITH THE LINES OF SAID 91.78849 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

NORTH 00 DEGREES 55 MINUTES 43 SECONDS WEST, A DISTANCE OF 300.04 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR CORNER, AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 17 DEGREES 50 MINUTES 24 SECONDS, A RADIUS OF 2068.00 FEET, AND A LONG CHORD THAT BEARS NORTH 09 DEGREES 50 MINUTES 55 SECONDS WEST, A DISTANCE OF 641.31 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 643.91 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR CORNER, AND THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 18 DEGREES 39 MINUTES 59 SECONDS, A RADIUS OF 2068.00 FEET, AND A LONG CHORD THAT BEARS NORTH 09 DEGREES 26 MINUTES 07 SECONDS WEST, A DISTANCE OF 670.76 FEET;

ALONG SAID REVERSE CURVE TO THE RIGHT, AN ARC DISTANCE OF 673.74 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR CORNER;

NORTH 00 DEGREES 06 MINUTES 08 SECONDS WEST, A DISTANCE OF 569.33 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR THE NORTHEAST CORNER OF SAID 91.78849 ACRE TRACT;

SOUTH 89 DEGREES 04 MINUTES 17 SECONDS WEST, A DISTANCE OF 1534.68 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID 91.78849 ACRE TRACT;

SOUTH 11 DEGREES 11 MINUTES 45 SECONDS WEST, A DISTANCE OF 2215.63 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR THE SOUTHWEST CORNER OF SAID 91.78849 ACRE TRACT. SAID POINT BEING ON THE SOUTH LINE OF SAID TRACT 1 AND THE COMMON NORTH RIGHT-OF-WAY LINE OF SAID F.M. 2449;

THENCE, ALONG THE COMMON LINES OF SAID TRACT 1 AND SAID F.M. 2449, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 89 DEGREES 04 MINUTES 20 SECONDS WEST, A DISTANCE OF 2027.93 FEET

TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR CORNER;

NORTH 85 DEGREES 13 MINUTES 02 SECONDS WEST, A DISTANCE OF 100.50 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR CORNER;

SOUTH 89 DEGREES 04 MINUTES 20 SECONDS WEST, A DISTANCE OF 200.00 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR CORNER;

SOUTH 83 DEGREES 21 MINUTES 42 SECONDS WEST, A DISTANCE OF 100.50 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR CORNER;

SOUTH 89 DEGREES 04 MINUTES 20 SECONDS WEST, A DISTANCE OF 678.19 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR A SOUTHWEST CORNER OF SAID TRACT 1. SAID POINT BEING AT THE SOUTHEAST END OF A CORNER CLIP AT THE INTERSECTION OF SAID NORTH RIGHT-OF-WAY LINE AND THE EAST RIGHT-OF-WAY LINE OF AFORESAID C. WOLFE ROAD;

NORTH 45 DEGREES 32 MINUTES 47 SECONDS WEST, ALONG SAID CORNER CLIP, A DISTANCE OF 39.87 FEET TO THE **POINT OF BEGINNING** AND CONTAINING A CALCULATED AREA OF 75,908,796 SQUARE FEET OR 1,742.626 ACRES OF LAND.

## **TRACT 2**

### **1,297.316 ACRES**

BEING A 1,297.316 ACRE TRACT OF LAND SITUATED IN THE B.B.B. & C.R.R. SURVEY, ABSTRACT NO. 176, THE J.T. EVANS SURVEY, ABSTRACT NO. 411, THE C. MANCHACA SURVEY, ABSTRACT NO. 789, THE F.N. OLIVER SURVEY, ABSTRACT NO. 989, THE S. PAINE SURVEY, ABSTRACT NO. 1035, THE M. PAINE SURVEY, ABSTRACT NO. 1036, THE G.W. PETTINGALE SURVEY, ABSTRACT NO. 1041, THE GEORGE WEST SURVEY, ABSTRACT NO. 1393, AND THE J.W. KJEIBERG SURVEY, ABSTRACT NO. 1610, CITY OF DENTON, DENTON COUNTY, TEXAS, AND BEING ALL OF THE REMAINDER OF A 1,357.12 ACRE TRACT OF LAND CONVEYED AS TRACT 2: SOUTH TRACT, (TRACT 2), TO SLF II COLE PROPERTY, L.P., AS RECORDED IN COUNTY CLERK'S FILE NO., (C.C.#) 2005-12276, (80% INTEREST), 2005-12277, (19.9% INTEREST), AND IN 2005-12278, (0.1% INTEREST), OFFICIAL PUBLIC RECORDS, DENTON COUNTY, TEXAS, (O.P.R.D.C.T.). SAID 1,297.316 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 DATUM (NAD83 2011, EPOCH DATE 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND DENTON CORS ARP (PID-DF8986), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR A NORTHWEST CORNER OF SAID TRACT 2. SAID POINT BEING THE SOUTHWEST CORNER OF FARM-TO-MARKET (F.M.) ROAD, NO. 2449, (A VARIABLE WIDTH RIGHT-OF-WAY), CONVEYED AS A 20.281 ACRE TRACT, TO THE STATE OF TEXAS

AND THE COUNTY OF DENTON, AS RECORDED IN VOLUME 489, PAGE 551, O.P.R.D.C.T. AND BEING AT THE SOUTHWEST END OF A CORNER CLIP AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF SAID F.M. 2449 AND THE EAST RIGHT-OF-WAY LINE OF H. LIVELY ROAD, (A PRESCRIPTIVE RIGHT-OF-WAY), FROM WHICH A 1/2" IRON ROD FOUND BEARS NORTH 77 DEGREES 20 MINUTES 50 SECONDS WEST, A DISTANCE OF 123.58 FEET;

THENCE, ALONG THE COMMON LINES OF SAID TRACT 2 AND SAID F.M. 2449, THE FOLLOWING COURSES AND DISTANCES:

NORTH 44 DEGREES 21 MINUTES 29 SECONDS EAST, ALONG SAID CORNER CLIP, A DISTANCE OF 41.51 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR CORNER AT THE NORTHEAST END OF SAID CORNER CLIP;

NORTH 89 DEGREES 04 MINUTES 20 SECONDS EAST, A DISTANCE OF 679.56 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR CORNER;

SOUTH 85 DEGREES 13 MINUTES 02 SECONDS EAST, A DISTANCE OF 100.50 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR CORNER;

NORTH 89 DEGREES 04 MINUTES 20 SECONDS EAST, A DISTANCE OF 200.00 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR CORNER;

NORTH 83 DEGREES 21 MINUTES 42 SECONDS EAST, A DISTANCE OF 100.50 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR CORNER;

NORTH 89 DEGREES 04 MINUTES 20 SECONDS EAST, A DISTANCE OF 951.06 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR THE NORTHWEST CORNER OF A 37.58223 ACRE TRACT OF LAND CONVEYED TO DENTON INDEPENDENT SCHOOL DISTRICT, AS RECORDED IN C.C.# 2008-7638, O.P.R.D.C.T., FROM WHICH A 1/2" IRON ROD FOUND FOR AN EXTERIOR CORNER OF SAID TRACT 2 AND THE COMMON NORTHWEST CORNER OF AN 18.28 ACRE TRACT OF LAND CONVEYED TO TEXAS MUNICIPAL POWER AGENCY BY JUDGEMENT NO. 10455 AND RECORDED IN VOLUME 5, PAGE 709, O.P.R.D.C.T., BEARS NORTH 89 DEGREES 04 MINUTES 20 SECONDS EAST, A DISTANCE OF 511.39 FEET;

THENCE, OVER AND ACROSS SAID TRACT 2, ALONG THE LINES OF SAID 37.58223 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 00 DEGREES 25 MINUTES 46 SECONDS EAST, A DISTANCE OF 150.07 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR CORNER, AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 49 DEGREES 39 MINUTES 33 SECONDS, A RADIUS OF 750.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 24 DEGREES 24 MINUTES 00 SECONDS WEST, A DISTANCE OF 629.88 FEET;

ALONG SAID TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 650.04 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR CORNER;

SOUTH 49 DEGREES 13 MINUTES 46 SECONDS WEST, A DISTANCE OF 100.00 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR CORNER, AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 49 DEGREES 33 MINUTES 02 SECONDS, A RADIUS OF 750.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 24 DEGREES 27 MINUTES 15 SECONDS WEST, A DISTANCE OF 628.59 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 648.61 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR CORNER;

SOUTH 00 DEGREES 19 MINUTES 15 SECONDS EAST, A DISTANCE OF 155.00 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR THE SOUTHWEST CORNER OF SAID 37.58223 ACRE TRACT;

NORTH 89 DEGREES 40 MINUTES 45 SECONDS EAST, A DISTANCE OF 1604.29 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR THE SOUTHEAST CORNER OF SAID 37.58223 ACRE TRACT;

NORTH 00 DEGREES 38 MINUTES 41 SECONDS EAST, A DISTANCE OF 812.68 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR AN EXTERIOR ELL CORNER OF SAID 37.58223 ACRE TRACT. SAID POINT BEING ON A NORTH LINE OF SAID TRACT 2 AND ON THE COMMON SOUTH LINE OF AFORESAID 18.28 ACRE TRACT, FROM WHICH A 1/2" IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID TRACT 2 AND THE COMMON SOUTHWEST CORNER OF SAID 18.28 ACRE TRACT, BEARS SOUTH 89 DEGREES 04 MINUTES 03 SECONDS WEST, A DISTANCE OF 495.70 FEET;

THENCE, ALONG THE COMMON LINES OF SAID TRACT 2 AND SAID 18.28 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

NORTH 89 DEGREES 02 MINUTES 23 SECONDS EAST, A DISTANCE OF 623.93 FEET TO A 1/2" IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID TRACT 2 AND THE COMMON SOUTHEAST CORNER OF SAID 18.28 ACRE

TRACT;

NORTH 00 DEGREES 55 MINUTES 48 SECONDS WEST, A DISTANCE OF 710.64 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR AN EXTERIOR ELL CORNER OF SAID TRACT 2 AND THE COMMON NORTHEAST CORNER OF SAID 18.28 ACRE TRACT. SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF AFORESAID F.M. 2449;

THENCE, NORTH 89 DEGREES 04 MINUTES 20 SECONDS EAST, ALONG THE COMMON LINES OF SAID TRACT 2 AND SAID F.M. 2449, PASSING AT A DISTANCE OF 4314.76 FEET A WOODEN HIGHWAY MONUMENT FOUND, AND CONTINUING, IN ALL A TOTAL DISTANCE OF 4616.53 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR THE NORTHEAST CORNER OF SAID TRACT 2, FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "RPLS 2010" FOUND BEARS SOUTH 87 DEGREES 01 MINUTE 58 SECONDS WEST, A DISTANCE OF 21.31 FEET;

THENCE, ALONG THE EAST LINE OF SAID TRACT 2, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 00 DEGREES 32 MINUTES 55 SECONDS EAST, A DISTANCE OF 1652.60 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR AN EXTERIOR ELL CORNER OF SAID TRACT 2, FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "RPLS 2010" FOUND, BEARS NORTH 43 DEGREES 25 MINUTES 09 SECONDS WEST, A DISTANCE OF 32.98 FEET;

SOUTH 89 DEGREES 48 MINUTES 57 SECONDS WEST, A DISTANCE OF 254.68 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR AN INTERIOR ELL CORNER OF SAID TRACT 2, FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "RPLS 2010" FOUND, BEARS NORTH 05 DEGREES 47 MINUTES 35 SECONDS EAST, A DISTANCE OF 17.65 FEET;

SOUTH 00 DEGREES 17 MINUTES 58 SECONDS EAST, PASSING AT A DISTANCE OF 14.93 FEET, A NORTH LINE OF A 264.814 ACRE TRACT OF LAND CONVEYED TO RONALD McCUTCHIN FAMILY PARTNERSHIP, LTD., AS RECORDED IN C.C.# 1998-5578, O.P.R.D.C.T., AND CONTINUING ALONG THE COMMON LINES OF SAID TRACT 2 AND SAID 264.814 ACRE TRACT, IN ALL A TOTAL DISTANCE OF 2168.94 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR AN INTERIOR ELL CORNER OF SAID TRACT 2 AND THE COMMON SOUTHWEST CORNER OF SAID 264.814 ACRE TRACT;

THENCE, NORTH 89 DEGREES 21 MINUTES 34 SECONDS EAST, CONTINUING ALONG SAID COMMON LINES, A DISTANCE OF 3151.01 FEET TO A 1/2" IRON ROD FOUND THE WESTERN MOST NORTHWEST CORNER OF SAID TRACT 2 AND THE COMMON SOUTHEAST CORNER OF SAID 264.814 ACRE TRACT. SAID POINT BEING

ON THE WEST LINE OF A 2,329.49 ACRE TRACT OF LAND CONVEYED AS TRACT 1 TO PETRUS INVESTMENT, L.P., AS RECORDED IN C.C.# 1998-R0117450, O.P.R.D.C.T. AND ON THE WEST LINE OF JOHN PAINE ROAD, (A PRESCRIPTIVE RIGHT-OF-WAY);

THENCE, SOUTH 00 DEGREES 08 MINUTES 40 SECONDS EAST, ALONG THE COMMON LINES OF SAID TRACT 2, SAID 2,329.49 ACRE TRACT, AND WITH SAID JOHN PAINE ROAD, A DISTANCE OF 1266.83 FEET TO A 1/2" IRON ROD FOUND (BENT) FOR THE NORTHEAST CORNER OF LOT 1, BLOCK 1 OF THE EPISCOPAL ADDITION, AN ADDITION TO THE CITY OF DENTON, AS RECORDED CABINET Y, PAGE 570, O.P.R.D.C.T.;

THENCE, OVER AND ACROSS SAID TRACT 2, ALONG THE LINES OF SAID EPISCOPAL ADDITION, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 89 DEGREES 21 MINUTES 35 SECONDS WEST, A DISTANCE OF 756.70 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID EPISCOPAL ADDITION;

SOUTH 00 DEGREES 09 MINUTES 00 SECONDS EAST, A DISTANCE OF 1276.47 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID EPISCOPAL ADDITION. SAID POINT BEING ON THE SOUTH LINE OF SAID TRACT 2 AND A COMMON NORTH LINE OF AFORESAID 2,329.49 ACRE TRACT;

THENCE, ALONG THE COMMON LINES OF SAID TRACT 2 AND SAID 2,329.49 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 89 DEGREES 29 MINUTES 40 SECONDS WEST, A DISTANCE OF 4650.04 FEET TO A PK NAIL FOUND FOR CORNER;

SOUTH 01 DEGREE 10 MINUTES 23 SECONDS WEST, A DISTANCE OF 92.39 FEET TO A PK NAIL FOUND FOR CORNER;

SOUTH 89 DEGREES 47 MINUTES 21 SECONDS WEST, A DISTANCE OF 5806.65 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GOODWIN MARSHALL" FOUND FOR THE SOUTHWEST CORNER OF SAID TRACT 2 AND THE COMMON NORTHWEST CORNER OF SAID 2,329.49 ACRE TRACT. SAID POINT BEING ON THE EAST LINE OF A 320.350 ACRE TRACT OF LAND CONVEYED TO ROBSON DENTON DEVELOPMENT, LP, AS RECORDED IN C.C.# 1999-67258, O.P.R.D.C.T.;

THENCE, ALONG THE COMMON LINES OF SAID TRACT 2 AND SAID 320.350 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

NORTH 00 DEGREES 06 MINUTES 37 SECONDS WEST, A DISTANCE OF 3057.16 FEET TO A 5/8" IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID TRACT 2 AND THE COMMON NORTHEAST CORNER OF SAID 320.350 ACRE TRACT;

SOUTH 89 DEGREES 54 MINUTES 14 SECONDS WEST, A DISTANCE OF 153.55 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR AN EXTERIOR ELL CORNER OF SAID TRACT 2 AND THE COMMON SOUTHEAST CORNER OF A 5.00 ACRE TRACT OF LAND CONVEYED TO BRAD THOMAS, AS RECORDED IN C.C.# 2006-142048, O.P.R.D.C.T.. SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF H. LIVELY ROAD, (A PRESCRIPTIVE RIGHT-OF-WAY);

THENCE, ALONG THE COMMON LINES OF SAID TRACT 2 AND SAID 5.00 ACRE TRACT, WITH SAID RIGHT-OF-WAY, THE FOLLOWING COURSES AND DISTANCES:

NORTH 48 DEGREES 28 MINUTES 37 SECONDS EAST, A DISTANCE OF 31.80 FEET TO A POINT FOR CORNER, FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND, BEARS NORTH 81 DEGREES 34 MINUTES 56 SECONDS WEST, A DISTANCE OF 0.64 FEET;

NORTH 05 DEGREES 47 MINUTES 00 SECONDS EAST, A DISTANCE OF 103.71 FEET TO A POINT FOR CORNER, FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND, BEARS NORTH 74 DEGREES 43 MINUTES 44 SECONDS WEST, A DISTANCE OF 0.60 FEET;

NORTH 07 DEGREES 05 MINUTES 30 SECONDS EAST, A DISTANCE OF 90.24 FEET TO A POINT FOR CORNER, FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND, BEARS NORTH 77 DEGREES 47 MINUTES 23 SECONDS WEST, A DISTANCE OF 0.39 FEET;

NORTH 18 DEGREES 53 MINUTES 47 SECONDS EAST, A DISTANCE OF 83.19 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR CORNER;

NORTH 16 DEGREES 35 MINUTES 17 SECONDS EAST, A DISTANCE OF 221.61 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR CORNER;

NORTH 89 DEGREES 25 MINUTES 17 SECONDS EAST, A DISTANCE OF 17.07 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "GEER 4117" FOUND FOR CORNER;

NORTH 00 DEGREES 06 MINUTES 03 SECONDS EAST, A DISTANCE OF 72.34 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA

**SURVEYING" SET FOR CORNER;**

THENCE, NORTH 00 DEGREES 19 MINUTES 11 SECONDS WEST, CONTINUING ALONG SAID COMMON LINE, ALONG THE EAST LINE OF A TRACT OF LAND CONVEYED TO BOBBY RAY MILLER AND LUCY ELDONIA MILLER, CO-TRUSTEES OF THE MILLER FAMILY REVOCABLE TRUST, AS RECORDED IN C.C.# 2016-55602, O.P.R.D.C.T., THE EAST LINE OF A 10.66 ACRE TRACT OF LAND CONVEYED TO STEPHEN P. RICHARDSON AND SPOUSE BONITA L. RICHARDSON, AS RECORDED IN C.C.# 2002-20706, O.P.R.D.C.T., THE EAST LINE OF AN 8.773 ACRE TRACT OF LAND CONVEYED TO CHRISTOPHER B. FITZGERALD AND WIFE, JOANN FITZGERALD, AS RECORDED IN C.C.# 2005-103094, O.P.R.D.C.T., THE EAST LINE OF 4.043 ACRE TRACT OF LAND CONVEYED AS TRACT II AND A 3.16 ACRE TRACT OF LAND CONVEYED AS TRACT I, TO WILLIAM HERMAN KETTLER, III, AND LAUREN DUK-WING KO, AS RECORDED IN C.C.# 2010-66949, O.P.R.D.C.T., THE EAST LINE OF THE REMAINDER OF A 26.00 ACRE TRACT OF LAND CONVEYED TO TILOTTA TIMBER HOLDINGS, LLC, AS RECORDED IN C.C.# 2006-76484, O.P.R.D.C.T., THE EAST LINE OF A 9.592 ACRE TRACT OF LAND CONVEYED TO NATIONAL FRAME RAIL, INC., AS RECORDED IN C.C.# 2013-34789, O.P.R.D.C.T., AND THE EAST LINE OF A 3.41 ACRE TRACT OF LAND CONVEYED TO DEVON ENERGY OPERATING COMPANY, L.P., AS RECORDED IN C.C.# 2003-193231, O.P.R.D.C.T., A DISTANCE OF 2695.55 FEET TO THE **POINT OF BEGINNING** AND CONTAINING A CALCULATED AREA OF 56,511,106 SQUARE FEET OR 1,297.316 ACRES OF LAND.

**NOT INCLUDING THE FOLLOWING 5.000 ACRE SAVE & EXCEPT TRACT:**

**TRACT 2 SAVE & EXCEPT**

**5.000 ACRES**

BEING A 5.000 ACRE TRACT OF LAND SITUATED IN THE GEORGE WEST SURVEY, ABSTRACT NO. 1393, CITY OF DENTON, DENTON COUNTY, TEXAS, AND BEING ALL OF 5.00 ACRE TRACT OF LAND CONVEYED TO BYRON CAMPBELL. AS RECORDED IN COUNTY CLERK'S FILE NO., (C.C.#) 2020-75307, OFFICIAL PUBLIC RECORDS, DENTON COUNTY, TEXAS, (O.P.R.D.C.T.), (20% INTEREST), RYAN MILLER, AS RECORDED IN C.C.# 2020-75309, O.P.R.D.C.T., (20% INTEREST), RUSSELL HICKEY, AS RECORDED IN C.C.# 2020-75311, O.P.R.D.C.T., (20% INTEREST), SHAWN STREET, AS RECORDED IN C.C.# 2020-75313, O.P.R.D.C.T., (20% INTEREST), AND WARREN THREAGILL, AS RECORDED IN C.C.# 2020-75315, O.P.R.D.C.T., (20% INTEREST). SAID 5.000 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 DATUM (NAD83 2011, EPOCH DATE 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND DENTON CORS ARP (PID-DF8986), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING AT A 5/8" IRON ROD WITH CAP STAMPED "LJA SURVEYING" SET FOR THE NORTHEAST CORNER OF SAID 5.00 ACRE TRACT, FROM WHICH A 1/2" IRON**

ROD FOUND FOR AN EXTERIOR ELL CORNER OF THE REMAINDER OF A 1,357.12 ACRE TRACT OF LAND CONVEYED AS TRACT 2: SOUTH TRACT, (TRACT 2), TO SLF II COLE PROPERTY, L.P., AS RECORDED IN COUNTY CLERK'S FILE NO., (C.C.#) 2005-12276, (80% INTEREST), 2005-12277, (19.9% INTEREST), AND IN 2005-12278, (0.1% INTEREST), O.P.R.D.C.T. AND THE COMMON SOUTHEAST CORNER OF A 264.814 ACRE TRACT OF LAND CONVEYED TO RONALD McCUTCHIN FAMILY PARTNERSHIP, LTD., AS RECORDED IN C.C.# 1998-5578, O.P.R.D.C.T., AND BEING ON THE WEST LINE OF A 2,329.49 ACRE TRACT OF LAND CONVEYED AS TRACT 1, TO PETRUS INVESTMENT, L.P., AS RECORDED IN C.C.# 1998-R0117450, O.P.R.D.C.T., BEARS NORTH 44 DEGREES 36 MINUTES 27 SECONDS EAST, A DISTANCE OF 35.51 FEET. SAID POINT BEING 25.00 FEET FROM THE NORTH AND EAST LINE OF SAID TRACT 2;

THENCE, OVER AND ACROSS SAID TRACT 2, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 00 DEGREES 08 MINUTES 40 SECONDS EAST, ALONG THE EAST LINE OF SAID 5.00 ACRE TRACT, A DISTANCE OF 466.70 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR THE SOUTHEAST CORNER OF SAID 5.00 ACRE TRACT. SAID POINT BEING 25.00 FEET FROM THE EAST LINE OF SAID TRACT 2;

SOUTH 89 DEGREES 21 MINUTES 34 SECONDS WEST, ALONG THE SOUTH LINE OF SAID 5.00 ACRE TRACT, A DISTANCE OF 466.70 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR THE SOUTHWEST CORNER OF SAID 5.00 ACRE TRACT;

NORTH 00 DEGREES 08 MINUTES 40 SECONDS WEST, ALONG THE WEST LINE OF SAID 5.00 ACRE TRACT, A DISTANCE OF 466.70 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR THE NORTHWEST CORNER OF SAID 5.00 ACRE TRACT. SAID POINT BEING 25.00 FEET FROM THE NORTH LINE OF SAID TRACT 2;

NORTH 89 DEGREES 21 MINUTES 34 SECONDS EAST, ALONG THE NORTH LINE OF SAID 5.00 ACRE TRACT, A DISTANCE OF 466.70 FEET TO THE **POINT OF BEGINNING** AND CONTAINING A CALCULATED AREA OF 217,801 SQUARE FEET OR 5.000 ACRES OF LAND.

LEAVING A CALCULATED NET AREA OF TRACT 2 OF 56,293,305 SQUARE FEET OR 1,292.316 ACRES OF LAND.

**EXHIBIT "B"**

**Certificate of Amendment**

[attached]

Corporations Section  
P.O.Box 13697  
Austin, Texas 78711-3697



Ruth R. Hughes  
Secretary of State

## Office of the Secretary of State

### CERTIFICATE OF FILING OF

The Cole Ranch Company, L.P.  
800393856

[formerly: SLF II Cole Property, L.P.]

The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Amendment for the above named entity has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

Dated: 08/21/2020

Effective: 08/21/2020



A handwritten signature in black ink, appearing to read "Ruth R. Hughes".

Ruth R. Hughes  
Secretary of State

**CERTIFICATE OF AMENDMENT  
OF  
SLF II COLE PROPERTY, L.P.**

1. The filing entity is a limited partnership, and the name of the filing entity is SLF II Cole Property, L.P. (the "**Partnership**").
2. The file number issued to the Partnership by the Texas Secretary of State is 800393856.
3. The amendment changes the Partnership's Certificate of Limited Partnership to amend the article or provision that names the Partnership. Such article or provision is amended to read as follows:
  1. The name of the Partnership is The Cole Ranch Company, L.P.
4. This amendment to the Partnership's Certificate of Limited Partnership has been approved in the manner required by the Texas Business Organizations Code and by the governing documents of the Partnership.
5. This document becomes effective when it is filed by the Texas Secretary of State.

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument, and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the Partnership to execute this document.

Date: August 21, 2020

**SLF II COLE PROPERTY, L.P.**

By: The M.T. Cole Family Company No. 1, LLC,  
its general partner

By: Jennifer Alexander  
Jennifer Alexander, Manager

Denton County  
Cynthia Mitchell  
County Clerk  
Denton, TX 76202



70 2005 00012275

Instrument Number: 2005-12275

Recorded On: February 01, 2005

As  
Warranty Deed

Parties: MEAD SUSAN BONNER

To

Billable Pages: 20  
Number of Pages: 20

Comment:

**\*\* Examined and Charged as Follows: \*\***

Warranty Deed	52.00
Total Recording:	52.00

\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

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

**File Information:**

Document Number: 2005-12275  
Receipt Number: 167332  
Recorded Date/Time: February 01, 2005 10:50A

**Record and Return To:**

REPUBLIC TITLE OF TEXAS  
2626 HOWELL STREET 10TH FLOOR  
DALLAS TX 75204

User / Station: P Sallee - Cash Station 2



THE STATE OF TEXAS }  
COUNTY OF DENTON }

I hereby certify that this Instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas

*Cynthia Mitchell*  
County Clerk  
Denton County, Texas

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

**SPECIAL WARRANTY DEED**

STATE OF TEXAS           §  
  §       KNOW ALL MEN BY THESE PRESENTS THAT:  
COUNTY OF DENTON     §

**SUSAN BONNER MEAD, AMY COLE GRIFFIN and JACK DONALD COLE, AS CO-TRUSTEES OF (i) M. T. COLE TRUST NO. 1, M. T. COLE TRUST NO. 2 and M. T. COLE TRUST NO. 4, and of (ii) THE MARY JANE MARSHALL TRUSTS, THE MARTIN THOMAS COLE TRUSTS, THE WILLIAM RALPH COLE TRUSTS, THE JACK LEWIS COLE TRUSTS, THE VIRGINIA MYRLE COLE TRUSTS, AND THE ROBERT FRANK COLE TRUSTS, AS IDENTIFIED ON THE SIGNATURE PAGE HERETO, each of the foregoing trusts being a trust created and existing under the laws of the State of Texas (collectively, "Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration paid by SLF II COLE INVESTMENT, L.P., a Texas limited partnership ("Grantee"), the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, BARGAINED, SOLD, TRANSFERRED and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL, TRANSFER and CONVEY, unto Grantee an undivided **19.9%** interest in and to all of that certain lot(s), tract(s) or parcel(s) of land situated in Denton County, Texas, and being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference for all purposes (the "Land").**

TOGETHER WITH, all and singular, an undivided **19.9%** interest in and to (i) all improvements and fixtures situated thereon, and (ii) all rights, benefits, privileges, easements, tenements, hereditaments, appurtenances and interests thereon or in anywise appertaining thereto, and (iii) all right, title and interest of Grantor in and to (a) strips or gores, if any, between the Land and abutting or immediately adjacent properties, and (b) any land lying in or under the bed of any street, alley, road or right-of-way, opened or proposed, abutting or immediately adjacent to the Land (said undivided interest in and to said Land, improvements, fixtures, rights, benefits, privileges, easements, tenements, hereditaments, appurtenances and interests being hereinafter collectively referred to as the "Property").

Grantor does hereby reserve unto Grantor, and Grantor's successors and assigns, all right, title and interest in and to the entire mineral estate located under the surface of the Property, including without limitation, all oil, gas, lignite, coal and other hydrocarbon substances and minerals located in or under (but not on) the Property (the "Mineral Estate"), and all proceeds payable from production of the Mineral Estate, including production from the existing oil and gas leases, together with all rights, privileges and appurtenances pertaining to the Mineral Estate,

Special Warranty Deed - Page 1

Return to:       CR7  
Republic Title of Texas, Inc.  
2626 Howell Street, 10th Floor  
Dallas TX 75204

except as limited in, and subject to the terms, covenants and restrictions set forth in, that certain Mineral and Surface Use Development Agreement of even date herewith by and between Grantor and SLF II Cole Property, L.P. to be recorded in the public records of Denton County, Texas. The foregoing is referred to herein as the "Mineral Reservation".

This conveyance is made subject to the encumbrances and exceptions (the "Permitted Exceptions") described on Exhibit "B" attached hereto and incorporated herein by this reference, but only to the extent the same are valid and subsisting and in fact affect the Property, and without limitation of the scope of the special warranty herein contained.

TO HAVE AND TO HOLD the Property, subject only to the Mineral Reservation and Permitted Exceptions as aforesaid, unto Grantee, and Grantee's successors and assigns, forever; and Grantor does hereby bind Grantor, and Grantor's successors and assigns, to WARRANT and FOREVER DEFEND, all and singular, the Property, subject only to the Mineral Reservation and Permitted Exceptions as aforesaid, unto Grantee, and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise, but with full substitution and subrogation of Grantee in and to all covenants of warranty by parties other than Grantor heretofore given or made with respect to the rights, titles and interests herein conveyed or any part thereof.

Except as expressly set forth herein or in that certain Commercial Contract of Sale by and between Grantor and Grantee dated effective as of May 27, 2004 (as amended, the "Contract of Sale"), the Property is being sold and conveyed hereunder "as is" with any and all faults and latent and patent defects without any express or implied representation or warranty by Grantor except as expressly set forth herein or in the Contract of Sale. Except for Grantor's warranty of title set forth herein and except as expressly set forth in the Contract of Sale, Grantor has not made and hereby specifically disclaims any representations or warranties of any kind or character whatsoever, express or implied, with respect to the Property, its condition (including without limitation any representation or warranty regarding quality of construction, state of repair, workmanship, merchantability, suitability or fitness for any particular purpose), its compliance with environmental laws or other laws, availability of access, ingress or egress, income to be derived therefrom or expenses to be incurred with respect thereto, the obligations, responsibilities or liabilities of the owner thereof, or any other matter or thing relating to or affecting the Property and Grantor hereby disclaims and renounces any other representation or warranty except as expressly set forth herein or in the Contract of Sale.

Grantee, by its acceptance hereof, does hereby assume and agree to pay any and all ad valorem taxes and special assessments pertaining to the Property for calendar year 2005 and subsequent years, there having been a proper proration of ad valorem taxes for the current calendar year between Grantor and Grantee. Grantee, by its acceptance hereof, does further assume and agree to pay any and all ad valorem taxes relating to a subsequent change in the usage or ownership of the Property, whether by reason of this conveyance or hereafter.

[SIGNATURE AND NOTARY ACKNOWLEDGMENT PAGES FOLLOW]

Special Warranty Deed - Page 2

EXECUTED to be effective as of January 31, 2005.

**GRANTOR:**



SUSAN BONNER MEAD, AS CO-TRUSTEE OF  
EACH OF THE TRUSTS IDENTIFIED BELOW



AMY COLE GRIFFIN, AS CO-TRUSTEE OF EACH  
OF THE TRUSTS IDENTIFIED BELOW



JACK DONALD COLE, AS CO-TRUSTEE OF EACH  
OF THE TRUSTS IDENTIFIED BELOW

AS CO-TRUSTEES OF EACH OF THE FOLLOWING:

M. T. COLE TRUST NO. 1 u/a November 28, 1934,  
M. T. COLE TRUST NO. 2 u/a September 14, 1935,  
and  
M. T. COLE TRUST NO. 4 u/a December 28, 1939

AND

MARY JANE MARSHALL TRUSTs u/a November  
28, 1934, September 14, 1935 and December 28, 1939

MARTIN THOMAS COLE TRUSTs u/a November 28,  
1934, September 14, 1935 and December 28, 1939

WILLIAM RALPH COLE TRUSTs u/a November 28,  
1934, September 14, 1935 and December 28, 1939

JACK LEWIS COLE TRUSTs u/a November 28, 1934,  
September 14, 1935 and December 28, 1939

VIRGINIA MYRLE COLE TRUSTs u/a November 28,  
1934, September 14, 1935 and December 28, 1939

ROBERT FRANK COLE TRUSTs u/a November 28,  
1934, September 14, 1935 and December 28, 1939

Special Warranty Deed - Page 3

STATE OF TEXAS

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COUNTY OF DENTON

This instrument was ACKNOWLEDGED before me, on the 31 day of January, 2005, by SUSAN BONNER MEAD, as Co-Trustee of M. T. COLE TRUST NO. 1 u/a November 28, 1934, M. T. COLE TRUST NO. 2 u/a September 14, 1935, M. T. COLE TRUST NO. 4 u/a December 28, 1939, MARY JANE MARSHALL TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, MARTIN THOMAS COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, WILLIAM RALPH COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, JACK LEWIS COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, VIRGINIA MYRLE COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, and ROBERT FRANK COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, each being a trust created and existing under the laws of the State of Texas, on behalf of said trusts.

[S E A L]

*Martha Bosley*  
\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires:

\_\_\_\_\_  
Printed Name of Notary Public



STATE OF TEXAS

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§  
§

COUNTY OF DENTON

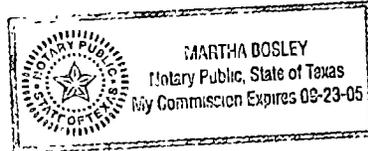
This instrument was ACKNOWLEDGED before me, on the 31 day of January, 2005, by AMY COLE GRIFFIN, as Co-Trustee of M. T. COLE TRUST NO. 1 u/a November 28, 1934, M. T. COLE TRUST NO. 2 u/a September 14, 1935, M. T. COLE TRUST NO. 4 u/a December 28, 1939, MARY JANE MARSHALL TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, MARTIN THOMAS COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, WILLIAM RALPH COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, JACK LEWIS COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, VIRGINIA MYRLE COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, and ROBERT FRANK COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, each being a trust created and existing under the laws of the State of Texas, on behalf of said trusts.

[S E A L]

Martha Bosley  
Notary Public, State of Texas

My Commission Expires:

Printed Name of Notary Public



Special Warranty Deed - Page 5

STATE OF TEXAS

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COUNTY OF DENTON

This instrument was ACKNOWLEDGED before me, on the 31 day of January, 2005, by JACK DONALD COLE, as Co-Trustee of M. T. COLE TRUST NO. 1 u/a November 28, 1934, M. T. COLE TRUST NO. 2 u/a September 14, 1935, M. T. COLE TRUST NO. 4 u/a December 28, 1939, MARY JANE MARSHALL TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, MARTIN THOMAS COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, WILLIAM RALPH COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, JACK LEWIS COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, VIRGINIA MYRLE COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, and ROBERT FRANK COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, each being a trust created and existing under the laws of the State of Texas, on behalf of said trusts.

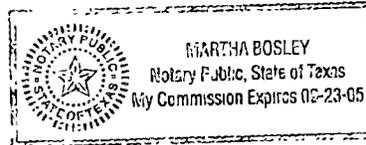
[SEAL]

*Martha Bosley*  
\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_  
Printed Name of Notary Public



Special Warranty Deed - Page 6

GRANTEE'S ADDRESS FOR TAX NOTICES:

SLF II Cole Investment, L.P.  
c/o The Stratford Company, L.P.  
5949 Sherry Lane, Suite 1750  
Dallas, Texas 75225  
Attn: Phillip F. Wiggins

After Recording Return To:

~~Matthew N. Hudnall, Esq.  
Hudnall P.C.  
5949 Sherry Lane, Suite 1750  
Dallas, Texas 75225~~

Return to: CR7  
Republic Title of Texas, Inc.  
2626 Howell Street, 10th Floor  
Dallas TX 75204

Special Warranty Deed - Page 7

## EXHIBIT "A"

### LAND DESCRIPTION

#### TRACT 1: North Tract

SITUATED in Denton County, Texas in the J. W. Kjellberg Survey, Abstract No. 1610, the James McDonald Survey, Abstract No. 873, the I.W. Byerly Survey, Abstract No. 1458, the J. Dalton Survey, Abstract No. 353, the J. A. Burn Survey, Abstract No. 132, the T. & P. R. R., Abstract No. 1292, the A. C. Madden Survey, Abstract No. 851, the I. N. Hembree Survey, Abstract No. 594, the J. Bacon Survey, Abstract No. 1540, the Wm. Neill Survey, Abstract No. 970, the B. B. B. & C.R.R. Co. Survey, Abstract No. 176, the T. E. Carruth Survey, Abstract 1707, being a Survey of part of the 562.8 acre "First tract", a Survey of the 798.2 acre "Second Tract", a Survey of part of the 640 acre "Third Tract" described in a deed from T. E. Carruth, et al to M. T. Cole, dated December 22, 1931, recorded in Volume 238, Page 410, a Survey of part of the 415 acre tract described in a deed from Rudy Copeland and wife, Mary A. Copeland to M. T. Cole, dated September 26, 1933, recorded in Volume 243, Page 572, both deeds of the Denton County Deed Records, being described by metes and bounds as follows:

BEGINNING at an 1/2-inch iron pin found at the Northwest corner of said 798.2 acre tract in the center of Tom Cole Road (East-West asphalt road) and C. Wolfe Road (rock road) from the South;

THENCE South 88 degrees 55 minutes 44 seconds East, generally with the center of said Tom Cole Road, 4685.36 feet to an "x" cut in a concrete bridge;

THENCE North 89 degrees 43 minutes 13 seconds East, generally with the center of said Tom Cole Road, 2521.29 feet to a 3/4-inch iron pin set in place of a nail found at the Northeast corner of said 798.2 acre tract;

THENCE South 00 degrees 23 minutes 40 seconds West, with the East line of said 798.2 acre tract and generally near an old fence, 1865.00 feet to an 1/2-inch iron pin set by a corner post at the East-Southeast corner of said 798.2 acre tract; same being in the North line of said 640 acre tract;

THENCE South 88 degrees 52 minutes 00 seconds East, with the North line of said 640 acre tract and generally near an old fence, 1616.90 feet to an 1/2-inch iron pin set near a corner post at the Northwest corner of the 24.73 acre "Tract One" recorded in Volume 871, Page 137;

THENCE South 01 degree 07 minutes 58 seconds West, with the West line of said 24.73 acre tract and generally near a fence, 950.05 feet to an 1/2-inch iron pin found at the West-Southwest corner of said 24.73 acre tract;

Exhibit "A", Land Description – Page 1

THENCE South 88 degrees 58 minutes 35 seconds East, with a South line of said 24.73 acre tract, 144.97 feet to an 1/2-inch iron pin found at an inside corner of said 24.73 acre tract;

THENCE South 01 degree 05 minutes 17 seconds West, with a West line of said 24.73 acre tract and with the West line of the 13.89 acre "Tract Two" in said Volume 871, Page 137, 699.86 feet to an 1/2-inch iron pin found at the Southwest corner of said 13.89 acre tract; same being the Northwest corner of the 31.107 acre tract recorded in Clerk's File No. 94-71013;

THENCE South 09 degrees 20 minutes 01 second West, with the West line of said 31.107 acre tract, 1010.79 feet to an 1/2-inch iron pin found at the Southwest corner of said 31.107 acre tract;

THENCE South 88 degrees 53 minutes 58 seconds East, with the South line of said 31.107 acre tract, 1499.78 feet to an 1/2-inch iron pin found at the Southeast corner of said 31.107 acre tract;

THENCE North 07 degrees 10 minutes 06 seconds West, with the East line of said 31.107 acre tract, 1009.80 feet to an 1/2-inch iron pin found at the Northeast corner of said 31.107 acre tract; same being the Southeast corner of said 13.89 acre tract;

THENCE North 01 degree 06 minutes 57 seconds East, with the East line of said 13.89 acre tract and an East line of said 24.73 acre tract 699.98 feet to an 1/2-inch iron pin found at an inside corner of said 24.73 acre tract;

THENCE South 88 degrees 52 minutes 57 seconds East, with a South line of said 24.73 acre tract, 144.76 feet to an 1/2-inch iron pin found at the East-Southeast corner of said 24.73 acre tract;

THENCE North 01 degree 04 minutes 51 seconds East, with the East line of said 24.73 acre tract, 629.19 feet to an 1/2-inch iron pin found at the Northeast corner of said 24.73 acre tract;

THENCE North 89 degrees 25 minutes 26 seconds East, with the South line of the Southeast Airport Addition recorded in Volume G, Page 295 of the Denton County Plat Records, 1534.00 feet to an 1/2-inch iron pin found at the Southeast corner of said Airport Addition, in the center of Westcourt Road (North-South asphalt road);

THENCE South 00 degrees 38 minutes 25 seconds West, with an East line of said 415 acre tract and generally with the center of said Westcourt Road, 1150.78 feet to a 5/8-inch iron pin found at an inside corner of said 415 acre tract;

THENCE North 89 degrees 48 minutes 14 seconds East, generally along Spring Side Road, 870.00 feet to an 1/2-inch iron pin found at the Northwest corner of the 10 acre tract recorded in Volume 971, Page 251;

THENCE southerly along the East side of Underwood Road (North-South asphalt road) as follows:

Exhibit "A", Land Description – Page 2

South 00 degrees 11 minutes 34 seconds East, 646.53 feet to a 5-inch pipe corner post:

South 00 degrees 48 minutes 00 seconds East, generally near a fence for part of the way, 645.16 feet to a 5-inch pipe corner post;

South 00 degrees 41 minutes 32 seconds East, 547.42 feet to a 5/8-inch iron pin found at the North-Northwest corner of the 76.768 acre tract recorded in Volume 1166, Page 235;

South 00 degrees 00 minutes 11 seconds West, with a West line of said 76.768 acre tract and generally near a wood fence for part of the way, 344.00 feet to an 1/2-inch iron pin set at an inside corner of said 76.768 acre tract;

THENCE South 89 degrees 58 minutes 11 seconds West, with a North line of said 76.768 acre tract and crossing said Underwood Road, 125.00 feet to an 1/2-inch iron pin set at the West-Northwest corner of said 76.768 acre tract;

THENCE South 00 degrees 15 minutes 42 seconds East, with the West line of said 76.768 acre tract and on the West side of said Underwood Road, passing the Southwest corner of said 76.768 acre tract and continuing in all, 1561.35 feet to an 1/2-inch iron pin found near said Underwood Road; same being the North-Northwest corner of the 96.85 acre tract recorded in Clerk's File No. 98-117450;

THENCE South 01 degree 54 minutes 54 seconds West, with a West line of said 96.85 acre tract and generally with said Underwood Road, 1205.51 feet to an one inch iron pin found at the an inside corner of said 96.85 acre tract; same being the Southeast corner of said 415 acre tract; same being where said road turns West;

THENCE North 89 degrees 27 minutes 33 seconds West, with the South line of said 415 acre tract and generally with the center of said Underwood Road, 1362.76 feet to an 1/2-inch iron pin set at the East-Southeast corner of the 18.726 acre "Tract II" recorded in Volume 489, Page 551 of the right-of-way of Farm Road No. 2449;

THENCE North 00 degrees 28 minutes 37 seconds East, with the East line of said 18.726 acre tract and the right-of-way line of said Farm Road No. 2449, 45.00 feet to an 1/2-inch iron pin set at the Northeast corner of said 18.726 acre tract;

THENCE with the North line of said 18.726 acre tract, the North right-of-way line of said Farm Road No. 2449 and generally near a fence as follows:

North 89 degrees 31 minutes 23 seconds West, 2944.75 feet to an 1/2-inch iron pin set;

South 89 degrees 46 minutes 37 seconds West, 7200.01 feet to an 1/2-inch iron pin set;

North 84 degrees 30 minutes 45 seconds West, 100.50 feet to an 1/2-inch iron pin set;

Exhibit "A", Land Description – Page 3

South 89 degrees 46 minutes 37 seconds West, 200.00 feet to an 1/2-inch iron pin set;

South 84 degrees 03 minutes 59 seconds West, 100.50 feet to an 1/2-inch iron pin set;

South 89 degrees 46 minutes 37 seconds West, 678.22 feet to an 1/2-inch iron pin set;

North 44 degrees 49 minutes 38 seconds West, 39.98 feet to an 1/2-inch iron pin set at the Northwest corner of said 18.726 acre tract; same being in the East line of said C. Wolfe Road;

THENCE North 00 degrees 30 minutes 56 seconds East, with the East line of said C. Wolfe Road and generally near a fence, 1353.53 feet to an 1/2-inch iron pin set;

THENCE North 89 degrees 32 minutes 13 seconds West, 17.14 feet to an 1/2-inch iron pin set in the center of said C. Wolfe Road, in the West line of said 798.2 acre tract;

THENCE North 00 degrees 32 minutes 15 seconds East, with the West line of said 798.2 acre tract and generally with the center of said C. Wolfe Road, 6972.35 feet to the PLACE OF BEGINNING and containing 2049.00 acres.

TRACT 2: South Tract

SITUATED in Denton County, Texas in the S. Paine Survey, Abstract No. 1035, the M. Paine Survey, Abstract No. 1036, the George West Survey, Abstract No. 1393, the B. B. B. & C.R.R. Co. Survey, Abstract No. 176, the E.N. Oliver Survey, Abstract No. 989, the J. T. Evans Survey, Abstract No. 411, the C. Manchaca Survey, Abstract No. 789, the G. W. Pettingale Survey, Abstract No. 1041, the J. W. Kjellberg Survey, Abstract No. 1610, being a Survey of part of 1.086 acre tract described in a deed from Maurine P. Myers, et al to M. T. Cole Trust NO. 1, recorded in Volume 1018, Page 453, being a Survey of part of the 562.8 acre "First tract" described in a deed from T. E. Carruth, et al to M. T. Cole, dated December 22, 1931, recorded in Volume 238, Page 410, a Survey of the 640 acre tract described in a Deed from T. E. Carruth, et al to M. T. Cole, dated January 4, 1935, recorded in Volume 250, Page 121, a Survey of the 429-3/4 acre tract described in a deed from T. E. Carruth, et al to M. T. Cole, dated March 28, 1936, recorded in Volume 256, Page 285, all Deeds of the Denton County Deed Records, being described by metes and bounds as follows:

BEGINNING at an 1/2-inch iron pin set in a broke off Bois d'arc corner post at the Southwest corner of said 640 acre tract; same being in the East line of the 320.350 acre tract recorded in Clerk's File No. 99-67258;

THENCE North 00 degrees 35 minutes 15 seconds East, with the East line of said 320.350 acre tract and generally near a fence, 3057.12 feet to a 5/8-inch iron pin found at the Northeast corner of said 320.350 acre tract;

Exhibit "A", Land Description – Page 4

THENCE North 89 degrees 23 minutes 04 seconds West, with the North line of said 320.350 acre tract, 153.52 feet to an 1/2-inch iron pin set in the West line of said 1.086 acre tract; same being on the East side of H. Lively Road (rock road);

THENCE northerly with the East side of said H. Lively Road, with the West line of said 1.086 acre tract and generally near a fence as follows:

North 49 degrees 11 minutes 19 seconds East, 31.80 feet to an 1/2-inch iron pin set;

North 06 degrees 29 minutes 42 seconds East, 103.71 feet to an 1/2-inch iron pin set;

North 07 degrees 48 minutes 12 seconds East, 90.24 feet to an 1/2-inch iron pin set;

North 19 degrees 36 minutes 29 seconds East, 83.19 feet to an 1/2-inch iron pin set;

North 17 degrees 17 minutes 59 seconds East, 221.61 feet to an 1/2-inch iron pin set at the Northwest corner of said 1.086 acre tract;

THENCE South 89 degrees 52 minutes 01 second East, with the North line of said 1.086 acre tract, 17.07 feet to an 1/2-inch iron pin found at the Northeast corner of said 1.086 acre tract; same being in the East line of the 160.939 acre tract recorded in Volume 1300, Page 933;

THENCE northerly with the East line of said 160.939 acre tract, the East side of said H. Lively Road and generally near a fence as follows:

North 00 degrees 48 minutes 45 seconds East, 72.34 feet to an 1/2-inch iron pin found;

North 00 degrees 23 minutes 31 seconds East, 2695.55 feet to an 1/2-inch iron pin set in the South right-of-way line of Farm Road No. 2449;

THENCE easterly with the South right-of-way line of said Farm Road No. 2449 and generally near a fence as follows:

North 45 degrees 10 minutes 52 seconds East, 41.58 feet to an 1/2-inch iron pin set;

North 89 degrees 46 minutes 37 seconds East, 679.48 feet to an 1/2-inch iron pin set;

South 84 degrees 30 minutes 45 seconds East, 100.50 feet to an 1/2-inch iron pin set;

North 89 degrees 46 minutes 37 seconds East, 200.00 feet to an 60d nail set in top of a wood right-of-way marker;

North 84 degrees 03 minutes 59 seconds East, 100.50 feet to an 1/2-inch iron pin set;

Exhibit "A", Land Description – Page 5

North 89 degrees 46 minutes 37 seconds East, 1462.48 feet to an 1/2-inch iron pin found at the Northwest corner of the 18.28 acre tract recorded in Volume 5, Page 709 of the Lis Pendens records of Denton County, Texas

THENCE South 00 degrees 16 minutes 13 seconds East, with an West line of said 18.28 acre tract and generally near a fence 711.07 feet to an 1/2-inch iron pin found by a corner post at the Southwest corner of said 18.28 acre tract;

THENCE North 89 degrees 45 minutes 23 seconds East, with the South line of said 18.28 acre tract and generally near a fence, 1119.68 feet to an 1/2-inch iron pin found by a corner post at the Southeast corner of said 18.28 acre tract;

THENCE North 00 degrees 12 minutes 56 seconds West, with the East line of said 18.28 acre tract and generally near a fence, 710.67 feet to an 1/2-inch iron pin set at the Northeast corner of said 18.28 acre tract, in the South right-of-way line of said Farm Road No. 2449;

THENCE North 89 degrees 46 minutes 37 seconds East, with the North right-of-way line of said Farm Road No. 2449 and generally near a fence, 4616.62 feet to an 1/2-inch iron pin set in an East line of said 562.8 acre tract;

THENCE South 00 degrees 09 minutes 33 seconds West, with an East line of said 562.8 acre tract and generally with the center of a rock road 1652.60 feet to an 1/2-inch iron pin set at the South-Southeast corner of said 562.8 acre tract, where said road turns to the West;

THENCE North 89 degrees 28 minutes 35 seconds West, with the South line of said 562.8 acre tract and generally with the center of said rock road, 254.68 feet to an 1/2-inch iron pin set in place of a 60d nail found at the North-Northeast corner of said 429-3/4 acre tract;

THENCE South 00 degrees 24 minutes 30 seconds West, with an East line of said 429-3/4 acre tract and generally near an old fence, 2169.07 feet to a Bois d'arc corner post found at the inside corner of said 429-3/4 acre tract;

THENCE South 89 degrees 56 minutes 06 seconds East, with a North line of said 429-3/4 acre tract and generally near the evidence of an old fence, passing an 1/2-inch iron pin set by a corner post at 3125.59 feet and continuing in all, 3151.06 feet to a point on the West edge of John Paine Road (North-South rock road); same being in a West line of the 2329.49 acre tract recorded in Clerk's File No. 98-117450;

THENCE South 00 degrees 33 minutes 24 seconds West, with a West line of said 2329.49 acre tract and with the West edge of said John Paine Road, 2545.07 feet to an 1/2-inch iron pin found at the Southeast corner of said 429-3/4 acre tract and an inside corner of said 2329.49 acre tract;

THENCE North 89 degrees 47 minutes 59 seconds West, with the South line of said 429-3/4 acre tract, a North line of said 2329.49 acre tract and generally near an old fence, 5406.60 feet to

Exhibit "A", Land Description – Page 6

a Bois d'arc corner post found at the Southwest corner of said 429-3/4 acre tract and a Northwest corner of said 2329.49 acre tract;

THENCE South 01 degree 59 minutes 48 seconds West, with a West line of said 2329.49 acre tract and generally near a fence, 92.25 feet to a Bois d'arc corner post found at an inside corner of said 2329.49 acre tract and the Southeast corner of said 640 acre tract; an one inch iron pipe found bears South 87 degrees 45 minutes 56 seconds East, 3.46 feet;

THENCE North 89 degrees 30 minutes 24 seconds West, with the South line of said 640 acre tract, a North line of said 2329.49 acre tract and generally near an old fence for most of the way, 5806.65 feet to the PLACE OF BEGINNING and containing 1357.12 acres.

Exhibit "A", Land Description – Page 7

## EXHIBIT "B"

### PERMITTED EXCEPTIONS

1. Electric easement to Texas Power & Light Company, filed 10/17/1940, recorded in Volume 288, Page 28, Deed Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
2. Electric easement to Texas Power & Light Company, filed 06/03/1949, recorded in Volume 355, Page 25, Deed Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
3. Blanket electric easement to Denton County Electric Cooperative, Inc., filed 10/15/1953, recorded in Volume 402, Page 305, Deed Records of Denton County, Texas, as noted on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
4. Blanket electric easement to Denton County Electric Cooperative, Inc., filed 10/15/1953, recorded in Volume 402, Page 309, Deed Records of Denton County, Texas, as noted on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)
5. Easements for highway right of way purposes awarded the State of Texas and the County of Denton, by judgment filed 01/30/1963, recorded in Volume 489, Page 551, Deed Records, Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)
6. Easement to Denton-Wise Soil and Conservation District, filed 01/12/1967, recorded in Volume 546, Page 67, Deed Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)
7. 100' electric easement to Texas Power & Light Company, filed 11/22/1967, recorded in Volume 559, Page 255 and in Volume 560, Page 619, Deed Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
8. Easements awarded the State of Texas and the County of Denton, individually and as agent for Denton-Wise County Soil and Water Conservation District, by judgment recorded in Volume 623, Page 315, Deed Records, Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)

9. Electric easement awarded Texas Municipal Power Agency by judgment rendered filed 09/17/1986, under Denton County Court at Law No. 10456, recorded in Volume 9, Page 332, Deed Records, Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)
10. 20' pipeline easement (50' during construction and maintenance) to Southwestern Gas Pipeline, Inc., filed 08/03/2001, recorded in Volume 4893, Page 1500, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
11. 20' pipeline easement and 50' X 50' dehydrator site easement to Southwestern Gas Pipeline, Inc., filed 01/22/2002, recorded in Volume 5007, Page 2391, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)
12. 30' pipeline easement to Southwestern Gas Pipeline, Inc., filed 02/11/2002, recorded in Volume 5021, Page 3429, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
13. 30' pipeline easement to Southwestern Gas Pipeline, Inc., filed 02/11/2002, recorded in Volume 5021, Page 3487, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
14. 30' pipeline easement to Southwestern Gas Pipeline, Inc., filed 03/12/2002, recorded in Volume 5041, Page 1850, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
15. 30' pipeline easement to Southwestern Gas Pipeline, Inc., filed 03/12/2002, recorded in Volume 5041, Page 1857, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
16. 30' pipeline easement to Southwestern Gas Pipeline Inc., filed 11/26/2002, recorded in Volume 5221, Page 3747, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
17. 30' pipeline easement to Southwestern Gas Pipeline Inc., filed 11/26/2002, recorded in Volume 5221, Page 3841, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)

Exhibit "B", Permitted Exceptions – Page 2

18. 30' pipeline easement to Southwestern Gas Pipeline Inc., filed 11/26/2002, recorded in Volume 5221, Page 3874, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
19. 30' pipeline easement to Southwestern Gas Pipeline Inc., filed 02/20/2003, recorded in Volume 5276, Page 2221, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
20. 30' pipeline easement to Southwestern Gas Pipeline Inc., filed 02/20/2003, recorded in Volume 5276, Page 2268, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)
21. 20' gas pipeline easement to Trio Consulting & Management, LLC, filed 06/24/2003, recorded in Volume 5360, Page 3217, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004, as quitclaimed to Hickory Creek Gathering, LP by instrument filed 11/12/2004, under cc# 2004-146833, Real Property Records, Denton County, Texas. (Affects Tract 1)
22. 20' x 30' surface pipeline easement to Southwestern Gas Pipeline Inc., filed 08/19/2003, recorded in Volume 5399, Page 4606, Real Property Records of Denton County, Texas, as noted on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
23. Surface easement meter sites to Southwestern Gas Pipeline, Inc., filed 07/30/2004, cc# 2004-100625, Real Property Records of Denton County, Texas, as noted on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
24. 30' pipeline easement to Southwestern Gas Pipeline Inc. filed 09/20/2004, cc# 2004-124129, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
25. Oil, gas and mineral lease, to Mitchell Energy Corporation, described in instrument filed 11/02/1988, recorded in Volume 2479, Page 441, Real Property Records of Denton County, Texas, and all rights incident thereto, including but not limited to 40' pipeline and road easements, 25' road easement, location pad and wellpad, all as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004, as amended and clarified by instrument filed 01/24/1991, recorded in Volume 2916, Page 280, Real Property Records, Denton County, Texas, as extended by instrument filed 09/22/1994, under cc# 94R0073009, Real Property Records, Denton County, Texas, as amended by instrument filed 08/25/1995, under cc# 95R0052261, Real Property Records, Denton

Exhibit "B", Permitted Exceptions – Page 3

County, Texas, as extended by instrument filed 11/30/1995, under cc# 95R0074517, Real Property Records, Denton County Texas and amended by instrument filed 03/07/2000, recorded in Volume 4541, Page 1607, Real Property Records, Denton County, Texas. Designation of Production Unit filed 02/13/1989, recorded in Volume 2531, Page 204, Real Property Records, Denton County, Texas. Declaration of Pool filed 05/22/1995, under cc# 95R0029524, Real Property Records, Denton County, Texas. (Affects Tracts 1 and 2)

26. Oil, gas and mineral lease, to Mitchell Energy Corporation as evidenced by memorandum filed 03/07/2000, recorded in Volume 4541, Page 1603, Real Property Records, Denton County, Texas, as amended by instruments recorded in Volume 4859, Page 1659, Volume 5128, Page 1403, Volume 5262, Page 3228 and Volume 5304, Page 1231, Real Property Records, Denton County, Texas, and all rights incident thereto, including but not limited to 40' pipeline and road easements, 25' road easement, location pad and well pads, as shown on survey of Bruce Geer, R.P.L.S. #4117 dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)
27. Water Well, Water Usage and Easement Agreement between Devon Energy Operating Company, L.P. and Amy Cole Gain (Griffin), Susan Bonner Mead and Jack Donald Griffin, Successor Trustees of the M. T. Cole Trust No. 1, M. T. Cole Trust No. 2 and M. T. Cole Trust No. 4, as evidenced by memorandum filed 10/17/2003, recorded in Volume 5541, Page 1008, Real Property Records, Denton County, Texas. (Affects Tracts 1 and 2)
28. Valve Site Agreement with Southwestern Gas Pipe Line filed 03/12/2002, recorded in Volume 5041, Page 1882, Real Property Records, Denton County, Texas, as noted on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
29. Easement rights, if any, as evidenced by underground phone cable along a portion of the East property line as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)
30. Overlap of property lines along a portion of the East property line as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)
31. Fence encroachments and protrusions along the South, West and East property lines as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)
32. 13.68' gap between property lines along a portion of the East property line as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)

Exhibit "B", Permitted Exceptions – Page 4

33. Rights, if any, of third parties with respect to road curving through the subject property from the North to South property lines as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
34. Fence encroachments and protrusions along the most easterly North property lines and the most westerly East property lines as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
35. Proposed electric easements to the City of Denton pursuant to Cause No. 2003-00489, Probate Court of Denton County, Texas, as evidenced by Lis Pendens filed 05/05/2003, recorded in Volume 5325, Page 4460, Real Property Records of Denton County, Texas, in suit Cause No. 2003-00489, styled the CITY OF DENTON vs. SUSAN BONNER MEAD, JACK DONALD COLE, AMY COLE GRIFFIN, TRUSTEES of the M. T. COLE TRUSTS NO.s 1, 2, 3 and 4 and TEXAS SCOTTISH RITE HOSPITAL, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
36. Rights of third parties with respect to those portions of the subject property lying within the boundaries of Underwood Road, Tom Cole Road, C. Wolfe Road, WestCourt Road, and Spring Side Road (as to Tract 1), and various rock roads (as to Tract 2), as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004.
37. Rights of Troy Webster and Nathan Grunden as tenants only, pursuant to oral agreements.

Exhibit "B", Permitted Exceptions – Page 5

Denton County  
Cynthia Mitchell  
County Clerk  
Denton, TX 76202



70 2005 00012276

Instrument Number: 2005-12276

As

Recorded On: February 01, 2005

Warranty Deed

Parties: MEAD SUSAN BONNER

Billable Pages: 21

To

Number of Pages: 21

Comment:

**\*\* Examined and Charged as Follows: \*\***

Warranty Deed	54.00
Total Recording:	54.00

\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

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

**File Information:**

Document Number: 2005-12276

Receipt Number: 167332

Recorded Date/Time: February 01, 2005 10:50A

User / Station: P Sallee - Cash Station 2

**Record and Return To:**

REPUBLIC TITLE OF TEXAS

2626 HOWELL STREET 10TH FLOOR

DALLAS TX 75204



THE STATE OF TEXAS }  
COUNTY OF DENTON }

I hereby certify that this Instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas

*C. Mitchell*

County Clerk  
Denton County, Texas

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

**SPECIAL WARRANTY DEED IN CONTRIBUTION**

STATE OF TEXAS           §  
  §       KNOW ALL MEN BY THESE PRESENTS THAT:  
COUNTY OF DENTON     §

SUSAN BONNER MEAD, AMY COLE GRIFFIN and JACK DONALD COLE, AS CO-TRUSTEES OF (i) M. T. COLE TRUST NO. 1, M. T. COLE TRUST NO. 2 and M. T. COLE TRUST NO. 4, and of (ii) THE MARY JANE MARSHALL TRUSTS, THE MARTIN THOMAS COLE TRUSTS, THE WILLIAM RALPH COLE TRUSTS, THE JACK LEWIS COLE TRUSTS, THE VIRGINIA MYRLE COLE TRUSTS, AND THE ROBERT FRANK COLE TRUSTS, AS IDENTIFIED ON THE SIGNATURE PAGE HERETO, each of the foregoing trusts being a trust created and existing under the laws of the State of Texas (collectively, "Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration paid by, and as a capital contribution to, **SLF II COLE PROPERTY, L.P.**, a Texas limited partnership ("Grantee"), the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, BARGAINED, SOLD, CONTRIBUTED, TRANSFERRED and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL, CONTRIBUTE, TRANSFER and CONVEY, unto Grantee an undivided **80.00%** interest in and to all of that certain lot(s), tract(s) or parcel(s) of land situated in Denton County, Texas, and being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference for all purposes (the "Land").

TOGETHER WITH, all and singular, an undivided **80.00%** interest in and to (i) all improvements and fixtures situated thereon, and (ii) all rights, benefits, privileges, easements, tenements, hereditaments, appurtenances and interests thereon or in anywise appertaining thereto, and (iii) all right, title and interest of Grantor in and to (a) strips or gores, if any, between the Land and abutting or immediately adjacent properties, and (b) any land lying in or under the bed of any street, alley, road or right-of-way, opened or proposed, abutting or immediately adjacent to the Land (said undivided interest in and to said Land, improvements, fixtures, rights, benefits, privileges, easements, tenements, hereditaments, appurtenances and interests being hereinafter collectively referred to as the "Property").

Grantor does hereby reserve unto Grantor, and Grantor's successors and assigns, all right, title and interest in and to the entire mineral estate located under the surface of the Property, including without limitation, all oil, gas, lignite, coal and other hydrocarbon substances and minerals located in or under (but not on) the Property (the "Mineral Estate"), and all proceeds payable from production of the Mineral Estate, including production from the existing oil and gas leases, together with all rights, privileges and appurtenances pertaining to the Mineral Estate,

Return to: CR7  
Republic Title of Texas, Inc.  
2626 Howell Street, 10th Floor  
Dallas TX 75204

except as limited in, and subject to the terms, covenants and restrictions set forth in, that certain Mineral and Surface Use Development Agreement of even date herewith by and between Grantor and Grantee to be recorded in the public records of Denton County, Texas. The foregoing is referred to herein as the "Mineral Reservation".

This conveyance is made subject to the encumbrances and exceptions (the "Permitted Exceptions") described on Exhibit "B" attached hereto and incorporated herein by this reference, but only to the extent the same are valid and subsisting and in fact affect the Property, and without limitation of the scope of the special warranty herein contained.

TO HAVE AND TO HOLD the Property, subject only to the Mineral Reservation and Permitted Exceptions as aforesaid, unto Grantee, and Grantee's successors and assigns, forever; and Grantor does hereby bind Grantor, and Grantor's successors and assigns, to WARRANT and FOREVER DEFEND, all and singular, the Property, subject only to the Mineral Reservation and Permitted Exceptions as aforesaid, unto Grantee, and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise, but with full substitution and subrogation of Grantee in and to all covenants of warranty by parties other than Grantor heretofore given or made with respect to the rights, titles and interests herein conveyed or any part thereof.

Except as expressly set forth herein or in those two (2) certain Commercial Contracts of Sale each dated effective as of May 27, 2004, entered into by Grantor with The Stratford Company, L.P and SLF II Cole Investment, L.P. (collectively, as amended, the "Contracts of Sale") or in that certain Agreement of Limited Partnership of SLF II Cole Property, L.P. dated effective as of August 20, 2004, entered into by and among Grantor (as a limited partner), SLF II Cole Investment, L.P. (as a limited partner), and The Stratford Company, L.P. (as the general partner) (the "Partnership Agreement"), the Property is being sold and conveyed hereunder "as is" with any and all faults and latent and patent defects without any express or implied representation or warranty by Grantor except as expressly set forth herein or in the Contracts of Sale or in the Partnership Agreement. Except for Grantor's warranty of title set forth herein and except as expressly set forth in the Contracts of Sale or in the Partnership Agreement, Grantor has not made and hereby specifically disclaims any representations or warranties of any kind or character whatsoever, express or implied, with respect to the Property, its condition (including without limitation any representation or warranty regarding quality of construction, state of repair, workmanship, merchantability, suitability or fitness for any particular purpose), its compliance with environmental laws or other laws, availability of access, ingress or egress, income to be derived therefrom or expenses to be incurred with respect thereto, the obligations, responsibilities or liabilities of the owner thereof, or any other matter or thing relating to or affecting the Property and Grantor hereby disclaims and renounces any other representation or warranty except as expressly set forth herein or in the Contracts of Sale or in the Partnership Agreement.

Grantee, by its acceptance hereof, does hereby assume and agree to pay any and all ad valorem taxes and special assessments pertaining to the Property for calendar year 2005 and subsequent years, there having been a proper proration of ad valorem taxes for the current calendar year between Grantor and Grantee. Grantee, by its acceptance hereof, does further

Special Warranty Deed In Contribution - Page 2

assume and agree to pay any and all ad valorem taxes relating to a subsequent change in the usage or ownership of the Property, whether by reason of this conveyance or hereafter.

[SIGNATURE AND NOTARY ACKNOWLEDGMENT PAGES FOLLOW]

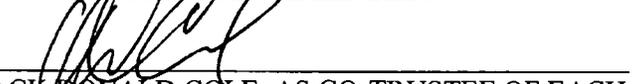
Special Warranty Deed In Contribution - Page 3

EXECUTED to be effective as of January 31, 2005.

**GRANTOR:**

  
SUSAN BONNER MEAD, AS CO-TRUSTEE OF  
EACH OF THE TRUSTS IDENTIFIED BELOW

  
AMY COLE GRIFFIN, AS CO-TRUSTEE OF EACH  
OF THE TRUSTS IDENTIFIED BELOW

  
JACK DONALD COLE, AS CO-TRUSTEE OF EACH  
OF THE TRUSTS IDENTIFIED BELOW

AS CO-TRUSTEES OF EACH OF THE FOLLOWING:

M. T. COLE TRUST NO. 1 u/a November 28, 1934,  
M. T. COLE TRUST NO. 2 u/a September 14, 1935,  
and  
M. T. COLE TRUST NO. 4 u/a December 28, 1939

AND

MARY JANE MARSHALL TRUSTS u/a November  
28, 1934, September 14, 1935 and December 28, 1939

MARTIN THOMAS COLE TRUSTS u/a November 28,  
1934, September 14, 1935 and December 28, 1939

WILLIAM RALPH COLE TRUSTS u/a November 28,  
1934, September 14, 1935 and December 28, 1939

JACK LEWIS COLE TRUSTS u/a November 28, 1934,  
September 14, 1935 and December 28, 1939

VIRGINIA MYRLE COLE TRUSTS u/a November 28,  
1934, September 14, 1935 and December 28, 1939

ROBERT FRANK COLE TRUSTS u/a November 28,  
1934, September 14, 1935 and December 28, 1939

Special Warranty Deed In Contribution - Page 4

STATE OF TEXAS

§  
§  
§

COUNTY OF DENTON

This instrument was ACKNOWLEDGED before me, on the 31 day of January, 2005, by SUSAN BONNER MEAD, as Co-Trustee of M. T. COLE TRUST NO. 1 u/a November 28, 1934, M. T. COLE TRUST NO. 2 u/a September 14, 1935, M. T. COLE TRUST NO. 4 u/a December 28, 1939, MARY JANE MARSHALL TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, MARTIN THOMAS COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, WILLIAM RALPH COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, JACK LEWIS COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, VIRGINIA MYRLE COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, and ROBERT FRANK COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, each being a trust created and existing under the laws of the State of Texas, on behalf of said trusts.

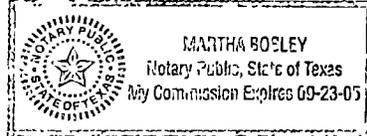
[S E A L]

Martha Bosley  
Notary Public, State of Texas

My Commission Expires:

\_\_\_\_\_

Printed Name of Notary Public



STATE OF TEXAS                   §  
   §  
COUNTY OF DENTON           §

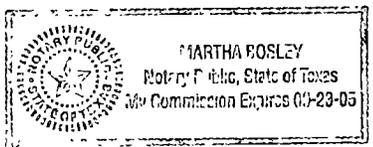
This instrument was ACKNOWLEDGED before me, on the 31 day of January, 2005, by AMY COLE GRIFFIN, as Co-Trustee of M. T. COLE TRUST NO. 1 u/a November 28, 1934, M. T. COLE TRUST NO. 2 u/a September 14, 1935, M. T. COLE TRUST NO. 4 u/a December 28, 1939, MARY JANE MARSHALL TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, MARTIN THOMAS COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, WILLIAM RALPH COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, JACK LEWIS COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, VIRGINIA MYRLE COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, and ROBERT FRANK COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, each being a trust created and existing under the laws of the State of Texas, on behalf of said trusts.

[S E A L]

*Martha Bosley*  
\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires:  
  
\_\_\_\_\_

\_\_\_\_\_  
Printed Name of Notary Public



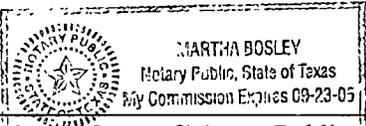
STATE OF TEXAS                   §  
  §  
COUNTY OF DENTON           §

This instrument was ACKNOWLEDGED before me, on the 31 day of January, 2005, by JACK DONALD COLE, as Co-Trustee of M. T. COLE TRUST NO. 1 u/a November 28, 1934, M. T. COLE TRUST NO. 2 u/a September 14, 1935, M. T. COLE TRUST NO. 4 u/a December 28, 1939, MARY JANE MARSHALL TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, MARTIN THOMAS COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, WILLIAM RALPH COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, JACK LEWIS COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, VIRGINIA MYRLE COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, and ROBERT FRANK COLE TRUSTs u/a November 28, 1934, September 14, 1935 and December 28, 1939, each being a trust created and existing under the laws of the State of Texas, on behalf of said trusts.

[ S E A L ]

*Martha Bosley*  
\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires:  
\_\_\_\_\_

  
\_\_\_\_\_  
Printed Name of Notary Public

GRANTEE'S ADDRESS FOR TAX NOTICES:

SLF II Cole Property, L.P.  
c/o The Stratford Company, L.P.  
5949 Sherry Lane, Suite 1750  
Dallas, Texas 75225  
Attn: Phillip F. Wiggins

After Recording Return To:

Matthew N. Hudnall, Esq.  
Hudnall P.C.  
5949 Sherry Lane, Suite 1750  
Dallas, Texas 75225

Return to: CR7  
Republic Title of Texas, Inc.  
2626 Howell Street, 10th Floor  
Dallas TX 75204

## EXHIBIT "A"

### LAND DESCRIPTION

#### TRACT 1: North Tract

SITUATED in Denton County, Texas in the J. W. Kjellberg Survey, Abstract No. 1610, the James McDonald Survey, Abstract No. 873, the I.W. Byerly Survey, Abstract No. 1458, the J. Dalton Survey, Abstract No. 353, the J. A. Burn Survey, Abstract No. 132, the T. & P. R. R., Abstract No. 1292, the A. C. Madden Survey, Abstract No. 851, the I. N. Hembree Survey, Abstract No. 594, the J. Bacon Survey, Abstract No. 1540, the Wm. Neill Survey, Abstract No. 970, the B. B. B. & C.R.R. Co. Survey, Abstract No. 176, the T. E. Carruth Survey, Abstract 1707, being a Survey of part of the 562.8 acre "First tract", a Survey of the 798.2 acre "Second Tract", a Survey of part of the 640 acre "Third Tract" described in a deed from T. E. Carruth, et al to M. T. Cole, dated December 22, 1931, recorded in Volume 238, Page 410, a Survey of part of the 415 acre tract described in a deed from Rudy Copeland and wife, Mary A. Copeland to M. T. Cole, dated September 26, 1933, recorded in Volume 243, Page 572, both deeds of the Denton County Deed Records, being described by metes and bounds as follows:

BEGINNING at an 1/2-inch iron pin found at the Northwest corner of said 798.2 acre tract in the center of Tom Cole Road (East-West asphalt road) and C. Wolfe Road (rock road) from the South;

THENCE South 88 degrees 55 minutes 44 seconds East, generally with the center of said Tom Cole Road, 4685.36 feet to an "x" cut in a concrete bridge;

THENCE North 89 degrees 43 minutes 13 seconds East, generally with the center of said Tom Cole Road, 2521.29 feet to a 3/4-inch iron pin set in place of a nail found at the Northeast corner of said 798.2 acre tract;

THENCE South 00 degrees 23 minutes 40 seconds West, with the East line of said 798.2 acre tract and generally near an old fence, 1865.00 feet to an 1/2-inch iron pin set by a corner post at the East-Southeast corner of said 798.2 acre tract; same being in the North line of said 640 acre tract;

THENCE South 88 degrees 52 minutes 00 seconds East, with the North line of said 640 acre tract and generally near an old fence, 1616.90 feet to an 1/2-inch iron pin set near a corner post at the Northwest corner of the 24.73 acre "Tract One" recorded in Volume 871, Page 137;

THENCE South 01 degree 07 minutes 58 seconds West, with the West line of said 24.73 acre tract and generally near a fence, 950.05 feet to an 1/2-inch iron pin found at the West-Southwest corner of said 24.73 acre tract;

THENCE South 88 degrees 58 minutes 35 seconds East, with a South line of said 24.73 acre tract, 144.97 feet to an 1/2-inch iron pin found at an inside corner of said 24.73 acre tract;

THENCE South 01 degree 05 minutes 17 seconds West, with a West line of said 24.73 acre tract and with the West line of the 13.89 acre "Tract Two" in said Volume 871, Page 137, 699.86 feet to an 1/2-inch iron pin found at the Southwest corner of said 13.89 acre tract; same being the Northwest corner of the 31.107 acre tract recorded in Clerk's File No. 94-71013;

THENCE South 09 degrees 20 minutes 01 second West, with the West line of said 31.107 acre tract, 1010.79 feet to an 1/2-inch iron pin found at the Southwest corner of said 31.107 acre tract;

THENCE South 88 degrees 53 minutes 58 seconds East, with the South line of said 31.107 acre tract, 1499.78 feet to an 1/2-inch iron pin found at the Southeast corner of said 31.107 acre tract;

THENCE North 07 degrees 10 minutes 06 seconds West, with the East line of said 31.107 acre tract, 1009.80 feet to an 1/2-inch iron pin found at the Northeast corner of said 31.107 acre tract; same being the Southeast corner of said 13.89 acre tract;

THENCE North 01 degree 06 minutes 57 seconds East, with the East line of said 13.89 acre tract and an East line of said 24.73 acre tract 699.98 feet to an 1/2-inch iron pin found at an inside corner of said 24.73 acre tract;

THENCE South 88 degrees 52 minutes 57 seconds East, with a South line of said 24.73 acre tract, 144.76 feet to an 1/2-inch iron pin found at the East-Southeast corner of said 24.73 acre tract;

THENCE North 01 degree 04 minutes 51 seconds East, with the East line of said 24.73 acre tract, 629.19 feet to an 1/2-inch iron pin found at the Northeast corner of said 24.73 acre tract;

THENCE North 89 degrees 25 minutes 26 seconds East, with the South line of the Southeast Airport Addition recorded in Volume G, Page 295 of the Denton County Plat Records, 1534.00 feet to an 1/2-inch iron pin found at the Southeast corner of said Airport Addition, in the center of Westcourt Road (North-South asphalt road);

THENCE South 00 degrees 38 minutes 25 seconds West, with an East line of said 415 acre tract and generally with the center of said Westcourt Road, 1150.78 feet to a 5/8-inch iron pin found at an inside corner of said 415 acre tract;

THENCE North 89 degrees 48 minutes 14 seconds East, generally along Spring Side Road, 870.00 feet to an 1/2-inch iron pin found at the Northwest corner of the 10 acre tract recorded in Volume 971, Page 251;

THENCE southerly along the East side of Underwood Road (North-South asphalt road) as follows:

Exhibit "A", Land Description – Page 2

South 00 degrees 11 minutes 34 seconds East, 646.53 feet to a 5-inch pipe corner post;

South 00 degrees 48 minutes 00 seconds East, generally near a fence for part of the way, 645.16 feet to a 5-inch pipe corner post;

South 00 degrees 41 minutes 32 seconds East, 547.42 feet to a 5/8-inch iron pin found at the North-Northwest corner of the 76.768 acre tract recorded in Volume 1166, Page 235;

South 00 degrees 00 minutes 11 seconds West, with a West line of said 76.768 acre tract and generally near a wood fence for part of the way, 344.00 feet to an 1/2-inch iron pin set at an inside corner of said 76.768 acre tract;

THENCE South 89 degrees 58 minutes 11 seconds West, with a North line of said 76.768 acre tract and crossing said Underwood Road, 125.00 feet to an 1/2-inch iron pin set at the West-Northwest corner of said 76.768 acre tract;

THENCE South 00 degrees 15 minutes 42 seconds East, with the West line of said 76.768 acre tract and on the West side of said Underwood Road, passing the Southwest corner of said 76.768 acre tract and continuing in all, 1561.35 feet to an 1/2-inch iron pin found near said Underwood Road; same being the North-Northwest corner of the 96.85 acre tract recorded in Clerk's File No. 98-117450;

THENCE South 01 degree 54 minutes 54 seconds West, with a West line of said 96.85 acre tract and generally with said Underwood Road, 1205.51 feet to an one inch iron pin found at the an inside corner of said 96.85 acre tract; same being the Southeast corner of said 415 acre tract; same being where said road turns West;

THENCE North 89 degrees 27 minutes 33 seconds West, with the South line of said 415 acre tract and generally with the center of said Underwood Road, 1362.76 feet to an 1/2-inch iron pin set at the East-Southeast corner of the 18.726 acre "Tract II" recorded in Volume 489, Page 551 of the right-of-way of Farm Road No. 2449;

THENCE North 00 degrees 28 minutes 37 seconds East, with the East line of said 18.726 acre tract and the right-of-way line of said Farm Road No. 2449, 45.00 feet to an 1/2-inch iron pin set at the Northeast corner of said 18.726 acre tract;

THENCE with the North line of said 18.726 acre tract, the North right-of-way line of said Farm Road No. 2449 and generally near a fence as follows:

North 89 degrees 31 minutes 23 seconds West, 2944.75 feet to an 1/2-inch iron pin set;

South 89 degrees 46 minutes 37 seconds West, 7200.01 feet to an 1/2-inch iron pin set;

North 84 degrees 30 minutes 45 seconds West, 100.50 feet to an 1/2-inch iron pin set;

Exhibit "A", Land Description – Page 3

South 89 degrees 46 minutes 37 seconds West, 200.00 feet to an 1/2-inch iron pin set;

South 84 degrees 03 minutes 59 seconds West, 100.50 feet to an 1/2-inch iron pin set;

South 89 degrees 46 minutes 37 seconds West, 678.22 feet to an 1/2-inch iron pin set;

North 44 degrees 49 minutes 38 seconds West, 39.98 feet to an 1/2-inch iron pin set at the Northwest corner of said 18.726 acre tract; same being in the East line of said C. Wolfe Road;

THENCE North 00 degrees 30 minutes 56 seconds East, with the East line of said C. Wolfe Road and generally near a fence, 1353.53 feet to an 1/2-inch iron pin set;

THENCE North 89 degrees 32 minutes 13 seconds West, 17.14 feet to an 1/2-inch iron pin set in the center of said C. Wolfe Road, in the West line of said 798.2 acre tract;

THENCE North 00 degrees 32 minutes 15 seconds East, with the West line of said 798.2 acre tract and generally with the center of said C. Wolfe Road, 6972.35 feet to the PLACE OF BEGINNING and containing 2049.00 acres.

#### TRACT 2: South Tract

SITUATED in Denton County, Texas in the S. Paine Survey, Abstract No. 1035, the M. Paine Survey, Abstract No. 1036, the George West Survey, Abstract No. 1393, the B. B. B. & C.R.R. Co. Survey, Abstract No. 176, the E.N. Oliver Survey, Abstract No. 989, the J. T. Evans Survey, Abstract No. 411, the C. Manchaca Survey, Abstract No. 789, the G. W. Pettingale Survey, Abstract No. 1041, the J. W. Kjellberg Survey, Abstract No. 1610, being a Survey of part of 1.086 acre tract described in a deed from Maurine P. Myers, et al to M. T. Cole Trust NO. 1, recorded in Volume 1018, Page 453, being a Survey of part of the 562.8 acre "First tract" described in a deed from T. E. Carruth, et al to M. T. Cole, dated December 22, 1931, recorded in Volume 238, Page 410, a Survey of the 640 acre tract described in a Deed from T. E. Carruth, et al to M. T. Cole, dated January 4, 1935, recorded in Volume 250, Page 121, a Survey of the 429-3/4 acre tract described in a deed from T. E. Carruth, et al to M. T. Cole, dated March 28, 1936, recorded in Volume 256, Page 285, all Deeds of the Denton County Deed Records, being described by metes and bounds as follows:

BEGINNING at an 1/2-inch iron pin set in a broke off Bois d'arc corner post at the Southwest corner of said 640 acre tract; same being in the East line of the 320.350 acre tract recorded in Clerk's File No. 99-67258;

THENCE North 00 degrees 35 minutes 15 seconds East, with the East line of said 320.350 acre tract and generally near a fence, 3057.12 feet to a 5/8-inch iron pin found at the Northeast corner of said 320.350 acre tract;

Exhibit "A", Land Description – Page 4

THENCE North 89 degrees 23 minutes 04 seconds West, with the North line of said 320.350 acre tract, 153.52 feet to an 1/2-inch iron pin set in the West line of said 1.086 acre tract; same being on the East side of H. Lively Road (rock road);

THENCE northerly with the East side of said H. Lively Road, with the West line of said 1.086 acre tract and generally near a fence as follows:

North 49 degrees 11 minutes 19 seconds East, 31.80 feet to an 1/2-inch iron pin set;

North 06 degrees 29 minutes 42 seconds East, 103.71 feet to an 1/2-inch iron pin set;

North 07 degrees 48 minutes 12 seconds East, 90.24 feet to an 1/2-inch iron pin set;

North 19 degrees 36 minutes 29 seconds East, 83.19 feet to an 1/2-inch iron pin set;

North 17 degrees 17 minutes 59 seconds East, 221.61 feet to an 1/2-inch iron pin set at the Northwest corner of said 1.086 acre tract;

THENCE South 89 degrees 52 minutes 01 second East, with the North line of said 1.086 acre tract, 17.07 feet to an 1/2-inch iron pin found at the Northeast corner of said 1.086 acre tract; same being in the East line of the 160.939 acre tract recorded in Volume 1300, Page 933;

THENCE northerly with the East line of said 160.939 acre tract, the East side of said H. Lively Road and generally near a fence as follows:

North 00 degrees 48 minutes 45 seconds East, 72.34 feet to an 1/2-inch iron pin found;

North 00 degrees 23 minutes 31 seconds East, 2695.55 feet to an 1/2-inch iron pin set in the South right-of-way line of Farm Road No. 2449;

THENCE easterly with the South right-of-way line of said Farm Road No. 2449 and generally near a fence as follows:

North 45 degrees 10 minutes 52 seconds East, 41.58 feet to an 1/2-inch iron pin set;

North 89 degrees 46 minutes 37 seconds East, 679.48 feet to an 1/2-inch iron pin set;

South 84 degrees 30 minutes 45 seconds East, 100.50 feet to an 1/2-inch iron pin set;

North 89 degrees 46 minutes 37 seconds East, 200.00 feet to an 60d nail set in top of a wood right-of-way marker;

North 84 degrees 03 minutes 59 seconds East, 100.50 feet to an 1/2-inch iron pin set;

Exhibit "A", Land Description – Page 5

North 89 degrees 46 minutes 37 seconds East, 1462.48 feet to an 1/2-inch iron pin found at the Northwest corner of the 18.28 acre tract recorded in Volume 5, Page 709 of the Lis Pendens records of Denton County, Texas

THENCE South 00 degrees 16 minutes 13 seconds East, with an West line of said 18.28 acre tract and generally near a fence 711.07 feet to an 1/2-inch iron pin found by a corner post at the Southwest corner of said 18.28 acre tract;

THENCE North 89 degrees 45 minutes 23 seconds East, with the South line of said 18.28 acre tract and generally near a fence, 1119.68 feet to an 1/2-inch iron pin found by a corner post at the Southeast corner of said 18.28 acre tract;

THENCE North 00 degrees 12 minutes 56 seconds West, with the East line of said 18.28 acre tract and generally near a fence, 710.67 feet to an 1/2-inch iron pin set at the Northeast corner of said 18.28 acre tract, in the South right-of-way line of said Farm Road No. 2449;

THENCE North 89 degrees 46 minutes 37 seconds East, with the North right-of-way line of said Farm Road No. 2449 and generally near a fence, 4616.62 feet to an 1/2-inch iron pin set in an East line of said 562.8 acre tract;

THENCE South 00 degrees 09 minutes 33 seconds West, with an East line of said 562.8 acre tract and generally with the center of a rock road 1652.60 feet to an 1/2-inch iron pin set at the South-Southeast corner of said 562.8 acre tract, where said road turns to the West;

THENCE North 89 degrees 28 minutes 35 seconds West, with the South line of said 562.8 acre tract and generally with the center of said rock road, 254.68 feet to an 1/2-inch iron pin set in place of a 60d nail found at the North-Northeast corner of said 429-3/4 acre tract;

THENCE South 00 degrees 24 minutes 30 seconds West, with an East line of said 429-3/4 acre tract and generally near an old fence, 2169.07 feet to a Bois d'arc corner post found at the inside corner of said 429-3/4 acre tract;

THENCE South 89 degrees 56 minutes 06 seconds East, with a North line of said 429-3/4 acre tract and generally near the evidence of an old fence, passing an 1/2-inch iron pin set by a corner post at 3125.59 feet and continuing in all, 3151.06 feet to a point on the West edge of John Paine Road (North-South rock road); same being in a West line of the 2329.49 acre tract recorded in Clerk's File No. 98-117450;

THENCE South 00 degrees 33 minutes 24 seconds West, with a West line of said 2329.49 acre tract and with the West edge of said John Paine Road, 2545.07 feet to an 1/2-inch iron pin found at the Southeast corner of said 429-3/4 acre tract and an inside corner of said 2329.49 acre tract;

THENCE North 89 degrees 47 minutes 59 seconds West, with the South line of said 429-3/4 acre tract, a North line of said 2329.49 acre tract and generally near an old fence, 5406.60 feet to

Exhibit "A", Land Description – Page 6

a Bois d'arc corner post found at the Southwest corner of said 429-3/4 acre tract and a Northwest corner of said 2329.49 acre tract;

THENCE South 01 degree 59 minutes 48 seconds West, with a West line of said 2329.49 acre tract and generally near a fence, 92.25 feet to a Bois d'arc corner post found at an inside corner of said 2329.49 acre tract and the Southeast corner of said 640 acre tract; an one inch iron pipe found bears South 87 degrees 45 minutes 56 seconds East, 3.46 feet;

THENCE North 89 degrees 30 minutes 24 seconds West, with the South line of said 640 acre tract, a North line of said 2329.49 acre tract and generally near an old fence for most of the way, 5806.65 feet to the PLACE OF BEGINNING and containing 1357.12 acres.

Exhibit "A", Land Description – Page 7

## EXHIBIT "B"

### PERMITTED EXCEPTIONS

1. Electric easement to Texas Power & Light Company, filed 10/17/1940, recorded in Volume 288, Page 28, Deed Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
2. Electric easement to Texas Power & Light Company, filed 06/03/1949, recorded in Volume 355, Page 25, Deed Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
3. Blanket electric easement to Denton County Electric Cooperative, Inc., filed 10/15/1953, recorded in Volume 402, Page 305, Deed Records of Denton County, Texas, as noted on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
4. Blanket electric easement to Denton County Electric Cooperative, Inc., filed 10/15/1953, recorded in Volume 402, Page 309, Deed Records of Denton County, Texas, as noted on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)
5. Easements for highway right of way purposes awarded the State of Texas and the County of Denton, by judgment filed 01/30/1963, recorded in Volume 489, Page 551, Deed Records, Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)
6. Easement to Denton-Wise Soil and Conservation District, filed 01/12/1967, recorded in Volume 546, Page 67, Deed Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)
7. 100' electric easement to Texas Power & Light Company, filed 11/22/1967, recorded in Volume 559, Page 255 and in Volume 560, Page 619, Deed Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
8. Easements awarded the State of Texas and the County of Denton, individually and as agent for Denton-Wise County Soil and Water Conservation District, by judgment recorded in Volume 623, Page 315, Deed Records, Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)

Exhibit "B", Permitted Exceptions – Page 1

9. Electric easement awarded Texas Municipal Power Agency by judgment rendered filed 09/17/1986, under Denton County Court at Law No. 10456, recorded in Volume 9, Page 332, Deed Records, Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)
10. 20' pipeline easement (50' during construction and maintenance) to Southwestern Gas Pipeline, Inc., filed 08/03/2001, recorded in Volume 4893, Page 1500, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
11. 20' pipeline easement and 50' X 50' dehydrator site easement to Southwestern Gas Pipeline, Inc., filed 01/22/2002, recorded in Volume 5007, Page 2391, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)
12. 30' pipeline easement to Southwestern Gas Pipeline, Inc., filed 02/11/2002, recorded in Volume 5021, Page 3429, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
13. 30' pipeline easement to Southwestern Gas Pipeline, Inc., filed 02/11/2002, recorded in Volume 5021, Page 3487, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
14. 30' pipeline easement to Southwestern Gas Pipeline, Inc., filed 03/12/2002, recorded in Volume 5041, Page 1850, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
15. 30' pipeline easement to Southwestern Gas Pipeline, Inc., filed 03/12/2002, recorded in Volume 5041, Page 1857, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
16. 30' pipeline easement to Southwestern Gas Pipeline Inc., filed 11/26/2002, recorded in Volume 5221, Page 3747, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
17. 30' pipeline easement to Southwestern Gas Pipeline Inc., filed 11/26/2002, recorded in Volume 5221, Page 3841, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)

Exhibit "B", Permitted Exceptions – Page 2

18. 30' pipeline easement to Southwestern Gas Pipeline Inc., filed 11/26/2002, recorded in Volume 5221, Page 3874, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
19. 30' pipeline easement to Southwestern Gas Pipeline Inc., filed 02/20/2003, recorded in Volume 5276, Page 2221, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
20. 30' pipeline easement to Southwestern Gas Pipeline Inc., filed 02/20/2003, recorded in Volume 5276, Page 2268, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)
21. 20' gas pipeline easement to Trio Consulting & Management, LLC, filed 06/24/2003, recorded in Volume 5360, Page 3217, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004, as quitclaimed to Hickory Creek Gathering, LP by instrument filed 11/12/2004, under cc# 2004-146833, Real Property Records, Denton County, Texas. (Affects Tract 1)
22. 20' x 30' surface pipeline easement to Southwestern Gas Pipeline Inc., filed 08/19/2003, recorded in Volume 5399, Page 4606, Real Property Records of Denton County, Texas, as noted on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
23. Surface easement meter sites to Southwestern Gas Pipeline, Inc., filed 07/30/2004, cc# 2004-100625, Real Property Records of Denton County, Texas, as noted on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
24. 30' pipeline easement to Southwestern Gas Pipeline Inc. filed 09/20/2004, cc# 2004-124129, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
25. Oil, gas and mineral lease, to Mitchell Energy Corporation, described in instrument filed 11/02/1988, recorded in Volume 2479, Page 441, Real Property Records of Denton County, Texas, and all rights incident thereto, including but not limited to 40' pipeline and road easements, 25' road easement, location pad and wellpad, all as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004, as amended and clarified by instrument filed 01/24/1991, recorded in Volume 2916, Page 280, Real Property Records, Denton County, Texas, as extended by instrument filed 09/22/1994, under cc# 94R0073009, Real Property Records, Denton County, Texas, as amended by instrument filed 08/25/1995, under cc# 95R0052261, Real Property Records, Denton

Exhibit "B", Permitted Exceptions – Page 3

County, Texas, as extended by instrument filed 11/30/1995, under cc# 95R0074517, Real Property Records, Denton County Texas and amended by instrument filed 03/07/2000, recorded in Volume 4541, Page 1607, Real Property Records, Denton County, Texas. Designation of Production Unit filed 02/13/1989, recorded in Volume 2531, Page 204, Real Property Records, Denton County, Texas. Declaration of Pool filed 05/22/1995, under cc# 95R0029524, Real Property Records, Denton County, Texas. (Affects Tracts 1 and 2)

26. Oil, gas and mineral lease, to Mitchell Energy Corporation as evidenced by memorandum filed 03/07/2000, recorded in Volume 4541, Page 1603, Real Property Records, Denton County, Texas, as amended by instruments recorded in Volume 4859, Page 1659, Volume 5128, Page 1403, Volume 5262, Page 3228 and Volume 5304, Page 1231, Real Property Records, Denton County, Texas, and all rights incident thereto, including but not limited to 40' pipeline and road easements, 25' road easement, location pad and well pads, as shown on survey of Bruce Geer, R.P.L.S. #4117 dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)
27. Water Well, Water Usage and Easement Agreement between Devon Energy Operating Company, L.P. and Amy Cole Gain (Griffin), Susan Bonner Mead and Jack Donald Griffin, Successor Trustees of the M. T. Cole Trust No. 1, M. T. Cole Trust No. 2 and M. T. Cole Trust No. 4, as evidenced by memorandum filed 10/17/2003, recorded in Volume 5541, Page 1008, Real Property Records, Denton County, Texas. (Affects Tracts 1 and 2)
28. Valve Site Agreement with Southwestern Gas Pipe Line filed 03/12/2002, recorded in Volume 5041, Page 1882, Real Property Records, Denton County, Texas, as noted on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
29. Easement rights, if any, as evidenced by underground phone cable along a portion of the East property line as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)
30. Overlap of property lines along a portion of the East property line as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)
31. Fence encroachments and protrusions along the South, West and East property lines as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)
32. 13.68' gap between property lines along a portion of the East property line as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)

Exhibit "B", Permitted Exceptions – Page 4

33. Rights, if any, of third parties with respect to road curving through the subject property from the North to South property lines as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
34. Fence encroachments and protrusions along the most easterly North property lines and the most westerly East property lines as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
35. Proposed electric easements to the City of Denton pursuant to Cause No. 2003-00489, Probate Court of Denton County, Texas, as evidenced by Lis Pendens filed 05/05/2003, recorded in Volume 5325, Page 4460, Real Property Records of Denton County, Texas, in suit Cause No. 2003-00489, styled the CITY OF DENTON vs. SUSAN BONNER MEAD, JACK DONALD COLE, AMY COLE GRIFFIN, TRUSTEES of the M. T. COLE TRUSTS NO.s 1, 2, 3 and 4 and TEXAS SCOTTISH RITE HOSPITAL, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
36. Rights of third parties with respect to those portions of the subject property lying within the boundaries of Underwood Road, Tom Cole Road, C. Wolfe Road, WestCourt Road, and Spring Side Road (as to Tract 1), and various rock roads (as to Tract 2), as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004.
37. Rights of Troy Webster and Nathan Grunden as tenants only, pursuant to oral agreements.

Exhibit "B", Permitted Exceptions – Page 5

Denton County  
Cynthia Mitchell  
County Clerk  
Denton, TX 76202



Instrument Number: 2005-12277

As

Recorded On: February 01, 2005

Warranty Deed

Parties: SLF II COLE INVESTMENT LP

To

Billable Pages: 17

Number of Pages: 17

Comment:

**\*\* Examined and Charged as Follows: \*\***

Warranty Deed	46 00
<b>Total Recording:</b>	<b>46.00</b>

\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

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

**File Information:**

Document Number: 2005-12277  
Receipt Number: 167332  
Recorded Date/Time: February 01, 2005 10:50A

**Record and Return To:**

REPUBLIC TITLE OF TEXAS  
2626 HOWELL STREET 10TH FLOOR  
DALLAS TX 75204

User / Station: P Sallee - Cash Station 2



THE STATE OF TEXAS }  
COUNTY OF DENTON }

I hereby certify that this instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

*C Mitchell*

County Clerk  
Denton County, Texas

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

**SPECIAL WARRANTY DEED IN CONTRIBUTION**

STATE OF TEXAS           §  
  §       KNOW ALL MEN BY THESE PRESENTS THAT:  
COUNTY OF DENTON     §

**SLF II COLE INVESTMENT, L.P.**, a Texas limited partnership ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration paid by, and as a capital contribution to, **SLF II COLE PROPERTY, L.P.**, a Texas limited partnership ("Grantee"), the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, BARGAINED, SOLD, CONTRIBUTED, TRANSFERRED and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL, CONTRIBUTE, TRANSFER and CONVEY, unto Grantee an undivided **19.9%** interest in and to all of that certain lot(s), tract(s) or parcel(s) of land situated in Denton County, Texas, and being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference for all purposes (the "Land").

TOGETHER WITH, all and singular, an undivided **19.9%** interest in and to (i) all improvements and fixtures situated thereon, and (ii) all rights, benefits, privileges, easements, tenements, hereditaments, appurtenances and interests thereon or in anywise appertaining thereto, and (iii) all right, title and interest of Grantor in and to (a) strips or gores, if any, between the Land and abutting or immediately adjacent properties, and (b) any land lying in or under the bed of any street, alley, road or right-of-way, opened or proposed, abutting or immediately adjacent to the Land (said undivided interest in and to said Land, improvements, fixtures, rights, benefits, privileges, easements, tenements, hereditaments, appurtenances and interests being hereinafter collectively referred to as the "Property").

This conveyance is made subject to the mineral reservation (the "Mineral Reservation") contained in that certain Special Warranty Deed of even date herewith from Susan Bonner Mead, Amy Cole Griffin and Jack Donald Cole, as Co-Trustees, to Grantor, pertaining to the Property being conveyed hereby, recorded or to be recorded in the Real Property Records of Denton County, Texas.

This conveyance is further made subject to the encumbrances and exceptions (the "Permitted Exceptions") described on Exhibit "B" attached hereto and incorporated herein by this reference, but only to the extent the same are valid and subsisting and in fact affect the Property, and without limitation of the scope of the special warranty herein contained.

Return to: CR7  
Republic Title of Texas, Inc.  
2626 Howell Street, 10th Floor  
Dallas TX 75204

TO HAVE AND TO HOLD the Property, subject only to the Mineral Reservation and Permitted Exceptions as aforesaid, unto Grantee, and Grantee's successors and assigns, forever; and Grantor does hereby bind Grantor, and Grantor's successors and assigns, to WARRANT and FOREVER DEFEND, all and singular, the Property, subject only to the Mineral Reservation and Permitted Exceptions as aforesaid, unto Grantee, and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise, but with full substitution and subrogation of Grantee in and to all covenants of warranty by parties other than Grantor heretofore given or made with respect to the rights, titles and interests herein conveyed or any part thereof.

The Property is being conveyed hereunder "as is" with any and all faults and latent and patent defects without any express or implied representation or warranty by Grantor. Except for Grantor's warranty of title set forth herein, Grantor has not made and hereby specifically disclaims any representations or warranties of any kind or character whatsoever, express or implied, with respect to the Property, its condition (including without limitation any representation or warranty regarding quality of construction, state of repair, workmanship, merchantability, suitability or fitness for any particular purpose), its compliance with environmental laws or other laws, availability of access, ingress or egress, income to be derived therefrom or expenses to be incurred with respect thereto, the obligations, responsibilities or liabilities of the owner thereof, or any other matter or thing relating to or affecting the Property and Grantor hereby disclaims and renounces any other representation or warranty except as expressly set forth herein.

Grantee, by its acceptance hereof, does hereby assume and agree to pay any and all ad valorem taxes and special assessments pertaining to the Property for calendar year 2005 and subsequent years, there having been a proper proration of ad valorem taxes for the current calendar year between Grantor and Grantee. Grantee, by its acceptance hereof, does further assume and agree to pay any and all ad valorem taxes relating to a subsequent change in the usage or ownership of the Property, whether by reason of this conveyance or hereafter.

[SIGNATURE AND NOTARY ACKNOWLEDGMENT PAGE FOLLOWS]

EXECUTED to be effective as of January 31, 2005.

**GRANTOR:**

**SLF II COLE INVESTMENT, L.P.,**  
a Texas limited partnership

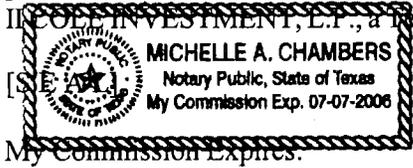
By: The Stratford Company, L.P.,  
a Texas limited partnership

By: Stratford Management, Inc.,  
a Texas corporation,  
its General Partner

By: *Phillip F. Wiggins*  
Name: Phillip F. Wiggins  
Title: President

STATE OF TEXAS                    §  
  §  
COUNTY OF DALLAS            §

This instrument was ACKNOWLEDGED before me, on the 31st day of January, 2005, by Phillip F. Wiggins, the President of Stratford Management, Inc., a Texas corporation, the general partner of The Stratford Company, L.P., a Texas limited partnership, the general partner of SLF II COLE INVESTMENT, L.P., a Texas limited partnership, on behalf of said limited partnership.



*Michelle A. Chambers*  
Notary Public, State of Texas

My Commission Expires:  
7-7-2006

*Michelle A. Chambers*  
Printed Name of Notary Public

GRANTEE'S ADDRESS FOR TAX NOTICES:

SLF II Cole Property, L.P.  
c/o The Stratford Company, L.P.  
5949 Sherry Lane, Suite 1750  
Dallas, Texas 75225  
Attn: Phillip F. Wiggins

After Recording Return To:

~~Matthew N. Hudnall, Esq.  
Hudnall P.C.  
5949 Sherry Lane, Suite 1750  
Dallas, Texas 75225~~

Return to: CR7  
Republic Title of Texas, Inc.  
2626 Howell Street, 10th Floor  
Dallas TX 75204

## EXHIBIT "A"

### LAND DESCRIPTION

#### TRACT 1: North Tract

SITUATED in Denton County, Texas in the J. W. Kjellberg Survey, Abstract No. 1610, the James McDonald Survey, Abstract No. 873, the I.W. Byerly Survey, Abstract No. 1458, the J. Dalton Survey, Abstract No. 353, the J. A. Burn Survey, Abstract No. 132, the T. & P. R. R., Abstract No. 1292, the A. C. Madden Survey, Abstract No. 851, the I. N. Hembree Survey, Abstract No. 594, the J. Bacon Survey, Abstract No. 1540, the Wm. Neill Survey, Abstract No. 970, the B. B. B. & C.R.R. Co. Survey, Abstract No. 176, the T. E. Carruth Survey, Abstract 1707, being a Survey of part of the 562.8 acre "First tract", a Survey of the 798.2 acre "Second Tract", a Survey of part of the 640 acre "Third Tract" described in a deed from T. E. Carruth, et al to M. T. Cole, dated December 22, 1931, recorded in Volume 238, Page 410, a Survey of part of the 415 acre tract described in a deed from Rudy Copeland and wife, Mary A. Copeland to M. T. Cole, dated September 26, 1933, recorded in Volume 243, Page 572, both deeds of the Denton County Deed Records, being described by metes and bounds as follows:

BEGINNING at an 1/2-inch iron pin found at the Northwest corner of said 798.2 acre tract in the center of Tom Cole Road (East-West asphalt road) and C. Wolfe Road (rock road) from the South;

THENCE South 88 degrees 55 minutes 44 seconds East, generally with the center of said Tom Cole Road, 4685.36 feet to an "x" cut in a concrete bridge;

THENCE North 89 degrees 43 minutes 13 seconds East, generally with the center of said Tom Cole Road, 2521.29 feet to a 3/4-inch iron pin set in place of a nail found at the Northeast corner of said 798.2 acre tract;

THENCE South 00 degrees 23 minutes 40 seconds West, with the East line of said 798.2 acre tract and generally near an old fence, 1865.00 feet to an 1/2-inch iron pin set by a corner post at the East-Southeast corner of said 798.2 acre tract; same being in the North line of said 640 acre tract;

THENCE South 88 degrees 52 minutes 00 seconds East, with the North line of said 640 acre tract and generally near an old fence, 1616.90 feet to an 1/2-inch iron pin set near a corner post at the Northwest corner of the 24.73 acre "Tract One" recorded in Volume 871, Page 137;

THENCE South 01 degree 07 minutes 58 seconds West, with the West line of said 24.73 acre tract and generally near a fence, 950.05 feet to an 1/2-inch iron pin found at the West-Southwest corner of said 24.73 acre tract;

Exhibit "A", Land Description -- Page 1

THENCE South 88 degrees 58 minutes 35 seconds East, with a South line of said 24.73 acre tract, 144.97 feet to an 1/2-inch iron pin found at an inside corner of said 24.73 acre tract;

THENCE South 01 degree 05 minutes 17 seconds West, with a West line of said 24.73 acre tract and with the West line of the 13.89 acre "Tract Two" in said Volume 871, Page 137, 699.86 feet to an 1/2-inch iron pin found at the Southwest corner of said 13.89 acre tract; same being the Northwest corner of the 31.107 acre tract recorded in Clerk's File No. 94-71013;

THENCE South 09 degrees 20 minutes 01 second West, with the West line of said 31.107 acre tract, 1010.79 feet to an 1/2-inch iron pin found at the Southwest corner of said 31.107 acre tract;

THENCE South 88 degrees 53 minutes 58 seconds East, with the South line of said 31.107 acre tract, 1499.78 feet to an 1/2-inch iron pin found at the Southeast corner of said 31.107 acre tract;

THENCE North 07 degrees 10 minutes 06 seconds West, with the East line of said 31.107 acre tract, 1009.80 feet to an 1/2-inch iron pin found at the Northeast corner of said 31.107 acre tract; same being the Southeast corner of said 13.89 acre tract;

THENCE North 01 degree 06 minutes 57 seconds East, with the East line of said 13.89 acre tract and an East line of said 24.73 acre tract 699.98 feet to an 1/2-inch iron pin found at an inside corner of said 24.73 acre tract;

THENCE South 88 degrees 52 minutes 57 seconds East, with a South line of said 24.73 acre tract, 144.76 feet to an 1/2-inch iron pin found at the East-Southeast corner of said 24.73 acre tract;

THENCE North 01 degree 04 minutes 51 seconds East, with the East line of said 24.73 acre tract, 629.19 feet to an 1/2-inch iron pin found at the Northeast corner of said 24.73 acre tract;

THENCE North 89 degrees 25 minutes 26 seconds East, with the South line of the Southeast Airport Addition recorded in Volume G, Page 295 of the Denton County Plat Records, 1534.00 feet to an 1/2-inch iron pin found at the Southeast corner of said Airport Addition, in the center of Westcourt Road (North-South asphalt road);

THENCE South 00 degrees 38 minutes 25 seconds West, with an East line of said 415 acre tract and generally with the center of said Westcourt Road, 1150.78 feet to a 5/8-inch iron pin found at an inside corner of said 415 acre tract;

THENCE North 89 degrees 48 minutes 14 seconds East, generally along Spring Side Road, 870.00 feet to an 1/2-inch iron pin found at the Northwest corner of the 10 acre tract recorded in Volume 971, Page 251;

THENCE southerly along the East side of Underwood Road (North-South asphalt road) as follows:

Exhibit "A", Land Description – Page 2

South 00 degrees 11 minutes 34 seconds East, 646.53 feet to a 5-inch pipe corner post:

South 00 degrees 48 minutes 00 seconds East, generally near a fence for part of the way, 645.16 feet to a 5-inch pipe corner post;

South 00 degrees 41 minutes 32 seconds East, 547.42 feet to a 5/8-inch iron pin found at the North-Northwest corner of the 76.768 acre tract recorded in Volume 1166, Page 235;

South 00 degrees 00 minutes 11 seconds West, with a West line of said 76.768 acre tract and generally near a wood fence for part of the way, 344.00 feet to an 1/2-inch iron pin set at an inside corner of said 76.768 acre tract;

THENCE South 89 degrees 58 minutes 11 seconds West, with a North line of said 76.768 acre tract and crossing said Underwood Road, 125.00 feet to an 1/2-inch iron pin set at the West-Northwest corner of said 76.768 acre tract;

THENCE South 00 degrees 15 minutes 42 seconds East, with the West line of said 76.768 acre tract and on the West side of said Underwood Road, passing the Southwest corner of said 76.768 acre tract and continuing in all, 1561.35 feet to an 1/2-inch iron pin found near said Underwood Road; same being the North-Northwest corner of the 96.85 acre tract recorded in Clerk's File No. 98-117450;

THENCE South 01 degree 54 minutes 54 seconds West, with a West line of said 96.85 acre tract and generally with said Underwood Road, 1205.51 feet to an one inch iron pin found at the an inside corner of said 96.85 acre tract; same being the Southeast corner of said 415 acre tract; same being where said road turns West;

THENCE North 89 degrees 27 minutes 33 seconds West, with the South line of said 415 acre tract and generally with the center of said Underwood Road, 1362.76 feet to an 1/2-inch iron pin set at the East-Southeast corner of the 18.726 acre "Tract II" recorded in Volume 489, Page 551 of the right-of-way of Farm Road No. 2449;

THENCE North 00 degrees 28 minutes 37 seconds East, with the East line of said 18.726 acre tract and the right-of-way line of said Farm Road No. 2449, 45.00 feet to an 1/2-inch iron pin set at the Northeast corner of said 18.726 acre tract;

THENCE with the North line of said 18.726 acre tract, the North right-of-way line of said Farm Road No. 2449 and generally near a fence as follows:

North 89 degrees 31 minutes 23 seconds West, 2944.75 feet to an 1/2-inch iron pin set;

South 89 degrees 46 minutes 37 seconds West, 7200.01 feet to an 1/2-inch iron pin set;

North 84 degrees 30 minutes 45 seconds West, 100.50 feet to an 1/2-inch iron pin set;

Exhibit "A", Land Description -- Page 3

South 89 degrees 46 minutes 37 seconds West, 200.00 feet to an 1/2-inch iron pin set;

South 84 degrees 03 minutes 59 seconds West, 100.50 feet to an 1/2-inch iron pin set;

South 89 degrees 46 minutes 37 seconds West, 678.22 feet to an 1/2-inch iron pin set;

North 44 degrees 49 minutes 38 seconds West, 39.98 feet to an 1/2-inch iron pin set at the Northwest corner of said 18.726 acre tract; same being in the East line of said C. Wolfe Road;

THENCE North 00 degrees 30 minutes 56 seconds East, with the East line of said C. Wolfe Road and generally near a fence, 1353.53 feet to an 1/2-inch iron pin set;

THENCE North 89 degrees 32 minutes 13 seconds West, 17.14 feet to an 1/2-inch iron pin set in the center of said C. Wolfe Road, in the West line of said 798.2 acre tract;

THENCE North 00 degrees 32 minutes 15 seconds East, with the West line of said 798.2 acre tract and generally with the center of said C. Wolfe Road, 6972.35 feet to the PLACE OF BEGINNING and containing 2049.00 acres.

TRACT 2: South Tract

SITUATED in Denton County, Texas in the S. Paine Survey, Abstract No. 1035, the M. Paine Survey, Abstract No. 1036, the George West Survey, Abstract No. 1393, the B. B. B. & C.R.R. Co. Survey, Abstract No. 176, the E.N. Oliver Survey, Abstract No. 989, the J. T. Evans Survey, Abstract No. 411, the C. Manchaca Survey, Abstract No. 789, the G. W. Pettingale Survey, Abstract No. 1041, the J. W. Kjellberg Survey, Abstract No. 1610, being a Survey of part of 1.086 acre tract described in a deed from Maurine P. Myers, et al to M. T. Cole Trust NO. 1, recorded in Volume 1018, Page 453, being a Survey of part of the 562.8 acre "First tract" described in a deed from T. E. Carruth, et al to M. T. Cole, dated December 22, 1931, recorded in Volume 238, Page 410, a Survey of the 640 acre tract described in a Deed from T. E. Carruth, et al to M. T. Cole, dated January 4, 1935, recorded in Volume 250, Page 121, a Survey of the 429-3/4 acre tract described in a deed from T. E. Carruth, et al to M. T. Cole, dated March 28, 1936, recorded in Volume 256, Page 285, all Deeds of the Denton County Deed Records, being described by metes and bounds as follows:

BEGINNING at an 1/2-inch iron pin set in a broke off Bois d'arc corner post at the Southwest corner of said 640 acre tract; same being in the East line of the 320.350 acre tract recorded in Clerk's File No. 99-67258;

THENCE North 00 degrees 35 minutes 15 seconds East, with the East line of said 320.350 acre tract and generally near a fence, 3057.12 feet to a 5/8-inch iron pin found at the Northeast corner of said 320.350 acre tract;

Exhibit "A", Land Description – Page 4

THENCE North 89 degrees 23 minutes 04 seconds West, with the North line of said 320.350 acre tract, 153.52 feet to an 1/2-inch iron pin set in the West line of said 1.086 acre tract; same being on the East side of H. Lively Road (rock road);

THENCE northerly with the East side of said H. Lively Road, with the West line of said 1.086 acre tract and generally near a fence as follows:

North 49 degrees 11 minutes 19 seconds East, 31.80 feet to an 1/2-inch iron pin set;

North 06 degrees 29 minutes 42 seconds East, 103.71 feet to an 1/2-inch iron pin set;

North 07 degrees 48 minutes 12 seconds East, 90.24 feet to an 1/2-inch iron pin set;

North 19 degrees 36 minutes 29 seconds East, 83.19 feet to an 1/2-inch iron pin set;

North 17 degrees 17 minutes 59 seconds East, 221.61 feet to an 1/2-inch iron pin set at the Northwest corner of said 1.086 acre tract;

THENCE South 89 degrees 52 minutes 01 second East, with the North line of said 1.086 acre tract, 17.07 feet to an 1/2-inch iron pin found at the Northeast corner of said 1.086 acre tract; same being in the East line of the 160.939 acre tract recorded in Volume 1300, Page 933;

THENCE northerly with the East line of said 160.939 acre tract, the East side of said H. Lively Road and generally near a fence as follows:

North 00 degrees 48 minutes 45 seconds East, 72.34 feet to an 1/2-inch iron pin found;

North 00 degrees 23 minutes 31 seconds East, 2695.55 feet to an 1/2-inch iron pin set in the South right-of-way line of Farm Road No. 2449;

THENCE easterly with the South right-of-way line of said Farm Road No. 2449 and generally near a fence as follows:

North 45 degrees 10 minutes 52 seconds East, 41.58 feet to an 1/2-inch iron pin set;

North 89 degrees 46 minutes 37 seconds East, 679.48 feet to an 1/2-inch iron pin set;

South 84 degrees 30 minutes 45 seconds East, 100.50 feet to an 1/2-inch iron pin set;

North 89 degrees 46 minutes 37 seconds East, 200.00 feet to an 60d nail set in top of a wood right-of-way marker;

North 84 degrees 03 minutes 59 seconds East, 100.50 feet to an 1/2-inch iron pin set;

Exhibit "A", Land Description – Page 5

North 89 degrees 46 minutes 37 seconds East, 1462.48 feet to an 1/2-inch iron pin found at the Northwest corner of the 18.28 acre tract recorded in Volume 5, Page 709 of the Lis Pendens records of Denton County, Texas

THENCE South 00 degrees 16 minutes 13 seconds East, with an West line of said 18.28 acre tract and generally near a fence 711.07 feet to an 1/2-inch iron pin found by a corner post at the Southwest corner of said 18.28 acre tract;

THENCE North 89 degrees 45 minutes 23 seconds East, with the South line of said 18.28 acre tract and generally near a fence, 1119.68 feet to an 1/2-inch iron pin found by a corner post at the Southeast corner of said 18.28 acre tract;

THENCE North 00 degrees 12 minutes 56 seconds West, with the East line of said 18.28 acre tract and generally near a fence, 710.67 feet to an 1/2-inch iron pin set at the Northeast corner of said 18.28 acre tract, in the South right-of-way line of said Farm Road No. 2449;

THENCE North 89 degrees 46 minutes 37 seconds East, with the North right-of-way line of said Farm Road No. 2449 and generally near a fence, 4616.62 feet to an 1/2-inch iron pin set in an East line of said 562.8 acre tract;

THENCE South 00 degrees 09 minutes 33 seconds West, with an East line of said 562.8 acre tract and generally with the center of a rock road 1652.60 feet to an 1/2-inch iron pin set at the South-Southeast corner of said 562.8 acre tract, where said road turns to the West;

THENCE North 89 degrees 28 minutes 35 seconds West, with the South line of said 562.8 acre tract and generally with the center of said rock road, 254.68 feet to an 1/2-inch iron pin set in place of a 60d nail found at the North-Northeast corner of said 429-3/4 acre tract;

THENCE South 00 degrees 24 minutes 30 seconds West, with an East line of said 429-3/4 acre tract and generally near an old fence, 2169.07 feet to a Bois d'arc corner post found at the inside corner of said 429-3/4 acre tract;

THENCE South 89 degrees 56 minutes 06 seconds East, with a North line of said 429-3/4 acre tract and generally near the evidence of an old fence, passing an 1/2-inch iron pin set by a corner post at 3125.59 feet and continuing in all, 3151.06 feet to a point on the West edge of John Paine Road (North-South rock road); same being in a West line of the 2329.49 acre tract recorded in Clerk's File No. 98-117450;

THENCE South 00 degrees 33 minutes 24 seconds West, with a West line of said 2329.49 acre tract and with the West edge of said John Paine Road, 2545.07 feet to an 1/2-inch iron pin found at the Southeast corner of said 429-3/4 acre tract and an inside corner of said 2329.49 acre tract;

THENCE North 89 degrees 47 minutes 59 seconds West, with the South line of said 429-3/4 acre tract, a North line of said 2329.49 acre tract and generally near an old fence, 5406.60 feet to

Exhibit "A", Land Description – Page 6

a Bois d'arc corner post found at the Southwest corner of said 429-3/4 acre tract and a Northwest corner of said 2329.49 acre tract;

THENCE South 01 degree 59 minutes 48 seconds West, with a West line of said 2329.49 acre tract and generally near a fence, 92.25 feet to a Bois d'arc corner post found at an inside corner of said 2329.49 acre tract and the Southeast corner of said 640 acre tract; an one inch iron pipe found bears South 87 degrees 45 minutes 56 seconds East, 3.46 feet;

THENCE North 89 degrees 30 minutes 24 seconds West, with the South line of said 640 acre tract, a North line of said 2329.49 acre tract and generally near an old fence for most of the way, 5806.65 feet to the PLACE OF BEGINNING and containing 1357.12 acres.

Exhibit "A", Land Description – Page 7

## EXHIBIT "B"

### PERMITTED EXCEPTIONS

1. Electric easement to Texas Power & Light Company, filed 10/17/1940, recorded in Volume 288, Page 28, Deed Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
2. Electric easement to Texas Power & Light Company, filed 06/03/1949, recorded in Volume 355, Page 25, Deed Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
3. Blanket electric easement to Denton County Electric Cooperative, Inc., filed 10/15/1953, recorded in Volume 402, Page 305, Deed Records of Denton County, Texas, as noted on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
4. Blanket electric easement to Denton County Electric Cooperative, Inc., filed 10/15/1953, recorded in Volume 402, Page 309, Deed Records of Denton County, Texas, as noted on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)
5. Easements for highway right of way purposes awarded the State of Texas and the County of Denton, by judgment filed 01/30/1963, recorded in Volume 489, Page 551, Deed Records, Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)
6. Easement to Denton-Wise Soil and Conservation District, filed 01/12/1967, recorded in Volume 546, Page 67, Deed Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)
7. 100' electric easement to Texas Power & Light Company, filed 11/22/1967, recorded in Volume 559, Page 255 and in Volume 560, Page 619, Deed Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
8. Easements awarded the State of Texas and the County of Denton, individually and as agent for Denton-Wise County Soil and Water Conservation District, by judgment recorded in Volume 623, Page 315, Deed Records, Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)

Exhibit "B", Permitted Exceptions – Page 1

9. Electric easement awarded Texas Municipal Power Agency by judgment rendered filed 09/17/1986, under Denton County Court at Law No. 10456, recorded in Volume 9, Page 332, Deed Records, Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)
10. 20' pipeline easement (50' during construction and maintenance) to Southwestern Gas Pipeline, Inc., filed 08/03/2001, recorded in Volume 4893, Page 1500, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
11. 20' pipeline easement and 50' X 50' dehydrator site easement to Southwestern Gas Pipeline, Inc., filed 01/22/2002, recorded in Volume 5007, Page 2391, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)
12. 30' pipeline easement to Southwestern Gas Pipeline, Inc., filed 02/11/2002, recorded in Volume 5021, Page 3429, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
13. 30' pipeline easement to Southwestern Gas Pipeline, Inc., filed 02/11/2002, recorded in Volume 5021, Page 3487, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
14. 30' pipeline easement to Southwestern Gas Pipeline, Inc., filed 03/12/2002, recorded in Volume 5041, Page 1850, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
15. 30' pipeline easement to Southwestern Gas Pipeline, Inc., filed 03/12/2002, recorded in Volume 5041, Page 1857, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
16. 30' pipeline easement to Southwestern Gas Pipeline Inc., filed 11/26/2002, recorded in Volume 5221, Page 3747, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
17. 30' pipeline easement to Southwestern Gas Pipeline Inc., filed 11/26/2002, recorded in Volume 5221, Page 3841, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)

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18. 30' pipeline easement to Southwestern Gas Pipeline Inc., filed 11/26/2002, recorded in Volume 5221, Page 3874, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
19. 30' pipeline easement to Southwestern Gas Pipeline Inc., filed 02/20/2003, recorded in Volume 5276, Page 2221, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
20. 30' pipeline easement to Southwestern Gas Pipeline Inc., filed 02/20/2003, recorded in Volume 5276, Page 2268, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)
21. 20' gas pipeline easement to Trio Consulting & Management, LLC, filed 06/24/2003, recorded in Volume 5360, Page 3217, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004, as quitclaimed to Hickory Creek Gathering, LP by instrument filed 11/12/2004, under cc# 2004-146833, Real Property Records, Denton County, Texas. (Affects Tract 1)
22. 20' x 30' surface pipeline easement to Southwestern Gas Pipeline Inc., filed 08/19/2003, recorded in Volume 5399, Page 4606, Real Property Records of Denton County, Texas, as noted on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
23. Surface easement meter sites to Southwestern Gas Pipeline, Inc., filed 07/30/2004, cc# 2004-100625, Real Property Records of Denton County, Texas, as noted on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
24. 30' pipeline easement to Southwestern Gas Pipeline Inc. filed 09/20/2004, cc# 2004-124129, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
25. Oil, gas and mineral lease, to Mitchell Energy Corporation, described in instrument filed 11/02/1988, recorded in Volume 2479, Page 441, Real Property Records of Denton County, Texas, and all rights incident thereto, including but not limited to 40' pipeline and road easements, 25' road easement, location pad and wellpad, all as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004, as amended and clarified by instrument filed 01/24/1991, recorded in Volume 2916, Page 280, Real Property Records, Denton County, Texas, as extended by instrument filed 09/22/1994, under cc# 94R0073009, Real Property Records, Denton County, Texas, as amended by instrument filed 08/25/1995, under cc# 95R0052261, Real Property Records, Denton

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County, Texas, as extended by instrument filed 11/30/1995, under cc# 95R0074517, Real Property Records, Denton County Texas and amended by instrument filed 03/07/2000, recorded in Volume 4541, Page 1607, Real Property Records, Denton County, Texas. Designation of Production Unit filed 02/13/1989, recorded in Volume 2531, Page 204, Real Property Records, Denton County, Texas. Declaration of Pool filed 05/22/1995, under cc# 95R0029524, Real Property Records, Denton County, Texas. (Affects Tracts 1 and 2)

26. Oil, gas and mineral lease, to Mitchell Energy Corporation as evidenced by memorandum filed 03/07/2000, recorded in Volume 4541, Page 1603, Real Property Records, Denton County, Texas, as amended by instruments recorded in Volume 4859, Page 1659, Volume 5128, Page 1403, Volume 5262, Page 3228 and Volume 5304, Page 1231, Real Property Records, Denton County, Texas, and all rights incident thereto, including but not limited to 40' pipeline and road easements, 25' road easement, location pad and well pads, as shown on survey of Bruce Geer, R.P.L.S. #4117 dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)
27. Water Well, Water Usage and Easement Agreement between Devon Energy Operating Company, L.P. and Amy Cole Gain (Griffin), Susan Bonner Mead and Jack Donald Griffin, Successor Trustees of the M. T. Cole Trust No. 1, M. T. Cole Trust No. 2 and M. T. Cole Trust No. 4, as evidenced by memorandum filed 10/17/2003, recorded in Volume 5541, Page 1008, Real Property Records, Denton County, Texas. (Affects Tracts 1 and 2)
28. Valve Site Agreement with Southwestern Gas Pipe Line filed 03/12/2002, recorded in Volume 5041, Page 1882, Real Property Records, Denton County, Texas, as noted on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
29. Easement rights, if any, as evidenced by underground phone cable along a portion of the East property line as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)
30. Overlap of property lines along a portion of the East property line as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)
31. Fence encroachments and protrusions along the South, West and East property lines as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)
32. 13.68' gap between property lines along a portion of the East property line as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)

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33. Rights, if any, of third parties with respect to road curving through the subject property from the North to South property lines as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
34. Fence encroachments and protrusions along the most easterly North property lines and the most westerly East property lines as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
35. Proposed electric easements to the City of Denton pursuant to Cause No. 2003-00489, Probate Court of Denton County, Texas, as evidenced by Lis Pendens filed 05/05/2003, recorded in Volume 5325, Page 4460, Real Property Records of Denton County, Texas, in suit Cause No. 2003-00489, styled the CITY OF DENTON vs. SUSAN BONNER MEAD, JACK DONALD COLE, AMY COLE GRIFFIN, TRUSTEES of the M. T. COLE TRUSTS NO.s 1, 2, 3 and 4 and TEXAS SCOTTISH RITE HOSPITAL, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
36. Rights of third parties with respect to those portions of the subject property lying within the boundaries of Underwood Road, Tom Cole Road, C. Wolfe Road, WestCourt Road, and Spring Side Road (as to Tract 1), and various rock roads (as to Tract 2), as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004.
37. Rights of Troy Webster and Nathan Grunden as tenants only, pursuant to oral agreements.

Exhibit "B", Permitted Exceptions – Page 5

Denton County  
Cynthia Mitchell  
County Clerk  
Denton, TX 76202



70 2005 00012278

Instrument Number: 2005-12278

As

Recorded On: February 01, 2005

Warranty Deed

Parties: THE STRATFORD COMPANY LP

To

Billable Pages: 17

Number of Pages: 17

Comment:

**\*\* Examined and Charged as Follows: \*\***

Warranty Deed	46 00
Total Recording:	46.00

\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

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

**File Information:**

Document Number: 2005-12278  
Receipt Number: 167332  
Recorded Date/Time: February 01, 2005 10.50A

User / Station P Sallee - Cash Station 2

**Record and Return To:**

REPUBLIC TITLE OF TEXAS  
2626 HOWELL STREET 10TH FLOOR  
DALLAS TX 75204



THE STATE OF TEXAS }  
COUNTY OF DENTON }

I hereby certify that this Instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas

*Cynthia Mitchell*

County Clerk  
Denton County, Texas

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

**SPECIAL WARRANTY DEED IN CONTRIBUTION**

STATE OF TEXAS           §  
  §       KNOW ALL MEN BY THESE PRESENTS THAT:  
COUNTY OF DENTON       §

**THE STRATFORD COMPANY, L.P.**, a Texas limited partnership ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration paid by, and as a capital contribution to, **SLF II COLE PROPERTY, L.P.**, a Texas limited partnership ("Grantee"), the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, BARGAINED, SOLD, CONTRIBUTED, TRANSFERRED and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL, CONTRIBUTE, TRANSFER and CONVEY, unto Grantee an undivided **0.1%** interest in and to all of that certain lot(s), tract(s) or parcel(s) of land situated in Denton County, Texas, and being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference for all purposes (the "Land").

TOGETHER WITH, all and singular, an undivided **0.1%** interest in and to (i) all improvements and fixtures situated thereon, and (ii) all rights, benefits, privileges, easements, tenements, hereditaments, appurtenances and interests thereon or in anywise appertaining thereto, and (iii) all right, title and interest of Grantor in and to (a) strips or gores, if any, between the Land and abutting or immediately adjacent properties, and (b) any land lying in or under the bed of any street, alley, road or right-of-way, opened or proposed, abutting or immediately adjacent to the Land (said undivided interest in and to said Land, improvements, fixtures, rights, benefits, privileges, easements, tenements, hereditaments, appurtenances and interests being hereinafter collectively referred to as the "Property").

This conveyance is made subject to the mineral reservation (the "Mineral Reservation") contained in that certain Special Warranty Deed of even date herewith from Susan Bonner Mead, Amy Cole Griffin and Jack Donald Cole, as Co-Trustees, to Grantor, pertaining to the Property being conveyed hereby, recorded or to be recorded in the Real Property Records of Denton County, Texas.

This conveyance is further made subject to the encumbrances and exceptions (the "Permitted Exceptions") described on Exhibit "B" attached hereto and incorporated herein by this reference, but only to the extent the same are valid and subsisting and in fact affect the Property, and without limitation of the scope of the special warranty herein contained.

Return to:    CR7  
Republic Title of Texas, Inc.  
2626 Howell Street, 10th Floor  
Dallas TX 75204

TO HAVE AND TO HOLD the Property, subject only to the Mineral Reservation and Permitted Exceptions as aforesaid, unto Grantee, and Grantee's successors and assigns, forever; and Grantor does hereby bind Grantor, and Grantor's successors and assigns, to WARRANT and FOREVER DEFEND, all and singular, the Property, subject only to the Mineral Reservation and Permitted Exceptions as aforesaid, unto Grantee, and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise, but with full substitution and subrogation of Grantee in and to all covenants of warranty by parties other than Grantor heretofore given or made with respect to the rights, titles and interests herein conveyed or any part thereof.

The Property is being conveyed hereunder "as is" with any and all faults and latent and patent defects without any express or implied representation or warranty by Grantor. Except for Grantor's warranty of title set forth herein, Grantor has not made and hereby specifically disclaims any representations or warranties of any kind or character whatsoever, express or implied, with respect to the Property, its condition (including without limitation any representation or warranty regarding quality of construction, state of repair, workmanship, merchantability, suitability or fitness for any particular purpose), its compliance with environmental laws or other laws, availability of access, ingress or egress, income to be derived therefrom or expenses to be incurred with respect thereto, the obligations, responsibilities or liabilities of the owner thereof, or any other matter or thing relating to or affecting the Property and Grantor hereby disclaims and renounces any other representation or warranty except as expressly set forth herein.

Grantee, by its acceptance hereof, does hereby assume and agree to pay any and all ad valorem taxes and special assessments pertaining to the Property for calendar year 2005 and subsequent years, there having been a proper proration of ad valorem taxes for the current calendar year between Grantor and Grantee. Grantee, by its acceptance hereof, does further assume and agree to pay any and all ad valorem taxes relating to a subsequent change in the usage or ownership of the Property, whether by reason of this conveyance or hereafter.

[SIGNATURE AND NOTARY ACKNOWLEDGMENT PAGE FOLLOWS]

EXECUTED to be effective as of January 31, 2005.

**GRANTOR:**

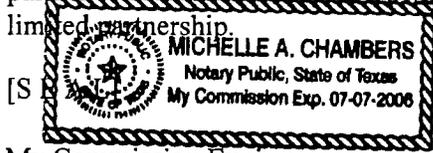
**THE STRATFORD COMPANY, L.P.,**  
a Texas limited partnership

By: Stratford Management, Inc.,  
a Texas corporation,  
its General Partner

By: *Phillip F. Wiggins*  
Name: Phillip F. Wiggins  
Title: President

STATE OF TEXAS           §  
   §  
COUNTY OF DALLAS     §

This instrument was ACKNOWLEDGED before me, on the 31<sup>st</sup> day of January, 2005, by Phillip F. Wiggins, the President of Stratford Management, Inc., a Texas corporation, the general partner of THE STRATFORD COMPANY, L.P., a Texas limited partnership, on behalf of said limited partnership.



[S

*Michelle A. Chambers*  
Notary Public, State of Texas

My Commission Expires:

7-7-2006

Michelle A. Chambers  
Printed Name of Notary Public

GRANTEE'S ADDRESS FOR TAX NOTICES:

SLF II Cole Property, L.P.  
c/o The Stratford Company, L.P.  
5949 Sherry Lane, Suite 1750  
Dallas, Texas 75225  
Attn: Phillip F. Wiggins

After Recording Return To:

~~Matthew N. Hudnall, Esq.  
Hudnall P.C.  
5949 Sherry Lane, Suite 1750  
Dallas, Texas 75225~~

Return to: CR7  
Republic Title of Texas, Inc.  
2626 Howell Street, 10th Floor  
Dallas TX 75204

## EXHIBIT "A"

### LAND DESCRIPTION

#### TRACT 1: North Tract

SITUATED in Denton County, Texas in the J. W. Kjellberg Survey, Abstract No. 1610, the James McDonald Survey, Abstract No. 873, the I.W. Byerly Survey, Abstract No. 1458, the J. Dalton Survey, Abstract No. 353, the J. A. Burn Survey, Abstract No. 132, the T. & P. R. R., Abstract No. 1292, the A. C. Madden Survey, Abstract No. 851, the I. N. Hembree Survey, Abstract No. 594, the J. Bacon Survey, Abstract No. 1540, the Wm. Neill Survey, Abstract No. 970, the B. B. B. & C.R.R. Co. Survey, Abstract No. 176, the T. E. Carruth Survey, Abstract 1707, being a Survey of part of the 562.8 acre "First tract", a Survey of the 798.2 acre "Second Tract", a Survey of part of the 640 acre "Third Tract" described in a deed from T. E. Carruth, et al to M. T. Cole, dated December 22, 1931, recorded in Volume 238, Page 410, a Survey of part of the 415 acre tract described in a deed from Rudy Copeland and wife, Mary A. Copeland to M. T. Cole, dated September 26, 1933, recorded in Volume 243, Page 572, both deeds of the Denton County Deed Records, being described by metes and bounds as follows:

BEGINNING at an 1/2-inch iron pin found at the Northwest corner of said 798.2 acre tract in the center of Tom Cole Road (East-West asphalt road) and C. Wolfe Road (rock road) from the South;

THENCE South 88 degrees 55 minutes 44 seconds East, generally with the center of said Tom Cole Road, 4685.36 feet to an "x" cut in a concrete bridge;

THENCE North 89 degrees 43 minutes 13 seconds East, generally with the center of said Tom Cole Road, 2521.29 feet to a 3/4-inch iron pin set in place of a nail found at the Northeast corner of said 798.2 acre tract;

THENCE South 00 degrees 23 minutes 40 seconds West, with the East line of said 798.2 acre tract and generally near an old fence, 1865.00 feet to an 1/2-inch iron pin set by a corner post at the East-Southeast corner of said 798.2 acre tract; same being in the North line of said 640 acre tract;

THENCE South 88 degrees 52 minutes 00 seconds East, with the North line of said 640 acre tract and generally near an old fence, 1616.90 feet to an 1/2-inch iron pin set near a corner post at the Northwest corner of the 24.73 acre "Tract One" recorded in Volume 871, Page 137;

THENCE South 01 degree 07 minutes 58 seconds West, with the West line of said 24.73 acre tract and generally near a fence, 950.05 feet to an 1/2-inch iron pin found at the West-Southwest corner of said 24.73 acre tract;

Exhibit "A", Land Description – Page 1

THENCE South 88 degrees 58 minutes 35 seconds East, with a South line of said 24.73 acre tract, 144.97 feet to an 1/2-inch iron pin found at an inside corner of said 24.73 acre tract;

THENCE South 01 degree 05 minutes 17 seconds West, with a West line of said 24.73 acre tract and with the West line of the 13.89 acre "Tract Two" in said Volume 871, Page 137, 699.86 feet to an 1/2-inch iron pin found at the Southwest corner of said 13.89 acre tract; same being the Northwest corner of the 31.107 acre tract recorded in Clerk's File No. 94-71013;

THENCE South 09 degrees 20 minutes 01 second West, with the West line of said 31.107 acre tract, 1010.79 feet to an 1/2-inch iron pin found at the Southwest corner of said 31.107 acre tract;

THENCE South 88 degrees 53 minutes 58 seconds East, with the South line of said 31.107 acre tract, 1499.78 feet to an 1/2-inch iron pin found at the Southeast corner of said 31.107 acre tract;

THENCE North 07 degrees 10 minutes 06 seconds West, with the East line of said 31.107 acre tract, 1009.80 feet to an 1/2-inch iron pin found at the Northeast corner of said 31.107 acre tract; same being the Southeast corner of said 13.89 acre tract;

THENCE North 01 degree 06 minutes 57 seconds East, with the East line of said 13.89 acre tract and an East line of said 24.73 acre tract 699.98 feet to an 1/2-inch iron pin found at an inside corner of said 24.73 acre tract;

THENCE South 88 degrees 52 minutes 57 seconds East, with a South line of said 24.73 acre tract, 144.76 feet to an 1/2-inch iron pin found at the East-Southeast corner of said 24.73 acre tract;

THENCE North 01 degree 04 minutes 51 seconds East, with the East line of said 24.73 acre tract, 629.19 feet to an 1/2-inch iron pin found at the Northeast corner of said 24.73 acre tract;

THENCE North 89 degrees 25 minutes 26 seconds East, with the South line of the Southeast Airport Addition recorded in Volume G, Page 295 of the Denton County Plat Records, 1534.00 feet to an 1/2-inch iron pin found at the Southeast corner of said Airport Addition, in the center of Westcourt Road (North-South asphalt road);

THENCE South 00 degrees 38 minutes 25 seconds West, with an East line of said 415 acre tract and generally with the center of said Westcourt Road, 1150.78 feet to a 5/8-inch iron pin found at an inside corner of said 415 acre tract;

THENCE North 89 degrees 48 minutes 14 seconds East, generally along Spring Side Road, 870.00 feet to an 1/2-inch iron pin found at the Northwest corner of the 10 acre tract recorded in Volume 971, Page 251;

THENCE southerly along the East side of Underwood Road (North-South asphalt road) as follows:

Exhibit "A", Land Description – Page 2

South 00 degrees 11 minutes 34 seconds East, 646.53 feet to a 5-inch pipe corner post;

South 00 degrees 48 minutes 00 seconds East, generally near a fence for part of the way, 645.16 feet to a 5-inch pipe corner post;

South 00 degrees 41 minutes 32 seconds East, 547.42 feet to a 5/8-inch iron pin found at the North-Northwest corner of the 76.768 acre tract recorded in Volume 1166, Page 235;

South 00 degrees 00 minutes 11 seconds West, with a West line of said 76.768 acre tract and generally near a wood fence for part of the way, 344.00 feet to an 1/2-inch iron pin set at an inside corner of said 76.768 acre tract;

THENCE South 89 degrees 58 minutes 11 seconds West, with a North line of said 76.768 acre tract and crossing said Underwood Road, 125.00 feet to an 1/2-inch iron pin set at the West-Northwest corner of said 76.768 acre tract;

THENCE South 00 degrees 15 minutes 42 seconds East, with the West line of said 76.768 acre tract and on the West side of said Underwood Road, passing the Southwest corner of said 76.768 acre tract and continuing in all, 1561.35 feet to an 1/2-inch iron pin found near said Underwood Road; same being the North-Northwest corner of the 96.85 acre tract recorded in Clerk's File No. 98-117450;

THENCE South 01 degree 54 minutes 54 seconds West, with a West line of said 96.85 acre tract and generally with said Underwood Road, 1205.51 feet to an one inch iron pin found at the an inside corner of said 96.85 acre tract; same being the Southeast corner of said 415 acre tract; same being where said road turns West;

THENCE North 89 degrees 27 minutes 33 seconds West, with the South line of said 415 acre tract and generally with the center of said Underwood Road, 1362.76 feet to an 1/2-inch iron pin set at the East-Southeast corner of the 18.726 acre "Tract II" recorded in Volume 489, Page 551 of the right-of-way of Farm Road No. 2449;

THENCE North 00 degrees 28 minutes 37 seconds East, with the East line of said 18.726 acre tract and the right-of-way line of said Farm Road No. 2449, 45.00 feet to an 1/2-inch iron pin set at the Northeast corner of said 18.726 acre tract;

THENCE with the North line of said 18.726 acre tract, the North right-of-way line of said Farm Road No. 2449 and generally near a fence as follows:

North 89 degrees 31 minutes 23 seconds West, 2944.75 feet to an 1/2-inch iron pin set;

South 89 degrees 46 minutes 37 seconds West, 7200.01 feet to an 1/2-inch iron pin set;

North 84 degrees 30 minutes 45 seconds West, 100.50 feet to an 1/2-inch iron pin set;

Exhibit "A", Land Description -- Page 3

South 89 degrees 46 minutes 37 seconds West, 200.00 feet to an 1/2-inch iron pin set;

South 84 degrees 03 minutes 59 seconds West, 100.50 feet to an 1/2-inch iron pin set;

South 89 degrees 46 minutes 37 seconds West, 678.22 feet to an 1/2-inch iron pin set;

North 44 degrees 49 minutes 38 seconds West, 39.98 feet to an 1/2-inch iron pin set at the Northwest corner of said 18.726 acre tract; same being in the East line of said C. Wolfe Road;

THENCE North 00 degrees 30 minutes 56 seconds East, with the East line of said C. Wolfe Road and generally near a fence, 1353.53 feet to an 1/2-inch iron pin set;

THENCE North 89 degrees 32 minutes 13 seconds West, 17.14 feet to an 1/2-inch iron pin set in the center of said C. Wolfe Road, in the West line of said 798.2 acre tract;

THENCE North 00 degrees 32 minutes 15 seconds East, with the West line of said 798.2 acre tract and generally with the center of said C. Wolfe Road, 6972.35 feet to the PLACE OF BEGINNING and containing 2049.00 acres.

#### TRACT 2: South Tract

SITUATED in Denton County, Texas in the S. Paine Survey, Abstract No. 1035, the M. Paine Survey, Abstract No. 1036, the George West Survey, Abstract No. 1393, the B. B. B. & C.R.R. Co. Survey, Abstract No. 176, the E.N. Oliver Survey, Abstract No. 989, the J. T. Evans Survey, Abstract No. 411, the C. Manchaca Survey, Abstract No. 789, the G. W. Pettingale Survey, Abstract No. 1041, the J. W. Kjellberg Survey, Abstract No. 1610, being a Survey of part of 1.086 acre tract described in a deed from Maurine P. Myers, et al to M. T. Cole Trust NO. 1, recorded in Volume 1018, Page 453, being a Survey of part of the 562.8 acre "First tract" described in a deed from T. E. Carruth, et al to M. T. Cole, dated December 22, 1931, recorded in Volume 238, Page 410, a Survey of the 640 acre tract described in a Deed from T. E. Carruth, et al to M. T. Cole, dated January 4, 1935, recorded in Volume 250, Page 121, a Survey of the 429-3/4 acre tract described in a deed from T. E. Carruth, et al to M. T. Cole, dated March 28, 1936, recorded in Volume 256, Page 285, all Deeds of the Denton County Deed Records, being described by metes and bounds as follows:

BEGINNING at an 1/2-inch iron pin set in a broke off Bois d'arc corner post at the Southwest corner of said 640 acre tract; same being in the East line of the 320.350 acre tract recorded in Clerk's File No. 99-67258;

THENCE North 00 degrees 35 minutes 15 seconds East, with the East line of said 320.350 acre tract and generally near a fence, 3057.12 feet to a 5/8-inch iron pin found at the Northeast corner of said 320.350 acre tract;

Exhibit "A", Land Description – Page 4

THENCE North 89 degrees 23 minutes 04 seconds West, with the North line of said 320.350 acre tract, 153.52 feet to an 1/2-inch iron pin set in the West line of said 1.086 acre tract; same being on the East side of H. Lively Road (rock road);

THENCE northerly with the East side of said H. Lively Road, with the West line of said 1.086 acre tract and generally near a fence as follows:

North 49 degrees 11 minutes 19 seconds East, 31.80 feet to an 1/2-inch iron pin set;

North 06 degrees 29 minutes 42 seconds East, 103.71 feet to an 1/2-inch iron pin set;

North 07 degrees 48 minutes 12 seconds East, 90.24 feet to an 1/2-inch iron pin set;

North 19 degrees 36 minutes 29 seconds East, 83.19 feet to an 1/2-inch iron pin set;

North 17 degrees 17 minutes 59 seconds East, 221.61 feet to an 1/2-inch iron pin set at the Northwest corner of said 1.086 acre tract;

THENCE South 89 degrees 52 minutes 01 second East, with the North line of said 1.086 acre tract, 17.07 feet to an 1/2-inch iron pin found at the Northeast corner of said 1.086 acre tract; same being in the East line of the 160.939 acre tract recorded in Volume 1300, Page 933;

THENCE northerly with the East line of said 160.939 acre tract, the East side of said H. Lively Road and generally near a fence as follows:

North 00 degrees 48 minutes 45 seconds East, 72.34 feet to an 1/2-inch iron pin found;

North 00 degrees 23 minutes 31 seconds East, 2695.55 feet to an 1/2-inch iron pin set in the South right-of-way line of Farm Road No. 2449;

THENCE easterly with the South right-of-way line of said Farm Road No. 2449 and generally near a fence as follows:

North 45 degrees 10 minutes 52 seconds East, 41.58 feet to an 1/2-inch iron pin set;

North 89 degrees 46 minutes 37 seconds East, 679.48 feet to an 1/2-inch iron pin set;

South 84 degrees 30 minutes 45 seconds East, 100.50 feet to an 1/2-inch iron pin set;

North 89 degrees 46 minutes 37 seconds East, 200.00 feet to an 60d nail set in top of a wood right-of-way marker;

North 84 degrees 03 minutes 59 seconds East, 100.50 feet to an 1/2-inch iron pin set;

Exhibit "A", Land Description – Page 5

North 89 degrees 46 minutes 37 seconds East, 1462.48 feet to an 1/2-inch iron pin found at the Northwest corner of the 18.28 acre tract recorded in Volume 5, Page 709 of the Lis Pendens records of Denton County, Texas

THENCE South 00 degrees 16 minutes 13 seconds East, with an West line of said 18.28 acre tract and generally near a fence 711.07 feet to an 1/2-inch iron pin found by a corner post at the Southwest corner of said 18.28 acre tract;

THENCE North 89 degrees 45 minutes 23 seconds East, with the South line of said 18.28 acre tract and generally near a fence, 1119.68 feet to an 1/2-inch iron pin found by a corner post at the Southeast corner of said 18.28 acre tract;

THENCE North 00 degrees 12 minutes 56 seconds West, with the East line of said 18.28 acre tract and generally near a fence, 710.67 feet to an 1/2-inch iron pin set at the Northeast corner of said 18.28 acre tract, in the South right-of-way line of said Farm Road No. 2449;

THENCE North 89 degrees 46 minutes 37 seconds East, with the North right-of-way line of said Farm Road No. 2449 and generally near a fence, 4616.62 feet to an 1/2-inch iron pin set in an East line of said 562.8 acre tract;

THENCE South 00 degrees 09 minutes 33 seconds West, with an East line of said 562.8 acre tract and generally with the center of a rock road 1652.60 feet to an 1/2-inch iron pin set at the South-Southeast corner of said 562.8 acre tract, where said road turns to the West;

THENCE North 89 degrees 28 minutes 35 seconds West, with the South line of said 562.8 acre tract and generally with the center of said rock road, 254.68 feet to an 1/2-inch iron pin set in place of a 60d nail found at the North-Northeast corner of said 429-3/4 acre tract;

THENCE South 00 degrees 24 minutes 30 seconds West, with an East line of said 429-3/4 acre tract and generally near an old fence, 2169.07 feet to a Bois d'arc corner post found at the inside corner of said 429-3/4 acre tract;

THENCE South 89 degrees 56 minutes 06 seconds East, with a North line of said 429-3/4 acre tract and generally near the evidence of an old fence, passing an 1/2-inch iron pin set by a corner post at 3125.59 feet and continuing in all, 3151.06 feet to a point on the West edge of John Paine Road (North-South rock road); same being in a West line of the 2329.49 acre tract recorded in Clerk's File No. 98-117450;

THENCE South 00 degrees 33 minutes 24 seconds West, with a West line of said 2329.49 acre tract and with the West edge of said John Paine Road, 2545.07 feet to an 1/2-inch iron pin found at the Southeast corner of said 429-3/4 acre tract and an inside corner of said 2329.49 acre tract;

THENCE North 89 degrees 47 minutes 59 seconds West, with the South line of said 429-3/4 acre tract, a North line of said 2329.49 acre tract and generally near an old fence, 5406.60 feet to

Exhibit "A", Land Description – Page 6

a Bois d'arc corner post found at the Southwest corner of said 429-3/4 acre tract and a Northwest corner of said 2329.49 acre tract;

THENCE South 01 degree 59 minutes 48 seconds West, with a West line of said 2329.49 acre tract and generally near a fence, 92.25 feet to a Bois d'arc corner post found at an inside corner of said 2329.49 acre tract and the Southeast corner of said 640 acre tract; an one inch iron pipe found bears South 87 degrees 45 minutes 56 seconds East, 3.46 feet;

THENCE North 89 degrees 30 minutes 24 seconds West, with the South line of said 640 acre tract, a North line of said 2329.49 acre tract and generally near an old fence for most of the way, 5806.65 feet to the PLACE OF BEGINNING and containing 1357.12 acres.

Exhibit "A", Land Description – Page 7

## EXHIBIT "B"

### PERMITTED EXCEPTIONS

1. Electric easement to Texas Power & Light Company, filed 10/17/1940, recorded in Volume 288, Page 28, Deed Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
2. Electric easement to Texas Power & Light Company, filed 06/03/1949, recorded in Volume 355, Page 25, Deed Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
3. Blanket electric easement to Denton County Electric Cooperative, Inc., filed 10/15/1953, recorded in Volume 402, Page 305, Deed Records of Denton County, Texas, as noted on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
4. Blanket electric easement to Denton County Electric Cooperative, Inc., filed 10/15/1953, recorded in Volume 402, Page 309, Deed Records of Denton County, Texas, as noted on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)
5. Easements for highway right of way purposes awarded the State of Texas and the County of Denton, by judgment filed 01/30/1963, recorded in Volume 489, Page 551, Deed Records, Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)
6. Easement to Denton-Wise Soil and Conservation District, filed 01/12/1967, recorded in Volume 546, Page 67, Deed Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)
7. 100' electric easement to Texas Power & Light Company, filed 11/22/1967, recorded in Volume 559, Page 255 and in Volume 560, Page 619, Deed Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
8. Easements awarded the State of Texas and the County of Denton, individually and as agent for Denton-Wise County Soil and Water Conservation District, by judgment recorded in Volume 623, Page 315, Deed Records, Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)

9. Electric easement awarded Texas Municipal Power Agency by judgment rendered filed 09/17/1986, under Denton County Court at Law No. 10456, recorded in Volume 9, Page 332, Deed Records, Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)
10. 20' pipeline easement (50' during construction and maintenance) to Southwestern Gas Pipeline, Inc., filed 08/03/2001, recorded in Volume 4893, Page 1500, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
11. 20' pipeline easement and 50' X 50' dehydrator site easement to Southwestern Gas Pipeline, Inc., filed 01/22/2002, recorded in Volume 5007, Page 2391, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)
12. 30' pipeline easement to Southwestern Gas Pipeline, Inc., filed 02/11/2002, recorded in Volume 5021, Page 3429, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
13. 30' pipeline easement to Southwestern Gas Pipeline, Inc., filed 02/11/2002, recorded in Volume 5021, Page 3487, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
14. 30' pipeline easement to Southwestern Gas Pipeline, Inc., filed 03/12/2002, recorded in Volume 5041, Page 1850, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
15. 30' pipeline easement to Southwestern Gas Pipeline, Inc., filed 03/12/2002, recorded in Volume 5041, Page 1857, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
16. 30' pipeline easement to Southwestern Gas Pipeline Inc., filed 11/26/2002, recorded in Volume 5221, Page 3747, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
17. 30' pipeline easement to Southwestern Gas Pipeline Inc., filed 11/26/2002, recorded in Volume 5221, Page 3841, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)

Exhibit "B", Permitted Exceptions – Page 2

18. 30' pipeline easement to Southwestern Gas Pipeline Inc., filed 11/26/2002, recorded in Volume 5221, Page 3874, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
19. 30' pipeline easement to Southwestern Gas Pipeline Inc., filed 02/20/2003, recorded in Volume 5276, Page 2221, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
20. 30' pipeline easement to Southwestern Gas Pipeline Inc., filed 02/20/2003, recorded in Volume 5276, Page 2268, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)
21. 20' gas pipeline easement to Trio Consulting & Management, LLC, filed 06/24/2003, recorded in Volume 5360, Page 3217, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004, as quitclaimed to Hickory Creek Gathering, LP by instrument filed 11/12/2004, under cc# 2004-146833, Real Property Records, Denton County, Texas. (Affects Tract 1)
22. 20' x 30' surface pipeline easement to Southwestern Gas Pipeline Inc., filed 08/19/2003, recorded in Volume 5399, Page 4606, Real Property Records of Denton County, Texas, as noted on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
23. Surface easement meter sites to Southwestern Gas Pipeline, Inc., filed 07/30/2004, cc# 2004-100625, Real Property Records of Denton County, Texas, as noted on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
24. 30' pipeline easement to Southwestern Gas Pipeline Inc. filed 09/20/2004, cc# 2004-124129, Real Property Records of Denton County, Texas, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
25. Oil, gas and mineral lease, to Mitchell Energy Corporation, described in instrument filed 11/02/1988, recorded in Volume 2479, Page 441, Real Property Records of Denton County, Texas, and all rights incident thereto, including but not limited to 40' pipeline and road easements, 25' road easement, location pad and wellpad, all as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004, as amended and clarified by instrument filed 01/24/1991, recorded in Volume 2916, Page 280, Real Property Records, Denton County, Texas, as extended by instrument filed 09/22/1994, under cc# 94R0073009, Real Property Records, Denton County, Texas, as amended by instrument filed 08/25/1995, under cc# 95R0052261, Real Property Records, Denton

Exhibit "B", Permitted Exceptions – Page 3

County, Texas, as extended by instrument filed 11/30/1995, under cc# 95R0074517, Real Property Records, Denton County Texas and amended by instrument filed 03/07/2000, recorded in Volume 4541, Page 1607, Real Property Records, Denton County, Texas. Designation of Production Unit filed 02/13/1989, recorded in Volume 2531, Page 204, Real Property Records, Denton County, Texas. Declaration of Pool filed 05/22/1995, under cc# 95R0029524, Real Property Records, Denton County, Texas. (Affects Tracts 1 and 2)

26. Oil, gas and mineral lease, to Mitchell Energy Corporation as evidenced by memorandum filed 03/07/2000, recorded in Volume 4541, Page 1603, Real Property Records, Denton County, Texas, as amended by instruments recorded in Volume 4859, Page 1659, Volume 5128, Page 1403, Volume 5262, Page 3228 and Volume 5304, Page 1231, Real Property Records, Denton County, Texas, and all rights incident thereto, including but not limited to 40' pipeline and road easements, 25' road easement, location pad and well pads, as shown on survey of Bruce Geer, R.P.L.S. #4117 dated 08/12/2004, last revised 12/18/2004. (Affects Tracts 1 and 2)
27. Water Well, Water Usage and Easement Agreement between Devon Energy Operating Company, L.P. and Amy Cole Gain (Griffin), Susan Bonner Mead and Jack Donald Griffin, Successor Trustees of the M. T. Cole Trust No. 1, M. T. Cole Trust No. 2 and M. T. Cole Trust No. 4, as evidenced by memorandum filed 10/17/2003, recorded in Volume 5541, Page 1008, Real Property Records, Denton County, Texas. (Affects Tracts 1 and 2)
28. Valve Site Agreement with Southwestern Gas Pipe Line filed 03/12/2002, recorded in Volume 5041, Page 1882, Real Property Records, Denton County, Texas, as noted on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
29. Easement rights, if any, as evidenced by underground phone cable along a portion of the East property line as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)
30. Overlap of property lines along a portion of the East property line as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)
31. Fence encroachments and protrusions along the South, West and East property lines as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)
32. 13.68' gap between property lines along a portion of the East property line as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 2)

Exhibit "B", Permitted Exceptions – Page 4

33. Rights, if any, of third parties with respect to road curving through the subject property from the North to South property lines as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
34. Fence encroachments and protrusions along the most easterly North property lines and the most westerly East property lines as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
35. Proposed electric easements to the City of Denton pursuant to Cause No. 2003-00489, Probate Court of Denton County, Texas, as evidenced by Lis Pendens filed 05/05/2003, recorded in Volume 5325, Page 4460, Real Property Records of Denton County, Texas, in suit Cause No. 2003-00489, styled the CITY OF DENTON vs. SUSAN BONNER MEAD, JACK DONALD COLE, AMY COLE GRIFFIN, TRUSTEES of the M. T. COLE TRUSTS NO.s 1, 2, 3 and 4 and TEXAS SCOTTISH RITE HOSPITAL, as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004. (Affects Tract 1)
36. Rights of third parties with respect to those portions of the subject property lying within the boundaries of Underwood Road, Tom Cole Road, C. Wolfe Road, WestCourt Road, and Spring Side Road (as to Tract 1), and various rock roads (as to Tract 2), as shown on survey of Bruce Geer, R.P.L.S. #4117, dated 08/12/2004, last revised 12/18/2004.
37. Rights of Troy Webster and Nathan Grunden as tenants only, pursuant to oral agreements.

Exhibit "B", Permitted Exceptions – Page 5

## **APPENDIX E – NOTIFICATION LETTERS AND CERTIFIED MAIL RECEIPTS**



3017 West 7th Street, Suite 300, Fort Worth, Texas 76107  
t 682.7470800 LJA.com TBPE F-1386

Month DD, 20YY

**CERTIFIED MAIL**

TBD  
Denton, TX 76207

Reference: Cole Ranch Water Use Permit Notification for Hickory Creek WS SCS Sites 12 & 13

Dear Government Official:

This letter is sent on behalf of the Cole Ranch Company, L.P. and the Cole Ranch Improvement District No. 1 of Denton County who propose to use the existing on-channel Hickory Creek WS SCS Sites 12 and 13 in Denton, Denton County, Texas for recreation, aesthetics, and irrigation. Pursuant to 30 TAC § 295.42, to apply for a permit to appropriate public water through the Texas Commission on Environmental Quality (TCEQ), this notification is required to be sent to all commissioners and council members of the governing bodies of each county and municipality in which the reservoirs are located.

If you should have any questions or concerns about this notification, you may contact me at 817-288-1967 or [REDACTED]. Thank you for your consideration in this matter.

Sincerely,

Hunter Teel, P.E., CFM  
Water Resource Engineer

LJA Engineering  
Reg. No. F-1386

Enclosures  
HT/lks

cc: LJA – Larissa Knapp-Scott, Lauren Gilstrap  
The Cole Ranch Company, L.P.  
Cole Ranch Improvement District No. 1 of Denton County

## **APPENDIX F – WELL PERMITS**



**NORTH TEXAS GROUNDWATER CONSERVATION DISTRICT**

P.O. Box 508, Gainesville, TX 76241  
5100 Airport Drive, Denison, TX 75020  
Office: (855) 426-4433 | Fax: (903) 786-8211  
[ntgcd@northtexasgcd.org](mailto:ntgcd@northtexasgcd.org) | [www.northtexasgcd.org](http://www.northtexasgcd.org)

**TRANSFER OF WELL OWNERSHIP**

*Please complete one application for each well*

**Previous Well Owner**

Name: MT Cole Family Partnership #2 Phone: 940-368-2379  
Account #: 2000001755 Registration #: NT-1111 Ext.

**New Well Owner**

Name: The Cole Ranch Company Email: [REDACTED]  
Phone: 940-368-2379 Fax: \_\_\_\_\_ Ext.  
Designated Contact: Jennifer Alexander E-mail: \_\_\_\_\_  
Phone: \_\_\_\_\_ Alt. Phone: \_\_\_\_\_ Ext.  
Mailing Address: PO Drawer S Denton, TX 76202  
Address City State Zip code

**Well Information**

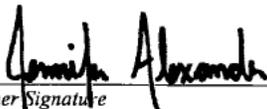
Latitude: 33.18533 Longitude: -97.21178  
Well Address: 4358 FM 2449 Denton, TX  
Address City State Zip code

**Primary use of the well:**

- Municipal/Public Water System
- Industrial/Manufacturing
- Commercial/Small Business
- Oil/Gas
- Filling Pond(s)/Other Impoundment
- Domestic (household/lawn at residence)
- Livestock/Poultry
- Agriculture/Irrigation
- Other Irrigation
- Other

*If other, explain:* \_\_\_\_\_

*I hereby certify that the information given herewith is true and accurate to the best of my knowledge and belief.*

Jennifer Alexander  4-5-2021  
Print New Owner Name New Owner Signature Date

*Please submit this application to the District by mail, fax or email:*

*North Texas Groundwater Conservation District  
P.O. Box 508, Gainesville, TX 76241  
Fax: (903) 786-8211 | [ntgcd@northtexasgcd.org](mailto:ntgcd@northtexasgcd.org)*

*If you have any questions, please call (855) 426-4433*



## PRODUCTION PERMIT

Permit No. NPA020

**Well Owner ("Permittee"):**

The Cole Ranch Company LP  
PO Drawer S  
Denton, TX 76202

**Total Number of Wells: 1**

**Purpose of Use:** Irrigation for Tree Production and Filling a Pond(s)/Surface Impoundment(s)

**Aquifer:** Trinity (Antlers)

**Well(s) Information:**

ID	Well Name	Latitude	Longitude	Capacity	Drilling Deadline
NT-5056	Well #1	33.186529	-97.206070	190 GPM	3/10/2022

**Term and Renewal:** This permit is effective beginning on 7/13/2021. This permit is perpetual in nature; provided, however, that the District will conduct inspections and will request information from a permit holder from time-to-time as required to ensure the accuracy and integrity of the District's information, and to enforce compliance with District Rules, the District Act, and Chapter 36 of the Texas Water Code.

**Notice of Revocation:** Failure to pay groundwater use fees, report pumpage, comply with District rules, orders, special provisions, and permit conditions can result in revocation of this permit.

**Amount of Authorized Production:** The amount of groundwater needed for use by Permittee for beneficial use, which shall not exceed: **22,212,000 gallons/year** for only that well or well system identified above.

**Permit Conditions – This Permit is conditioned on each of the following precise terms:**

1. This permit is granted subject to the District's rules, orders of the District Board of Directors, special provisions, permit conditions, and laws of the State of Texas, including but not limited to Chapter 36 of the Texas Water Code and the District's enabling legislation codified at Chapter 8856 of the Special District Local Laws Code.
2. Acceptance of this permit and production of groundwater under the authority granted herein by Permittee constitutes acknowledgement and agreement that Permittee is required to abide by the precise terms of this permit and comply with the District's rules, orders of the District Board of Directors, special provisions, permit conditions, and laws applicable to Permittee.
3. Violation of the terms of this permit shall result in enforcement in accordance with the District's Enforcement Policy and Civil Penalty Schedule, Chapter 36 of the Texas Water Code, and the District's enabling legislation codified at Chapter 8856 of the Special District Local Laws Code.
4. This permit does not confer any rights and/or privileges to Permittee other than those expressly set forth herein.
5. The well(s) identified in this permit shall be installed, equipped, operated, maintained, plugged, capped, or closed, as may be appropriate in accordance with the District's rules.
6. Permittee's production shall not exceed the Amount of Authorized Production set forth in this permit.

7. Produced groundwater shall be put to a beneficial use at all times. Operation of the well(s) under this permit shall be conducted in a manner so as to avoid waste, pollution, or harm to groundwater resources.
8. The well site shall be accessible to District representatives and/or agents for inspection during business hours and during emergencies. The Permittee agrees to cooperate fully in any reasonable monitoring or sampling of the well(s).
9. Permittee shall provide written notice to the District of any change of ownership, name of Permittee or Permittee's authorized representative, well operator, mailing address or telephone number in accordance with District rules.
10. Permittee shall reduce water production as required by District rules and orders of the Board of Directors, including but not limited to proportional adjustments issued based on achievement of the District's Desired Future Conditions, and/or adjustments due to times of drought and in accordance with the District's Drought Contingency Plan, as applicable.
11. The application pursuant to which this permit has been granted is incorporated herein, and this permit has been granted based on the accuracy thereof. A finding that false information has been supplied to the District shall be grounds for immediate revocation of this permit, and shall subject Permittee to enforcement.
12. This permit contains all matters approved by the District related to Permittee's use of groundwater, and all other matters requested by Permittee not included in this Permit are denied.
13. Any production of groundwater above the Authorized Production Amount, or above any additional amount as otherwise authorized by District Rules (e.g., initiation of Drought Buffer under District Rule 6.2), or a change to the well(s) or use authorized under this permit requires the submission of a Permit Amendment Application prior to such change being made.
14. In the event of a conflict between the terms of this permit and the application pursuant to which this permit has been granted, the terms of this permit shall prevail.

**Special Conditions/Terms:** *Smart irrigation controllers (weather-based or soil moisture-based) are required for any irrigation systems using the groundwater from this permit.*

***District Approval***

***Applicant Signature  
Required for permit to be effective***



\_\_\_\_\_  
*Signature*

*Drew Satterwhite, P.E.*

\_\_\_\_\_  
*Print Name*

*General Manager*

\_\_\_\_\_  
*Title*

*7/19/2021*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Print Name*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Date*

**Return one signed original copy to the District at: P.O. Box 508, Gainesville, TX 76241**

## **APPENDIX G – PHOTOGRAPHS**

## Cole Ranch Lakes 12 & 13 Photos



Photo: 0543



Photo: 0548



Photo: 0549



Photo: 0550



Photo: 0561



Photo: 0562



Photo: 0563

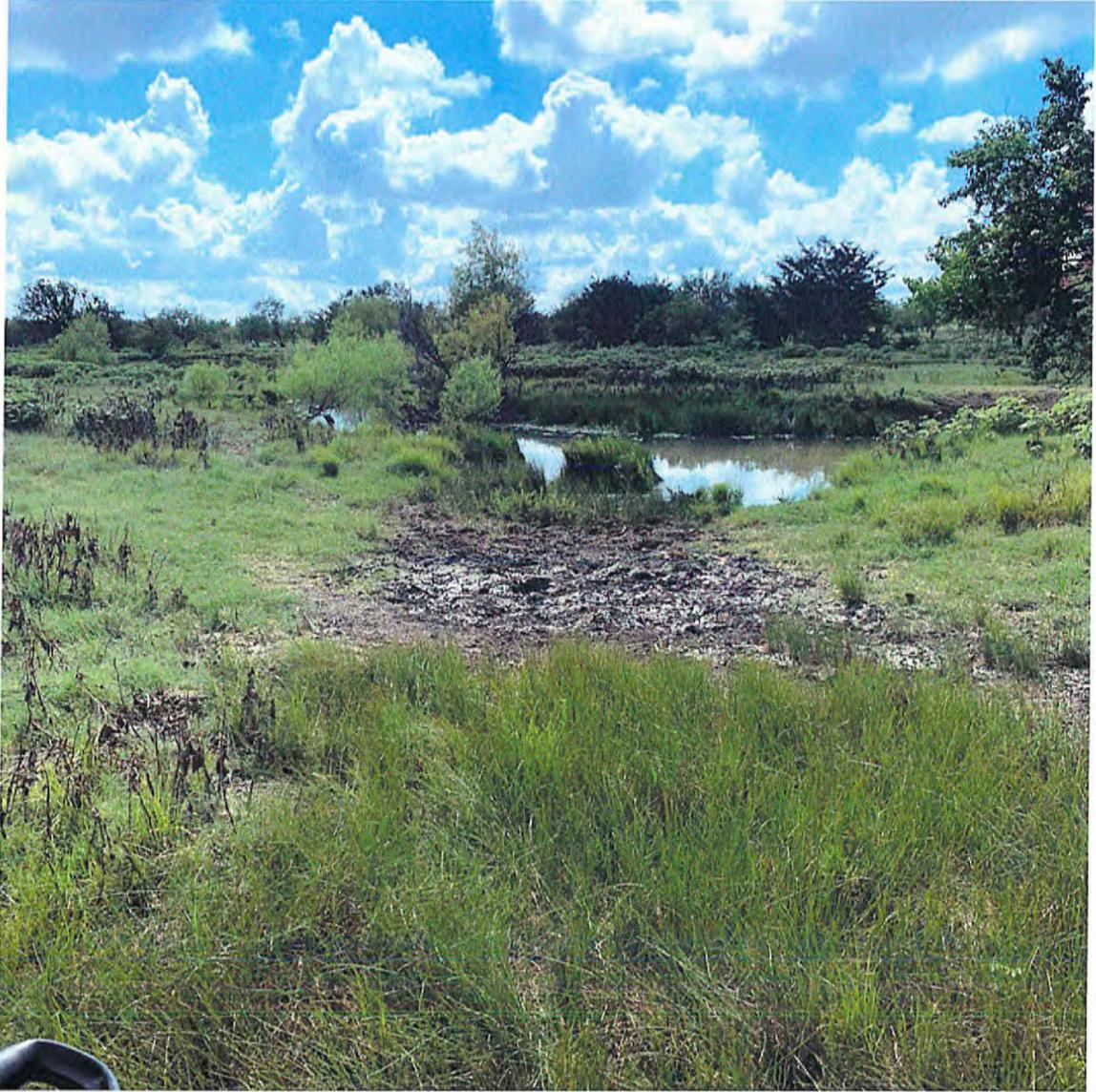


Photo: 0974



Photo: 0979



Photo: 2123



Photo: 2129

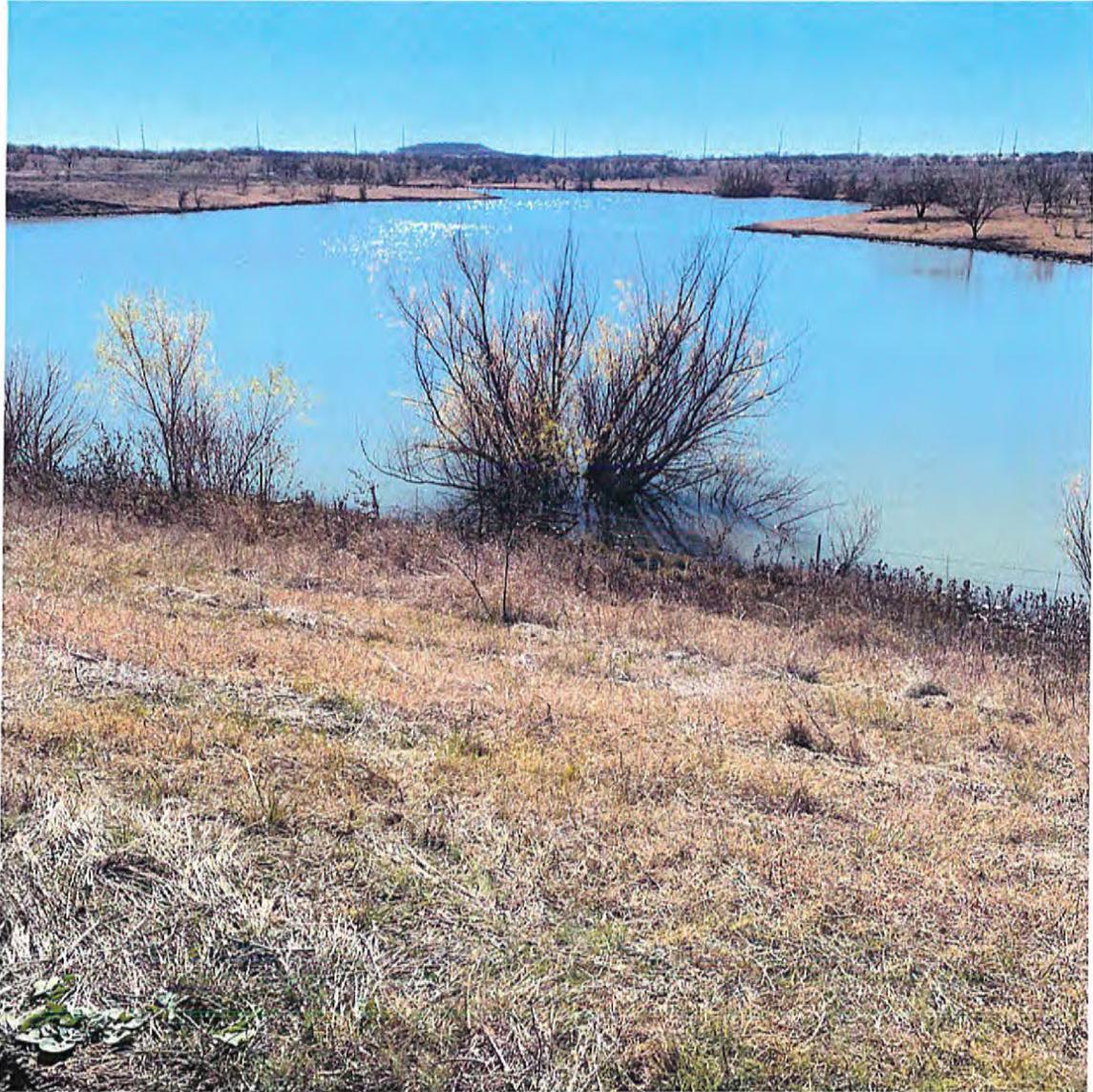


Photo: 2148



Photo: 2154

## **APPENDIX H – GROUNDWATER INFORMATION**

# WATER ANALYSIS



Submitted by **7501010**  
**WaterCentric**  
 100 Hillcrest Road, Suite 125  
 Dallas, TX 75230-2009

Submitted for  
**COLE RANCH**  
 PONDER, TX 76259

Laboratory Sample #  
**CB35163**

Date Received  
**23-Apr-2021**

Date Reported  
**27-Apr-2021**

Information Sheet #  
**418622**

**SAMPLE MARKED COLE RANCH WELL**

ANALYSIS OF CHEMICAL PROPERTIES		YOUR RESULTS			RATING OF YOUR RESULTS		
		UNIT OF MEASURE	RESULT	LBS/ ACRE FOOT	SATISFACTORY	POSSIBLE PROBLEM	PROBABLE PROBLEM
WATER CHARACTERISTICS	pH	-- --	9.11	-- --			
	Hardness	-- --	5.23	-- --			
	Bicarbonate	ppm	238.14	647.74			
	Carbonate	ppm	34.56	94.00			
IMPACT ON GENERAL PLANT GROWTH	Electrical Conductivity (ECw)	mmhos/cm	1.02	-- --			
	Total Soluble Salts	ppm	656.00	1784.32			
IMPACT FROM ROOT CONTACT	Sodium Chloride	meq/l	10.59	-- --			
	Boron	ppm	79.90	217.33			
	Boron	ppm	0.23	0.63			
IMPACT FROM FOLIAGE CONTACT	Sodium Chloride	ppm	243.65	662.73			
	Sodium Chloride	ppm	79.90	217.33			
IMPACT ON SOIL STRUCTURE	Sodium Absorption Ratio Adj		23.21	-- --			
	Electrical Conductivity (ECw)	mmhos/cm	1.02	-- --			
	Total Soluble Salts	ppm	656.00	1784.32			
To maintain good soil structure in arid regions, irrigation water should have the capacity to replace the soluble salts being dissolved. If the salts being dissolved are not replaced, a decrease in permeability may occur.					No anticipated difficulty with most crops.	Some difficulty for sensitive & moderately sensitive crops.	Significant difficulty for most crops.

ANALYSIS OF NUTRIENTS						
PLANT NUTRIENTS AS NORMALLY REPORTED IN WATER ANALYSIS	RESULTS AS PPM	NUTRIENTS CONVERTED TO BASIC FERTILIZER MATERIAL FORMS	RESULTS LB/ACRE FOOT	MEQ / LITER		
NITRATE (NO <sub>3</sub> -N)	0.01	NITROGEN (N)	0.03	CATIONS	K+	0.02
PHOSPHATE (PO <sub>4</sub> )	0.11	PHOSPHATE (P <sub>2</sub> O <sub>5</sub> )	0.22		Na+	10.59
POTASSIUM (K)	0.88	POTASH (K <sub>2</sub> O)	2.85		Ca+	0.06
MAGNESIUM (Mg)	0.55	MAGNESIUM OXIDE (MgO)	2.48	ANIONS	Mg++	0.05
CALCIUM (Ca)	1.19	CALCIUM (Ca)	3.24		Cl-	2.25
SULFATE (SO <sub>4</sub> )	108.47	SULFUR (S)	97.62		SO <sub>4</sub> --	2.26
MANGANESE (Mn)	0.01	MANGANESE (Mn)	0.03		HCO <sub>3</sub> -	3.90
IRON (Fe)	0.35	IRON (Fe)	0.95		CO <sub>3</sub> --	1.15
BORON (B)	0.23	BORON (B)	0.63	PO <sub>4</sub> --	0.0	
				NO <sub>3</sub> -	0.0	
				pHc	8.90	
				Total Cations	10.72	
				Total Anions	9.56	
				SAR	45.16	

DISCLAIMER: Data and information in this report are intended solely for the individual(s) for whom samples were submitted. Reproduction of this report must be in its entirety. Levels listed are guidelines only. Data was reported based on standard laboratory procedures and deviations.

Cole Ranch  
Accounting Plan

Month \_\_\_\_\_

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11
Day of the Month	Daily - Meter Reading	Daily - Meter Reading	Daily - Meter Reading	Daily - Calculation	Monthly - Calculation	Monthly Lookup from Web-Site	Monthly - Calculation	Monthly - Calculation	Monthly - Calculation	Monthly - Calculation
Day of the Month	Groundwater Pumped In (Gallons)	Water Pumped Out (Gallons)	Pond Water Level (feet above MSL)	Excess GW pumped in to keep pond full (Column 2 - Column 3) (Gallons)	Monthly GW Pumped in to compensate for evaporation (Sum Column 5, Day 1 - 31) (Gallons)	Monthly PAN Evaporation for Lake Grapevine (Use Link to right) (Inches)	Computed Monthly Evaporation (PAN Evaporation from Column 7 x PAN factor for specific month) (Inches)	Computed Monthly Evaporation (Gallons) (Column 8 x 4.42 acres x 27154.3)	Additional Water to Pump Downstream Next Month (Column 6 - Column 9) (Gallons)	Volume of Additional Water Pumped Downstream From Previous Month (Gallons)
1				0						
2				0						
3				0						
4				0						
5				0						
6				0						
7				0						
8				0						
9				0						
10				0						
11				0						
12				0						
13				0						
14				0						
15				0						
16				0						
17				0						
18				0						
19				0						
20				0						
21				0						
22				0						
23				0						
24				0						
25				0						
26				0						
27				0						
28				0						
29				0						
30				0						
31				0						
					0					

Data Inputs  
 Calculated Fields

↑  
If value is negative,  
additional water should  
be pumped downstream

2

**IRRIGATION  
SUITABILITY  
INTERPRETATION**

<b>ANALYSIS</b>	<b>UNIT</b>	<b>SATISFACTORY</b>	<b>POSSIBLE PROBLEM</b>	<b>PROBABLE PROBLEM</b>
<b>WATER CHARACTERISTICS</b>				
Water pH		-----	-----	-----
Hardness		0 - 125	126 - 245	> 245
Bicarbonate	ppm	0 - 111	112 - 525	> 525
Carbonate	ppm	0 - 12	13 - 62	> 62
<b>IMPACT ON GENERAL PLANT GROWTH</b>				
Electrical Conductivity	mmhos/cm	0 - .75	.76 - 3.0	> 3.0
Total Soluble Salt	ppm	0 - 480	481 - 1950	> 1950
<b>IMPACT FROM ROOT CONTACT</b>				
Sodium	meq/l	0 - 2.9	3.0 - 9.0	> 9.0
Chloride	ppm	0 - 140	141 - 360	> 360
Boron	ppm	0 - 0.5	0.6 - 2.0	> 2.0
<b>IMPACT FROM FOLIAGE CONTACT</b>				
Sodium	ppm	0 - 70	71 - 210	> 210
Chloride	ppm	0 - 100	101 - 350	> 350
<b>IMPACT ON SOIL STRUCTURE</b>				
Sodium Absorption Ratio Adj.		0 - 6.0	6.1 - 9.0	> 9.0
Electrical Conductivity	mmhos/cm	> 0.5	< 0.5	

## STATE OF TEXAS WELL REPORT for Tracking #25688

Owner: <b>DEVON ENERGY</b>	Owner Well #: <b>1</b>
Address: <b>P.O. BOX 2922 FORT WORTH, TX 76351</b>	Grid #: <b>19-55-4</b>
Well Location: <b>HWY 2449 BETWEEN PONDER AND I-35W TX</b>	Latitude: <b>33° 11' 07" N</b>
	Longitude: <b>097° 12' 42" W</b>
Well County: <b>Denton</b>	Elevation: <b>682 ft. above sea level</b>

Type of Work: <b>New Well</b>	Proposed Use: <b>Rig Supply</b>
-------------------------------	---------------------------------

Drilling Start Date: **8/10/2003**      Drilling End Date: **9/4/2003**

	<i>Diameter (in.)</i>	<i>Top Depth (ft.)</i>	<i>Bottom Depth (ft.)</i>
Borehole:	<b>14.75</b>	<b>0</b>	<b>1060</b>

Drilling Method: **Mud (Hydraulic) Rotary**

Borehole Completion: **Filter Packed**

	<i>Top Depth (ft.)</i>	<i>Bottom Depth (ft.)</i>	<i>Filter Material</i>	<i>Size</i>
Filter Pack Intervals:	<b>750</b>	<b>1060</b>	<b>Gravel</b>	<b>16/30</b>

	<i>Top Depth (ft.)</i>	<i>Bottom Depth (ft.)</i>	<i>Description (number of sacks &amp; material)</i>
Annular Seal Data:	<b>0</b>	<b>750</b>	<b>60</b>

Seal Method: **Positive Displacement**

Sealed By: **JET STAR CO.**

Distance to Property Line (ft.): **No Data**

Distance to Septic Field or other concentrated contamination (ft.): **+150**

Distance to Septic Tank (ft.): **No Data**

Method of Verification: **OWNER**

Surface Completion: **Surface Slab Installed**

Water Level: **540 ft. below land surface on 2003-09-07**      Measurement Method: **Unknown**

Packers: **No Data**

Type of Pump: **Submersible**      Pump Depth (ft.): **840**

Well Tests: **Pump**      Yield: **180 GPM with 90 ft. drawdown after 12 hours**



---

**IMPORTANT NOTICE FOR PERSONS HAVING WELLS DRILLED CONCERNING CONFIDENTIALITY**

TEX. OCC. CODE Title 12, Chapter 1901.251, authorizes the owner (owner or the person for whom the well was drilled) to keep information in Well Reports confidential. The Department shall hold the contents of the well log confidential and not a matter of public record if it receives, by certified mail, a written request to do so from the owner.

Please include the report's Tracking Number on your written request.

**Texas Department of Licensing and Regulation  
P.O. Box 12157  
Austin, TX 78711  
(512) 334-5540**

GWDB Reports and Downloads

Well Basic Details

Scanned Documents

<b>State Well Number</b>	1954603	<b>Well Type</b>	Withdrawal of Water
<b>County</b>	Denton	<b>Well Use</b>	Public Supply
<b>River Basin</b>	Trinity	<b>Water Level Observation</b>	GCD Current Observation Well
<b>Groundwater Management Area</b>	8	<b>Water Quality Available</b>	Yes
<b>Regional Water Planning Area</b>	C - Region C	<b>Pump</b>	Submersible
<b>Groundwater Conservation District</b>	North Texas GCD	<b>Pump Depth (feet below land surface)</b>	857
<b>Latitude (decimal degrees)</b>	33.1838889	<b>Power Type</b>	Electric Motor
<b>Latitude (degrees minutes seconds)</b>	33° 11' 02" N	<b>Annular Seal Method</b>	
<b>Longitude (decimal degrees)</b>	-97.2858333	<b>Surface Completion</b>	
<b>Longitude (degrees minutes seconds)</b>	097° 17' 09" W	<b>Owner</b>	Town of Ponder Well #2
<b>Coordinate Source</b>	Global Positioning System - GPS	<b>Driller</b>	J.L. Myers
<b>Aquifer Code</b>	218TWM - Twin Mountains Formation	<b>Other Data Available</b>	Drillers Log; Electric Log
<b>Aquifer</b>	Trinity	<b>Well Report Tracking Number</b>	
<b>Aquifer Pick Method</b>		<b>Plugging Report Tracking Number</b>	
<b>Land Surface Elevation (feet above sea level)</b>	733	<b>U.S. Geological Survey Site Number</b>	
<b>Land Surface Elevation Method</b>	Digital Elevation Model - DEM	<b>Texas Commission on Environmental Quality Source Id</b>	G0610039A
<b>Well Depth (feet below land surface)</b>	980	<b>Groundwater Conservation District Well Number</b>	
<b>Well Depth Source</b>	Driller's Log	<b>Owner Well Number</b>	1
<b>Drilling Start Date</b>		<b>Other Well Number</b>	
<b>Drilling End Date</b>	7/12/1969	<b>Previous State Well Number</b>	
<b>Drilling Method</b>	Mud (Hydraulic) Rotary	<b>Reporting Agency</b>	Texas Water Development Board
<b>Borehole Completion</b>	Perforated or Slotted	<b>Created Date</b>	2/24/1976
		<b>Last Update Date</b>	1/17/2018

**Remarks** Drilled to 1058 ft. and plugged back to 980 ft. Cemented from 1056 ft. to surface. Gun-perforated.

**Casing**

Diameter (in.)	Casing Type	Casing Material	Schedule	Gauge	Top Depth (ft.)	Bottom Depth (ft.)
10	Blank	Steel			0	14
7	Blank	Steel			0	905
7	Screen	Steel			905	915
7	Blank	Steel			915	934
7	Screen	Steel			934	944
7	Blank	Steel			944	950
7	Screen	Steel			950	970
7	Blank	Steel			970	980

**Well Tests - No Data**

**Lithology**

Top Depth (ft.)	Bottom Depth (ft.)	Description
0	10	surface soil
10	16	broken lime
16	150	lime
150	174	shale
174	258	lime
258	279	shale
279	369	sandy shale
369	376	sand
376	424	shale
424	435	broken sand
435	446	sand
446	512	lime and shale
512	702	lime
702	768	broken sand
768	820	lime and shale
820	996	broken lime and shale w/ sand streaks
996	1003	sandy shale
1003	1017	sand
1017	1023	shale
1023	1058	lime

**Annular Seal Range - No Data**

**Borehole - No Data**

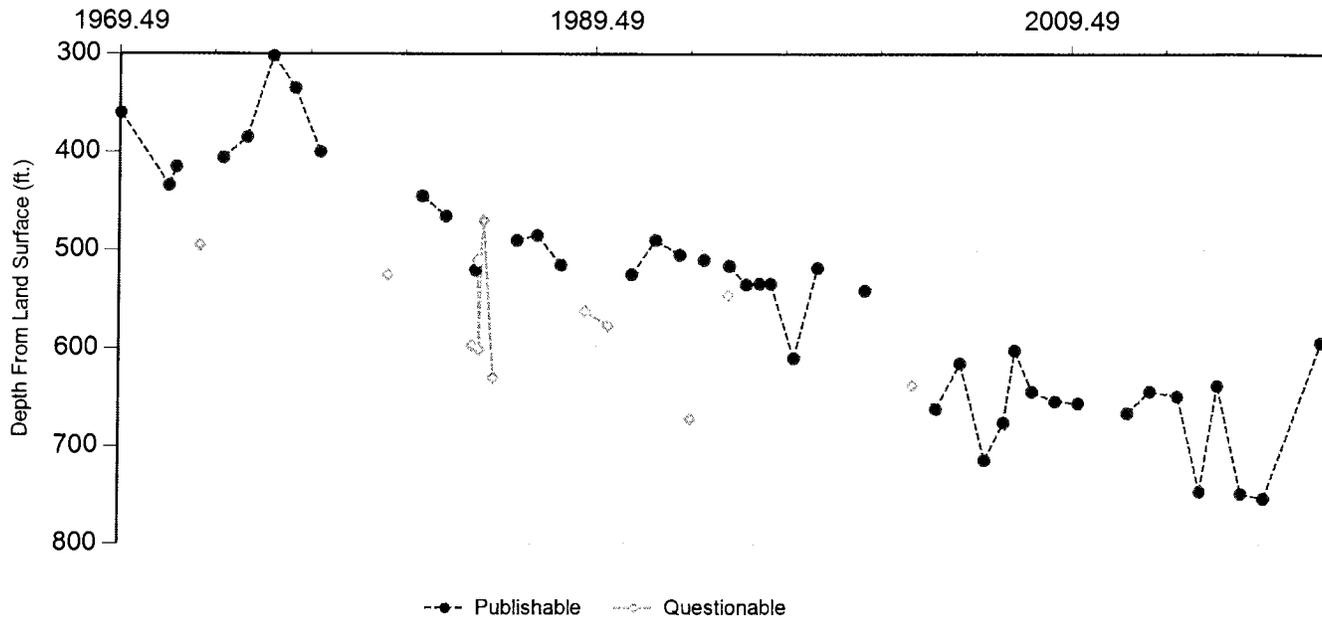
**Plugged Back - No Data**

**Filter Pack - No Data**

**Packers - No Data**

Water Level Measurements

Measurement Year (with decimal months)



Status Code	Date	Time	Water Level (ft. below land surface)	Change value in ( ) indicates rise in level	Water Elevation (ft. above sea level)	Meas #	Measuring Agency	Method	Remark ID	Comments
P	7/12/1969		360		373	1	Registered Water Well Driller	Air Line		
P	7/23/1971		434	74.00	299	1	Texas Water Development Board	Air Line		
P	11/10/1971		415	(19.00)	318	1	Texas Water Development Board	Air Line		
Q	11/15/1972		495	80.00	238	1	Texas Water Development Board	Air Line	12	
P	11/6/1973		406	(89.00)	327	1	Texas Water Development Board	Air Line		
P	11/6/1974		385	(21.00)	348	1	Texas Water Development Board	Air Line		
P	12/8/1975		302	(83.00)	431	1	Texas Water Development Board	Air Line		
P	11/1/1976		335	33.00	398	1	Texas Water Development Board	Air Line		
P	11/30/1977		400	65.00	333	1	Texas Water Development Board	Air Line		
X	10/3/1978					1	Texas Water Development Board		30	
Q	10/16/1980		525		208	1	Texas Water Development Board	Air Line	2	
P	3/17/1982		445	(80.00)	288	1	Texas Water Development Board	Air Line		
P	3/10/1983		465.44	20.44	267.56	1	Texas Water Development Board	Steel Tape		
Q	4/24/1984		597	131.56	136	1	Texas Water Development Board	Air Line	2	
P	6/13/1984		520	(77.00)	213	1	Texas Water Development Board	Air Line		
Q	7/18/1984		510	(10.00)	223	1	Texas Water Development Board	Air Line	4	
Q	8/14/1984		601	91.00	132	1	Texas Water Development Board	Air Line	2	
Q	9/11/1984		510	(91.00)	223	1	Texas Water Development Board	Air Line	4	
Q	10/18/1984		470	(40.00)	263	1	Texas Water Development Board	Air Line	4	
Q	3/18/1985		630	160.00	103	1	Texas Water Development Board	Air Line	2	
P	3/10/1986		490	(140.00)	243	1	Texas Water Development Board	Air Line		

Texas Water Development Board (TWDB)  
Groundwater Database (GWDB)  
Well Information Report for State Well Number  
19-54-603

Status Code	Date	Time	Water Level (ft. below land surface)	Change value in ( ) indicates rise in level	Water Elevation (ft. above sea level)	Meas #	Measuring Agency	Method	Remark ID	Comments
P	1/19/1987		485	(5.00)	248	1	Texas Water Development Board	Air Line		
P	1/18/1988		515	30.00	218	1	Texas Water Development Board	Air Line		
Q	1/30/1989		562	47.00	171	1	Texas Water Development Board	Air Line	4	
Q	1/16/1990		577	15.00	156	1	Texas Water Development Board	Air Line	4	
P	1/10/1991		525	(52.00)	208	1	Texas Water Development Board	Air Line		
P	1/14/1992		490	(35.00)	243	1	Texas Water Development Board	Air Line		
P	1/20/1993		505	15.00	228	1	Texas Water Development Board	Air Line		
Q	7/7/1993		672	167.00	61	1	Municipal Water Agency or PWS Corporation	Air Line	2	
P	1/26/1994		510	(162.00)	223	1	Texas Water Development Board	Air Line		
Q	2/9/1995		546	36.00	187	1	Texas Water Development Board	Air Line	3	
P	2/22/1995		516	(30.00)	217	1	Texas Water Development Board	Air Line		
P	11/15/1995		535	19.00	198	1	Texas Water Development Board	Air Line		
P	5/30/1996		534	(1.00)	199	1	Municipal Water Agency or PWS Corporation	Air Line		
P	11/20/1996		534	0.00	199	1	Texas Water Development Board	Air Line		
P	11/13/1997		610	76.00	123	1	Texas Water Development Board	Air Line		
P	11/10/1998		518	(92.00)	215	1	Texas Water Development Board	Air Line		
X	11/10/1999					1	Texas Water Development Board		19	
P	11/9/2000		541		192	1	Texas Water Development Board	Air Line		
X	11/28/2001					1	Texas Water Development Board		32	
Q	11/6/2002		638		95	1	Texas Water Development Board	Air Line	2	
P	11/11/2003		662	24.00	71	1	Texas Water Development Board	Air Line		
P	11/15/2004		615.3	(46.70)	117.7	1	Texas Water Development Board	Steel Tape		
P	12/1/2005		714	98.70	19	1	Texas Water Development Board	Air Line		
P	9/13/2006		676	(38.00)	57	1	Texas Water Development Board	Air Line		
P	2/28/2007		602	(74.00)	131	1	Texas Water Development Board	Air Line		
P	11/27/2007		644	42.00	89	1	Texas Water Development Board	Air Line		
P	11/20/2008		654	10.00	79	1	Texas Water Development Board	Air Line		
P	11/6/2009		656	2.00	77	1	Texas Water Development Board	Air Line		
X	11/9/2010					1	Texas Water Development Board		19	
P	11/29/2011	1502	666		67	1	Texas Water Development Board	Air Line		Pump @ 857'
P	11/15/2012	1157	644	(22.00)	89	1	Texas Water Development Board	Air Line		
P	1/15/2014	0900	649	5.00	84	1	Texas Water Development Board	Air Line		
P	1/20/2015		746	97.00	-13	1	Texas Water Development Board	Air Line		
P	11/4/2015	0935	638	(108.00)	95	1	Texas Water Development Board	Air Line		
P	11/16/2016	1001	748	110.00	-15	1	Texas Water Development Board	Air Line		Avg. 47#
P	10/24/2017	0943	753.05	5.05	-20.05	1	Groundwater Conservation District	Air Line		
P	2/26/2020		594	(159.05)	139	1	Groundwater Conservation District	Air Line		

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**Code Descriptions**

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Status Code	Status Description
P	Publishable
Q	Questionable
X	No Measurement

Remark ID	Remark Description
2	Pumping-level measurement
3	Well or wells pumping nearby
4	Well pumped recently
12	Uncertain of reason for questionable measurement
19	Well pumping
30	Well site temporarily inaccessible due to impassable roads, locked gate, etc.
32	Access to well temporarily blocked due to winterization or debris

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**Water Quality Analysis**

**Sample Date:** 7/23/1971    **Sample Time:** 0000    **Sample Number:** 1    **Collection Entity:** Texas Water Development Board

**Sampled Aquifer:** Twin Mountains Formation

**Analyzed Lab:** Texas Department of Health

**Reliability:** From well not sufficiently pumped; not filtered or preserved

**Collection Remarks:** distribution

Parameter Code	Parameter Description	Flag	Value*	Units	Plus/Minus
00415	ALKALINITY, PHENOLPHTHALEIN (MG/L)			6 mg/L	
00410	ALKALINITY, TOTAL (MG/L AS CaCO3)			273 mg/L	
00440	BICARBONATE ION, CALCULATED (MG/L AS HCO3)			318.51 mg/L	
00910	CALCIUM (MG/L)			4 mg/L	
00445	CARBONATE ION, CALCULATED (MG/L AS CO3)			7.2 mg/L	
00940	CHLORIDE, TOTAL (MG/L AS CL)			51 mg/L	
00950	FLUORIDE, DISSOLVED (MG/L AS F)			0.2 mg/L	
00900	HARDNESS, TOTAL, CALCULATED (MG/L AS CaCO3)			18 mg/L	
00920	MAGNESIUM (MG/L)			2 mg/L	
71851	NITRATE NITROGEN, DISSOLVED, CALCULATED (MG/L AS NO3)			1 mg/L	
00400	PH (STANDARD UNITS), FIELD			8.6 SU	
71860	RESIDUAL SODIUM CARBONATE, CALCULATED			5.1	
00955	SILICA, DISSOLVED (MG/L AS SiO2)			12 mg/L	
00931	SODIUM ADSORPTION RATIO, CALCULATED (SAR)			18.15	
00932	SODIUM, CALCULATED, PERCENT			95 PCT	
00929	SODIUM, TOTAL (MG/L AS Na)			178 mg/L	
00094	SPECIFIC CONDUCTANCE, FIELD (UMHOS/CM AT 25C)			834 MICR	
00945	SULFATE, TOTAL (MG/L AS SO4)			68 mg/L	
70301	TOTAL DISSOLVED SOLIDS , SUM OF CONSTITUENTS (MG/L)			480 mg/L	

Water Quality Analysis

Sample Date: 8/2/1976 Sample Time: 0000 Sample Number: 1 Collection Entity: Texas Water Development Board

Sampled Aquifer: Twin Mountains Formation

Analyzed Lab: Texas Department of Health

Reliability: Collected from pumped well, but not filtered or preserved

Collection Remarks: No Data

Parameter Code	Parameter Description	Flag	Value*	Units	Plus/Minus
00415	ALKALINITY, PHENOLPHTHALEIN (MG/L)			0 mg/L	
00410	ALKALINITY, TOTAL (MG/L AS CaCO3)			276 mg/L	
00440	BICARBONATE ION, CALCULATED (MG/L AS HCO3)			336.82 mg/L	
00910	CALCIUM (MG/L)			7.4 mg/L	
00445	CARBONATE ION, CALCULATED (MG/L AS CO3)			0 mg/L	
00940	CHLORIDE, TOTAL (MG/L AS CL)			59 mg/L	
00950	FLUORIDE, DISSOLVED (MG/L AS F)			0.2 mg/L	
00900	HARDNESS, TOTAL, CALCULATED (MG/L AS CaCO3)			19 mg/L	
00920	MAGNESIUM (MG/L)	<		0.2 mg/L	
71851	NITRATE NITROGEN, DISSOLVED, CALCULATED (MG/L AS NO3)	<		0.4 mg/L	
00400	PH (STANDARD UNITS), FIELD			8 SU	
71860	RESIDUAL SODIUM CARBONATE, CALCULATED			5.13	
00955	SILICA, DISSOLVED (MG/L AS SiO2)			12 mg/L	
00931	SODIUM ADSORPTION RATIO, CALCULATED (SAR)			17.23	
00932	SODIUM, CALCULATED, PERCENT			95 PCT	
00929	SODIUM, TOTAL (MG/L AS Na)			184 mg/L	
00094	SPECIFIC CONDUCTANCE, FIELD (UMHOS/CM AT 25C)			870 MICR	
00945	SULFATE, TOTAL (MG/L AS SO4)			68 mg/L	
00010	TEMPERATURE, WATER (CELSIUS)			26 C	
70301	TOTAL DISSOLVED SOLIDS , SUM OF CONSTITUENTS (MG/L)			496 mg/L	

Water Quality Analysis

Sample Date: 3/10/1983 Sample Time: 0000 Sample Number: 1 Collection Entity: Texas Water Development Board

Sampled Aquifer: Twin Mountains Formation

Analyzed Lab: Texas Department of Health

Reliability: Collected from pumped well, but not filtered or preserved

Collection Remarks: No Data

Parameter Code	Parameter Description	Flag	Value*	Units	Plus/Minus
00415	ALKALINITY, PHENOLPHTHALEIN (MG/L)			10 mg/L	
00410	ALKALINITY, TOTAL (MG/L AS CaCO3)			267 mg/L	
00440	BICARBONATE ION, CALCULATED (MG/L AS HCO3)			301.43 mg/L	
00910	CALCIUM (MG/L)			2.4 mg/L	
00445	CARBONATE ION, CALCULATED (MG/L AS CO3)			12 mg/L	
00940	CHLORIDE, TOTAL (MG/L AS CL)			70 mg/L	
00950	FLUORIDE, DISSOLVED (MG/L AS F)			0.2 mg/L	
00900	HARDNESS, TOTAL, CALCULATED (MG/L AS CaCO3)			9 mg/L	
00920	MAGNESIUM (MG/L)			0.96 mg/L	
71851	NITRATE NITROGEN, DISSOLVED, CALCULATED (MG/L AS NO3)	<		0.04 mg/L	
00400	PH (STANDARD UNITS), FIELD			8.7 SU	
71860	RESIDUAL SODIUM CARBONATE, CALCULATED			5.14	
00955	SILICA, DISSOLVED (MG/L AS SiO2)			12 mg/L	
00931	SODIUM ADSORPTION RATIO, CALCULATED (SAR)			28.26	
00932	SODIUM, CALCULATED, PERCENT			97 PCT	
00929	SODIUM, TOTAL (MG/L AS Na)			196 mg/L	
00094	SPECIFIC CONDUCTANCE, FIELD (UMHOS/CM AT 25C)			894 MICR	
00945	SULFATE, TOTAL (MG/L AS SO4)			65 mg/L	
00010	TEMPERATURE, WATER (CELSIUS)			24 C	
70301	TOTAL DISSOLVED SOLIDS , SUM OF CONSTITUENTS (MG/L)			506 mg/L	

Water Quality Analysis

Sample Date: 6/22/1988 Sample Time: 1159 Sample Number: 1 Collection Entity: Texas Water Development Board

Sampled Aquifer: Twin Mountains Formation

Analyzed Lab: Texas Department of Health

Reliability: Sampled using TWDB protocols

Collection Remarks: No Data

Parameter Code	Parameter Description	Flag	Value*	Units	Plus/Minus
00415	ALKALINITY, PHENOLPHTHALEIN (MG/L)			7 mg/L	
00410	ALKALINITY, TOTAL (MG/L AS CaCO3)			272 mg/L	
01000	ARSENIC, DISSOLVED (UG/L AS AS)	<		10 ug/L	
01005	BARIUM, DISSOLVED (UG/L AS BA)			46 ug/L	
00440	BICARBONATE ION, CALCULATED (MG/L AS HCO3)			314.85 mg/L	
01025	CADMIUM, DISSOLVED (UG/L AS CD)	<		10 ug/L	
00915	CALCIUM, DISSOLVED (MG/L AS CA)			2.6 mg/L	
00445	CARBONATE ION, CALCULATED (MG/L AS CO3)			8.4 mg/L	
01030	CHROMIUM, DISSOLVED (UG/L AS CR)	<		20 ug/L	
01040	COPPER, DISSOLVED (UG/L AS CU)	<		20 ug/L	
00900	HARDNESS, TOTAL, CALCULATED (MG/L AS CaCO3)			11 mg/L	
01045	IRON, TOTAL (UG/L AS FE)	<		20 ug/L	
01049	LEAD, DISSOLVED (UG/L AS PB)	<		50 ug/L	
00925	MAGNESIUM, DISSOLVED (MG/L AS MG)			1.1 mg/L	
01055	MANGANESE, TOTAL (UG/L AS MN)	<		20 ug/L	
71890	MERCURY, DISSOLVED (UG/L AS HG)	<		0.2 ug/L	
00400	PH (STANDARD UNITS), FIELD			8.5 SU	
00935	POTASSIUM, DISSOLVED (MG/L AS K)			1.6 mg/L	
71860	RESIDUAL SODIUM CARBONATE, CALCULATED			5.22	
01145	SELENIUM, DISSOLVED (UG/L AS SE)	<		2 ug/L	
01075	SILVER, DISSOLVED (UG/L AS AG)	<		10 ug/L	
00931	SODIUM ADSORPTION RATIO, CALCULATED (SAR)			27.79	
00932	SODIUM, CALCULATED, PERCENT			97 PCT	
00930	SODIUM, DISSOLVED (MG/L AS NA)			212 mg/L	
00094	SPECIFIC CONDUCTANCE, FIELD (UMHOS/CM AT 25C)			820 MICR	
00010	TEMPERATURE, WATER (CELSIUS)			25 C	
01090	ZINC, DISSOLVED (UG/L AS ZN)	<		20 ug/L	

\* Value may not display all significant digits for parameter in results, check Scanned Documents for laboratory paperwork..

**GWDB DISCLAIMER:** Except where noted, all of the information provided in the Texas Water Development Board (TWDB) Groundwater Database (<http://www.twdb.texas.gov/groundwater/data/gwdbprt.asp>) is believed to be accurate and reliable; however, the TWDB assumes no responsibility for any errors appearing in rules or otherwise. Further, TWDB assumes no responsibility for the use of the information provided. PLEASE NOTE that users of these data are responsible for checking the accuracy, completeness, currency and/or suitability of all information themselves. TWDB makes no guarantees or warranties as to the accuracy, completeness, currency, or suitability of the information provided via the Groundwater Database (GWDB). TWDB specifically disclaims any and all liability for any claims or damages that may result from providing GWDB data or the information it contains. For additional information or answers to questions concerning the TWDB GWDB, contact the Groundwater Data Team at [GroundwaterData@twdb.texas.gov](mailto:GroundwaterData@twdb.texas.gov).



**APPENDIX I – ACCOUNTING PLAN**

# **Accounting Plan for Cole Ranch Lake 12 & 13 Water Rights Permit**

**City of Denton, Denton County, Texas**

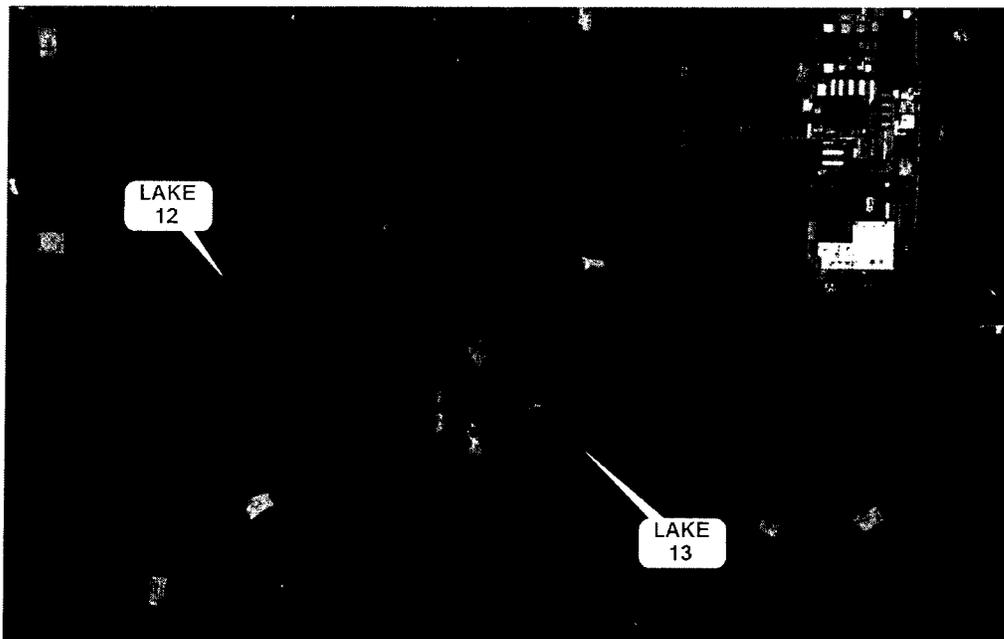
Prepared for:

The Cole Ranch Company, L.P. &  
Cole Ranch Improvement District No. 1 of Denton County

By:



March 2022



# Cole Ranch Lake 12 & 13 Water Rights Permit



## Cole Ranch

Project No: 0136  
Document Title: Accounting Plan for Cole Ranch Lake 12 & 13 Water Rights Permit  
Document No.: 1  
Revision: 1  
Date: March 2022  
Client Name: The Cole Ranch Company, L.P. & The Cole Ranch Improvement District No. 1 of Denton County  
Client No: NT135  
Project Manager: Lauren Gilstrap, P.E.  
Author: Hunter Teel, P.E., CFM; Larissa Knapp-Scott, CFM  
File Name: S:\INTX-LAND\0136\300 SUPPORT\361 Water Rights\WAP\Docs\20220310 Cole Ranch Lake 12 & 13 Accounting Plan.docx

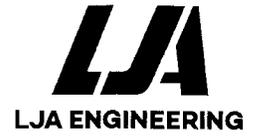
LJA Engineering  
3017 W 7th St. Suite 300  
Fort Worth, Texas 76107  
817.288.1900  
[www.LJA.com](http://www.LJA.com)

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### Document history and status

Revision	Date	Description	By	Review	Approved
1	03/10/22	Revisions from TCEQ Pre-Application Meeting	HLT	LKS	HLT



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II. ACCOUNTING PLAN..... 6

III. Groundwater Wells ..... 10

IV. Instrumentation..... 10

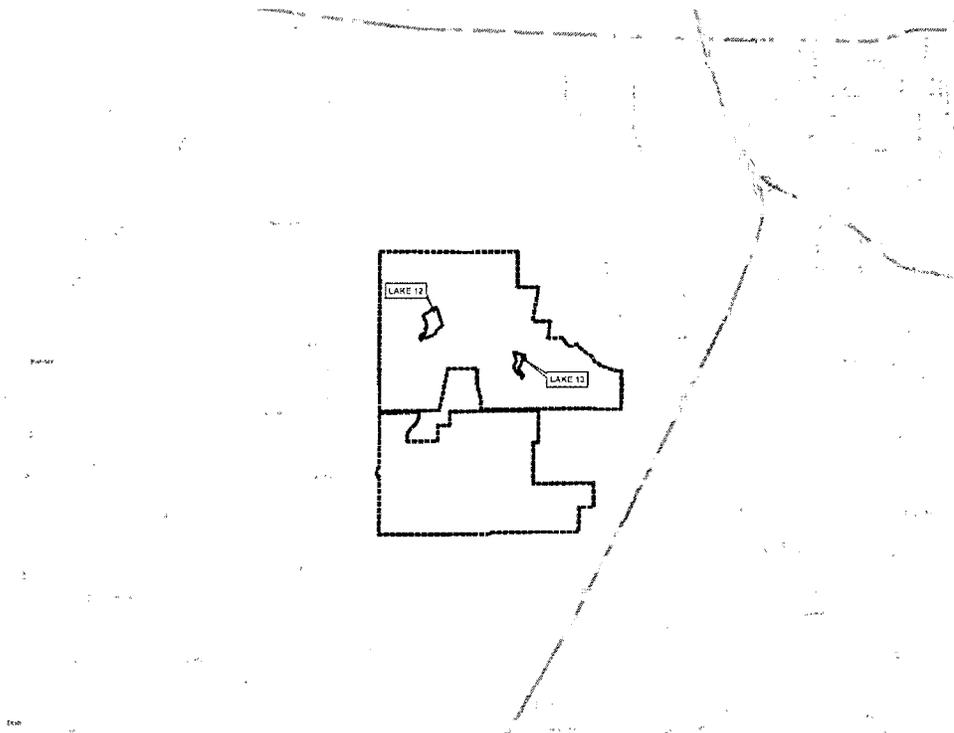
APPENDIX A – Accounting Spreadsheet

APPENDIX B – Instructions and Example of Annual Report

## I. INTRODUCTION / GENERAL INFORMATION

Cole Ranch is a proposed development located west of US HWY 35W and north of FM 2449 in the City of Denton, Denton County, Texas. The applicants (The Cole Ranch Company, L.P. & The Cole Ranch Improvement District No. 1 of Denton County) are submitting this permit to appropriate state water. There are two existing NRCS reservoirs, Hickory Creek WS SCS Site 12 (Lake 12) and 13 (Lake 13), located within the property. These reservoirs are located on Hickory Creek Tributary 10 (Lake 12) and Hickory Creek Tributary 10.1 (Lake 13), tributaries to Hickory Creek, as noted on the FEMA FIRM Map. Tributary 10 and 10.1 as well as Lakes 12 and 13 are unnamed through the USGS.

A vicinity map and aerial photo map are shown below in **Figures 1 and 2**. **Figure 3** shows the location of the discharge and diversion points within the pond.



**Figure 1. Vicinity Map**

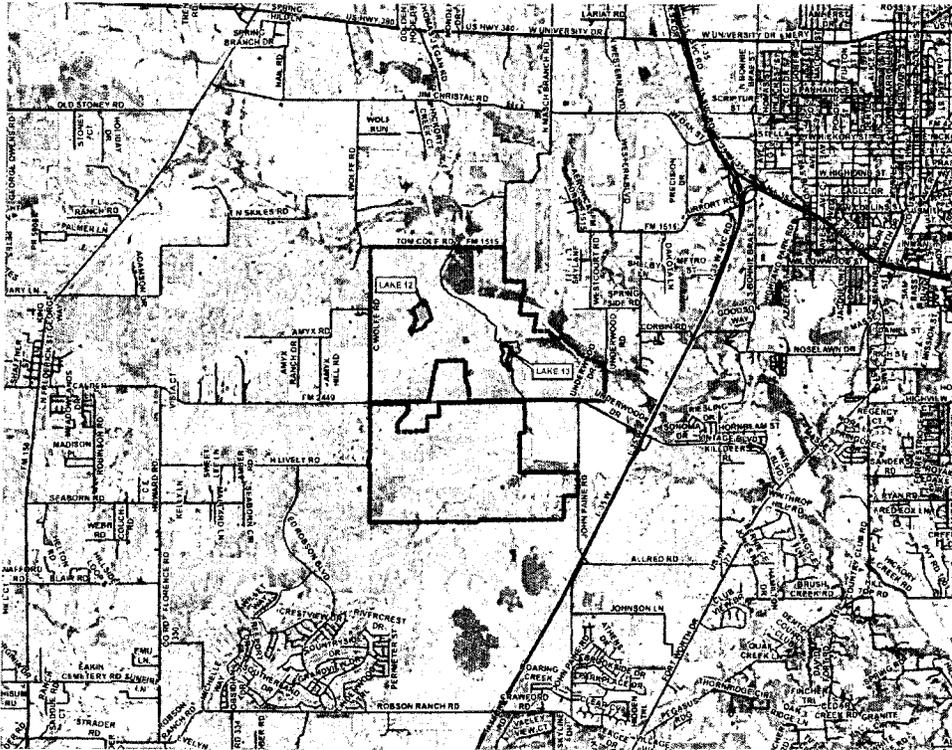


Figure 2. Aerial Map

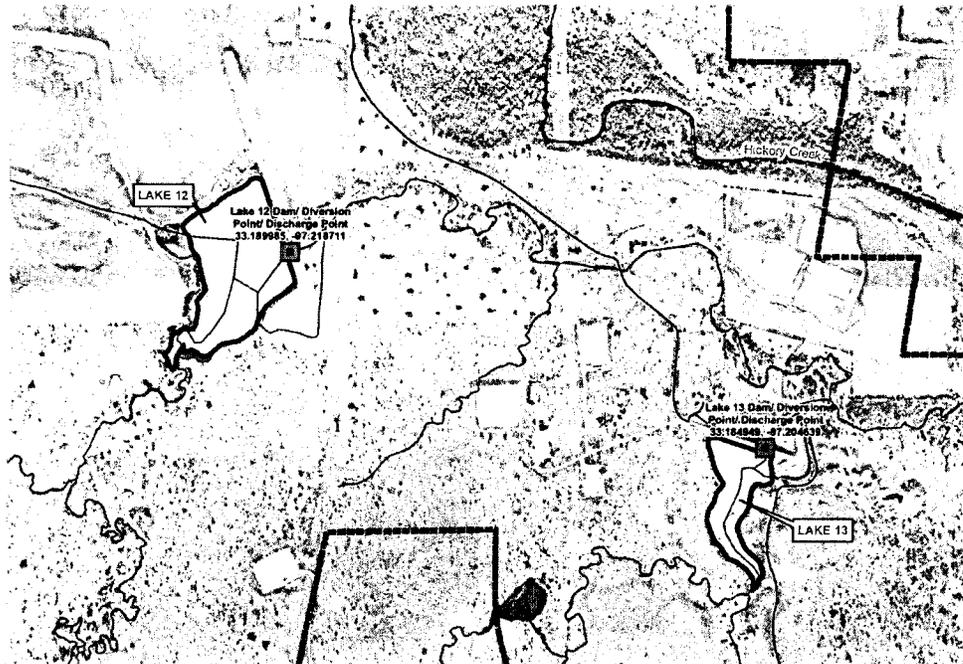


Figure 3. Location of Reservoir Diversion Points and Discharge Points

The existing reservoirs are located on-channel, which requires a bed-and-banks permit for the use of state waters for recreational and agricultural/irrigation use. LJA Engineering Inc. has prepared an Application for Permit to Appropriate State Water (TCEQ-10214) for the existing reservoirs.

This project will have no effect on the volume of State water available for downstream water rights holders. Groundwater wells will be used as the alternative water source with sufficient production to compensate for net evaporation losses and diversions from the pond. The water surface elevation will be maintained at a normal pool elevation of 635.57 feet or greater for Lake 12 and at a normal pool of 610.27 feet or greater for Lake 13 so that all inflow of State water is passed downstream of the reservoirs. A float system or equivalent will be installed to detect a drop in water surface elevation and activate the alternative water supply. The float system will be maintained by the applicant and used for reporting. The permit application will not result in a loss or use of State water.

Accounting Plans are required by TCEQ for certain water appropriation permits. In this case, where an alternate source of water is conveyed and diverted from an on-channel pond. An accounting plan is required for the Cole Ranch to document the transfer of water into and out of the reservoirs to ensure that all State waters are passed downstream and no State water is impounded.

An accounting plan is a written document that includes:

- An introduction explaining the water rights and what they authorize;
- An explanation of the fields in the accounting plan spreadsheet including how they are calculated and the source of the data;
- Should provide a summary of all sources of water.

This report documents the specifics of the accounting plan for the Cole Ranch.

## II. ACCOUNTING PLAN

This section documents the data to be recorded on a daily and monthly basis. The data will be recorded in the spreadsheet located in Appendix A. Each column in the spreadsheet is described below.

Data for each of the daily measurements is recorded at 3:00 pm CST for the previous 24-hour period. Columns in red are input columns.

### **Column 1 – Day of the Month**

Data in this column represents the day of the month.

### **Column 2 – Groundwater Pumped into Reservoirs**

Data in this column represents the amount of groundwater pumped into the pond on a daily basis. The data is measured by a meter at the well head and recorded by an electronic datalogger on a daily basis. Units = gallons.

**Column 3 – Water Pumped out of Reservoirs**

Data in this column represents the amount of water pumped out of the pond on a daily basis for domestic and livestock purposes (Mrs. Nelson’s contract). The data is recorded by a meter at the diversion pump and recorded by an electronic datalogger on a daily basis. Units = gallons.

**Column 4 – Water Level in Reservoirs**

Data in this column represents the daily water level in to pond to ensure that the pond is being kept full to pass State water. The data is recorded by a level meter and recorded by an electronic datalogger on a daily basis. Units = feet above mean sea level (MSL). The normal pool elevation for Lake 12 is 635.57 feet and Lake 13 is 610.27 feet above MSL.

**Column 5 – Excess Groundwater Pumped into Reservoirs**

Data in this column is a calculated field and represents the amount of groundwater pumped into the pond minus the amount of irrigation water pumped out of the pond on a daily basis for domestic and livestock purposes. The amount of excess groundwater pumped into the pond is used to compensate for evaporation from the pond surface on a daily basis. Units = gallons. The spreadsheet will automatically calculate this field.

Column 5 = Column 2 – Column 3

**Column 6 – Monthly Groundwater Pumped into Reservoirs**

Data in this column is a calculated field and represents the sum of the excess groundwater pumped into the pond on a monthly basis to compensate for evaporation. This is the sum of Column 5, rows 1 through 31. Units = gallons. The spreadsheet will automatically calculate this field.

Column 6 = sum of Column 5, row 1 through 31.

**Column 7 – Monthly PAN Evaporation for Grapevine Lake**

Data in this column is a monthly PAN evaporation recorded for Lake Grapevine. This data is derived from the National Oceanic and Atmospheric Administration (NOAA) website <https://www.ncdc.noaa.gov/cdo-web/datasets/GHCND/stations/GHCND:USC00413691/detail>. Units = inches.

The webpage is shown in **Figure 4** below.

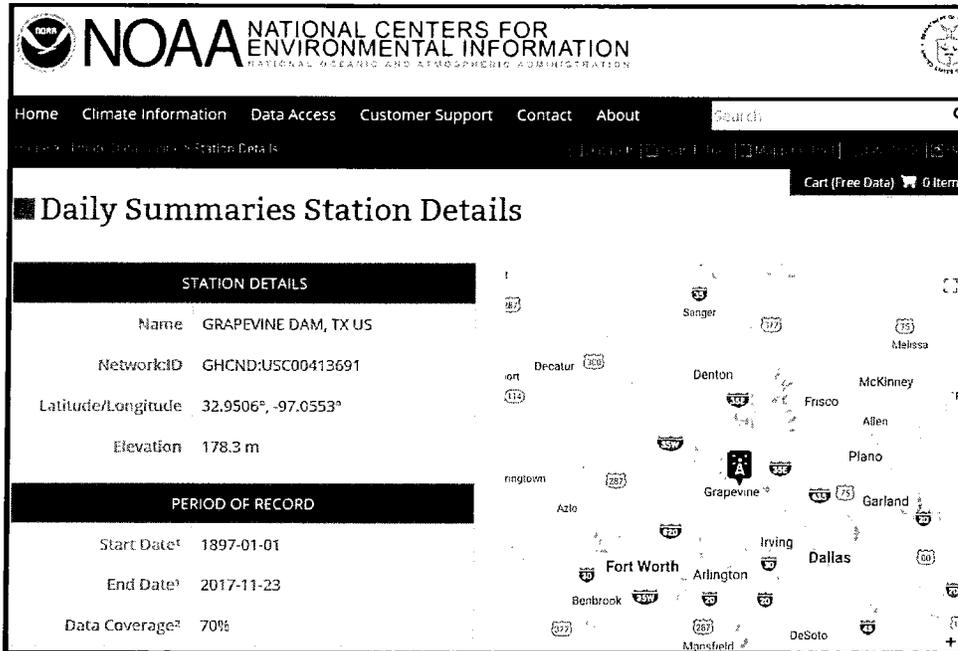


Figure 4. Screen Shot of NOAA Webpage

To download data, select the Year and Month and click "View Data" as shown in Figure 5 below.

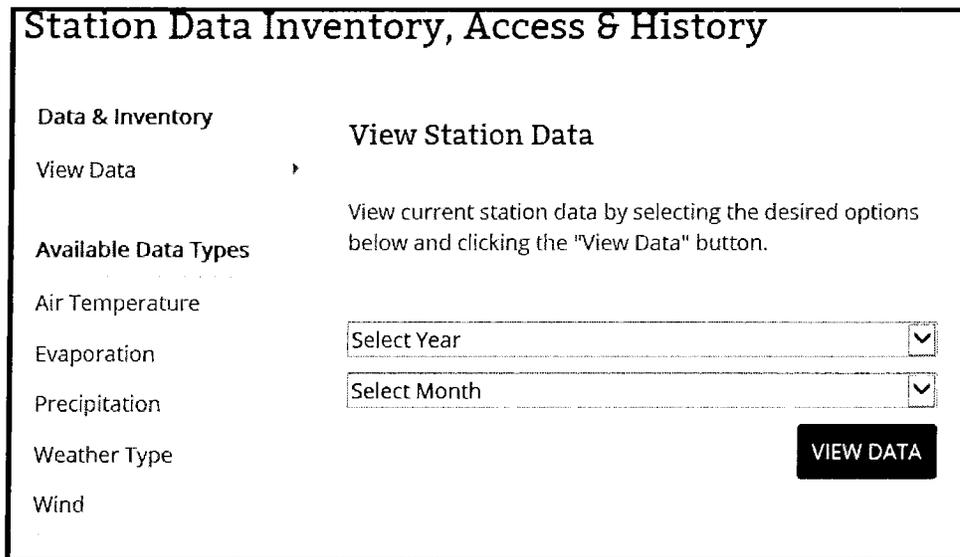


Figure 5. Screen Shot of NOAA Webpage

An example of the data is shown Figure 6 below.

U.S. Department of Commerce  
National Oceanic & Atmospheric Administration  
National Environmental Satellite, Data, and Information Service  
Current Location: Elev 585 ft. Lat. 32.3506° N Lon: -97.0553° W  
Station: GRAPEVINE DAM, TX, US USC06413481

**Record of Climatological Observations**  
These data are quality controlled and may not be identical to the original observations.  
Generated on 11/17/2017

National Centers for Environmental Information  
151 Patton Avenue  
Asheville, North Carolina 28801

Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
			24 Hrs. Ending at Observation Time		At Observation	24 Hour Amounts Ending at Observation Time			At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth		8 in. Depth				
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Fall	Snow, Ice Pellets, Hail (in)				Snow, Ice Pellets, Hail, Ice on Ground (in)	Max.	Min.	Ground Cover (see *)	Max.	Min.	
2017	09	01	86	65	70	0.00					52.8	0.32						
2017	09	02	88	67	77	0.00					21.7	0.22						
2017	09	03	92	71	78	0.00					36.0	0.33						
2017	09	04	93	70	76	0.00					52.1	0.30						
2017	09	05	93	70	74	0.00					110.3	0.62						
2017	09	06	87	62	64	0.00					75.8	0.32						
2017	09	07	81	54	61	0.00					46.0	0.25						
2017	09	08	84	61	65	0.00					41.0	0.08						
2017	09	09	84	68	65	0.00					46.0	0.44						
2017	09	10	85	68	63	0.00					34.2	0.25						
2017	09	11	84	78	63	0.00					31.7	0.20						
2017	09	12	89	69	61	0.01					32.1	0.12						
2017	09	13	82	58	62	0.00					44.7	0.19						
2017	09	14	82	62	68	0.00					31.1	0.11						
2017	09	15	96	62	74	0.00					231.2	0.12						
2017	09	16	93	73	74	0.00					133.0	0.33						
2017	09	17	94	72	76	0.00					106.3	0.31						
2017	09	18	84	70	72	0.00					55.0	0.30						
2017	09	19	92	72	75	0.00					25.0	0.13						
2017	09	20	86	73	77	0.02					139.2	0.30						
2017	09	21	96	72	79	0.00					157.8	0.40						
2017	09	22	95	74	77	0.00					231.7	0.40						
2017	09	23	93	72	73	0.00					93.8	0.09						
2017	09	24	91	71	75	0.03					92.2	0.21						
2017	09	25	81	71	73	0.00					83.3	0.37						
2017	09	26	91	73	74	0.00					88.2	0.26						
2017	09	27	83	73	73	0.00					45.0	0.07						
2017	09	28	88	68	68	0.56					87.0	0.10						
2017	09	29	77	65	65	0.35					64.0	0.11						
2017	09	30	79	62	62	0.08					31.1	0.04						
2017	09	31	82	62	62	1.95												

Empty, or blank, cells indicate that a data observation was not reported.  
\*Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Soft Straw mulch; 7=Grass mulch; 8=Bare mulch; 9=Unknown  
\* This data value failed one of NOAA's quality control tests.  
\* \* values in the Precipitation or Snow category above indicate a "trace" value was recorded  
\* \* values in the Precipitation (Flag) or the Snow (Flag) columns indicate a monthly total, accumulated since last measurement, is being used.  
Data value inconsistency may be present due to rounding calculations during the conversion process from SI metric units to standard imperial units.

Figure 6. Example of Monthly Data from NOAA Webpage

In the example above, data is not reported for day 21. In the case of missing data, take the average of the previous day and following day and use that value as an estimate for the missing data.

Sum the data in the evaporation column and enter it into Column 7 of the spreadsheet.

**Column 8 – Monthly Surface Evaporation**

Data in this column is a monthly calculation of the lake surface evaporation and is the PAN evaporation recorded for Lake Grapevine multiplied by the PAN coefficient (Table 1) for the specific month. This calculation converts PAN evaporation to lake surface evaporation. PAN coefficient factors for each month are listed below. PAN factors are developed and published by the Texas Water Development Board (TWDB) for locations throughout Texas.

Column 8 = Column 7 x the PAN factor listed below for the specific month. Units = inches.

Table 1. Monthly PAN Coefficients for TWDB Quad 410

January	February	March	April	May	June	July	August	September	October	November	December
0.735	0.705	0.695	0.675	0.605	0.675	0.695	0.705	0.735	0.775	0.805	0.775

**Column 9 – Conversion of Evaporation from Inches to Gallons**

Data in this column is a monthly calculation which converts the monthly evaporation in inches (Column 8) to evaporation in gallons. The spreadsheet will automatically compute this field. Units = gallons.

Column 9 = Column 8 (inches) x 4.42 acres x 27,154.3 gallons/acre-inch.

27,154.3 is the conversion factor to convert acre-inches to gallons.

**Column 10 - Additional Water to Pump Downstream**

Data in this column is a monthly calculation of the evaporation deficit that was not accounted for in the groundwater that was pumped into the pond. Units = gallons.

Column 10 = Column 6 – Column 9.

If Column 6 exceeds Column 9 and the value is positive, no further adjustment is necessary. If Column 6 does not exceed Column 9 and the value is negative, additional water needs to be pumped out of the pond to the downstream channel. The dates when this water is pumped downstream will be recorded in Column 11 of the next month's spreadsheet.

**Column 11 - Additional Water Pumped Downstream from Previous Month's Calculation**

Enter the volume on the day or days when additional water was pumped downstream to account for previous month's deficit. Units = gallons

Column 11, Row 32 is the sum of Days 1 through 31.

**III. Groundwater Wells**

Groundwater wells will be used as an alternate source of water to keep the reservoirs full in order to pass all State water downstream. There is currently one existing groundwater well, one groundwater well currently being drilled, and additional proposed groundwater wells proposed to be drilled.

**IV. Instrumentation**

To be added when installed.

## **APPENDIX A – Accounting Spreadsheet**

## **APPENDIX B - Instructions and Example of Annual Report**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)  
REPORT OF SURFACE WATER USED FROM JANUARY 1, 2016 TO DECEMBER 31, 2016**

**REQUIREMENT TO SUBMIT WATER USE REPORT:**

Section 11.031 of the Texas Water Code requires that you submit a water use report for your water right every year. Effective September 1, 2013, a person who fails to file is liable for a penalty each day in an amount not to exceed: \$100 per day for a water right authorization of 5,000 acre-feet or less per year; or \$500 per day for a water right authorizing more than 5,000 acre-feet per year.

For your convenience, the form may be submitted electronically to [WUR@tceq.texas.gov](mailto:WUR@tceq.texas.gov)

**INSTRUCTIONS**

The water use report form is due back to the TCEQ by **March 1, 2017**.

Complete each enclosed water use report (WUR) form. Beginning this year, each WUR is specific to the authorized use. If you receive more than one form, please be certain that you are completing the correct form for the authorized use. You may access a general WUR form and other Water Right information on-line at:

[www.tceq.texas.gov/permitting/water\\_rights/water-right-permits-annual-water-use-report](http://www.tceq.texas.gov/permitting/water_rights/water-right-permits-annual-water-use-report)

Please contact the TCEQ at (512) 239-4691 if you have questions or need assistance completing the form. E-Mail inquiries may be made to [WUR@tceq.texas.gov](mailto:WUR@tceq.texas.gov)

**Report all Monthly amounts in acre-feet. Report the Maximum Diversion Rate in either cubic feet per second (CFS) or gallons per minute (GPM) and indicate the unit of measure used on the form.** Conversion factors and abbreviations are below. If you do not have exact figures for any column, estimate the monthly and yearly values. If it is not possible to provide the TCEQ with the information requested in the above format (acre-feet, etc.) please provide the units of measure used. Attach a supplemental sheet if necessary to explain any figures reported or to submit any additional comments.

The columns listed below define the expected response for reporting authorized diversions; however, each form may not contain each column. If a water right is not authorized for diversion, such as recreation, it may have no columns at all. Please complete the forms by checking appropriate boxes and/or completing the comments section.

**MONTHLY DIVERTED AMOUNT** is the amount of water diverted (taken) monthly from the water source (stream, river, lake or impoundment) authorized by the water right. If there was no diversion of water, enter zero (0) for each applicable month in the table, along with a brief reason why in the Comments section.

**MONTHLY CONSUMED AMOUNT** is the amount of water (out of the MONTHLY DIVERTED AMOUNT) that was actually consumed (not returned to a water body) each month. Some water right holders are authorized to divert a large amount of water but consume only a fraction of the diverted water.

**MONTHLY USED AMOUNT** is the amount of water that was intentionally left in the watercourse each month for an authorized use.

<b>Abbreviations and Conversions</b>	
1 Acre-Foot = 325,851 Gallons	GPM - Gallon(s) per Minute
1 CFS = 448.8 Gallons per Minute	CFS - Cubic Feet per Second

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
REPORT OF SURFACE WATER USED FOR THE YEAR ENDING  
(General Form)**

Pursuant to Title 30 Texas Administrative Code § 295.202(a) Annual reports, every person who takes water from a stream or reservoir during the preceding calendar year shall submit a written report to the TCEQ. Blank forms for recording the information required by the Texas Water Code, §11.031 and §11.032(a), shall be mailed to all surface water users during January of each year. Water use report forms shall be furnished to anyone on request. In completing the reports, a water user shall fill in the blanks to the best of his ability in accordance with the instructions that accompany each form. The report must be returned to the Executive Director not later than March 1 of each year to avoid the penalties prescribed by the Texas Water Code, §11.031(b). No report is required to be filed by persons who divert water solely for domestic and livestock purposes.

Please answer the following questions to identify your water right authorization and the owners associated. Then, complete all applicable sections on the rest of the form regarding your water use.

**General Information**

1. Water Right Type (select one):

- Water Use Permit       Certificate of Adjudication       Contract  
 Temporary Permit       Contractual Permit       Claim       Certified Filing

2. Water Right No.:

3. Name:

4. Address:

5. City, State, Zip:

6. Telephone No.:

7. Email Address:

8. Customer Reference Number (if issued):CN

Check this box if the information provided above indicates a change in name, address, or ownership. NOTE: Changing ownership also requires recorded documents such as deed(s) and in the case of inheritance, will, probate order, and will inventory. Per Texas statutes, a recording fee of \$100.00 will be charged for each transfer or name change.

**Impoundments**

The following two questions pertain to authorized impoundments. If no impoundments are authorized please skip to the Diversion section.

1. If you have a permitted on-channel impoundment or reservoir, what is the condition of your dam?
2. Do you have working low flow outlet(s) on your impoundment(s) (select one)  Yes or  No.

## Diversion

The Diversion of water reported should only include Surface Water, do not include groundwater.

1. Did you divert any permitted water from a watercourse?  Yes or  No

If water was diverted from the watercourse, indicate all applicable uses below.

**For each use indicated below, also complete the associated table with diversion amounts and diversion rates on the following pages.**

Agriculture-Irrigation       Agriculture-Non Irrigation       Municipal or Domestic  
 Domestic and Livestock       Recharge       Industrial       Instream       Wetlands  
 Public Parks       Game Preserves       Hydroelectric       Mining       Recreation  
 Flood Control       Navigation       Water Quality       Other

2. Did you allow permitted water to remain in the watercourse under the terms of your permit?  
 Yes or  No

If water was allowed to remain in the watercourse, indicate all applicable uses below.

**For each use indicated below, also complete the associated table with diversion amounts and diversion rates on the following pages.**

Instream       Wetlands       Public Parks       Game Preserves       Hydroelectric  
 Recreation       Flood Control       Navigation       Water Quality       Other

### Comments:

Section 11.031 of the Texas Water Code requires that you submit a water use report for your water right every year. Effective September 1, 2013, a person who fails to file is liable for a penalty each day in an amount not to exceed: \$100 per day for a water right authorization of 5,000 acre-feet or less per year; or \$500 per day for a water right authorizing more than 5,000 acre-feet per year.

A water right holder who fails to file a completed form by the due date is liable for a penalty for each day past the due date in an amount not to exceed: (1) \$100 per day for a water right authorization of 5,000 acre-feet or less per year; or (2) \$500 per day for a water right authorizing more than 5,000 acre-feet per year.

Signature

Date

Contact Name:

Telephone Number

Return the completed form by March 01, of each reporting year to:

Texas Commission on Environmental Quality

Water Rights Permitting MC 160

PO Box 13087

Austin TX 78711-3087

Forms may be submitted electronically to: [WUR@tceq.texas.gov](mailto:WUR@tceq.texas.gov)

Telephone: (512) 239-4691

For each checked use in the Diversion section above, fill out the corresponding use table below:

Check all that apply:  Agriculture-Irrigation and/or  
 Agriculture-Non-Irrigation ( Wildlife,  Stockraising, and/or  Other Agriculture)

Month	Irrigation Diverted Amount (AF)	Non-Irrigation Diverted Amount (AF)
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		

Diversion Rate:  CFS or  GPM Amount:

Comments:

Municipal/Domestic

Month	Diverted Amount (AF)
January	
February	
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	

Diversion Rate:  CFS or  GPM Amount:

Comments:

Domestic and Livestock

Month	Diverted Amount (AF)
January	
February	
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	

Diversion Rate:  CFS or  GPM Amount:

Comments:

Recharge

Month	Diverted Amount (AF)
January	
February	
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	

Diversion Rate:  CFS or  GPM Amount:

Comments:

Industrial

Month	Diverted Amount(AF)	Consumed Amount (AF)
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		

Diversion Rate:  CFS or  GPM Amount:

Comments:

Mining

Month	Diverted Amount (AF)	Consumed Amount (AF)
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		

Diversion Rate:  CFS or  GPM Amount:

Comments:

Recreation

Month	Diverted Amount (AF)	Remained in Watercourse Amount (AF)
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		

Diversion Rate:  CFS or  GPM Amount:

Comments:

Instream

Month	Diverted Amount (AF)	Remained in Watercourse Amount (AF)
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		

Diversion Rate:  CFS or  GPM Amount:

Comments:

Wetlands

Month	Diverted Amount (AF)	Remained in Watercourse Amount (AF)
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		

Diversion Rate:  CFS or  GPM Amount:

Comments:

Public Parks

Month	Diverted Amount (AF)	Remained in Watercourse Amount (AF)
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		

Diversion Rate:  CFS or  GPM Amount:

Comments:

Game Preserves

Month	Diverted Amount (AF)	Remained in Watercourse Amount (AF)
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		

Diversion Rate:  CFS or  GPM Amount:

Comments:

Hydroelectric

Month	Diverted Amount (AF)	Remained in Watercourse Amount (AF)
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		

Diversion Rate:  CFS or  GPM Amount:

Comments:

Flood Control

Month	Diverted Amount (AF)	Remained in Watercourse Amount (AF)
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		

Diversion Rate:  CFS or  GPM Amount:

Comments:

Navigation

Month	Diverted Amount (AF)	Remained in Watercourse Amount (AF)
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		

Diversion Rate:  CFS or  GPM Amount:

Comments:

Water Quality

Month	Diverted Amount (AF)	Remained in Watercourse Amount (AF)
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		

Diversion Rate:  CFS or  GPM Amount:

Comments:

Other

Month	Diverted Amount (AF)	Remained in Watercourse Amount (AF)
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		

Diversion Rate:  CFS or  GPM Amount:

Comments:



15-MAR-22 10:59 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>
WTR USE PERMITS	WUP	M214342	1001		BS00093308	15-MAR-22	-\$533.50
	WUP		031522	N	D2802233		
WATER USE PERMITS		TEEL, HUNTER L	RHDAVIS	CK			
						Total (Fee Code):	-\$533.50
						Grand Total:	-\$5,043.15

RECEIVED  
MAR 16 2022  
Water Availability Division

STATE OF ARIZONA  
 DEPARTMENT OF WATER RESOURCES  
 TCEQ  
 MAR 15 2022

## WORKSHEET 8.0 CALCULATION OF FEES

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

### 1. NEW APPROPRIATION

	Description	Amount (\$)
<b>Filing Fee</b>	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$). <u>In Acre-Feet</u>	250.00
	a. Less than 100	\$100.00
	b. 100 - 5,000	\$250.00
	c. 5,001 - 10,000	\$500.00
	d. 10,001 - 250,000	\$1,000.00
	e. More than 250,000	\$2,000.00
<b>Recording Fee</b>		\$25.00
<b>Agriculture Use Fee</b>	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
<b>Use Fee</b>	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
<b>Recreational Storage Fee</b>	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x <sup>146</sup> _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	146
<b>Storage Fee</b>	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
<b>Mailed Notice</b>	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	TBD
<b>TOTAL</b>		\$ 421.00

RECEIVED  
 MAR 16 2022  
 Water Availability Division

### 2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
<b>Filing Fee</b>	Amendment: \$100	
	OR Sever and Combine: \$100 x ___ of water rights to combine	
<b>Recording Fee</b>		\$12.50
<b>Mailed Notice</b>	Additional notice fee to be determined once application is submitted.	
<b>TOTAL INCLUDED</b>		\$ 0.00

### 3. BED AND BANKS

	Description	Amount (\$)
<b>Filing Fee</b>		\$100.00
<b>Recording Fee</b>		\$12.50
<b>Mailed Notice</b>	Additional notice fee to be determined once application is submitted.	
<b>TOTAL INCLUDED</b>		\$ 533.50



3017 West 7th Street, Suite 300, Fort Worth, Texas 76107  
 t 817.288.1900 LJA.com TBPE F-1386

**LETTER OF TRANSMITTAL**

To: TCEQ  
Financial Administration Division  
Cashier's Office, MC-214  
12100 Park 35 Circle  
Austin, TX 78753

Date: 03/10/2022
LJA Job No. NT135-0136
From: Hunter Teel, P.E., CFM
LJA Engineering
RE: Cole Ranch Water Rights Permitting

WE ARE SENDING YOU the following items:

- Shop Drawings   
  Prints   
  Plans   
  Samples   
  Specifications  
 Copy of Letter   
  Change Order   
  Contract   
 Other: WAP Application Fee Check

Copies	Date	Description
1	Mar 2022	Check with Application Fee Amount

THESE ARE TRANSMITTED as checked below:

- For approval                     
  Approved as submitted                     
  Resubmit \_\_\_ copies for approval  
 For your use                     
  Approved as noted                     
  Submit \_\_\_ copies for distribution  
 As requested                     
  Returned for corrections                     
  Return \_\_\_ executed agreement  
 For review & comment                     
  For signatures                     
  \_\_\_\_\_

REMARKS:  
 Please find enclosed the required payment for the Water Rights Permit for Cole Ranch Lake 12 & 13.  
 Check for \$533.50 for WAP Application Fee.  
 Hunter Teel on behalf of client The Cole Ranch Company, L.P.

**RECEIVED**

c: \_\_\_\_\_

SIGNED: Hunter Teel, P.E., CFM

MAR 16 2022