

# 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

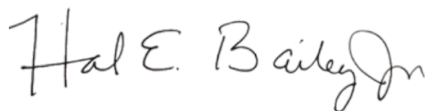
FROM: Hal E. Bailey, Jr., Project Manager  
Water Rights Permitting Team

DATE: October 30, 2025

SUBJECT: Isaacs Brazos River Farm Partnership  
ADJ 4359  
CN606146215, RN105807077  
Application No. 12-4359B to Amend Certificate of Adjudication  
No. 12-4359  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Brazos River, Brazos River Basin  
Falls and Robertson Counties

The application was received on May 5, 2025, and partial fees were received on June 3, 2025. Additional information and fees were received on October 16 and 21, 2025, respectively. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on October 30, 2025. Notice to interjacent water right holders of record in the Brazos River Basin is required pursuant to Title 30 Texas Administrative Code (TAC) § 295.158(c)(3)(D).

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



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

**OCC Mailed Notice Required**    ☒ **YES**

☐ **NO**

Brooke T. Paup, *Chairwoman*  
Catarina R. Gonzales, *Commissioner*  
Tonya R. Miller, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 30, 2025

Mr. Richard George, Environmental Consultant  
Enviro-Ag Engineering Inc.  
9855 FM 847  
Dublin, TX 76446-7653

**VIA E-MAIL**

RE: Isaacs Brazos River Farm Partnership  
ADJ 4359  
CN606146215, RN105807077  
Application No. 12-4359B to Amend Certificate of Adjudication No. 12-4359  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Brazos River, Brazos River Basin  
Falls and Robertson Counties

Dear Mr. George:

This acknowledges receipt, on October 16, 2025, of additional information, and on October 21, 2025, of additional fees in the amount of \$5.88 (Receipt No. M641469B, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on October 30, 2025. 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.

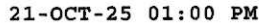
If you have any questions concerning the application, please contact me via email at [hal.bailey@tceq.texas.gov](mailto:hal.bailey@tceq.texas.gov) or by telephone at (512) 239-4615.

Sincerely,

A handwritten signature in dark ink that reads "Hal E. Bailey, Jr." with a stylized flourish at the end.

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

Attachment



## TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

Total (Fee Code): - \$124.26

Grand Total: - \$20,818.26

RECEIVED  
OCT 22 2025

Water Availability Division

## Hal Bailey

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**From:** Richard George [REDACTED]  
**Sent:** Thursday, October 16, 2025 11:39 AM  
**To:** Hal Bailey  
**Cc:** Humberto Galvan; Chris Kozlowski  
**Subject:** RE: Isaacs Brazos River Farm Partnership Application No. 12-4359B Request for Information (RFI)  
**Attachments:** BRFP RFI Response.pdf

Mr. Bailey, attached please find the response to the RFIs for App. No. 12-4358B & 12-4359B. A hard copy is being mailed out today with the fee payment.

Thank you,  
Richard





Corporate Office:  
3404 Airway Blvd.  
Amarillo TX 79118

Central Texas:  
9855 FM 847  
Dublin TX 76446

New Mexico:  
203 East Main Street  
Artesia NM 88210

10/16/2025

TCEQ  
Water Availability Division (MC-160)  
Attn: Hal Bailey  
P.O. Box 13087  
Austin, TX 78711-3087

Re: Isaacs Brazos River Farm Partnership (CN606146215)  
RFI Responses - App. COA 12-4358B & COA 12-4359B

Mr. Bailey,

Enclosed please find the responses to the RFIs mailed out on September 5, 2025, regarding the pending water rights amendments referenced above. A check is enclosed for \$11.76 to cover the \$5.88 fee due for each permit. Please call me if you have any questions at 254-233-9948.

Sincerely,

Richard George  
Environmental Consultant  
Enviro-Ag. Engineering, Inc.

Encl: Amendment – COA 12-4358 RFI Response  
Amendment – COA 12-4359 RFI Response  
Check# 017184

**RFI Responses for application 12-4358B**

1. We confirm that the request is to change the place of use to two tracts totaling 2,102.76 acres in Falls & Robertson Counties. Regarding the appurtenant acres - we are requesting that the appurtenant acres stay exactly the same after this permit amendment as it was prior to submittal of this amendment with no changes.
2. We confirm that the downstream limit of Diversion Reach No. 2 is in Robertson County in the Stirling C. Robertson Original Survey, Abstract 40.
3. Check # 017184 (\$11.76) for the additional fees due for 12-4358B & 12-4359B is attached.

**RFI Responses for application 12-4359B**

1. We confirm that the request is to change the place of use to two tracts totaling 2,102.76 acres in Falls & Robertson Counties. Regarding the appurtenant acres - we are requesting that the appurtenant acres stay exactly the same after this permit amendment as it was prior to submittal of this amendment with no changes. If part of the 495 acres currently authorized to be irrigated is part of what was requested as the new place of use, we do not want to change the appurtenance in any way from how it is currently authorized with no appurtenant acres being added or removed by this amendment application.
2. We confirm that the downstream limit of Diversion Reach No. 2 is in Robertson County in the Stirling C. Robertson Original Survey, Abstract 40.
3. Check # 017184 (\$11.76) for the additional fees due for 12-4358B & 12-4359B is attached.

## Hal Bailey

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**From:** Hal Bailey  
**Sent:** Monday, October 6, 2025 3:21 PM  
**To:** 'Richard George'  
**Cc:** Humberto Galvan; Chris Kozlowski  
**Subject:** RE: Isaacs Brazos River Farm Partnership Application No. 12-4359B Request for Information (RFI)  
**Attachments:** Isaacs\_Brazos\_River\_Farm\_Partnership\_12-4359B\_RFI\_Ext\_Letter\_10.06.2025.pdf

Good afternoon Richard,

Your request for an extension until 10/20/2025 to provide a response to the RFI letter dated 09/05/2025 has been approved.

Thank you,

Hal E. Bailey, Jr.  
Natural Resources Specialist IV  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
Phone: 512-239-4615

Brooke T. Paup, *Chairwoman*  
Catarina R. Gonzales, *Commissioner*  
Tonya R. Miller, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 6, 2025

Mr. Richard George, Environmental Consultant  
Enviro-Ag Engineering Inc.  
9855 FM 847  
Dublin, TX 76446-7653

VIA E-MAIL

RE: Isaacs Brazos River Farm Partnership  
ADJ 4359  
CN606146215, RN105807077  
Application No. 12-4359B to Amend Certificate of Adjudication No. 12-4359  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Brazos River, Brazos River Basin  
Falls and Robertson Counties

Dear Mr. George:

This acknowledges receipt, on October 3, 2025, of the applicant's request for an extension of time until October 20, 2025, to respond to the Texas Commission on Environmental Quality request for information letter dated September 5, 2025.

The extension request is granted until October 20, 2025, 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,

A handwritten signature in black ink, appearing to read "Bert Galvan".

Bert Galvan, Manager  
Water Rights Permitting and Availability Section  
Water Availability Division

BG/hb

## Hal Bailey

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**From:** Richard George [REDACTED]  
**Sent:** Friday, October 3, 2025 8:20 AM  
**To:** Hal Bailey  
**Cc:** Humberto Galvan; Chris Kozlowski  
**Subject:** RE: Isaacs Brazos River Farm Partnership Application No. 12-4359B Request for Information (RFI)

Mr. Bailey, we need to request a two-week deadline extension to respond to the RFI for COA 12-4359. I am waiting on the check for the additional fees to submit for this and COA 12-4358. The current deadline is October 6, 2025, the proposed two-week deadline extension would make the new deadline October 20<sup>th</sup>, 2025.

Thank you,  
Richard

## Hal Bailey

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**From:** Hal Bailey  
**Sent:** Friday, September 5, 2025 11:53 AM  
**To:** Richard George  
**Cc:** Humberto Galvan; Chris Kozlowski  
**Subject:** Isaacs Brazos River Farm Partnership Application No. 12-4359B Request for Information (RFI)  
**Attachments:** Isaacs\_Brazos\_Farm\_Partnership\_12-4359B\_RFI\_09.05.2025.pdf

Good morning Richard,

Please find the attached RFI for application no. 12-4359B. Response due date is 10/06/2025.

If you have any questions, please feel free to contact me.

Thank you,

Hal E. Bailey, Jr.  
Natural Resources Specialist IV  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
Phone: 512-239-4615

Brooke T. Paup, *Chairwoman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 5, 2025

Mr. Richard George, Environmental Consultant  
Enviro-Ag Engineering Inc.  
9855 FM 847  
Dublin, TX 76446-7653

VIA E-MAIL

RE: Isaacs Brazos River Farm Partnership  
ADJ 4359  
CN606146215, RN105807077  
Application No. 12-4359B to Amend Certificate of Adjudication No. 12-4359  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Brazos River, Brazos River Basin  
Falls and Robertson Counties

Dear Mr. George:

This acknowledges receipt, on May 5, 2025, of the referenced application, and on June 3, 2025, of partial fees in the amount of \$112.50 (Receipt No. M558073A, copy attached).

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

1. Confirm that the applicant is requesting to change the place of use to two tracts totaling 2,102.76 acres of land in Falls and Robertson counties and is requesting that the additional land to be irrigated not be appurtenant to the Certificate.

Staff notes the 495 acres of land currently authorized to be irrigated under Certificate of Adjudication No. 12-4359 are part of the tract requested as the new place of use in Falls and Robertson counties. If the applicant confirms the request above, this tract will no longer be appurtenant to the Certificate.

2. Confirm that the downstream limit of Diversion Reach No. 2 is located in Robertson County and provide the survey and abstract numbers for the diversion point location.
3. Remit fees in the amount of **\$5.88** as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

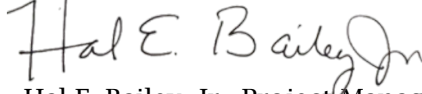
Filing Fee (Amendment)	\$ 100.00
Recording Fee	\$ 12.50
Notice Fee (\$2.94 x 2 WR Holders)	\$ 5.88
Total Fees	\$ 118.38
Fees Received	\$ 112.50
Fees Due	\$ 5.88

Isaacs Brazos River Farm Partnership  
Application No. 12-4359B  
September 5, 2025  
Page 2 of 2

Please provide the requested information and fees by October 6, 2025, or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

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.

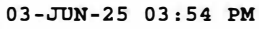
Sincerely,

A handwritten signature in black ink that reads "Hal E. Bailey, Jr." The signature is written in a cursive, slightly slanted style.

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

Attachment





## TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Code</u>	<u>Ref#1</u>	<u>Check Number</u>	<u>CC Type</u>				
<u>Account#</u>	<u>Ref#2</u>	<u>Card Auth.</u>	<u>Tran Code</u>	<u>Slip Key</u>			
<u>Account Name</u>	<u>Paid In By</u>	<u>User Data</u>	<u>Rec Code</u>	<u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>	
WTR USE PERMITS	M558073A	16896		BS00115641	03-JUN-25	-\$112.50	
	4539	060325	N	D5803000			
WATER USE PERMITS	ENVIRO AG	RHDAVIS	CK				
	ENGINEERING						
	INC						
WUP	M558073B	16896		BS00115641	03-JUN-25	-\$112.50	
WUP	4538	060325	N	D5803000			
WATER USE PERMITS	ENVIRO AG	RHDAVIS	CK				
	ENGINEERING						
	INC						
				Total (Fee Code) :		-\$225.00	
				Grand Total:		-\$11,150.83	

JUN 06 2025

Water Availability Division

# 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): Isaacs Brazos River Farm Partnership

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

Y/N

Y **Administrative Information Report**

N Additional Co-Applicant Information

N Additional Co-Applicant Signature Pages

Y Written Evidence of Signature Authority

Y **Technical Information Report**

Y USGS Map (or equivalent)

Y Map Showing Project Details

Y Original Photographs

N Water Availability Analysis

Y **Worksheet 1.0**

Y Recorded Deeds for Irrigated Land

N Consent for Irrigated Land

N **Worksheet 1.1**

N Addendum to Worksheet 1.1

Y **Worksheet 1.2**

N **Worksheet 2.0**

N Additional W.S. 2.0 for Each Reservoir

N Dam Safety Documents

N Notice(s) to Governing Bodies

N Recorded Deeds for Inundated Land

N Consent for Inundated Land

Y/N

Y **Worksheet 3.0**

Y Additional W.S. 3.0 for each Point

Y Recorded Deeds for Diversion Points

N Consent for Diversion Access

N **Worksheet 4.0**

N TPDES Permit(s)

N WWTP Discharge Data

N Groundwater Well Permit

N Signed Water Supply Contract

N **Worksheet 4.1**

Y **Worksheet 5.0**

Y Addendum to Worksheet 5.0

Y **Worksheet 6.0**

Y Water Conservation Plan(s)

N Drought Contingency Plan(s)

N Documentation of Adoption

N **Worksheet 7.0**

N Accounting Plan

Y **Worksheet 8.0**

Y Fees

Y Public Involvement Plan

# ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

☐ New Appropriation of State Water

☒ Amendment to a Water Right \*

☐ Bed and Banks

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

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

The applicant, Isaacs Brazos River Farm Partnership, is submitting an application to amend COA 12-4359 to add places of use for a total of 2,102.76 irrigable acres for agricultural irrigation and add two diversion reaches (1 & 2). The water rights authorized in COA 12-4359 shall not be appurtenant to the additional land other than what it is currently appurtenant to prior to this amendment.

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

### a. Applicant

Indicate the number of Applicants/Co-Applicants 1  
(Include a copy of this section for each Co-Applicant, if any)

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

Isaacs Brazos River Farm Partnership

*(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 : 606146215 ( 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: John C. Isaacs III

Title: Partner

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

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

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

Name: John C. Isaacs III (C/O Amarillo National Bank)

Mailing Address: P.O. Box 1

City: Amarillo State: TX ZIP Code: 79105

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: Richard George

Title: Environmental Consultant

Organization Name: Enviro-Ag Engineering Inc.

Mailing Address: 9855 FM 847

City: Dublin State: TX ZIP Code: 76446

Phone Number: 254-233-9948

Fax Number: \_\_\_\_\_

E-mail Address: [REDACTED]

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

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

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

First and Last Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

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). Applicants should check survey status on the TWDB website prior to filing:

[https://www3.twdb.texas.gov/apps/reports/WU/SurveyStatus\\_PriorThreeYears](https://www3.twdb.texas.gov/apps/reports/WU/SurveyStatus_PriorThreeYears)

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

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

Applicant:

I, John C. Isaacs, III

Partner

(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: John C. Isaacs

(Use blue ink)

Date: 06/28/2023

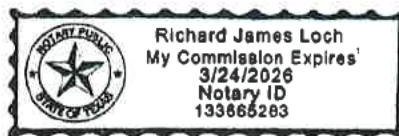
Subscribed and Sworn to before me by the said

on this 28 day of June, 20 23.

My commission expires on the 24 day of MARCH, 20 23.

Notary Public

Hamphill  
County, Texas



[SEAL]

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



**Agreement of Partnership of  
Isaacs Brazos River Farm Partnership**  
a Texas general partnership

\*\*\*\*\*

**Article 1. Organizational Matters**

**1.1 Background, Formation and Purpose.** The Partnership is formed for any and all lawful purposes for which a partnership may be organized under the Act. Except to the extent modified by this Agreement, the Act as in effect as of the effective date of this Agreement governs the Partnership and the Partners.

**1.2 General Partnership.** The Partnership is a general partnership as described in Chapter 152 of the Act.

**1.3 Maintenance of Filings.** The Partners agree to execute or file (or cause to be executed or filed) with the appropriate authorities any documents and instruments necessary or appropriate to comply with all requirements to form and operate the Partnership under the laws of the State of Texas.

**1.4 Name.** The Partnership's name is Isaacs Brazos River Farm Partnership, a Texas general partnership. The Partnership shall conduct its business and affairs under that name.

**1.5 Mailing Address.** The Partnership's mailing address shall be PO Box 275, Canadian, TX 79014 or any other place or places that may be mutually agreed upon by the Partners.

**1.6 Existence.** The Partnership's existence begins effective January 1st, 2023.

**1.7 Partners.** Exhibit A to this Agreement contains the names, addresses, or places of residence of, and the number of Units acquired by each Partner. The Partnership must amend Exhibit A whenever notified of any valid changes to the information this Section requires Exhibit A to contain, to reflect those changes.

**Article 2. Management of the Partnership**

**2.1 Management.** The Partnership shall act by the unanimous vote of the Partners.

**2.2 Delegation of Authority.** The Partners, by unanimous vote, may from time to time delegate to third persons on terms and conditions deemed necessary and appropriate

by the Partners, in their sole discretion, rights and authority with respect to the administration and control of the day-to-day operations of the Partnership.

**2.3 Other Activities Not Partnership Opportunities.** Each Partner may invest their own assets, real and personal, for their own account and conduct their own affairs, investments, and businesses without regard to whether they constitute a Partnership opportunity.

**2.4 Competitive Activities.** A Partner may have business interests other than their interest in this Partnership, which may be in conflict with the Partnership business, and each Partner is free to engage in other business activities, both alone and in conjunction with others, for itself and for the account of others. Neither the Partnership nor any other Partner has any right to the income or proceeds derived by a Partner from any other business interests or activities. Even if directly competitive with or in conflict with the business of the Partnership, those business interests and activities are not wrongful or improper.

**2.5 New Partner.** A person may become a Partner only with the consent of all the Partners, and no Partner may assign its interest in the Partnership to any other person or entity without the consent of all the Partners.

### **Article 3. Capital Contributions**

**3.1 Initial Capital Contributions.** The Partners have made the Capital Contributions of the Property as shown by the books and records of the Partnership. In exchange, the Partnership has issued each Partner the units indicated on the initial Exhibit "A" to this Agreement. The Partners agree that the Property so contributed has a Book Value to the Partnership equal to that indicated by the books and records of the Partnership.

**3.2 Subsequent Capital Contributions.** No person may require any Partner to make any additional Capital Contributions to the Partnership.

### **Article 4. Right of First Refusal**

**4.1 Notice of Offer.** At any time that a Partner shall wish to accept an offer made by a third party for the sale of all or any part of (i) that Partner's interest in the Partnership or (ii) any real property that has been contributed to the Partnership (in this Article the "property"), then that Partner (hereinafter "Grantor") shall give the other Partners written notice of the offer and proposed terms (the "Grantor's Notice"). The other Partners shall then have an option for the period of 30 calendar days after receipt of the Grantor's Notice, to purchase the property on the same terms and conditions as stated in the Grantor's Notice.

If more than one Partner exercises its option, each exercising Partner shall participate in the purchase of the Grantor's Property in the same proportion that each exercising Partner's interest in the Partnership bears to the aggregate interests in the Partnership of all exercising Partners (or on such other basis as the exercising Partners may mutually agree).

**4.2 Exercise of Right of First Refusal.** The exercise by a Partner of the right of first refusal in 4.1 above shall create a binding contract of sale between Grantor and that Partner, and unless the Grantor's Notice expressly provides for inconsistent terms and conditions, the contract of sale created by the Partner's exercise of the option shall be deemed to include the following provisions:

4.2.1 Grantor shall furnish the Partner (i) tax certificates showing no delinquent taxes; and (ii) a Warranty Deed to be recorded at Grantor's expense conveying good and marketable title, free and clear of all liens and encumbrances. Current taxes, if any, shall be prorated to the date of closing.

4.2.2 The Warranty Deed from Grantor shall contain a provision that provides that the property is conveyed by Grantor "AS IS, WHERE IS, AND WITH ALL FAULTS," and no express or implied representations or warranties with respect to the property will be made or implied in such conveyance from Grantor, except for the warranty of title to the Property.

4.2.3 The right of first refusal shall be considered validly exercised when a Partner sends to Grantor a written notice of intent to exercise this right of first refusal within 30 days from the date of Partner's receipt of the Grantor's Notice. If all Partners fail to exercise or refuses to exercise the right of first refusal within the 30-day time period, Grantor may finalize the sale of all or any part of the property to the third party, on the terms and conditions specified in the Grantor's Notice. Grantor may not, however, conclude the sale on any material terms or conditions that are inconsistent with the Grantor's Notice.

**4.3 Covenant Running with the Land.** This Agreement and the right of first refusal shall be a covenant running with all land contributed to the Partnership.

**4.4 Transfer by Gift, Devise, Descent, or Otherwise without Consideration.** If the property is transferred by gift, devise, descent, or another transaction that does not involve the payment of consideration in any form, Grantor may pass title with following the right of first refusal, however the provisions of this right of first refusal will be fully binding on the person acquiring title to the property in that transaction.

## **Article 5. Distributions**

**5.1 Distributions of Cash from Operations.** The Partnership may distribute whatever available cash, and whatever amounts of Partnership Property, at whatever times the Partners determine by Unanimous Vote, to the Partners.

**5.2 Division Among Record Holders.** All distributions to the Partners must be divided among them in proportion to the units held by each Partner on the last day of the period for which the distribution is made.

**5.3 No Other Distributions.** The Partnership may make no distributions of cash or other Partnership Property except as provided above. The Partnership may make no distributions that would have the result of changing any Partner's interest in the Partnership.

## **Article 6. Tax Matters**

**6.1 Capital Accounts.** A Capital Account shall be established and maintained for each Partner.

**6.2 Distributions on Dissolution and Winding Up.** Upon the dissolution and winding up of the Partnership, all available proceeds distributable to the Partners shall be distributed to all Partners in an amount equal to their respective positive Capital Account balances.

**6.3 Allocations.** Except as provided in the Code, all items of profit and loss, and all items of gain and deductions, of the Partnership shall be allocated to the Partners in proportion to the units held by each Partner.

**6.4 Qualified Income Offset.** Notwithstanding the above, if a Partner unexpectedly receives any adjustments, allocations, or distributions described in Treasury Regulations §1.704-1(b)(2)(ii)(d)(4), (5) or (6) or any amendment thereto, or receives an allocation of loss which produces a negative Capital Account for any Partner while any other Partner has a positive capital account, then items of the Partnership income shall be specially allocated to such Partner until the deficit Capital Account is eliminated. This paragraph is intended to constitute a "qualified income offset" within the meaning of Treasury Regulation §1.704-1(b)(2)(ii)(d).

**6.5 Code Section 754 Adjustments.** To the extent Tax Regulation §1.704-1(b)(2)(iv)(m) requires the Partnership to take into account in determining Capital Accounts an adjustment to the adjusted tax basis of any Partnership asset under Code §§ 734(b) or 743(b) because of a distribution to a Partner in complete liquidation of the Partner's interest, the amount of the adjustment to the Capital Accounts must be treated as an

item of gain (if the adjustment increases the basis of the asset) or loss (if the adjustment decreases that basis). The amount of that gain or loss must be specially allocated to the Partners:

5.6.1 according to their interests in the Partnership if Tax Regulation § 1.704-1(b)(2)(iv)(m)(2) applies, and

5.6.2 to whom the distribution was made if Tax Regulation § 1.704-1(b)(2)(iv)(m)(4) applies.

**6.6 Minimum Gain Chargeback.** Notwithstanding the above, if there is a net decrease in Partnership “minimum gain” during a taxable year, each Partner shall be specially allocated, before any other allocation, items of income and gain for such taxable year (and, if necessary, subsequent years) in proportion to each Partner’s share of the net decrease in Partnership “minimum gain” as determined in accordance with Treasury Regulations §1.704-2(g)(2). This paragraph is intended to comply with the “minimum gain chargeback” provisions of Treasury Regulations §1.704-2(f).

**6.7 Section 704(c) Allocation.** Notwithstanding the above, to the extent that Code §704(c) is applicable to any item of income, gain, loss, and deduction with respect to any property (other than cash) that has been contributed by a Partner and which is required to be allocated to such Partner for income tax purposes, the item shall be allocated to such Partner in accordance with Code §704(c).

**6.8 Stop Loss.** Notwithstanding any other provision hereof to the contrary, no loss (or item of loss or deduction) of the Partnership shall be allocated to a Partner if such allocation would result in a deficit balance in such Partner’s adjusted Capital Account. Such loss (or item of loss or deduction) shall be allocated among the Partners whose adjusted Capital Account balances are positive in proportion to such positive balances to the extent necessary to reduce the balances of such other Partner’s positive adjusted Capital Accounts balances to zero, it being the intention of the Partners that no Partner’s positive adjusted Capital Account balance shall fall below zero while any other Partner’s positive adjusted Capital Account balance has a positive balance.

**6.9 Nonrecourse Deductions.** All nonrecourse deductions shall be allocated among the Partners in proportion to the units held by each Partner.

**6.10 Interests in Partnership.** Notwithstanding any other provision of this Agreement, no allocation of profits or losses or item thereof will be made to a Partner if the allocation would not have “economic effect” under Treasury Regulation Section 1.704-

1(b)(2)(ii) or otherwise would not be in accordance with the Partners' interests in the Partnership within the meaning of Treasury Regulation Section 1.704-1(b)(4) or 1.7042(b)(1).

**6.11 Varying Interests.** All profit and loss (and any item of income, gain, loss, deduction or credit specially allocated under this Agreement) shall be allocated, and all distributions shall be made, to the Partners shown on the records of the Partnership to have been Partners as of the last calendar day of the period for which the allocation or distribution is to be made. Notwithstanding the foregoing, if during any taxable year there is a change in any Partner's interest in the Partnership, the Partners agree that their allocable shares of the profits and losses (or items thereof) for the taxable year shall be determined on any method determined by the Partnership to be permissible by Code Section 706 and the related Treasury Regulations to take account of the Partner's varying interest.

## **Article 7. Withdrawal & Termination of the Partnership**

**7.1 Withdrawal.** A Partner has the right to withdraw from the Partnership, with 60-days' advance notice to the other Partners. If a Partner elects to withdraw from the Partnership, that Partner shall receive, in exchange for all of its units and ownership interests in the Partnership and its profits, only (i) the interest in land that Partner initially contributed to the Partnership and (ii) that Partner's proportionate share of the Partnership's cash on hand on the day the Partner notified the Partnership of its intention to withdraw.

**7.2 Liquidating Events.** The Partnership must continue to exist until the following occurs, when it must dissolve and begin to wind up and terminate: the Partners, by unanimous vote, cause the Partnership to dissolve, wind up, and terminate.

## **Article 8. Definitions and Rules of Construction**

**8.1 Definitions.** The capitalized terms used in this Agreement have the following meanings:

**8.1.1 Act.** The term "Act" means the Texas Business Organizations Code, as amended and in effect from time to time, and any successor to that statute.

**8.1.2 Agreement.** The term "Agreement" means this Partnership Agreement, as amended, modified, supplemented, or restated from time to time, as the context requires.

**8.1.3 Book Value.** The term "Book Value" means, for any asset, the asset's adjusted basis for federal income tax purposes, except that the initial Book Value of any asset contributed to the Partnership by a Partner is the gross fair market value of that asset, as determined by the Partnership.

**8.1.4 Capital Account.** The account to be maintained by the Partnership for each Partner in accordance with Treasury Regulation Section 1.704-1(b)(2)(iv) and, to the extent not inconsistent therewith, means the amount of the Partner's capital contribution as adjusted, including but not limited to increases due to profits or additional contributions, and decreases due to losses and distributions.

**8.1.5 Partners.** The term "Partners" means all partners of the Partnership as shown by the attached Exhibit "A."

**8.1.6 Partnership.** The term "Partnership" means the Partnership created by this Agreement and the Act and any partnership continuing the business of the Partnership after any termination of this Partnership.

**8.1.7 Partnership Property.** The term "Partnership Property" means all real and personal property acquired by the Partnership, and any improvements, including both tangible and intangible property.

## **Article 9. Miscellaneous Provisions**

**9.1 Binding Effect.** This Agreement binds and inures to the benefit of the Partners and the Partners' heirs, executors, administrators, successors, legal representatives, and permitted assigns.

**9.2 Creditors.** None of the creditors of the Partners or the Partnership may benefit from or enforce any provisions of this Agreement.

**9.3 Amendment.** Any amendment to this Agreement must be in writing and approved by each Partner.

**9.4 Applicable Law.** This Agreement must be interpreted and construed in accordance with and governed by the laws of the State of Texas, without regard to the principles of conflicts of law.


**9.5 Entire Agreement.** This Agreement constitutes the entire agreement of the Partners and supersedes all prior contracts or agreements with respect to the Partnership, whether oral or written.

**9.6 Counterpart Signatures.** This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute one Agreement. Execution and delivery of this Agreement by facsimile or other electronic transmission shall be binding on the parties.

## PARTNERS' SIGNATURE PAGE

By executing this Signature Page, the undersigned Partners adopt this Agreement as the Partnership's Agreement and agree to abide by all its terms, effective as of January 1, 2023.


PARTNERS:


  
John C. Isaacs, III

  
Samuel B. Isaacs

  
Isaacs West Properties, LLC

  
Isaacs Red Deer Creek Ranch, LLC

  
John C. Isaacs, III Ranch, Ltd

  
Samuel B. Isaacs Ranch, Ltd



**EXHIBIT A**

**Partners of Isaacs Brazos River Farm Partnership**

<b>NAME &amp; ADDRESS OF PARTNERS</b>	<b>DATE ACQUIRED</b>	<b>UNITS</b>
<b>JOHN C. ISAACS, III</b> PO BOX 275 CANADIAN, TX 79014	1/1/2023	10.66
<b>SAMUEL B. ISAACS</b> 4300 LIME KILN ROAD SAN MARCOS, TX 78666	1/1/2023	10.66
<b>ISAACS WEST</b> PROPERTIES, LLC PO BOX 456 CANADIAN, TX 79014	1/1/2023	23.34
<b>ISAACS RED DEER CREEK RANCH, LLC</b> PO BOX 1389 CANADIAN, TX 79014	1/1/2023	23.34
<b>JOHN C. ISAACS, III RANCH, LTD</b> PO BOX 275 CANADIAN, TX 79014	1/1/2023	16.00
<b>SAMUEL B. ISAACS RANCH, LTD</b> 4300 LIME KILN ROAD SAN MARCOS, TX 78666	1/1/2023	16.00



Texas Commission on Environmental Quality

## Public Involvement Plan Form for Permit and Registration Applications

The Public Involvement Plan is intended to provide applicants and the agency with information about how public outreach will be accomplished for certain types of applications in certain geographical areas of the state. It is intended to apply to new activities; major changes at existing plants, facilities, and processes; and to activities which are likely to have significant interest from the public. This preliminary screening is designed to identify applications that will benefit from an initial assessment of the need for enhanced public outreach.

All applicable sections of this form should be completed and submitted with the permit or registration application. For instructions on how to complete this form, see TCEQ-20960-inst.

### Section 1. Preliminary Screening

- ☐ New Permit or Registration Application  
☒ New Activity - modification, registration, amendment, facility, etc. (see instructions)

**If neither of the above boxes are checked, completion of the form is not required and does not need to be submitted.**

### Section 2. Secondary Screening

- ☐ Requires public notice,  
☐ Considered to have significant public interest, and  
☐ Located within any of the following geographical locations:

- Austin
- Dallas
- Fort Worth
- Houston
- San Antonio
- West Texas
- Texas Panhandle
- Along the Texas/Mexico Border
- Other geographical locations should be decided on a case-by-case basis

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

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

This application does not meet the criteria above requiring a Public Involvement Plan.

### Section 3. Application Information

#### Type of Application (check all that apply):

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

#### Water Quality

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

#### Water Rights New Permit

- ☐ New Appropriation of Water
- ☐ New or existing reservoir

#### Amendment to an Existing Water Right

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

### Section 4. Plain Language Summary

Provide a brief description of planned activities.

## Section 5. Community and Demographic Information

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

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

(City)

(County)

(Census Tract)

Please indicate which of these three is the level used for gathering the following information.

☐

City

☐

County

☐

Census Tract

(a) Percent of people over 25 years of age who at least graduated from high school

(b) Per capita income for population near the specified location

(c) Percent of minority population and percent of population by race within the specified location

(d) Percent of Linguistically Isolated Households by language within the specified location

(e) Languages commonly spoken in area by percentage

(f) Community and/or Stakeholder Groups

(g) Historic public interest or involvement

### Section 6. Planned Public Outreach Activities

(a) Is this application subject to the public participation requirements of Title 30 Texas Administrative Code (30 TAC) Chapter 39?

☐ Yes ☐ No

(b) If yes, do you intend at this time to provide public outreach other than what is required by rule?

☐ Yes ☐ No

If Yes, please describe.

**If you answered "yes" that this application is subject to 30 TAC Chapter 39, answering the remaining questions in Section 6 is not required.**

(c) Will you provide notice of this application in alternative languages?

☐ Yes ☐ No

**Please refer to Section 5. If more than 5% of the population potentially affected by your application is Limited English Proficient, then you are required to provide notice in the alternative language.**

If yes, how will you provide notice in alternative languages?

- ☐ Publish in alternative language newspaper
- ☐ Posted on Commissioner's Integrated Database Website
- ☐ Mailed by TCEQ's Office of the Chief Clerk
- ☐ Other (specify)

(d) Is there an opportunity for some type of public meeting, including after notice?

☐ Yes ☐ No

(e) If a public meeting is held, will a translator be provided if requested?

☐ Yes ☐ No

(f) Hard copies of the application will be available at the following (check all that apply):

- ☐ TCEQ Regional Office ☐ TCEQ Central Office
- ☐ Public Place (specify)

### Section 7. Voluntary Submittal

For applicants voluntarily providing this Public Involvement Plan, who are not subject to formal public participation requirements.

Will you provide notice of this application, including notice in alternative languages?

☐ Yes ☐ No

What types of notice will be provided?

- ☐ Publish in alternative language newspaper
- ☐ Posted on Commissioner's Integrated Database Website
- ☐ Mailed by TCEQ's Office of the Chief Clerk
- ☐ Other (specify)

# TECHNICAL INFORMATION REPORT

## WATER RIGHTS PERMITTING

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

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

Date of pre-application meeting: 7/6/2023

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

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

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

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

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: 12-4359

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

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

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

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

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

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

- c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? Y / N Y  
*If yes, submit:*

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

- d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? Y / N Y  
*If yes, submit:*

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

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

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

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

**Additionally, all amendments require:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Worksheets and information:*

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



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

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

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

**The State and regional water plans generally do not address every possible change in individual water rights. The application is consistent with the 2021 Region G 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 N

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

- c. Does the application include required Maps? (Instructions Page. 15) Y / N Y

**Attachment A**

# 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>

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

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

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

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

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

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
991	Agricultural Irrigation	Agricultural Irrigation	Unknown	2102.76 acres in Falls and Robertson Counties

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- Applicant proposes to irrigate a total of 2102.76 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 2102.76 acres in Falls and Robertson County, TX.
  - Location of land to be irrigated: In the See Attachment (B) 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. [Attachment C](#)***

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

- Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
- See Worksheet 1.2, Marshall Criteria, and submit if required. [Attachment D](#)
- See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required. [Attachment E](#)

## WORKSHEET 1.2

### NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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

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

## WORKSHEET 3.0

### DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

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

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

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

b. Maximum Rate of Diversion for **this new point** 5.55 cfs (cubic feet per second)  
or 2,500 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* 5.55 cfs or 2,500 gpm

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

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

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

Check one		Write: Existing or Proposed
<input checked="" type="checkbox"/>	Directly from stream	Proposed
<input type="checkbox"/>	From an on-channel reservoir	
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	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 N

If yes, the drainage area is \_\_\_\_\_ 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): Brazos River
- b. Zip Code: 76680
- c. Location of point: In the Sterling C Robertson Original Survey No. \_\_\_\_\_, Abstract No. 59, Falls 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. [Attachment C](#)***

***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 31.154677 °N, Longitude -96.856029 °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. 15. [Attachment A](#)
- 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. ☐ Diversion Point No.
2. ☐ Upstream Limit of Diversion Reach No. Diversion Reach 1
3. ☒ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** <sup>5.55</sup> \_\_\_\_\_ cfs (cubic feet per second)  
or <sup>2,500</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>5.55</sup> \_\_\_\_\_ cfs or <sup>2,500</sup> \_\_\_\_\_ gpm

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

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

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

Check one		Write: Existing or Proposed
<input checked="" type="checkbox"/>	Directly from stream	Proposed
<input type="checkbox"/>	From an on-channel reservoir	
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	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 N

If yes, the drainage area is \_\_\_\_\_ 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): Brazos River
- b. Zip Code: 76680
- c. Location of point: In the Sterling C Robertson Original Survey No. \_\_\_\_\_, Abstract No. 59, Falls 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. Attachment C***

***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 31.144639 °N, Longitude -96.845974 °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. 15. **Attachment A**
- 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. ☐ Diversion Point No.
2. ☒ Upstream Limit of Diversion Reach No. Diversion Reach 2
3. ☐ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 5.55 cfs (cubic feet per second)  
or 2,500 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* 5.55 cfs or 2,500 gpm

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

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

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

Check one		Write: Existing or Proposed
<input checked="" type="checkbox"/>	Directly from stream	Proposed
<input type="checkbox"/>	From an on-channel reservoir	
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	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** N

If yes, the drainage area is \_\_\_\_\_ 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): Brazos River
- b. Zip Code: 76680
- c. Location of point: In the Sterling C Robertson Original Survey No. \_\_\_\_\_, Abstract No. 61, Falls 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. Attachment C***

***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 31.117846 °N, Longitude -96.822992 °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. 15. **Attachment A**
- 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. ☐ Diversion Point No.
2. ☐ Upstream Limit of Diversion Reach No. Diversion Reach 2
3. ☒ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 5.55 cfs (cubic feet per second)  
or 2,500 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* 5.55 cfs or 2,500 gpm

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

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

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

Check one		Write: Existing or Proposed
<input checked="" type="checkbox"/>	Directly from stream	Proposed
<input type="checkbox"/>	From an on-channel reservoir	
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	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 N

If yes, the drainage area is                      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): Brazos River
- b. Zip Code: 76680
- c. Location of point: In the Sterling C Robertson Original Survey No. \_\_\_\_\_, Abstract No. 61, Falls 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. **Attachment C***

*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 31.103834 °N, Longitude -96.828879 °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. 15. **Attachment A**
- 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 5.0

### ENVIRONMENTAL INFORMATION

#### 1. Impingement and Entrainment

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

Quarter Inch mesh screen will be utilized on all diversion points 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), [This section is for both Diversion Reach 1 and Diversion Reach 2.](#)

a. Identify the appropriate description of the water body.

☒ Stream

☐ Reservoir

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

☐ Other, specify: \_\_\_\_\_

b. Flow characteristics

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

☐ 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

e. Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0: **Attachment F**

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

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

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

a. For all bed and banks applications:

- i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

b. For all alternate source applications:

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

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
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 \_\_\_\_\_ and the name of the aquifer from which water is withdrawn \_\_\_\_\_.



## WORKSHEET 6.0

### Water Conservation/Drought Contingency Plans

This form is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plans is required and to specify the requirements for plans. **Instructions, Page 31.**

*The TCEQ has developed guidance and model plans to help applicants prepare plans. Applicants may use the model plan with pertinent information filled in. For assistance submitting a plan call the Resource Protection Team (Water Conservation staff) at 512-239-4600, or e-mail [wras@tceq.texas.gov](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): **Attachment E**

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

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

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

## 2. Drought Contingency Plans N/A

- 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 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

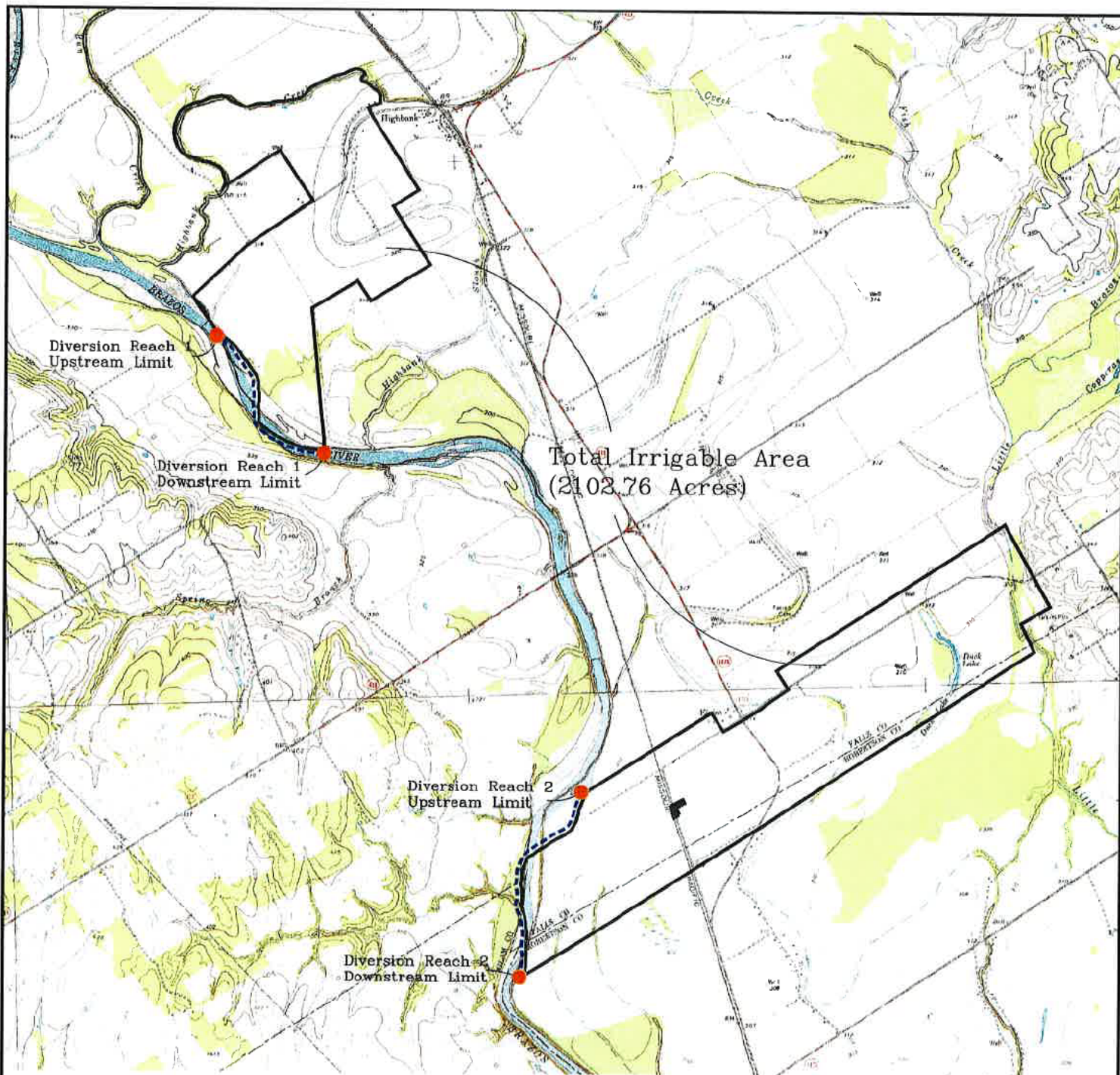
	Description	Amount (\$)
<b>Filing Fee</b>	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under <b>Amount (\$)</b> . <u>In Acre-Feet</u> a. Less than 100 \$100.00 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 _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
<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.	
<b>TOTAL</b>		\$

### 2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
<b>Filing Fee</b>	Amendment: \$100	\$100.00
	<b>OR</b> 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>		\$ 112.50

### 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>		\$



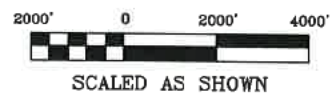
**LEGEND:**

- Denotes Property Boundary
- Denotes Diversion Reach
- Denotes Diversion Reach Upper & Lower Limits.
- Denotes Land Not Included In Irrigable Acres (Not applicant owned)

**Note:** The Topographic Map of this segment of the Brazos River does not accurately match the actual river course depicted in aerial imagery. This is why the diversion reaches appear to be off of the river in certain areas.

**Source:** USDA-NRCS. Geospatial Data Gateway. Available at: <http://datagateway.nrcs.usda.gov/>. Digital Raster Graphic County Mosaic by NRCS – Accessed 2019.

Map Generated 6/12/2023



Isaacs Brazos River Farm Partnership  
Falls/Robertson Counties  
Highbank, TX

Site Map  
Attachment A



Enviro-Ag Engineering, Inc.  
ENGINEERING CONSULTANTS  
3404 Airway Blvd.  
AMARILLO, TEXAS 79118  
TEL (806) 353-6123 FAX (806) 353-4132



Attachment B

TCEQ Form 10214C Pg. 6 Section 2(b)ii

Location of land to be irrigated (2,102.76 Irrigation Acres Total):

**Falls & Robertson Counties - (363 Irrigable Acres)**

363 acres in the S. Robertson Original Survey, Abstract 40 – Brazos River Basin.

**Falls County – (1,739.76 Irrigable Acres)**

1,739.76 Acres in the S. Robertson Original Survey, Abstracts 40, 58, 59 & 61 – Brazos River Basin.

Attachment C**SPECIAL WARRANTY DEED**

(Falls and Robertson Counties, Texas)

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

**Effective Date:** January 1st, 2023

**Grantors:** John C. Isaacs, III, dealing with his separate property;  
Samuel B. Isaacs, dealing with his separate property;  
Isaacs West Properties, LLC, a Texas limited liability company;  
Isaacs Red Deer Creek Ranch, LLC, a Texas limited liability company;  
John C. Isaacs, III Ranch, Ltd, a Texas limited partnership; and  
Samuel B. Isaacs Ranch, Ltd, a Texas limited partnership.

**Grantee:** Isaacs Brazos River Farm Partnership, a Texas general partnership

**Grantee's Mailing Address:** PO Box 275, Canadian, TX 79014

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

**Property (including any improvements):** The SURFACE ONLY of the property located in Falls and Robertson Counties, Texas described on Exhibit "A" attached hereto and incorporated herein.

**Reservations from and Exceptions to Conveyance and Warranty:** All presently recorded instruments affecting the Property, other than liens and conveyances; all visible and recorded easements, rights-of-way, and prescriptive rights; the rules and regulations of any taxing authority having jurisdiction; all mineral rights outstanding in third parties; any valid and subsisting oil, gas, and mineral leases; taxes for 2023, the payment of which Grantee assumes; and subsequent assessments for 2023 and prior years due to change in land usage, ownership or both, the payment of which Grantees assume.

**Conveyance:** Grantors, for the Consideration and subject to the Reservations from and Exceptions to Conveyance and Warranty, grant, sell, and convey to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee and Grantee's successors and assigns forever. Grantors bind Grantors and Grantors' successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to Reservations from and

Dec 2023 1752 OR Vol 1529 Pg 750

Exceptions to Conveyance and Warranty, when the claim is by, through, or under Grantors but not otherwise.

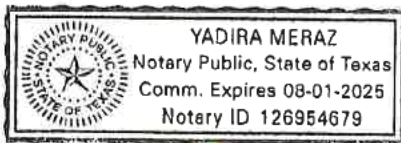
When the context requires, singular nouns and pronouns include the plural.

**Grantors:**

John C. Isaacs, III  
John C. Isaacs, III

THE STATE OF Texas §  
COUNTY OF Hemphill §

This instrument was acknowledged before me on the 17<sup>th</sup> day of April, 2023, by John C. Isaacs, III.



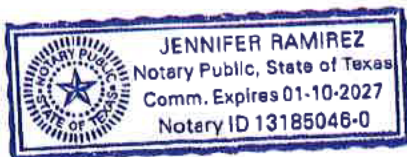
Yadira Meraz  
Notary Public, State of Texas

\*\*\*\*\*

Samuel B. Isaacs  
Samuel B. Isaacs

THE STATE OF TEXAS §  
COUNTY OF HAYS §

This instrument was acknowledged before me on the 20<sup>th</sup> day of APRIL, 2023, by Samuel B. Isaacs.



Jennifer Ramirez  
Notary Public, State of TEXAS

Isaacs West Properties, LLC

By: David Isaacs

Its: manager

THE STATE OF Texas

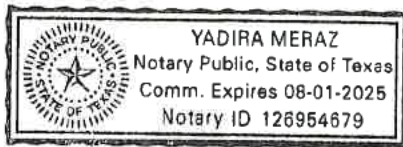
§

COUNTY OF Hemphill

§

§

This instrument was acknowledged before me on the 17<sup>th</sup> day of April, 2023, by David Isaacs, authorized representative of Isaacs West Properties, LLC.



Yadira Meraz  
Notary Public, State of Texas

\*\*\*\*\*

Isaacs Red Deer Creek Ranch, LLC

By: William C. Isaacs

Its: manager

THE STATE OF Texas

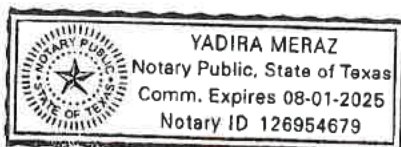
§

COUNTY OF Hemphill

§

§

This instrument was acknowledged before me on the 17<sup>th</sup> day of April, 2023, by William C. Isaacs, authorized representative of Isaacs Red Deer Creek Ranch, LLC.



Yadira Meraz  
Notary Public, State of Texas



John C. Isaacs, III Ranch, Ltd

By: John C. Isaacs III

Its: GENERAL PARTNER

THE STATE OF Texas

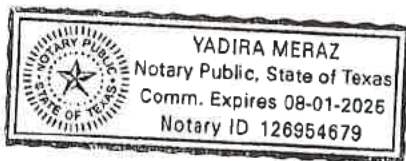
§

COUNTY OF Hemphill

§

§

This instrument was acknowledged before me on the 17<sup>th</sup> day of April, 2023, by John C. Isaacs III, authorized representative of John C. Isaacs, III Ranch, Ltd.



Yadira Meraz  
Notary Public, State of Texas

\*\*\*\*\*

Samuel B. Isaacs Ranch, Ltd

By: Samuel B. Isaacs

Its: GENERAL PARTNER

THE STATE OF Texas

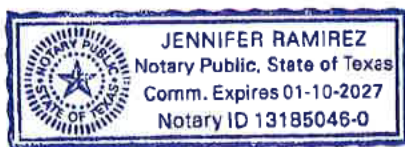
§

COUNTY OF Hays

§

§

This instrument was acknowledged before me on the 20<sup>th</sup> day of APRIL, 2023, by \_\_\_\_\_, authorized representative of Samuel B. Isaacs Ranch, Ltd..



Jennifer Ramirez  
Notary Public, State of TEXAS

EXHIBIT A-1

**FIRST TRACT:** All of the following described real estate situated in Falls County and Robertson County, Texas, about 9 1/2 miles SW of the town of Reagan, Texas, containing 363 acres, more or less, and consisting of the following surveys and parts of surveys, to-wit:

Being a part of the S. C. Robertson 5-league grant, Abstract 40, Patent 384, Vol. 14, dated February 27, 1835, on the east bank of the Brazos River and out of League No. 1 of said block and more particularly described as follows, to-wit:

Lot No. 2 in the Subdivision of the league of land recovered from E. S. C. Robertson by the heirs of Alexander Thompson as will appear from a decree of the District Court of Travis County, Texas, in Cause No. 1844 styled Alexander Thompson vs. E. S. C. Robertson which said Lot No. 2 is described by metes and bounds as follows:

**BEGINNING** at the Northwest corner of Lot No. 1 allotted to the heirs of W. D. Thompson on the east bank of the Brazos River, from which a hackberry marked X bears S 30 East 3 varas, and an elm 12 in. in dia. marked A bears South 42-1/3 East 16 vrs; and a cotton wood 2 feet in dia. marked X bears South 26 East 23 varas;

**THENCE** North 60 East with the North line of Lot No. 1, allotted to W. D. Thompson heirs, 6439 varas to its Northeast corner, stake in the West line of Lot No. 7 of post oak tract allotted to the heirs of E. M. Burton;

**THENCE** North 30 West 323 varas to a stake in the south line of Lot No. 3, allotted to Tom C. Thompson;

**THENCE** South 60 West 6241 varas to a stake on the bank of the Brazos River, it being the Southeast corner of Tom C. Thompson lot, from which a hickory marked X brs South 30 West 19-1/2 varas;

**THENCE** down the river with its meanderings to the place of beginning, containing 363 acres of land, more or less, and being the same tract of land described in deed from C. P. Jones to Otto Meier, dated September 4, 1911, and recorded in Volume 58, Page 107, Deed Records of Robertson County.

**SECOND TRACT:** A part of the S. C. Robertson five league grant, east of the Brazos River, in Falls County, Texas, described as follows:

**BEGINNING** at the lower corner of T. A. Thomson's tract, on the Brazos River, at the UPPER corner of Lot 4 in the partition of the Estate of Alexander Thomson;

**THENCE** with the north line of Lot 4, N 60 E 676 varas to corner in said north line of said Lot No. 4 in said Subdivision;

**THENCE** S 60 E 367 varas to corner in the north line of Lot 3 in said subdivision;

**THENCE** N 60 E 2657 varas to bed of old river;

**THENCE** up old river with its meanders to corner in north line of aforesaid Lot 4;

**THENCE** with said north line N 60 E 2390 varas to NW corner of 40 acres conveyed to Fred Giddings by Thompson;

**THENCE** S 30 E 687 varas to SE corner of said Lot 3 in said subdivision;

**THENCE** S 60 W 6563 varas to the bank of the river;

**THENCE** up the river with its meanders to the beginning, containing 595.9 acres, more or less, and being the same land conveyed to Otto Meier by W. M. Kirten, et ux by deed recorded in Volume 84, Page 92, Falls County Deed Records.

**SUBJECT TO** an undivided 1/2 interest in all oil, gas and other minerals reserved in deed dated July 23, 1960, recorded in Vol. 247, Page 71, Falls County Deed Records; a right-of-way conveyed to the State of Texas by deed dated January 15, 1959, recorded in Vol. 243, Page 181, Deed Records of Falls County; a right-of-way conveyed to the State of Texas by deed dated January 15, 1959, and recorded in Vol. 190, Page 128, of the Robertson County Deed Records; a tract of 1 acre of land conveyed by J. M. Bradley by deed dated December 20, 1917, and recorded in Vol. 102, Page 333, of the Falls County Deed Records; a tract of 1 acre of land conveyed by Otto Meier, et ux, to Lloyd W. Harlan, et al, by deed dated May 12, 1930, and recorded in Vol. 147, Page 197, of the Falls County Deed Records; a tract of 24/100 acres of land conveyed by Otto Meier to Lloyd W. Harlan, et al, by deed dated October 9, 1939, and recorded in Vol. 175, Page 224, of the Falls County Deed Records.

Except for the oil, gas, and other minerals reserved or excepted by previous owners.

THIRD TRACT:

All that certain tract or parcel of land a part of the S. C. Robertson five league grant in Falls Co., Texas, and being tract No. 5 awarded to Mrs. Ella F. Harlee in Cause No. 9379, styled Z. T. Fulmore, et al, in the District Court of Falls County, Texas, as shown by judgment in said cause appearing in Vol. 0, Page 51, et seq., on the Minutes of said Court, and more particularly described as follows, to-wit:

BEGINNING at the point on the E bank of the Brazos River 74 vrs. below the N W corner of the E. S. C. Robertson league No. 4; THENCE N 48 1/2 E 370 vrs to a corner on the line between League No. 4 and League No. 5;

THENCE N 60 E with said line 461 vrs to the N W corner of tract No. 4 awarded to Z. T. Fulmore, Jr.;

THENCE S 30 E 530 vrs to a corner of tract No. 4;

THENCE S 84 1/2 vrs to another corner of tract No. 4;

THENCE S 60 W 434 vrs to another corner of Tract No. 4 on the E bank of the Brazos River;

THENCE up the river with its meanders to the place of beginning, containing 147 acres of land, and being the property conveyed to A. M. Peacock and J. D. Russ, Trustees, by Ella F. Harlee and husband by deed dated Oct. 15, 1919, and recorded in Vol. 107, Page 328, of the Deed Records of Falls Co., Texas, to which reference is made.

FOURTH TRACT:

All of the following described real estate situated in Falls County, Texas, about 14 miles S E of the town of Marlin, Texas, containing 410 acres, more or less, and consisting of the following surveys and parts of surveys, to-wit: Out of the S. C. Robertson Survey, Patent dated February 27, 1845, described as follows:

BEGINNING in the bed of the Wood Slough at the southeast corner of a tract of 92 acres awarded to Frank Fulmore in partition suit No. 9379, District Court, Falls County, Texas, March 4, 1916 (Minute Book O, Page 51)

THENCE N 30 W 602 vrs. to the N W corner of a tract known as the Dr. S. D. Davison tract;

THENCE N 60 E with E line of said Davison tract 390 vrs. to one of the corners of the said Frank Fulmore tract and the SW corner of a tract of 210-1/3 acres known as Bennett tract;

THENCE N 30 W 1230 vrs. to the N W corner of the said Bennett tract and the N E corner of a tract of 85 acres awarded to Mrs. Imogene Harrison in partition Suit No. 9379, District Court, Falls County, Texas;

THENCE N 60 E with the North line of League No. 4 of the Robertson 5-league block 313 vrs to the S E corner of Block No. 6 of the Francis Smith Subdivision recorded in Vol. 5, Page 502, Deed Records of Falls County, Texas;

THENCE N 30 W at 552 vrs across the road from Highbank to the old Smith Ferry and at 630 vrs the N E Corner of said Block No. 6 in the bed of the Wood Slough 194 vrs. S 72-3/4 W from its junction with Highbank slough;

THENCE down S 69 1/2 W 78 vrs, S 49 W 70 vrs, S 34 W 180 vrs; S 8 W 292 vrs; S 2 W 246 vrs to a stake for corner;

THENCE S 60 W 1160 vrs to a corner of the Z. T. Fulmore, Jr. tract No. 4, 147 acres;

THENCE S 30 E 112 vrs. to another corner of tract No. 4 on the North line of League No. 4;

THENCE S 60 W 80 vrs to the N E corner of Tract No. 5 awarded to Ella E. Harlee;

THENCE S 30 E 530 vrs to another corner of the said Harlee tract of 147 acres;

THENCE S 84 1/2 vrs. to the S E Corner of said tract No. 5;

THENCE S 60 W 435 vrs to the S W corner of tract no. 5 and S W corner of Tract No. 4 on the left bank of the Brazos River;

THENCE down the bank of the river to the S E corner of Tract No. 4 and S W corner of tract No. 3 awarded to S R Fulmore;

THENCE N 3 W 1350 vrs to the N W corner of the said tract No. 3 and S W corner of what is known as the Guffee tract of 100 acres;

THENCE N 60 E with south line of the Guffee tract 527 vrs to the N E corner of S. R. Fulmore tract No. 3;

EXHIBIT A-3

FIFTH TRACT:

All of the following described real property in Falls County, Texas, to-wit:

All that certain lot, tract or parcel of land situated in Falls County, Texas, about 15 miles S 20 E of the town of Marlin, Texas, containing 90.28 acres, more or less, and consisting of the following surveys and parts of surveys, to-wit: Being out of the Northwest part of the S. C. ROBERTSON Survey, Abstract No. 57, Patent No. 384, Volume 14, dated Feb. 27, 1835, described by metes and bounds as follows:

BEGINNING at the mouth of Wood Slough in the bed of Highbank Slough;

THENCE down High bank Slough with its meanders as follows:

N 32-1/2 W 127 N 47-3/4 W 100; N 79-3/4 W 113; N 19 E 95- N 72-1/2 W 118; S 72-3/4 W 150; S 65-1/2 W 310- S 64 W 160; S 75 W 210; N 68-3/4 W 70; S 64 W 110; N 72 W 78; S 70-3/4 W 72; N 61-3/4 W 210; N 82-3/4 W 110; S 73 W 300; S 53 W 129; S 28-1/2 W 95 vrs to Tom Mears (or Summers) east line;

THENCE with said line S 31 E 40 vrs to Mrs. Frank Tusa's N. W. corner on the east bank of Highbank Slough;

THENCE with Mrs. Tusa's North line N 86-1/2 E 475 and N 88-1/2 E 1304 vrs to corner on N. W. bank of Wood Slough, from which a pecan tree 30 in. in dia. brs S 25-1/2 E 11 vrs;

THENCE down the N. W. bank of Wood Slough N 58 E 93 and N 72-1/4 E 72 vrs to point;

THENCE S 30-1/4 E 24 vrs to corner in the bed of Wood Slough;

THENCE down Wood Slough N 72-1/4 E 195 vrs to the place of beginning, containing 90.28 acres, and being the same tract conveyed to William J. Catalina, Milton E. Catalina and John J. Catalina by Warranty Deed dated July 10, 1975, and recorded in Volume 298, Page 10 of the Falls County Deed Records.

Except for oil, gas, and other minerals heretofore reserved or conveyed away by others.

TRACT ONE:

BEING 19.61 acres of land in Falls County, Texas being out of the S C Robertson League No 158 and 59, and being part of a 25 acre tract conveyed to Jasper Falco as described in Volume 231, Page 297, Falls County Deed Records, also part of a 10 acre tract conveyed to Joseph Falco as described in Volume 275 page 59, Falls County Deed Records, said 19.61 acres being more particularly described as follows;

Beginning; At iron pin for the NW corner of said 25 acres mentioned above, at fence corner

Thence S 30° 00' E along the West line of said 25 acres at 626.4 ft. the SW corner of same and the NW corner of the Joseph Falco 10 acre tract, in all 976.4 ft. to an iron stake for the SW corner of the Joseph Falco 10 acre tract and the NW corner of the Phillip Musia 85 acre tract

Thence N 60° 00' E 875.0 ft. along the SE Falco 10 acre tract to a stake for corner

Thence N 30° 00' at 216.7 ft. the SW corner of the Tony Falco 5 acre tract and an "L" corner of the Joseph Falco 10 acre tract at 350.0 ft. the NW corner Tony Falco 5 acre tract, a point in South line Jasper Falco 25 acre tract in all 976.4 ft. to an iron stake at fence corner for "L" corner of said J Falco 25 acres

Thence S 60° 00' W 875.0 ft. along an old fence row and one of the NW lines of the J. Falco 25 acre tract to the place of beginning containing 19.61 acres of land.

TRACT TWO:

BEGINNING at an elm tree marked K on the east bank of Highbank slough in the west line of Summers tract; THENCE N 88 1/2° E 1557 vrs to a point in Wood Slough from which a large Cottonwood on the west margin of said slough brs S 88 1/2° W 20 vrs; THENCE with Wood Slough S 8° W 141 vrs and S 2° W 246 vrs to a stk from which a Hackberry 8 in. in dia brs S 54 1/2° W 8 1/2 vrs; THENCE S 60° W 358 vrs to M. W. Cabaniss's S E corner; THENCE N 30° W with Cabaniss East line 609 vrs to his N E corner; THENCE S 60° W with Cabaniss North line 703 vrs to a point in the bed of Highbank Slough; THENCE down said slough S 47° W 81 vrs to a point in the west line of Summers tract; THENCE N 30° W with said West line 467 vrs to the place of beginning. CONTAINING 75 acres and being a part of a 253-4/10 acres heretofore conveyed to R. T. Moore by W. B. Hagens and wife as appears by deed duly recorded in the Deed Records of Falls County, Texas, in Vol 44, page 92, to which reference is here made, being the same tract heretofore conveyed to the said Antonio Loria by Charley Tusa by deed dated the 30th day of November, 1905, and recorded in Vol. 53, page 28 Deed Records of Falls County, Texas;

SAVE AND EXCEPT 8.64 acres off of the above described tract more particularly described as follows:

BEGINNING at the S W corner of the above mentioned 75 acre tract of which this is a part, said corner being in the bed of High Bank Creek; THENCE with fence and west line of 75 acres tract N 30° W 447 varas to the bed of High Bank Creek 20 varas S 30° E from the N W corner of said 75 acre tract; THENCE down the bed of High Bank Creek with its meanders as follows: S 71° E 164--S 62° E 130--S 5 1/2° E 212 and S 47° W 91 varas to the place of beginning 8.64 acres; and being the same property described in a Deed recorded in Vol 231, page 297, of the Deed Records of Falls County, Texas.

Subject to valid and existing easements and rights-of-way and except for oil, gas, and other minerals heretofore reserved by or conveyed away by others.

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EXHIBIT A-5

All that certain tract or parcel of land in Falls County, Texas, on the east side of the Brazos River, out of the S. C. Robertson 5-league grant, and being off of the south side of that certain tract of 179-1/10 acres conveyed to Mariano Sancetta by R. T. Moore and wife, Emma Moore, by deed dated November 30, 1906, and recorded in Vol. 53, Page 33, of the Falls County Deed Records.

Beginning at the Southwest corner of said 179-1/10 acre tract in the east edge of Highbank slough;

Thence N 88 E 1565 vrs to bed of Wood Slough;

Thence up Wood slough N 8 E 156 vrs and N 34 E 194 vrs to the southeast corner of a tract of 89-1/2 acres conveyed to Baldassare Catalina by Mariano Sancetta and wife by deed dated January 1, 1908, and of record in Book 58, Page 82, of the Falls County Deed Records;

Thence S 89-1/2 W with fence and Catalina's south line 1896 vrs to his Southwest corner;

Thence S 31 E with fence 334 vrs to the place of beginning;

Containing 89-3/4 acres of land, as surveyed by W. W. Hunnicutt, licensed land surveyor on the 7th day of July, 1941.

Subject to valid and existing easements and rights-of-way and except for oil, gas, and other minerals reserved by or conveyed away by others.



STATE OF TEXAS

COUNTY OF FALLS

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page in Official Public Records of Falls County Falls County . May 11, 2023 at 12:58P

THENCE S 30 E with the West line of the Frank Fulmore tract No. 2 to the bed of the Wood Slough at S E corner of tract No. 3;  
THENCE up the bed of the Wood Slough to the place of beginning, containing 471 acres, more or less, Save and Except the following described two tracts of land:

1. 55 acres of land, a part of the S. C. Robertson 5-league grant, and being a portion of tract No. 2 in the partition of the lands belonging to the estate of Mrs. Luella Fulmore, and set aside to Frank Fulmore in Cause No. 9379 styled S. T. Fulmore, Jr., vs. S. R. Fulmore, et al, in the District Court of Falls County, Texas, the tract herein described being more particularly described as follows to-wit:

BEGINNING in the bed of Wood Slough, being one of the corners of the tract formerly known as the S. D. Davison tract;

THENCE N 30 W 602 vrs to the Davison Northwest corner;

THENCE N 60 E 390 vrs to the Southwest corner of the 210½ acres conveyed by E. S. C. Robertson to H. L. and Albert Bennett by deed recorded in Book K, Page 189, Falls County Deed Records;

THENCE N 30 W 188 vrs to a stake for N E corner of this tract;

THENCE S 60 E 724 vrs to corner in west line of said Frank Fulmore tract;

THENCE S 30 E 540 vrs to corner on the old bank of the river;

THENCE with said old river bank, S 81 E 130 vrs. S 53 E 87 vrs. S 30 E 80 vrs. to corner in bed of Wood Slough;

THENCE up the bed of Wood Slough with its meanders to the place of beginning, containing 55 acres of land.

2. 6 acres of land, a part of the S. C. Robertson 5-league grant and being a portion of tract No. 2 in the partition of the lands belonging to the estate of Mrs. Luella Fulmore, and set aside to Frank Fulmore in Cause No. 9379, styled S. T. Fulmore, Jr., vs. S. R. Fulmore, et al, in the District Court of Falls County, Texas, the tract herein described being more particularly described as follows, to-wit:

BEGINNING in the bed of Wood Slough at the S W corner of a tract of 55 acres heretofore conveyed by H. B. Wrenn and wife, to Sam Miozi, on the 25th day of October, 1923, by deed recorded in Vol. 123, Page 315, of the Falls County Deed Records;

THENCE with the boundary line of said 55 acre tract, which is the old bank of the river, N 30 W 80 vrs;

THENCE N 53 W 87 vrs;

THENCE N 81 W 130 vrs to the S W corner of said 55 acre tract in the West line of the Frank Fulmore tract, on the old bank of the river;

THENCE S 30 E with said line, to the bed of Wood's Slough, and with the meanders of said Wood's Slough, to the place of beginning, containing six (6) acres of land more or less.

Leaving herein conveyed, 410 acres, more or less.

Subject to all valid and existing easements and rights-of-way and except for oil, gas, and other minerals heretofore reserved or conveyed away by others.

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Vol  
1513 Pg  
169

**Marshall Criteria**

**a.** This application meets the administrative code requirements for an amendment to a water use permit pursuant to TWC Chapter 11 and Title 30 TAC Ch. 281, 295, and 297.

**b.** The specific proposed use of water in this amendment application is for agricultural crop irrigation. Beneficial use is defined in TWC §11.002 #4 as, "...use of the amount of water which is economically necessary for a purpose authorized by this chapter, when reasonable intelligence and reasonable diligence are used in applying the water to that purpose and shall include conserved water (TWC§11.002 #4)."

For agricultural crop irrigation, the submitted application meets the following criteria outlined in TWC Section 11 as beneficial use: TWC §11.023 #2 clearly identifies agricultural use as a purpose for which water may be, "appropriated, stored or diverted," if the water has not been set aside, or needed to meet freshwater and downstream instream flow needs (TWC §11.023 #2). Agricultural use is defined in TWC §11.002 #12 (A) as, "cultivating the soil to produce crops for human food, animal feed...", which is the applicant's proposed purpose (TWC §11.002 #12 A).

**c.** No detrimental effects are anticipated to public welfare, including the well-being of humans and the environment, as a result of the proposed amendment.

**d.** No effects are anticipated as a result of the proposed amendment on groundwater or groundwater recharge.

**e.** Isaacs Brazos River Farm Partnership is located within the Region G Planning Group (Brazos). The proposed amendment addresses a water supply need that is consistent with state and regional water plan management strategies pertaining to irrigation.

Conservation practices will be implemented to reduce evaporation and eliminate runoff during times when the irrigation systems are run. The irrigation systems will be operated in the early morning or late evening hours when the temperature is lower to reduce evaporation. Irrigation will be closely monitored on site and the systems will be shut down when or before the soil reaches its water holding capacity. This conservation practice prevents over-watering of the field and eliminates wasteful runoff.

Brush/weed control is also practiced aiding in water conservation. Weeds and invasive species are killed or removed to reduce unwanted water consumption, thus leaving more irrigation water in the soil to be utilized by the production crop as intended.

Land leveling is also utilized on cultivated land to increase water infiltration into the soil and eliminate water runoff when irrigating.

\*Conservation/management strategies (BMPs) can be located in the 2021 Brazos G Regional Water Plan Volume II-Irrigation Water Conservation Section-pgs. 2-24 & 12-25.

**f.** A Water Conservation is attached (Attachment E). A Drought Contingency Plan is not required with this application.



**g.** The proposed amendment adds new diversion reaches and new places of use for the total water allotted in the permit. No additional allocations of state water or diversion rate are being requested. As a result of the proposed amendment, no impact on water right holders or the environment is anticipated.



**Texas Commission on Environmental Quality**  
**Water Availability Division**  
MC-160, P.O. Box 13087 Austin, Texas 78711-3087  
Telephone (512) 239-4600, FAX (512) 239-2214

**System Inventory and Water Conservation Plan  
for Individually-Operated Irrigation Systems**

This form is provided to assist entities in developing a water conservation plan for individually-operated irrigation systems. If you need assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4600.

*Additional resources such as best management practices (BMPs) are available on the Texas Water Development Board's website <http://www.twdb.texas.gov/conservation/BMPs/index.asp>. The practices are broken out into sectors such as Agriculture, Commercial and Institutional, Industrial, Municipal and Wholesale. BMPs are voluntary measures that water users use to develop the required components of Title 30, Texas Administrative Code, Chapter 288. BMPs can also be implemented in addition to the rule requirements to achieve water conservation goals.*

**Contact Information**

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A water conservation plan for agriculture use (individual irrigation user) must include the following requirements (as detailed in 30 TAC Section 288.4). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.

## I. BACKGROUND DATA

### A. Water Use

1. Annual diversion appropriated or requested (in acre-feet): 991
2. In the table below, list the amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year.

Actual Totals may vary monthly depending on weather conditions (i.e., heat, precipitation, wind, etc....not to exceed 991 acre-feet annually.

January	February	March	April
82.5	82.5	82.5	82.5
May	June	July	August
82.5	82.5	82.5	83.5
September	October	November	December
82.5	82.5	82.5	82.5
Total All Months			991

3. In the table below, list the type of crop(s), growing season, and acres irrigated per year.

Type of crop	Growing Season (Months)	Acres irrigated/year
Wheat	October-March	2102.76
Corn/Cotton	April-September	2,102.76
Total acres irrigated		2102.76

4. Are crops rotated seasonally or annually? ☒ Yes ☐ No

If yes, please describe: Crops Rotated Seasonally

5. Describe soil type (including permeability characteristics, if applicable).

Silty Clays and Loams

### B. Irrigation system information

1. Describe the existing irrigation method or system and associated equipment including pumps, flow rates, plans, and/or sketches of system layout. Include the rate (in gallons per minute or cubic feet per second) that water is diverted from the source of supply. If this WCP is submitted as part of a water right application, verify that the diversion volumes and rates are consistent with those in the application.

The infrastructure for irrigation is planned to be installed after approval of the water rights permit amendment. Portable pumps are planned to divert water from the creek (not to exceed the permitted diversion rate) and will feed center pivot systems fitted with MESA drop nozzles via sealed underground PVC pipelines. A reel gun is not currently planned for use but may be utilized for the land not covered under the center pivots if needed in the future.

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

A flowmeter will be installed on any diversion pipes with +/- accuracy ratings of 5%

3. Provide specific, quantified 5-year and 10-year targets for water savings including, where appropriate, quantitative goals for irrigation water use efficiency and a pollution abatement and prevention plan below in 3(a) and 3(b). Water savings may be represented in acre-feet or in water use efficiency. If you are not planning to change your irrigation system in the next five or ten years, then you may use your existing efficiencies or savings as your 5-year and /or 10-year goals. Please provide an explanation in the space provided below if you plan to use your existing efficiencies or savings.

The planned center pivot setups with MESA nozzles are estimated to be 85% efficient.

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

- a. 5-year goal:  
Savings in acre-feet                      or system efficiency as a percentage 85 %
- b. 10-year goal:  
Savings in acre-feet                      or system efficiency as a percentage 85 %

*(Examples of Typical Efficiencies for Various Types of Irrigation Systems - Surface: 50-80%; Sprinkler: 70-85%; LEPA: 80-90%; Micro-irrigation: 85-95%)*

4. If there is an existing irrigation system, have any system evaluations been performed on the efficiency of the system?

☐ Yes                      ☒ No

If yes, please provide the date of the evaluation, evaluator's name and the results of the evaluation:

#### C. Conservation practices

1. Describe any water conserving irrigation equipment, application system or method in the irrigation system (e.g., surge irrigation, low pressure sprinkler, drip irrigation, nonleaking pipe).

Water will be conveyed from the portable pump to the center pivots via sealed pipelines ensuring no water will be lost in transport from the source to the irrigation equipment.

2. Describe any methods that will be used for water loss control and leak detection and repair.

Irrigation equipment will be routinely maintained and repaired as needed to maintain maximum operating efficiency. The system will be closely monitored during operation and any leaks found during inspections will be promptly repaired to avoid water losses and increase conservation.

3. Describe any water-saving scheduling or practices to be used in the application of water (e.g., irrigation only in early morning, late evening or night hours and/or during lower temperatures and winds) and methods to measure the amount of water applied (e.g., soil-moisture monitoring).

The irrigation systems will be run during optimal weather conditions such as low wind, early morning, or late evening to avoid high losses due to wind and evaporation.

4. Describe any water-saving land improvements or plans to be incorporated into the irrigation practices for retaining or reducing runoff and increasing infiltration of rain and irrigation water (e.g., land leveling, conservation tillage, furrow diking, weed control, terracing, etc.).

Weed control practices are implemented throughout the year to rid out weeds and unwanted/invasive plants. Land leveling and terracing are also practiced where applicable to eliminate runoff from steep slopes and increase the infiltration rate of the water into the soil.

5. Describe any methods for recovery and reuse of tail water runoff.

The irrigation systems will be closely monitored during operation and all fields will not be watered over their water holding capacity. Irrigation equipment will be shut off before any tail water runoff occurs.

6. Describe any other water conservation practices, methods, or techniques for preventing waste and achieving conservation.

All irrigation equipment will be maintained to operate at the highest level of efficiency and will be monitored during operation to prevent any water waste and achieve maximum water conservation.

## **II. WATER CONSERVATION PLANS SUBMITTED WITH A WATER RIGHT APPLICATION FOR NEW OR ADDITIONAL STATE WATER**

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

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

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



### Attachment F: Addendum to Worksheet 5.0

Note: All photos in Attachment F were taken on the bank directly adjacent to the upstream and downstream diversion limit locations (1 photo facing upstream and 1 photo facing downstream.) All photos correspond with the upstream and downstream limits as noted in the Site Map (Attachment A – limits marked as orange dots.)



Photo 1: Diversion Reach 1 Upstream Boundary (View Looking Upstream)



Photo 2: Diversion Reach 1 Upstream Boundary (View Looking Downstream)





Photo 3: Diversion Reach 1 Downstream Boundary (View Looking Upstream)



Photo 4: Diversion Reach 1 Downstream Boundary (View Looking Downstream)





Photo 5: Diversion Reach 2 Upstream Boundary (View Looking Upstream)



Photo 6: Diversion Reach 2 Upstream Boundary (View Looking Downstream)





Photo 7: Diversion Reach 2 Downstream Boundary (View Looking Upstream)



Photo 8: Diversion Reach 2 Downstream Boundary (View Looking Downstream)