

# 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: Heather Zuo, Project Manager  
Water Rights Permitting Team

DATE: June 25, 2025

SUBJECT: Jimmy Dale Johnson  
ADJ 3512  
CN602517997, RN104076138  
Application No. 12-3512A to Amend Certificate of  
Adjudication No. 12-3512  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Leon River, Brazos River Basin  
Comanche and Eastland Counties

Partial fees were received on July 29, 2024. The application was received on August 27, 2024. Additional information and fees were received on January 29, 2025, and June 17, 2025. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on June 25, 2025. Mailed notice to the interjacent water right holders of record in the Brazos River Basin is required pursuant to Title 30 Texas Administrative Code § 295.158(c)(3)(D).

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



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Heather Zuo, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

**OCC Mailed Notice Required**     **YES**     **NO**

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*

June 25, 2025

Mr. Jason Johnson  
Law Offices of Jason M. Johnson, PLLC  
315 Center Avenue  
Brownwood, TX 76801-2914

VIA E-MAIL

RE: Jimmy Dale Johnson  
ADJ 3512  
CN602517997, RN104076138  
Application No. 12-3512A to Amend Certificate of Adjudication No. 12-3512  
Texas Water Code § 11.122, Requiring Limited Mailing Notice  
Leon River, Brazos River Basin  
Comanche and Eastland Counties

Dear Mr. Johnson:

This acknowledges receipt, on January 29, 2025 and June 17, 2025, of additional information and receipt, on January 29, 2025 of fees in the amount of \$2.82 (Receipt No. M552582, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on June 25, 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 Heather.Zuo@tceq.texas.gov or by telephone at (512) 239-4636.

Sincerely,

A handwritten signature in cursive script that reads "Heather Zuo".

Heather Zuo, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment

# LAW OFFICES OF JASON M. JOHNSON

A TEXAS PROFESSIONAL LIMITED LIABILITY COMPANY



315 CENTER AVENUE  
BROWNWOOD, TEXAS 76801  
WWW.BROWNWOODATTORNEY.COM

TEL: (325) 643-2777  
FAX: (325) 646-5534

JASON M. JOHNSON

June 11, 2025

Texas Commission on Environmental Quality  
ATTN: Heather Zuo, Project Manager  
P.O. Box 13087  
Austin, Texas 78711-3087

RECEIVED

JUN 17 2025

Water Availability Division

**RE:** Applicant: Jimmy Dale Johnson  
Application No: 12-3512A  
Certificate: 12-3512

Dear Ms. Zou:

I am in receipt of your letter, dated April 27, 2025, and provide the following information in response.

First, please find enclosed an Amended Consent and Acknowledgment signed by Jimmie Dee Johnson. This document has been amended to include language indicating that Mrs. Johnson is aware that the permit will be owned by the applicant, Jimmy Dale Johnson, and that it will not become appurtenant to the land.

Second, I have spoken with Mr. Johnson about whether, or not, he would like the water right to be appurtenant to the land and he would request that none of the land become appurtenant to his water right.

I am hopeful this will resolve all issues and answer all questions that were included in your letter. If not, please just let me know.

Sincerely,

Jason M. Johnson

Enclosure

**AMENDED CONSENT AND ACKNOWLEDGMENT**

I, Jimmie Dee Johnson, as the owner/co-owner of the 630.35 acres, being the subject of the Application for Amendment to the Water Right of my husband, Jimmy Dale Johnson, I do hereby give my consent to his right to use the subject land, including his right to use the specified points within the proposed diversion reach, and to this requested amendment and ask that it be approved.

I further acknowledge and recognize that, if the requested amendment is approved, the water right/permit will be owned by the applicant, Jimmy Dale Johnson, and that it will not be appurtenant to the subject land.

  
\_\_\_\_\_  
Jimmie Dee Johnson

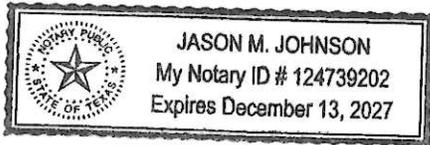
**ACKNOWLEDGMENT**

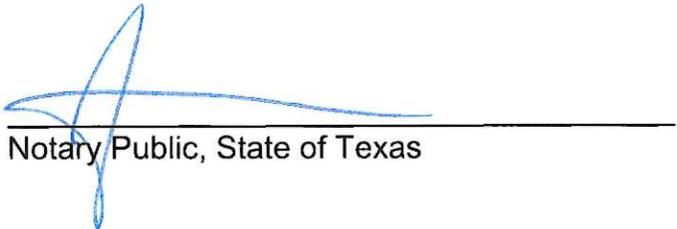
STATE OF TEXAS                    )

COUNTY OF BROWN                )

Before me on this day personally appeared Jimmie Dee Johnson, who proved to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 10<sup>th</sup> day of June, 2025.



  
\_\_\_\_\_  
Notary Public, State of Texas

## Heather Zuo

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**From:** Heather Zuo  
**Sent:** Tuesday, May 27, 2025 2:20 PM  
**To:** [REDACTED]  
**Cc:** Chris Kozlowski; Humberto Galvan; Joshua Schauer  
**Subject:** Jimmy Dale Johnson 12-3512 RFI #2  
**Attachments:** Jimmy\_Dale\_Johnson\_12-3512A\_RFI 2.pdf

Good afternoon Mr. Johnson,

Please see the attached letter and provide a response by June 26, 2025. If you have any questions let me know.

Thanks,  
*Heather Zuo*  
*Project Manager*  
*Water Rights Permitting Team, Water Availability Division*  
*Texas Commission on Environmental Quality*  
[heather.zuo@tceq.texas.gov](mailto:heather.zuo@tceq.texas.gov) | (512)-239-4636

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*

April 27, 2025

Mr. Jason Johnson  
Law Offices of Jason M. Johnson, PLLC  
315 Center Avenue  
Brownwood, TX 76801-2914

**VIA E-MAIL**

RE: Jimmy Dale Johnson  
ADJ 3512  
CN602517997, RN104076138  
Application No. 12-3512A to Amend Certificate of Adjudication No. 12-3512  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Leon River, Brazos River Basin  
Comanche and Eastland Counties

Dear Mr. Johnson:

This acknowledges receipt, on January 29, 2025, of additional information and fees in the amount of \$2.82 (Receipt No. M552582, attached).

Additional information is required before the application can be declared administratively complete. Pursuant to Title 30 Texas Administrative Code (TAC) § 295.32(a)(5), provide a consent agreement from Jimmie Dee Johnson (landowner) stating that the *landowner recognizes that the permit will be owned by the applicant and will not become appurtenant to the land.*

Staff notes applicant has provided consent from Jimmie Dee Johnson; however, Jimmie Dee Johnson's letter of consent does not specify that the landowner recognizes the water right will not be appurtenant to the land.

Additionally, Mr. Jimmy Dale Johnson can request that none of the land be appurtenant to the water right. Otherwise, the 103.31 acres of land out of the 630.35 tract owned solely by Mr. Jimmy Dale Johnson will become appurtenant to the water right.

Please provide the requested information by June 26, 2025, or the application may be returned pursuant to Title 30 TAC Code § 281.18.

If you have any questions concerning this matter, please contact me via e-mail at [Heather.Zuo@tceq.texas.gov](mailto:Heather.Zuo@tceq.texas.gov) or by telephone at (512) 239-4636.

Sincerely,

A handwritten signature in cursive script that reads "Heather Zuo".

Heather Zuo, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section



29-JAN-25 03:32 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

Fee Code	Account#	Account Name	Ref#1	Ref#2	Ref#3	Check Number	Card Auth.	User Data	CC Type	Tran Code	Rec Code	Slip Key	Document#	Tran Date	Tran Amount
WUP		WTR USE PERMITS	M552582			4428			N			BS00113904	D5802004	29-JAN-25	-\$2.82
WUP		WATER USE PERMITS	ADJ123512			012925			N			D5802004			
WUP		WATER USE PERMITS	LAW OFFICES			VHERNAND			CK						
			OF JASON M												
			JOHNSON												
			PLLC												
WUP		WATER USE PERMITS	M552583			60141			N			BS00113904	D5802004	29-JAN-25	-\$54.94
WUP		WATER USE PERMITS	14019			012925			N			D5802004			
WUP		WATER USE PERMITS	SWCA INC			VHERNAND			CK						
WUP		WATER USE PERMITS	M552584			60140			N			BS00113904	D5802004	29-JAN-25	-\$54.94
WUP		WATER USE PERMITS	14018			012925			N			D5802004			
WUP		WATER USE PERMITS	SWCA INC			VHERNAND			CK						
WUP		WATER USE PERMITS	M552585			125			N			BS00113904	D5802004	29-JAN-25	-\$100.00
WUP		WATER USE PERMITS	4216			012925			N			D5802004			
WUP		WATER USE PERMITS	LECOMPT, CHRIS			VHERNAND			CK						

Total (Fee Code) : -\$212.70

Grand Total: -\$2,327.70

RECEIVED  
JAN 31 2025  
Water Availability Division

RECEIVED  
JAN 31 2025  
Water Availability Division



29-JAN-25 03:32 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

Fee Code	Account#	Account Name	Ref#1	Ref#2	Ref#3	Check Number	Card Auth.	User Data	CC Type	Tran Code	Rec Code	Slip Key	Document#	Tran Date	Tran Amount
WUP		WTR USE PERMITS	M552582			4428			N			BS00113904	D5802004	29-JAN-25	-\$2.82
WUP		WATER USE PERMITS	ADJ123512			012925			N			D5802004			
WUP		WATER USE PERMITS	LAW OFFICES			VHERNAND			CK						
			OF JASON M												
			JOHNSON												
			PLLC												
WUP		WATER USE PERMITS	M552583			60141			N			BS00113904	D5802004	29-JAN-25	-\$54.94
WUP		WATER USE PERMITS	14019			012925			N			D5802004			
WUP		WATER USE PERMITS	SWCA INC			VHERNAND			CK						
WUP		WATER USE PERMITS	M552584			60140			N			BS00113904	D5802004	29-JAN-25	-\$54.94
WUP		WATER USE PERMITS	14018			012925			N			D5802004			
WUP		WATER USE PERMITS	SWCA INC			VHERNAND			CK						
WUP		WATER USE PERMITS	M552585			125			N			BS00113904	D5802004	29-JAN-25	-\$100.00
WUP		WATER USE PERMITS	4216			012925			N			D5802004			
WUP		WATER USE PERMITS	LECOMPT, CHRIS			VHERNAND			CK						

Total (Fee Code) : -\$212.70

Grand Total: -\$2,327.70

RECEIVED  
JAN 31 2025  
Water Availability Division

RECEIVED  
JAN 31 2025  
Water Availability Division

# LAW OFFICES OF JASON M. JOHNSON

A TEXAS PROFESSIONAL LIMITED LIABILITY COMPANY



315 CENTER AVENUE  
BROWNWOOD, TEXAS 76801  
WWW.BROWNWOODATTORNEY.COM

TEL: (325) 643-2777  
FAX: (325) 646-5534

JASON M. JOHNSON  
[REDACTED]

January 21, 2025

Texas Commission on Environmental Quality  
ATTN: Heather Zuo, Project Manager  
P.O. Box 13087  
Austin, Texas 78711-3087

**RECEIVED**

JAN 29 2025

Water Availability Division

**RE:** Applicant: Jimmy Dale Johnson  
Application No: 12-3512A  
Certificate: 12-3512

Dear Ms. Zou:

I am in receipt of your letter, dated January 21, 2025, and provide the following information in response.

As to Number 1, we do confirm that the authorized water will be diverted directly from the Leon River.

As to Number 2, the Applicant's correct mail address is as follows:

Jimmy Dale Johnson  
4601 S. Highway 16  
De Leon, Texas 76444

Mr. Johnson lives at the same location but some years ago the local post office stopped using the route and box designations and changed all addresses in De Leon to their proper 911 addresses.

As to Number 3, a check in the amount of \$2.82 is included herewith.

Please let me know if there is anything else you need.

Sincerely,

Jason M. Johnson

Enclosure

## Heather Zuo

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**From:** Heather Zuo  
**Sent:** Tuesday, January 21, 2025 8:58 AM  
**To:** [REDACTED]  
**Cc:** Chris Kozlowski; Humberto Galvan; Joshua Schauer  
**Subject:** Jimmy Dale Johnson App No. 12-3512 RFI  
**Attachments:** Jimmy\_Dale\_Johnson\_12-3512A\_Final RFI\_1.21.25.pdf

Good afternoon,

Additional information and fees are required before the application can be declared administratively complete. Please see the attached letter and provide a response by February 20, 2025.

Thanks,  
*Heather Zuo*  
*Project Manager*  
*Water Rights Permitting Team, Water Availability Division*  
*Texas Commission on Environmental Quality*  
[heather.zuo@tceq.texas.gov](mailto:heather.zuo@tceq.texas.gov) | (512)-239-4636

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*

January 21, 2025

Mr. Jason Johnson  
Law Offices of Jason M. Johnson, PLLC.  
315 Center Avenue  
Brownwood, TX 76801-2914

VIA E-MAIL

RE: Jimmy Dale Johnson  
ADJ 3512  
CN602517997, RN104076138  
Application No. 12-3512A to Amend Certificate of Adjudication No. 12-3512  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Leon River, Brazos River Basin  
Comanche and Eastland Counties

Dear Mr. Johnson:

This acknowledges receipt, on August 27, 2024, of the referenced application and fees in the amount of \$112.50 (Receipt No. M419876, attached).

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

1. Confirm that the authorized water will be diverted directly from the Leon River.
2. Confirm the Applicant's mailing address is as follows:

Jimmy Dale Johnson  
Route 2, Box 15  
De Leon, TX 76444

3. Remit fees in the amount of **\$2.82** as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee	\$ 100.00
Recording Fee	\$ 12.50
Notice Fee (\$0.94 x 3 WR Holders)	\$ 2.82
<b>TOTAL FEES</b>	<b>\$ 115.32</b>
<b>FEES RECEIVED</b>	<b>\$ 112.50</b>
<b>TOTAL FEES DUE</b>	<b>\$ 2.82</b>

Please provide the requested information and fees by February 20, 2025 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

Jimmy Dale Johnson  
Application No. 12-3512A  
January 21, 2025  
Page 2 of 2

If you have any questions concerning this matter, please contact me via e-mail at [Heather.Zuo@tceq.texas.gov](mailto:Heather.Zuo@tceq.texas.gov) or by telephone at (512) 239-4636.

Sincerely,



Heather Zuo, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment



# Basis2 Historical Receipt Report

AUG-28-24 09:21 AM

Selected date range  
29-JUL-24 - 29-JUL-24

<u>Fee</u>	<u>Account Number &amp; Name</u>	<u>Endorse.#</u>	<u>T-Code</u>	<u>Fac/Per</u>	<u>Check #</u>	<u>Paid In By</u>	<u>Paid In For</u>	<u>Tran Date</u>	<u>Receipt Amount</u>
WUP	WUP:WATER USE PERMITS	M419875	N		426691	DENTON, CITY OF		29-JUL-24	-\$112.50
		M419876	N		4252	JOHNSON, JASON M (LAW OFFICES)		29-JUL-24	-\$112.50
		M419850	N	ADJ122916	1197	SCHWARTZ, LEE ROY/CAROLINE	CHANGE OF OWNER/SCHWARTZ, CAROLINE	29-JUL-24	-\$100.00
		M419878	N	4344	5858	DEAD RIVER RANCH LLC	CHANGE OF OWNER/DRRWT LLC	29-JUL-24	-\$100.00

**Total (Fee Code) : - \$425.00**

Report\_ID:

# 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): Jimmy Dale Johnson

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/N
<input checked="" type="checkbox"/> <b>Administrative Information Report</b>	<input type="checkbox"/> <b>Worksheet 3.0</b>
<input type="checkbox"/> Additional Co-Applicant Information	<input type="checkbox"/> Additional W.S. 3.0 for each Point
<input type="checkbox"/> Additional Co-Applicant Signature Pages	<input type="checkbox"/> Recorded Deeds for Diversion Points
<input type="checkbox"/> Written Evidence of Signature Authority	<input type="checkbox"/> Consent for Diversion Access
<input checked="" type="checkbox"/> <b>Technical Information Report</b>	<input type="checkbox"/> <b>Worksheet 4.0</b>
<input type="checkbox"/> USGS Map (or equivalent)	<input type="checkbox"/> TPDES Permit(s)
<input type="checkbox"/> Map Showing Project Details	<input type="checkbox"/> WWTP Discharge Data
<input type="checkbox"/> Original Photographs	<input type="checkbox"/> Groundwater Well Permit
<input type="checkbox"/> Water Availability Analysis	<input type="checkbox"/> Signed Water Supply Contract
<input checked="" type="checkbox"/> <b>Worksheet 1.0</b>	<input type="checkbox"/> <b>Worksheet 4.1</b>
<input type="checkbox"/> Recorded Deeds for Irrigated Land	<input type="checkbox"/> <b>Worksheet 5.0</b>
<input type="checkbox"/> Consent for Irrigated Land	<input type="checkbox"/> Addendum to Worksheet 5.0
<input type="checkbox"/> <b>Worksheet 1.1</b>	<input type="checkbox"/> <b>Worksheet 6.0</b>
<input type="checkbox"/> Addendum to Worksheet 1.1	<input type="checkbox"/> Water Conservation Plan(s)
<input type="checkbox"/> <b>Worksheet 1.2</b>	<input type="checkbox"/> Drought Contingency Plan(s)
<input type="checkbox"/> <b>Worksheet 2.0</b>	<input type="checkbox"/> Documentation of Adoption
<input type="checkbox"/> Additional W.S. 2.0 for Each Reservoir	<input type="checkbox"/> <b>Worksheet 7.0</b>
<input type="checkbox"/> Dam Safety Documents	<input type="checkbox"/> Accounting Plan
<input type="checkbox"/> Notice(s) to Governing Bodies	<input type="checkbox"/> <b>Worksheet 8.0</b>
<input type="checkbox"/> Recorded Deeds for Inundated Land	<input type="checkbox"/> Fees
<input type="checkbox"/> Consent for Inundated Land	<input type="checkbox"/> 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."

Applicant is looking to amend an existing authorization to add a new diversion reach of use on property owned by Applicant and his wife, Jimmie Dee Johnson that is located in Comanche County and Eastland County. Applicant is not requesting any increase in the quantity of his existing authorization or diversion rate.

**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?

Jimmy Dale Johnson

*(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 : CN602517997 ( 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: Jason M. Johnson

Title: Attorney for Applicant

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: Jason M. Johnson

Mailing Address: 315 Center Avenue

City: Brownwood State: TX ZIP Code: 76801

Indicate an X next to the type of Applicant:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Sole Proprietorship-D.B.A. |
| <input type="checkbox"/> Partnership           | <input type="checkbox"/> Corporation                |
| <input type="checkbox"/> Trust                 | <input type="checkbox"/> Estate                     |
| <input type="checkbox"/> Federal Government    | <input type="checkbox"/> State Government           |
| <input type="checkbox"/> County Government     | <input type="checkbox"/> City Government            |
| <input type="checkbox"/> Other Government      | <input type="checkbox"/> 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: Jason Johnson

Title: Attorney

Organization Name: Law Offices of Jason M. Johnson, PLLC

Mailing Address: 315 Center Avenue

City: Brownwood State: TX ZIP Code: 76801

Phone Number: 325-643-2777

Fax Number: 325-646-5534

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** N

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** N

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** \_\_\_\_\_

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

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

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

Applicant:

I, Jason M. Johnson Attorney for Applicant  
(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.

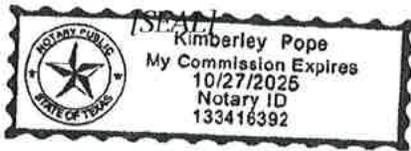
I further certify that I am authorized under Title 30 Texas Administrative Code §295.14 to sign and submit this document and I have submitted written evidence of my signature authority.

Signature: [Handwritten Signature] Date: 8-27-24  
(Use blue ink)

Subscribed and Sworn to before me by the said  
on this 27<sup>th</sup> day of August, 2024.  
My commission expires on the 27<sup>th</sup> day of October, 2025.

Kimberley Pope  
Notary Public

Brown  
County, Texas



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

**SIGNATURE AUTHORITY**

To: Texas Commission on Environmental Quality

I, Jimmy Dale Johnson, do hereby authorize my attorney, Jason M. Johnson to sign and submit my Application for an Amendment to my Water Rights to the Texas Commission on Environmental Quality. I also specifically authorize the commission to discuss my application and all matters relating thereto with Jason M. Johnson.

A copy or facsimile transmission of this authorization has the same force and effect as an original.

  
\_\_\_\_\_  
Jimmy Dale Johnson

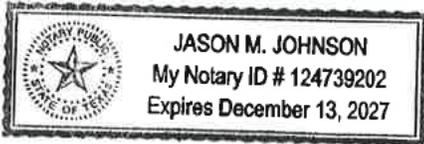
**ACKNOWLEDGMENT**

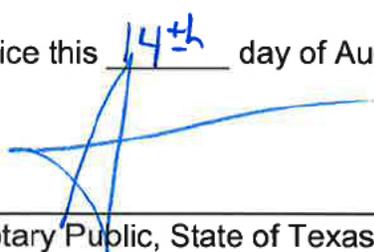
STATE OF TEXAS                    )

COUNTY OF BROWN                )

Before me on this day personally appeared Jimmy Dale Johnson, who proved to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 14<sup>th</sup> day of August, 2024.



  
\_\_\_\_\_  
Notary Public, State of Texas

# 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: 08-27-2024

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

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

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

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

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

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

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

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

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

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

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: 12-3512

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? **Y / N<sup>N</sup>** (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<sup>N</sup>**

*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<sup>N</sup>**

*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<sup>Y</sup>**

*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<sup>Y</sup>**  
*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<sup>N</sup>**

*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<sup>N</sup>\_\_\_\_\_ If yes, call the Water Availability Division at (512) 239-4600 to discuss.

**Additionally, all amendments require:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*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”:

This application is consistent with the 2021 Region G Water Plan and 2022 State Water Plan because there is nothing contained in this application that conflicts with the plan.

- 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

# 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**
6.00	Agriculture	Agriculture	12 Acres of land out of a 111.11 acre tract located in Comanche County	See Attachment "A"

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- i. Applicant proposes to irrigate a total of 630.35 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 630.35 acres in Comanche and Eastland County, TX.
  - ii. Location of land to be irrigated: In the William DeMoss Original Survey No. \_\_\_\_\_, Abstract No. 73 and 233.

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

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

- c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
- d. See Worksheet 1.2, Marshall Criteria, and submit if required.
- e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

# WORKSHEET 1.1

## INTERBASIN TRANSFERS, TWC § 11.085

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

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

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

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

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

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

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

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

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

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

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

## WORKSHEET 1.2 NOTICE. "THE MARSHALL CRITERIA"

This worksheet assists the Commission in determining notice required for certain **amendments** that do not already have a specific notice requirement in a rule for that type of amendment, and *that do not change the amount of water to be taken or the diversion rate*. The worksheet provides information that Applicant **is required** to submit for 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:

- 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 2.0 Impoundment/Dam Information

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

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

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

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

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

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level:\_\_\_\_\_.

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

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

a. On Watercourse (if on-channel) (USGS name):\_\_\_\_\_

b. Zip Code: \_\_\_\_\_

c. In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, \_\_\_\_\_ County, Texas.

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

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

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

Latitude \_\_\_\_\_°N, Longitude \_\_\_\_\_°W.

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

i. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):\_\_\_\_\_

ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N\_\_\_\_\_

## 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.
3. \_\_\_ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point**<sup>0.33</sup> \_\_\_\_\_ cfs (cubic feet per second)  
or<sup>150</sup> \_\_\_\_\_ gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / NY \_\_\_\_\_  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*<sup>0.33</sup> \_\_\_\_\_ cfs or<sup>150</sup> \_\_\_\_\_ gpm

d. For amendments, is Applicant seeking to increase combined diversion rate? Y / N<sup>N</sup> \_\_\_\_\_

*\*\* 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 type="checkbox"/>	Directly from stream	
<input type="checkbox"/>	From an on-channel reservoir	
<input checked="" type="checkbox"/>	From a stream to an on-channel reservoir	Leon River
<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<sup>N</sup> \_\_\_\_\_

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): Leon River
- b. Zip Code: 76444
- c. Location of point: In the William DeMoss Original Survey No. \_\_\_\_\_, Abstract No. 233 in Comanche, 73 in Eastland County, Texas.

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

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

- d. Point is at: Latitude 32.248327° °N, Longitude -98.595058° °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): Handheld GPS
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- 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.
3. x Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point**<sup>0.33</sup> \_\_\_\_\_ cfs (cubic feet per second) or <sup>150</sup> \_\_\_\_\_ gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / NY \_\_\_\_\_  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*<sup>0.33</sup> \_\_\_\_\_ cfs or <sup>150</sup> \_\_\_\_\_ gpm

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

*\*\* 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 type="checkbox"/>	Directly from stream	
<input type="checkbox"/>	From an on-channel reservoir	
<input checked="" type="checkbox"/>	From a stream to an on-channel reservoir	Leon River
<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 / NN \_\_\_\_\_

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): Leon River
- b. Zip Code: 76444
- c. Location of point: In the William DeMoss Original Survey No. \_\_\_\_\_, Abstract No. 233 in Comanche, 73 in Eastland County, Texas.

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

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

- d. Point is at:  
Latitude 32.232062° °N, Longitude -98.584205° °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): Handheld GPS
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 4.0 DISCHARGE INFORMATION

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

- a. The purpose of use for the water being discharged will be \_\_\_\_\_.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses \_\_\_\_\_ (% or amount) and explain the method of calculation: \_\_\_\_\_
- c. Is the source of the discharged water return flows? Y / N \_\_\_\_ If yes, provide the following information:

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

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

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
  4. The percentage of return flows from groundwater \_\_\_\_\_, surface water \_\_\_\_\_?
  5. If any percentage is surface water, provide the base water right number(s) \_\_\_\_\_.
- d. Is the source of the water being discharged groundwater? Y / N \_\_\_\_ If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped: \_\_\_\_\_
  2. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers \_\_\_\_\_.
  3. Indicate how the groundwater will be conveyed to the stream or reservoir.
  4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.

di. Is the source of the water being discharged a surface water supply contract? Y / N \_\_\_\_  
If yes, provide the signed contract(s).

dii. Identify any other source of the water \_\_\_\_\_

## WORKSHEET 4.1 DISCHARGE POINT INFORMATION

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

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

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

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

# 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.**

Appropriately sized mesh screens will be used as needed to limit flow through velocity. Applicant also intends to implement whatever other site specific measures that may be useful for avoiding impingement and entrainment of aquatic organisms once the diversion point is in use and more can be determined about what might be useful for this purpose.

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

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

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

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:

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):

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\_\_\_\_

## 2. Drought Contingency Plans

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

# WORKSHEET 7.0

## ACCOUNTING PLAN INFORMATION WORKSHEET

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

### 1. Is Accounting Plan Required

Accounting Plans are generally required:

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

### 2. Accounting Plan Requirements

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



630.35 Acres

Downstream Diversion Reach Point

Downstream Diversion Reach Point

Legend  
630.35 Acres

Google Earth

Image © 2024 Airbus

2000 ft



**ATTACHMENT "A"**  
**PROPOSED PLACES OF USE**

Applicant's Proposed Places of Use are:

- (1) the current and existing 12 acres of land out of a 111.11 acre tract located in Comanche County, Texas;

**AND**

- (2) A 630.35 acre tract of land, being contiguous and comprised of the following four (4) better and more particularly described tracts of land:

**TRACT 1:**

514.54 acres of land out of the Wm. DeMoss Survey, Eastland County Abstract No. 73, Comanche County Abstract No. 233, located partly in Eastland County and partly in Comanche County, Texas, with this tract being more specifically described by metes and bounds as follows:

ALL that certain 514.54 acre tract of land, being part of the Wm. DeMoss Survey, Eastland County Abstract No. 73, Comanche County Abstract No. 233, located partly in Eastland County and partly in Comanche County, Texas, being all that certain 142 1/2 acre tract, part of that certain 112 acre tract and part of that 185 acre tract described in deed from S. W. Coan, Jr. et ux to L. D. Belyeu and Doris Belyeu, dated September 25, 1952 and recorded in Volume 465, Page 430 of the Deed Records of Eastland County, Texas and all that certain 271 acre tract described in deed from G. R. Sanders et ux to L. D. Belyeu et ux, dated October 10, 1957 and recorded in Volume 290, Page 386 of the Deed Records of Comanche County, Texas and described as follows:

BEGINNING at an iron rod set at a fence corner post at the NE corner of the L. D. Belyeu 142 1/2 acre tract, being the NE corner of Tract No. 2 and the SE corner of Tract 1 of the S. R. Fisher subdivision shown on a plat recorded in Volume 86, Page 346 of the Deed Records of Eastland County, Texas, for the NE corner of this tract, from which the NW corner of the W. C. Barnett survey bears S 00 deg. 45' 25" E, 1294.67', N 89 deg. 42' 17" E, 1751.90' and S 00 deg. 45' 25" E, 451.9';

THENCE S 00 deg. 45' 25" E along or near an existing fence line, at 1294.67' pass an iron rod set at the NW corner of a 208 acre tract described as first tract in deed from Roy Parnell et ux to L. D. Belyeu, dated January 1, 1968 and recorded in Volume 343, Page 420 of the Deed Records of Comanche County, Texas, continuing in all 6318.12' to an iron spike set in a 19" post oak tree fence corner at the SW corner of

said 208 acre tract and the SE corner of the L. D. Belyeu 271 acre tract, for the SE corner of this tract;

THENCE along a fence line along the south line of said 271 acre tract as follows, S 89 deg. 27' 07" W, 1071.78' to an iron spike set in a post oak tree fence corner, N 87 deg. 53' 30" W, 146.05' to an iron spike set in a post oak tree, N 89 deg. 47' 16" W, 2149.76' to an iron spike set in a post oak tree and N 89 deg. 58' 05" W, 55.80' to an iron rod set at a fence corner post at the SW corner of said 271 acre tract and the SE corner of a 40 acre tract described in deed from J. R. Echols et al to L. D. Belyeu, dated July 29, 1959 and recorded in Volume 308, Page 440 of the Deed Records of Comanche County, Texas, for the SW corner of this tract;

THENCE generally along a fence line along the west line of said 271 acre tract as follows, N 01 deg. 14' 43" W, 1606.08' to an iron rod set at a fence corner, N 00 deg. 26' 04" W, 541.38' to an iron rod set at a fence corner, N 00 deg. 30' 53" W, 378.85' to an iron rod set at a fence corner, N 00 deg. 52' 35" W, 395.44' to an iron rod set at a fence corner, N 88 deg. 11' 56" W, 55.24' to an iron spike set in a post oak tree fence corner, N 11 deg. 14' 03" E, 50.40' to an iron spike set in a post oak tree fence corner, and N 00 deg. 19' 04" W, 587.55' to an iron rod set at a fence corner at the NW corner of said 271 acre tract, for a corner of this tract;

THENCE N 43 deg. 43' 04" W along a cross fence, 153.54' to an iron spike set in a post oak tree fence corner, for a corner of this tract;

THENCE N 19 deg. 50' 54" W, 365.80' to an pipe set in a field, for a corner of this tract;

THENCE N 75 deg. 06' 50" W, 1287.52' to an iron rod set in the east line of Eastland County Road No. 421, for a corner of this tract;

THENCE N 00 deg. 52' 41" W along a fence line along the east line of Eastland County Road No. 421, 148.87' to an iron rod set at a fence corner post in the northwest line of the L. D. Belyeu 112 acre tract, for the NW corner of this tract;

THENCE along a fence line along the northwest line of said 112 acre tract as follows, N 58 deg. 30' 58" E, 1608.58' to an iron rod set, N 58 deg. 47' 44" E, 637.14' to an iron rod set at a fence corner, N 61 deg. 33' 04" E, 79.90' to an iron rod set at a fence corner on the west bank of the Old Leon River Channel, N 60 deg. 17' 22" E, 388.33' to an iron spike set in a post oak tree fence corner, N 00 deg. 58' 18" E, 116.21' to an iron rod set at a fence corner, N 09 deg. 03' 07" W, 18.68' to an iron rod set at a fence corner, N 27 deg. 32' 58" W, 80.84' to an iron rod set at a fence corner, N 14 deg. 35' 24" W, 17.27' to an iron rod set at a fence corner, and N 03

deg. 58' 04" W, 101.52' to an iron spike set in a post oak tree fence corner on the south bank of the present Leon River, for a corner of this tract;

THENCE N 34 deg. 24' 06" E, crossing said river, 88.87' to an iron rod set at a fence corner on the north bank of said river, being in the north line of the L. D. Belyeu 142 1/2 acre tract, for a corner of this tract;

THENCE generally along a fence line along the north line of said 142 1/2 acre tract as follows, N 89 deg. 57' 30" E, 815.93' to an iron spike set in a 23" elm tree fence corner, N 89 deg. 50' 45" E, 1402.10' to an iron rod set at a fence corner and N 87 deg. 21' 48" E, 371.40' to the place of beginning and containing 514.54 acres of land with approximately 260.43 acres being in Eastland County and 254.11 acres being in Comanche County.

With the above-described 514.54 acres of land being the same tract of land described and conveyed to Jimmie Dee Johnson by Partition Deed from Doris Belyeu, Betty Overstreet, and LaDoyt Maupin, dated May 13, 1992, and recorded in Volume 697, Page 150 of the Deed Records of Comanche County, Texas and under County Clerk's File No. 92002207 of Eastland County, Texas.

## **TRACT 2:**

All that certain 103.31 acre tract of land in the William DeMoss. Survey, A-233, in Comanche County, Texas, being part of that certain 198.20 acre tract described in an affidavit of heirship to Winnie Cogburn, recorded in volume 876, page 212 of the deed records of Comanche County, Texas, and described as follows:

Beginning at the northeast corner of the said 198.20 acre tract, the northwest corner of a 141.54 acre tract described in deed from Ronnie C. Holland, et ux to Clifford Rogers, dated August 5, 2004, and recorded in volume 847, page 405 of the deed records of Comanche County, Texas, and in the south line of a 514.54 acre tract described in deed from Doris Belyeu, et al to Jimmie D. Johnson, recorded in volume 697, page 150 of the deed records of Comanche County, Texas, for the northeast corner of this tract, from which a capped 3/8 iron rod bears S 00° 16' 33" E, 1.97':

Thence S 00° 16' 33" E, along the east line of the said 198.20 acre tract and partly along a fence, 1379.17' to a capped 3/8 iron rod set for the southeast corner of this tract:

Thence crossing the said 198.20 acre tract as follows:  
S 89° 46' 21" W, 1172.94' to a 4" pipe post at the beginning of a fence:  
S 89° 46' 28" W, along a fence, 1177.68' to a pipe post:

S 88° 36' 34" W, along a fence, 470.36' to a pipe post:  
S 89° 18' 18" W, along a fence, 87.98' to a pipe post:  
S 01° 52' 17" W, along a fence, 29.92' to a pipe post:  
And S 83° 18' 07" W, along a fence, 305.69' to a capped 3/8 iron rod set in the west line of the said 198.20 acre tract, the east line of a 191.441 acre tract described in deed from Larry Lippe, et ux to Barry L. Green, et ux, dated April 21, 2003, and recorded in volume 839, page 302 of the deed records of Comanche County, Texas, for the southwest corner of this tract:

Thence N 00° 15' 57" W, along the west line of the said 198.20 acre tract and generally along a fence, at 1397.27' pass a spike set in a post oak fence corner, continuing without fence, a total of 1458.35' to the northwest corner of the said 198.20 acre tract in a ditch, for the northwest corner of this tract:

Thence N 89° 49' 37" E, crossing said ditch and along the north line of the said 198.20 acre tract, 99.51' to a spike set in a post oak tree fence corner, in the south line of a 382.02 acre tract described in deed from Doris Belyeu, et al to Betty Overstreet, recorded in volume 697, page 150 of the deed records of Comanche County, Texas, for a corner of this tract:

Thence along the south line of the said 382.02 acre tract as follows:  
N 87° 17' 24" E, 456.09' to 3/8 iron rod found:  
And N 89° 16' 13" E, 329.12' to a 3/8 iron rod found at the southeast corner of the said 382.02 acre tract and the southwest corner of the said 514.54 acre tract, for a corner in the north line of this tract:  
Thence along the south line of the said 514.54 acre tract as follows:  
S 89° 28' 40" E, 56.40' to a spike found in a dead oak tree fence corner:  
S 89° 37' 51" E, 2149.16' to a spike found in a post oak tree fence corner:  
And S 88° 18' 30" E, 120.63' to the point of beginning and containing 103.31 acres of land.

With the above-described 103.31 acres of land being the same tract of land described and conveyed to Jimmy Dale Johnson by General Warranty Deed from Clifford L. Rogers, dated September 8, 2006, and recorded under County Clerk's File No. 2487 and in Volume 880, Page 79 of the Deed Records of Comanche County, Texas.

**TRACT 3:**

9.00 acres of land, more or less, being out of a 208 acre tract of land described as First Tract, in a Warranty Deed dated May 13, 1992, from LaDoyt Maupin, to Jefferey LaDoyt Maupin, filed in Volume 697, Page 161, Deed Records of Comanche County, Texas; said 9.00 acre tract being described as follows:

BEGINNING at the Southwest corner of said 208 acre tract;

THENCE North 900 feet, more or less, along the west boundary line of said 208 acre tract, to the East bank of the Leon River;

THENCE in a Southeasterly direction, along the East Bank of the Leon River, to a point in the South line of said 208 acre tract;

THENCE West, along the South line of said 208 acre tract to the Southwest corner of said 208 acre tract and the point of beginning herein, and being 9.00 acres of land, more or less.

With the above-described 9.00 acres of land being the same tract of land described and conveyed to Jimmie Dee Johnson by Warranty Deed from Jefferey LaDoyt Maupin, dated March 10, 2004, and recorded in Volume 841, Page 454 of the Deed Records of Comanche County, Texas.

**TRACT 4:**

All that certain 3.50 acre tract of land in the William DeMoss Survey A - 233, in Comanche County, Texas, being a part of that certain 95.87 acre tract described in deed from Clifford L. Rogers to Charles P. Hoenke, dated March 18, 2011, and recorded in volume 965, page 190 of the deed records of Comanche County, Texas, and described as follows:

Beginning at a point in the north line of the said 95.87 acre tract, the south line of a 103.31 acre tract described in deed from Clifford L. Rogers to Jimmy Dale Johnson, dated September 8, 2006 and recorded in volume 880, page 79 of the deed records of Comanche County, Texas, for the northwest corner of this tract from which a 3" pipe post bears S 00° 08' 33" 1.70', and the northwest corner of the said 95.87 acre tract bears S 83° 18' 07" W, 53.11':

Thence along the north line of the said 95.87 acre tract as follows:

N 83° 18' 07" E, 252.57' to a pipe post:

N 01° 52' 17" E, 29.92' to a pipe post:

89° 18' 18" E, 87.98' to a pipe post:

And N 88°36'34" E. 199.69' to a capped 3/8 iron rod set for the northeast corner of this tract:

Thence crossing the said 95.87 acre tract as follows:

S 01° 48' 39" E, 119.84' to a capped 3/8 iron rod set:

S 88° 39' 48" W, 200.00' to a capped 3/8 iron rod set in a fence:

S 01° 48' 39" E, along a fence, 256.21' to a pipe post for the southeast corner of this tract:

S 80° 15' 55" W, a long a fence, 355.55' to a pipe post for the southwest corner of this tract:

And N 00° 08' 33" W, 375.38' to the point of beginning and containing 3.50 acres of land.

With the above-described 3.50 acres of land being the same tract of land described as **Tract 2** and being conveyed to Jimmy Dale Johnson and Jimmie Dee Johnson by General Warranty Deed from Charles Paul Hoenke and Amanda W. Hoenke, dated January 8, 2015, and recorded under County Clerk's File No. 25 and in Volume 987, Page 447 of the Deed Records of Comanche County, Texas.

PARTITION DEED

1389

THE STATE OF TEXAS  
COUNTIES OF EASTLAND  
AND COMANCHE

\*  
\* KNOW ALL MEN BY THESE PRESENTS:  
\*  
\*

THAT, DORIS BELYEU, JIMMIE DEE JOHNSON and LaDOYT MAUPIN, for and in consideration of the covenants contained in and the conveyance made in this instrument, has GRANTED, CONFIRMED and CONVEYED, and by these presents does GRANT, CONFIRM and CONVEY to BETTY OVERSTREET, whose address is Box 141, Gorman, Texas 76454, all of DORIS BELYEU'S, JIMMIE DEE JOHNSON'S and LaDOYT MAUPIN'S right, title and interest in and to 382.02 acres described in Exhibit "A" attached to and made a part of this instrument, SUBJECT, HOWEVER, to Road Easement of even date herewith in favor of Jimmie Dee Johnson, recorded under Clerk's File No. 1391, Comanche County, Texas, and Clerk's File No. 9202209, Eastland County, Texas.

It is the intention of the parties to this instrument that BETTY OVERSTREET shall hold, possess, enjoy, and own said 382.02 acres free from any claims of DORIS BELYEU, JIMMIE DEE JOHNSON and/or LaDOYT MAUPIN.

TO HAVE AND TO HOLD said 382.02 acres, together with all and singular the rights and appurtenances belonging in any way to said property, to BETTY OVERSTREET, her heirs, personal representatives, successors and assigns forever, and DORIS BELYEU, JIMMIE DEE JOHNSON and LaDOYT MAUPIN bind themselves and their heirs, personal representatives, successors and assigns to warrant and

# WAYNE GRAHAM

1100 East Washington

Registered Professional Land Surveyor  
817 965-5489

Stephenville, Texas 76401

## LEGAL DESCRIPTION

THE STATE OF TEXAS:  
COUNTY OF EASTLAND:  
COUNTY OF COMANCHE:

ALL that certain 382.02 acre tract of land, being part of the Wm. DeMoss Survey, Eastland County Abstract No. 73, Comanche County Abstract No. 233, located partly in Eastland County and partly in Comanche County, Texas, being part of that certain 112 acre tract and part of that 185 acre tract described in deed from S. W. Coan, Jr. et ux to L. D. Belyeu and Doris Belyeu, dated September 25, 1952 and recorded in Volume 465, Page 430 of the Deed Records of Eastland County, Texas, all that certain 40 acre tract described in deed from J. R. Echols et al to L. D. Belyeu, dated July 29, 1959 and recorded in Volume 388, Page 440 of the Deed Records of Comanche County, Texas, and all that certain 168 acre tract described in deed from the Ditmore Land and Cattle Co. to L. D. Belyeu, dated April 8, 1953 and recorded in Volume 276, Page 542 of the Deed Records of Comanche County, Texas and described as follows:

COMMENCING at an iron rod set at a fence corner post at the NE corner of the L. D. Belyeu 142 1/2 acre tract described in deed recorded in Volume 465, Page 430 of the Deed Records of Eastland County, Texas, being the NE corner of Tract No. 2 and the SE corner of Tract 1 of the S. R. Fisher subdivision shown on a plat recorded in Volume 86, Page 346 of the Deed Records of Eastland County, Texas, from which the NW corner of the W. C. Barnett Survey bears S 00 deg. 45' 25" E, 1294.67', N 89 deg. 42' 17" E, 1751.90' and S 00 deg. 45' 25" E, 451.9';

THENCE along or near an existing fence line along the north line of the L. D. Belyeu 142 1/2 acre tract and 112 acre tract as follows, S 87 deg. 21' 48" W, 371.48', S 89 deg. 50' 45" W, 1402.10', S 89 deg. 57' 30" W, 815.93', S 34 deg. 24' 06" W, 88.87', S 03 deg. 58' 04" E, 101.52', S 14 deg. 35' 24" E, 17.27', S 27 deg. 32' 58" E, 80.84', S 09 deg. 03' 07" E, 10.68', S 00 deg. 50' 18" W, 116.21', S 60 deg. 17' 22" W, 308.33', S 61 deg. 33' 04" W, 79.90', S 58 deg. 47' 44" W, 637.14', S 58 deg. 30' 58" W, 1608.58', S 62 deg. 31' 41" W, 35.44', S 59 deg. 23' 52" W, 1020.32', and S 59 deg. 15' 40" W, 2146.28' to an iron rod set at the NW corner of L. D. Belyeu 112 acre tract, for the NW CORNER AND BEGINNING CORNER OF THE TRACT HEREINAFTER DESCRIBED;

THENCE N 59 deg. 15' 40" E along a fence line along the northwest line of said 112 acre tract, at 10.97' pass an iron rod set at a fence corner post, continuing in all 2146.28' to an iron rod set at a fence corner post, for a corner of this tract;

THENCE N 59 deg. 23' 52" E along a fence line along the northwest line of said 112 acre tract, 1020.32' to an iron rod set at a fence corner post in the west line of Eastland County Road No. 421, for a corner of this tract;

THENCE N 62 deg. 31' 41" E, crossing said road, 35.44' to an iron rod set at a fence corner post in the east line of said road, for a corner of this tract;

THENCE S 00 deg. 52' 41" E along a fence line along the east line of said County Road, 140.87' to an iron rod set for a corner of this tract;

THENCE S 75 deg. 06' 50" E, 1207.52' to an iron pipe set in a field for the NE corner of this tract;

THENCE S 19 deg. 50' 54" E, 365.80' to an iron spike set in a post oak tree field fence corner, for a corner of this tract;

THENCE S 43 deg. 43' 04" E along a cross fence, 153.54' to an iron rod set at a fence corner post at the NW corner of a 271 acre tract described in deed from G. R. Sanders et ux to L. D. Belyeu et ux, dated October 10, 1957 and recorded in Volume 290, Page 386 of the Deed Records of Comanche County, Texas, for a corner of this tract;

CONTINUED ON PAGE 2

EXHIBIT "A"

PAGE 2 OF 382.02 ACRE LEGAL DESCRIPTION

THENCE along a fence line along the west line of said 271 acre tract as follows, S 00 deg. 19' 04" E, 587.55' to an iron spike set in a post oak tree fence corner, S 11 deg. 14' 03" W, 50.40' to an iron spike set in a post oak tree fence corner, S 88 deg. 11' 56" E, 55.24' to an iron rod set at a fence corner post, S 00 deg. 52' 35" E, 395.44' to an iron rod set at a fence corner, S 00 deg. 38' 53" E, 378.85' to an iron rod set at a fence corner, S 00 deg. 26' 04" E, 541.38' to an iron rod set at a fence corner and S 01 deg. 14' 43" E, 1606.08' to an iron rod set at the SW corner of said 271 acre tract and the SE corner of said 40 acre tract, for the SE corner of this tract;

THENCE along a fence line along the occupied south line of the L. D. Belyeu 40 acre tract and 168 acre tract as follows, S 89 deg. 06' 17" W, 329.16' to an iron rod set, S 87 deg. 01' 52" W, 457.17' to an iron spike set in a post oak tree fence corner, N 26 deg. 27' 25" W, 42.16' to an iron spike set in a post oak tree fence corner, N 06 deg. 51' 39" W, 71.97' to an iron spike set in a post oak tree fence corner, S 68 deg. 32' 30" W, 124.40' to an iron spike set in a post oak tree fence corner, N 87 deg. 48' 14" W, 186.76' to an iron rod set, N 88 deg. 47' 55" W, 342.74' to an iron spike set in a post oak tree fence corner, S 89 deg. 07' 34" W, 289.15' to an iron spike set in a post oak tree fence corner, N 88 deg. 15' 50" W, 344.46' to an iron spike set in a post oak tree fence corner, S 79 deg. 09' 52" W, 171.72' to an iron rod set at a fence corner, S 63 deg. 04' 52" W, 134.69' to an iron spike set in a post oak tree fence corner, S 74 deg. 33' 14" W, 56.23' to an iron spike set in a post oak tree fence corner, N 88 deg. 58' 58" W, 154.29' to an iron spike set in a post oak tree fence corner, N 82 deg. 19' 30" W, 291.19' to an iron spike set in a post oak tree fence corner, N 85 deg. 42' 03" W, 250.31' to an iron spike set in a post oak tree fence corner, N 88 deg. 36' 53" W, 832.75' to an iron rod set at a fence corner, N 89 deg. 48' 53" W, 168.70' to an iron spike set in a post oak tree fence corner and S 86 deg. 07' 10" W, 202.35' to an iron spike set in a post oak tree fence corner at the SW corner of said 168 acre tract, for the SW corner of this tract;

THENCE along a fence line along the west lines of said 168 acre tract, 185 acre tract and 112 acre tract as follows, N 04 deg. 10' 32" E, 645.02' to an iron rod set at a fence corner, N 09 deg. 15' 10" W, 118.09' to an iron rod set at a fence corner, N 53 deg. 13' 38" E, 12.02' to an iron spike set in a post oak tree fence corner, N 00 deg. 17' 20" E, 1338.43' to an iron rod set at a fence corner, N 83 deg. 40' 10" W, 14.53' to an iron rod set at a fence corner and N 01 deg. 52' 09" E, at 713.01' pass an iron rod set at a fence corner, continuing in all 807.90' to the place of beginning and containing 382.02 acres of land with approximately 281.37 acres being in Eastland County and 100.65 acres being in Comanche County.

I, Wayne Graham, a Registered Professional Land Surveyor of the State of Texas do hereby certify that these field notes and accompanying plat are true and correct and represents a survey made on the ground.

*Wayne Graham*  
Registered Professional Land Surveyor No. 1529

Dated this the 25th day of February, 1992.

forever defend all and singular said 382.02 acres to BETTY OVERSTREET and her heirs, personal representatives, successors and assigns against every person lawfully claiming or to claim all or any part of said property, subject to the provisions stated above.

THAT, DORIS BELYEU, BETTY OVERSTREET and LaDOYT MAUPIN, for and in consideration of the covenants contained in and the conveyance made in this instrument, has GRANTED, CONFIRMED and CONVEYED, and by these presents does GRANT, CONFIRM and CONVEY to JIMMIE DEE JOHNSON, whose address is Rt. 1, Box 25, De Leon, Texas 76444, all of DORIS BELYEU'S, BETTY OVERSTREET'S and LaDOYT MAUPIN'S right, title and interest in and to 514.54 acres described in Exhibit "B" attached to and made a part of this instrument, SUBJECT, HOWEVER, to Road Easement of even date herewith in favor of LaDOYT MAUPIN, recorded under Clerk's File No. 1392, Comanche County, Texas, and Clerk's File No. 93002210, Eastland County, Texas.

It is the intention of the parties to this instrument that JIMMIE DEE JOHNSON shall hold, possess, enjoy, and own said 514.54 acres free from any claims of DORIS BELYEU, BETTY OVERSTREET and LaDOYT MAUPIN.

TO HAVE AND TO HOLD said 514.54 acres, together with all and singular the rights and appurtenances belonging in any way to said property, to JIMMIE DEE JOHNSON, her heirs, personal representatives, successors and assigns forever, and DORIS BELYEU, BETTY OVERSTREET and LaDOYT MAUPIN bind themselves and their

# WAYNE GRAHAM

1100 East Washington

Registered Professional Land Surveyor  
817 965-5489

Stephenville, Texas 76401

## LEGAL DESCRIPTION

THE STATE OF TEXAS:  
COUNTY OF EASTLAND:  
COUNTY OF COMANCHE:

ALL that certain 514.54 acre tract of land, being part of the Wm. DeMoss Survey, Eastland County Abstract No. 73, Comanche County Abstract No. 233, located partly in Eastland County and partly in Comanche County, Texas, being all that certain 142 1/2 acre tract, part of that certain 112 acre tract and part of that 185 acre tract described in deed from S. W. Coan, Jr. et ux to L. D. Belyeu and Doris Belyeu, dated September 25, 1952 and recorded in Volume 465, Page 430 of the Deed Records of Eastland County, Texas and all that certain 271 acre tract described in deed from G. R. Sanders et ux to L. D. Belyeu et ux, dated October 10, 1957 and recorded in Volume 290, Page 386 of the Deed Records of Comanche County, Texas and described as follows:  
BEGINNING at an iron rod set at a fence corner post at the NE corner of the L. D. Belyeu 142 1/2 acre tract, being the NE corner of Tract No. 2 and the SE corner of Tract 1 of the S. R. Fisher subdivision shown on a plat recorded in Volume 86, Page 346 of the Deed Records of Eastland County, Texas, for the NE corner of this tract, from which the NW corner of the W. C. Barnett Survey bears S 00 deg. 45' 25" E, 1294.67', N 89 deg. 42' 17" E, 1751.90' and S 00 deg. 45' 25" E, 451.9';  
THENCE S 00 deg. 45' 25" E along or near an existing fence line, at 1294.67' pass an iron rod set at the NW corner of a 200 acre tract described as first tract in deed from Roy Parnell et ux to L. D. Belyeu, dated January, 1, 1960 and recorded in Volume 343, Page 420 of the Deed Records of Comanche County, Texas, continuing in all 6318.12' to an iron spike set in a 19" post oak tree fence corner at the SW corner of said 200 acre tract and the SE corner of the L. D. Belyeu 271 acre tract, for the SE corner of this tract;  
THENCE along a fence line along the south line of said 271 acre tract as follows, S 89 deg. 27' 07" W, 1071.78' to an iron spike set in a post oak tree fence corner, N 87 deg. 53' 30" W, 146.05' to an iron spike set in a post oak tree, N 89 deg. 47' 16" W, 2149.76' to an iron spike set in a post oak tree and N 89 deg. 58' 05" W, 55.80' to an iron rod set at a fence corner post at the SW corner of said 271 acre tract and the SE corner of a 40 acre tract described in deed from J. R. Echols et al to L. D. Belyeu, dated July 29, 1959 and recorded in Volume 308, Page 440 of the Deed Records of Comanche County, Texas, for the SW corner of this tract;  
THENCE generally along a fence line along the west line of said 271 acre tract as follows, N 01 deg. 14' 43" W, 1606.08' to an iron rod set at a fence corner, N 00 deg. 26' 04" W, 541.38' to an iron rod set at a fence corner, N 00 deg. 30' 53" W, 378.85' to an iron rod set at a fence corner, N 00 deg. 52' 35" W, 395.44' to an iron rod set at a fence corner, N 00 deg. 11' 56" W, 55.24' to an iron spike set in a post oak tree fence corner, N 11 deg. 14' 03" E, 50.40' to an iron spike set in a post oak tree fence corner, and N 00 deg. 19' 04" W, 587.55' to an iron rod set at a fence corner at the NW corner of said 271 acre tract, for a corner of this tract;  
THENCE N 43 deg. 43' 04" W along a cross fence, 153.54' to an iron spike set in a post oak tree fence corner, for a corner of this tract;  
THENCE N 19 deg. 50' 54" W, 365.00' to an pipe set in a field, for a corner of this tract;  
THENCE N 75 deg. 06' 50" W, 1207.52' to an iron rod set in the east line of Eastland County Road No. 421, for a corner of this tract;  
THENCE N 00 deg. 52' 41" W along a fence line along the east line of Eastland County Road No. 421, 148.87' to an iron rod set at a fence corner post in the northwest line of the L. D. Belyeu 112 acre tract, for the NW corner of this tract;

CONTINUED ON PAGE 2

EXHIBIT "B"

PAGE 2 OF 514.54 ACRE LEGAL DESCRIPTION

THENCE along a fence line along the northwest line of said 112 acre tract as follows, N 58 deg. 30' 58" E, 1608.58' to an iron rod set, N 58 deg. 47' 44" E, 637.14' to an iron rod set at a fence corner, N 61 deg. 33' 04" E, 79.90' to an iron rod set at a fence corner on the west bank of the Old Leon River Channel, N 60 deg. 17' 22" E, 388.33' to an iron spike set in a post oak tree fence corner, N 00 deg. 58' 18" E, 116.21' to an iron rod set at a fence corner, N 09 deg. 03' 07" W, 18.68' to an iron rod set at a fence corner, N 27 deg. 32' 58" W, 80.84' to an iron rod set at a fence corner, N 14 deg. 35' 24" W, 17.27' to an iron rod set at a fence corner, and N 03 deg. 58' 04" W, 101.52' to an iron spike set in a post oak tree fence corner on the south bank of the present Leon River, for a corner of this tract;

THENCE N 34 deg. 24' 06" E, crossing said river, 88.87' to an iron rod set at a fence corner on the north bank of said river, being in the north line of the L. D. Belyeu 142 1/2 acre tract, for a corner of this tract;

THENCE generally along a fence line along the north line of said 142 1/2 acre tract as follows, N 09 deg. 57' 30" E, 815.93' to an iron spike set in a 23" elm tree fence corner, N 09 deg. 50' 45" E, 1402.10' to an iron rod set at a fence corner and N 07 deg. 21' 48" E, 371.40' to the place of beginning and containing 514.54 acres of land with approximately 260.43 acres being in Eastland County and 254.11 acres being in Comanche County.

I, Wayne Graham, a Registered Professional Land Surveyor of the State of Texas do hereby certify that these field notes and accompanying plat are true and correct and represents a survey made on the ground.

*Wayne Graham*  
Registered Professional Land Surveyor No. 1529

Dated this the 25th day of February, 1992.

heirs, personal representatives, successor and assigns to warrant and forever defend all and singular said 514.54 acres to JIMMIE DEE JOHNSON and her heirs, personal representatives, successors and assigns against every person lawfully claiming or to claim all or any part of said 514.54 acres, subject to the provisions stated above.

THAT, DORIS BELYEU, BETTY OVERSTREET and JIMMIE DEE JOHNSON, for and inconsideration of the covenants contained in and the conveyance made in this instrument, has GRANTED, CONFIRMED and CONVEYED, and by these presents does GRANT, CONFIRM and CONVEY to LaDOYT MAUPIN, whose address is 4509 Castle Combe Pl., Fort Worth, Texas 76180, all of DORIS BELYEU'S, BETTY OVERSTREET'S and JIMMIE DEE JOHNSON'S right, title and interest in and to 405.75 acres, more or less, described in Exhibit "C" attached to and made a part of this instrument.

It is the intention of the parties to this instrument that LaDOYT MAUPIN shall hold, possess, enjoy and own said 405.75 acres free from any claims of DORIS BELYEU, BETTY OVERSTREET and JIMMIE DEE JOHNSON.

TO HAVE AND TO HOLD said 405.75 acres, together with all and singular the rights and appurtenances belonging in any way to said property, to LaDOYT MAUPIN, his heirs, personal representatives, successors and assigns forever, and DORIS BELYEU, BETTY OVERSTREET and JIMMIE DEE JOHNSON bind themselves and their heirs, personal representatives, successors and assigns to warrant and forever defend all and singular said 405.75 acres to

PROPERTY DESCRIPTION

FIRST TRACT: Being 208 acres of land, more or less, lying and being situated in the Counties of Eastland and Comanche, in the State of Texas, and described as being out of the following described 358 acre tract, being all of said 358 acre tract less 150 acres heretofore sold off, and being part of a survey of a league and labor ptd. to Wm. DeMoss by Patent No. 356, Volume 10, described as follows: BEGINNING at SWC of a 1074 acre tract out of said league allotted to S.W. Fisher in partition of said league; THENCE West along the upper line of A.F. Rugeley adjoining survey  $1/3$  of length of the lower line of said 1074 acre tract; THENCE North along a line parallel to Eastern boundary line of said 1074 to upper line; THENCE East with said upper line to N.E. corner of said 1074 acre tract; THENCE South to SE corner of said 1074 acre tract to the place of beginning, containing 358 acres of land.

SECOND TRACT: 160 acres of land patented to W.C. Barnett by Patent dated February 15, 1906, and being the SW/4 of Section 6, H.T. & B. Ry. Co. Survey, and BEGINNING at the SW corner of Section 6; THENCE East crossing Hog Creek 630.3 vrs. to stone md. for SE corner; THENCE North crossing Hog Creek 1433 vrs. stone md. for N.E. corner; THENCE West 630.3 vrs. to rock for NW corner on East line Wm. DeMoss Survey; THENCE South 1433 vrs. to the place of beginning, being the same land described in Deeds to G.W. Gray, and the heirs of G.W. Gray.

THIRD TRACT: Being  $37-3/4$  acres of land, more or less, lying and being situated in Comanche County, Texas, being out of the T.B. Cypert Survey, being a part of 160 acres of school land surveyed for said Cypert, said 160 acres being the NW/4 of Section 6, H.T. & B. Ry. Co. Survey; BEGINNING on EBL of survey in name of Wm. DeMoss 950 vrs. South of Cypert NW corner of 160 acres stake for corner; THENCE East  $626-2/3$  vrs. to stone for corner; THENCE North 336 vrs. stone for corner; THENCE West  $626-2/3$  vrs. to EBL of DeMoss Survey for corner; THENCE South with said E. line of said DeMoss Survey to the place of beginning, and being the same lands described in deeds of record to G.W. Gray and the heirs of G.W. Gray.

EXHIBIT "C"

LaDOYT MAUPIN and his heirs, personal representatives, successors and assigns against every person lawfully claiming or to claim all or any part of said 405.75 acres, subject to the provisions stated above.

It is expressly agreed between all the parties that BETTY OVERSTREET owns, and shall own, the 382.02 acres described in Exhibit "A" as her sole and separate property; JIMMIE DEE JOHNSON owns, and shall own, the 514.54 acres described in Exhibit "B" as her sole and separate property; LaDOYT MAUPIN owns, and shall own the 405.75 acres described in Exhibit "C" as his sole and separate property; and DORIS BELYEU has no further interest in all three tracts. Each of BETTY OVERSTREET, JIMMIE DEE JOHNSON and LaDOYT MAUPIN are entitled to possession of their respective properties and no lines are retained herein, either express or implied.

This instrument is executed in duplicate originals for the purpose of recording in both counties.

EXECUTED this 13<sup>th</sup> day of May, 1992.

PROVISIONS CONTAINED IN ANY DOCUMENT WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR ARE INVALID UNDER FEDERAL LAW AND ARE UNENFORCEABLE.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

Doris Belyeu  
Doris Belyeu

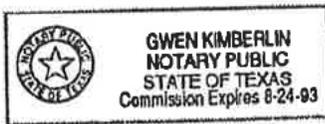
Jimmie Dee Johnson  
Jimmie Dee Johnson

Betty Overstreet  
Betty Overstreet

La Doyt Maupin  
LaDoyt Maupin

STATE OF TEXAS \*  
\*  
COUNTY OF ERATH \*

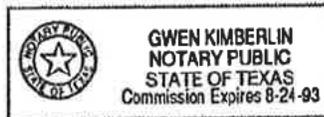
This instrument was acknowledged before me on this the 13<sup>th</sup>  
day of May, 1992, by DORIS BELYEU.



Gwen Kimberlin  
Notary Public, State of Texas

STATE OF TEXAS \*  
\*  
COUNTY OF ERATH \*

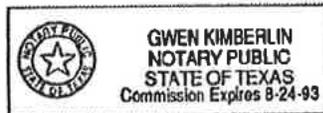
This instrument was acknowledged before me on this the 13<sup>th</sup>  
day of May, 1992, by JIMMIE DEE JOHNSON.



Gwen Kimberlin  
Notary Public, State of Texas

STATE OF TEXAS \*  
\*  
COUNTY OF ERATH \*

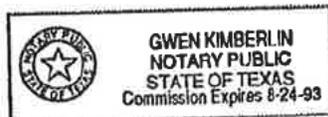
This instrument was acknowledged before me on this the 13<sup>th</sup>  
day of May, 1992, by BETTY OVERSTREET.



Gwen Kimberlin  
Notary Public, State of Texas

STATE OF TEXAS \*  
\*  
COUNTY OF ERATH \*

This instrument was acknowledged before me on this the 13<sup>th</sup>  
day of May, 1992, by LaDOYT MAUPIN.



Gwen Kimberlin  
Notary Public, State of Texas

NOTICE

This instrument was prepared solely from information and on instructions given to us by our client. No title opinion or other information has been furnished to us or given by us in connection with its preparation.

LAW OFFICES OF RICHARD D. COAN

AFTER RECORDING RETURN TO:

LAW OFFICES OF RICHARD D. COAN  
188 North Graham  
Stephenville, Texas 76401

PREPARED IN THE LAW OFFICE OF:

RICHARD D. COAN  
188 North Graham  
Stephenville, Texas 76401

-6-

FILED 3rd DAY OF June, 1992, AT 4:00 O'CLOCK P. M.

RECORDED 4th DAY OF June, 1992, AT 9:00 O'CLOCK A. M.

BY Dorothy Luedemilk DEPUTY BETTY CONWAY, County Clerk

BOOK 697 PAGE 160

2487

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

**General Warranty Deed**

**Date:** September 8, 2006

**Grantor:** Clifford L. Rogers

**Grantor's Mailing Address:**

2051 Goshen Rd.  
Springtown, Parker County, Texas 76082

**Grantee:** Jimmy Dale Johnson

**Grantee's Mailing Address:**

4601 Hwy 16  
DeLeon, Comanche County, Texas 76444

**Consideration:**

TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration.

**Property (including any improvements):**

See Exhibit "A" attached hereto and fully incorporated for all purposes herein.

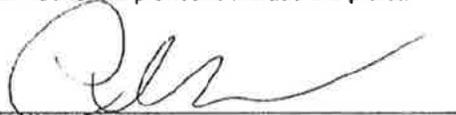
**Reservations from and Exceptions to Conveyance and Warranty:**

- 1) An undivided 1/4 interest in and to all oil, gas and other minerals as described in Mineral Deed dated September 20, 1919 from Mary F. Kimble, et mar to Maud S. McEntire, recorded in Volume 148, Page 381, Deed Records of Comanche County, Texas.
- 2) An undivided 1 acre mineral interest as described in Mineral Deed from O. N. Echols, et ux to J. J. Smith, dated May 31, 1919, and recorded in Volume 139, Page 108, Deed Records of Comanche County, Texas.
- 3) An undivided 1 1/2 acre Mineral interest as described in Mineral Deed from O.N. Echols, et ux to Luther Ables, dated April 25, 1919, and recorded in Volume 139, Page 350, Deed Records of Comanche County, Texas.
- 4) An undivided 1/2 interest in and to all oil, gas and minerals as described in Warranty Deed from O. N. Echols, et ux to A. D. Bryan, dated December 28, 1927, and recorded in Volume 181, Page 244, Deed Records of Comanche County, Texas.

- (5) Right of Way Agreement and Plat dated March 26, 1984, from John T. Brown and wife, Jerry L. Brown to Ranger Drilling Corporation, recorded in Volume 576, page 236, Deed Records of Comanche County, Texas.

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

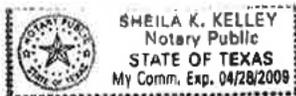
When the context requires, singular nouns and pronouns include the plural.

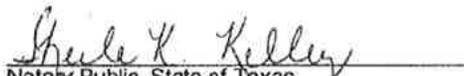
  
Clifford L. Rogers

STATE OF TEXAS )

COUNTY OF ERATH )

This instrument was acknowledged before me on September 8, 2006, by Clifford L. Rogers.



  
Notary Public, State of Texas

## EXHIBIT A

All that certain 103.31 acre tract of land in the William DeMoss Survey, A - 233, in Comanche County, Texas, being part of that certain 198.20 acre tract described in an affidavit of heirship to Winnie Cogburn, recorded in volume 876, page 212 of the deed records of Comanche County, Texas, and described as follows:

Beginning at the northeast corner of the said 198.20 acre tract, the northwest corner of a 141.54 acre tract described in deed from Ronnie C. Holland, et ux to Clifford Rogers, dated August 5, 2004, and recorded in volume 847, page 405 of the deed records of Comanche County, Texas, and in the south line of a 514.54 acre tract described in deed from Doris Belyeu, et al to Jimmie D. Johnson, recorded in volume 697, page 150 of the deed records of Comanche County, Texas, for the northeast corner of this tract, from which a capped 3/8 iron rod bears S 00° 16' 33" E, 1.97':

Thence S 00° 16' 33" E, along the east line of the said 198.20 acre tract and partly along a fence, 1379.17' to a capped 3/8 iron rod set for the southeast corner of this tract:

Thence crossing the said 198.20 acre tract as follows:

S 89° 46' 21" W, 1172.94' to a 4" pipe post at the beginning of a fence:

S 89° 46' 28" W, along a fence, 1177.68' to a pipe post:

S 88° 36' 34" W, along a fence, 470.36' to a pipe post:

S 89° 18' 18" W, along a fence, 87.98' to a pipe post:

S 01° 52' 17" W, along a fence, 29.92' to a pipe post:

And S 83° 18' 07" W, along a fence, 305.69' to a capped 3/8 iron rod set in the west line of the said 198.20 acre tract, the east line of a 191.441 acre tract described in deed from Larry Lippe, et ux to Barry L. Green, et ux, dated April 21, 2003, and recorded in volume 839, page 302 of the deed records of Comanche County, Texas, for the southwest corner of this tract:

Thence N 00° 15' 57" W, along the west line of the said 198.20 acre tract and generally along a fence, at 1397.27' pass a spike set in a post oak fence corner, continuing without fence, a total of 1458.35' to the northwest corner of the said 198.20 acre tract in a ditch, for the northwest corner of this tract:

Thence N 89° 49' 37" E, crossing said ditch and along the north line of the said 198.20 acre tract, 99.51' to a spike set in a post oak tree fence corner, in the south line of a 382.02 acre tract described in deed from Doris Belyeu, et al to Betty Overstreet, recorded in volume 697, page 150 of the deed records of Comanche County, Texas, for a corner of this tract:

Thence along the south line of the said 382.02 acre tract as follows:

N 87° 17' 24" E, 456.09' to 3/8 iron rod found:

And N 89° 16' 13" E, 329.12' to a 3/8 iron rod found at the southeast corner of the said 382.02 acre tract and the southwest corner of the said 514.54 acre tract, for a corner in the north line of this tract:

Thence along the south line of the said 514.54 acre tract as follows:

S 89° 28' 40" E, 56.40' to a spike found in a dead oak tree fence corner:

S 89° 37' 51" E, 2149.16' to a spike found in a post oak tree fence corner:

And S 88° 18' 30" E, 120.63' to the point of beginning and containing 103.31 acres of land.

EXHIBIT A

All that certain 1.41 acre 50' road easement in the William DeMoss Survey, A - 233, in Comanche County, Texas, being part of that certain 198.20 acre tract described in an affidavit of heirship to Winnie Cogburn, recorded in volume 876, page 212 of the deed records of Comanche County, Texas, and described as follows:

Beginning at a 5/8 iron rod found in the north line of Comanche County Road No. , at the southwest corner of the said 198.20 acre tract, the southeast corner of a 191.441 acre tract described in deed from Larry Lippe, et ux to Barry L. Green, et ux, dated April 21, 2003, and recorded in volume 839, page 302 of the deed records of Comanche County, Texas, for the southwest corner of this easement:

Thence N 00° 08' 21" W, along the west line of the said 198.20 acre tract, 1221.54' to a capped 3/8 iron rod set for the northwest corner of this easement:

Thence N 83° 18' 07" E, along a fence, 50.33' to the northeast corner of this easement:

Thence S 00° 08' 21" E, 1227.49' to the southeast corner of this easement, in the south line of the said 198.20 acre tract:

Thence N 89° 54' 07" W, along the south line of the said 198.20 acre tract, 50.00' to the point of beginning and containing 1.41 acres of land for road easement purposes.

FILED 12th DAY OF September, 2006, AT 12:30 O'CLOCK P. M.

RECORDED 13th DAY OF September, 2006, AT 9:00 O'CLOCK A. M.

RUBY LESLEY, COMANCHE COUNTY CLERK

VERIFIED BY:  DEPUTY

**WARRANTY DEED****DO NOT PUBLISH****Date:** March 10, 2004**Grantor:** JEFFEREY LaDOYT MAUPIN**Grantor's Mailing Address (including county):** P. O. Box 340, Gorman, Comanche County, Texas, 76442**Grantee:** JIMMIE DEE JOHNSON**Grantee's Mailing Address (including county):** 4601 South Highway 16, DeLeon, Comanche County, Texas, 76442**Consideration:**

TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, cash in hand paid, the receipt of which is hereby acknowledged, and for which no lien, express or implied is retained or shall exist;

**Property (including any improvements):**

9.00 acres of land, more or less, being out of a 208 acre tract of land described as First Tract, in a Warranty Deed dated May 13, 1992, from LaDoyt Maupin, to Jefferey LaDoyt Maupin, filed in Volume 697, Page 161, Deed Records of Comanche County, Texas; said 9.00 acre tract being described as follows:

**BEGINNING** at the Southwest corner of said 208 acre tract;

**THENCE** North 900 feet, more or less, along the west boundary line of said 208 acre tract, to the East bank of the Leon River;

**THENCE** in a Southeasterly direction, along the East Bank of the Leon River, to a point in the South line of said 208 acre tract;

**THENCE** West, along the South line of said 208 acre tract to the Southwest corner of said 208 acre tract and the point of beginning herein, and being 9.00 acres of land, more or less.

**Reservations from and Exceptions to Conveyance and Warranty:**

1. Any restrictions, reservations, or easements shown of record and any visible or apparent easements on or across said land.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and

singular the rights and appurtenances thereto in any wise belonging to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty.

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

*Jefferey LaDoyt Maupin*  
JEFFEREY LaDOYT MAUPIN

(Acknowledgment)

THE STATE OF TEXAS \*

COUNTY OF COMANCHE \*

This instrument was acknowledged before me on this the 15<sup>th</sup> day of March, 2004, by  
Jefferey LaDoyt Maupin.



*Jill A. Johnson*  
Notary Public, State of Texas.

After Recording Return to:  
Jimmie Dee Johnson  
4601 South Highway 16  
DeLeon, Texas 76444

*in charge*  
Prepared in the Law Office of:  
Johnson & Parker  
306 N. Austin  
Comanche, Texas 76442

PROVISIONS CONTAINED IN ANY DOCUMENT WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR ARE INVALID UNDER FEDERAL LAW AND ARE UNENFORCEABLE.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

**NO TITLE EXAMINATION  
HAS BEEN REQUESTED OR  
FURNISHED WITH THIS DEED.**

FILED 15th DAY OF March 2004, AT 2:45 O'CLOCK P. M.

RECORDED 17th DAY OF March 2004, AT 9:00 O'CLOCK A. M.

Ruby Lesley, COUNTY CLERK

BY *Jamie Johnson* DEPUTY

Tract 2  
Only  
3.5 acres

25

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

**General Warranty Deed**

**Date:** January 8, 2015

**Grantor:** Charles Paul Hoenke and Amanda W. Hoenke  
P.O. Box 543  
De Leon, Texas 76444  
Comanche County

**Grantee:** Jimmy Dale Johnson and Jimmie Dee Johnson  
4601 SH 16  
De Leon, 76444  
Comanche County

**Consideration:** TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration.

**Property (including any improvements):**

**Tract 1:**

All that certain 1.41 acre tract in the William DeMoss Survey, A - 233, in Comanche County, Texas, being part of that certain 198.20 acre tract described in an affidavit of heirship to Winnie Cogburn, recorded in volume 876, page 212 of the deed records of Comanche County, Texas, and described as follows:

Beginning at a 5/8 iron rod found in the north line of Comanche County Road No. 482, at the southwest corner of the said 198.20 acre tract, the southeast corner of a 191.441 acre tract described in deed from Larry Lippe, et ux to Barry L. Green, et ux, dated April 21, 2003, and recorded in volume 839, page 302 of the deed records of Comanche County, Texas for the southwest corner of this tract:

Thence N 00° 08' 21" W along the west line of the said 198.20 acre tract, 1221.54' to a capped 3/8 iron rod set for the northwest corner of this easement:

Thence N 83° 18' 07" E, along a fence, 50.33' to the northeast corner of this easement:

Thence S 00° 08' 21" E, 1227.49' to the southeast corner of this easement, in the south line of the said 198.20 acre tract:

Thence N 89° 54' 07" W, along the south line of the said 198.20 acre tract, 50.00' to the point of beginning and containing 1.41 acres.

218-992

**Tract 2:**

All that certain 3.50 acre tract of land in the William DeMoss Survey A - 233, in Comanche County, Texas, being a part of that certain 95.87 acre tract described in deed from Clifford L. Rogers to Charles P. Hoenke, dated March 18, 2011, and recorded in volume 965, page 190 of the deed records of Comanche County, Texas, and described as follows:

Beginning at a point in the north line of the said 95.87 acre tract, the south line of a 103.31 acre tract described in deed from Clifford L. Rogers to Jimmy Dale Johnson, dated September 8, 2006 and recorded in volume 880, page 79 of the deed records of Comanche County, Texas, for the northwest corner of this tract from which a 3" pipe post bears S 00° 08' 33" 1.70', and the northwest corner of the said 95.87 acre tract bears S 83° 18' 07" W, 53.11':

Thence along the north line of the said 95.87 acre tract as follows:  
N 83° 18' 07" E, 252.57' to a pipe post:  
N 01° 52' 17" E, 29.92' to a pipe post:  
89° 18' 18" E, 87.98' to a pipe post:  
And N 88°36'34" E, 199.69' to a capped 3/8 iron rod set for the northeast corner of this tract:

Thence crossing the said 95.87 acre tract as follows:  
S 01° 48' 39" E, 119.84' to a capped 3/8 iron rod set:  
S 88° 39' 48" W, 200.00' to a capped 3/8 iron rod set in a fence:  
S 01° 48' 39" E, along a fence, 256.21' to a pipe post for the southeast corner of this tract:  
S 80° 15' 55" W, a long a fence, 355.55' to a pipe post for the southwest corner of this tract:  
And N 00° 08' 33" W, 375.38' to the point of beginning and containing 3.50 acres of land.

**Reservations from Conveyance:** None.

**Exceptions to Conveyance and Warranty:** Any and all restrictions, covenants, easements, if any, relating to the hereinabove described Property, but only to the extent they are still in effect, shown of record in Comanche County, Texas and to all zoning laws, regulations or ordinances of municipal and other governmental authorities, if any, but only to the extent they are still in effect, relating to the hereinabove property.

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

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

  
Charles Paul Hoenke

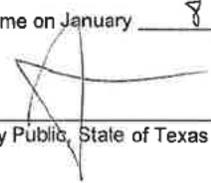
  
Amanda W. Hoenke

**ACKNOWLEDGMENT**

STATE OF TEXAS )  
COUNTY OF COMANCHE )

This instrument was acknowledged before me on January 8, 2015, by Charles Paul Hoenke.

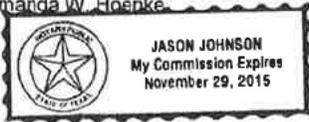


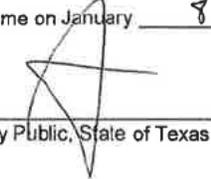
  
Notary Public, State of Texas

**ACKNOWLEDGMENT**

STATE OF TEXAS )  
COUNTY OF COMANCHE )

This instrument was acknowledged before me on January 8, 2015, by Amanda W. Hoenke.



  
Notary Public, State of Texas

**PREPARED IN THE OFFICE OF:**

Law Offices of Jason M. Johnson, PLLC  
315 Center Avenue  
Brownwood, Texas 76801  
(325) 643-2777  
Fax: (325) 646-5534

**AFTER RECORDING RETURN TO:**

Jimmy Dale Johnson  
4601 SH 16  
De Leon, Texas 76444

Warranty Deed with Vendor's Lien  
Hoenke/Johnson

Page 3

FILED 8th DAY OF January, 2015, AT 1:45 O'CLOCK P.M.  
RECORDED 9th DAY OF January, 2015, AT 9:00 O'CLOCK A.M.

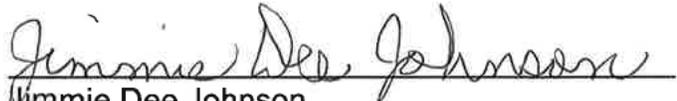
RUBY LESLEY, COMANCHE COUNTY CLERK

VERIFIED BY: Amy Huddleston DEPUTY

VOL. 987 PAGE 449

**CONSENT**

I, Jimmie Dee Johnson, as the owner/co-owner of the 630.35 acres, being the subject of the Application for Amendment to the Water Right of my husband, Jimmy Dale Johnson, I do hereby give my consent to his right to use the subject land, including his right to use the specified points within the proposed diversion reach, and to this requested amendment and ask that it be approved.

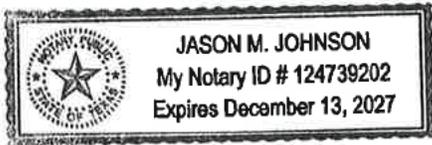
  
Jimmie Dee Johnson

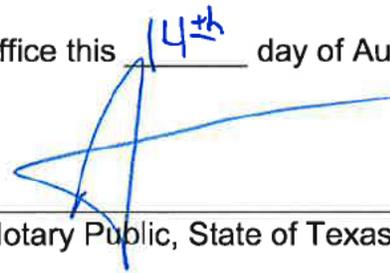
**ACKNOWLEDGMENT**

STATE OF TEXAS                    )  
COUNTY OF BROWN            )

Before me on this day personally appeared Jimmie Dee Johnson, who proved to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

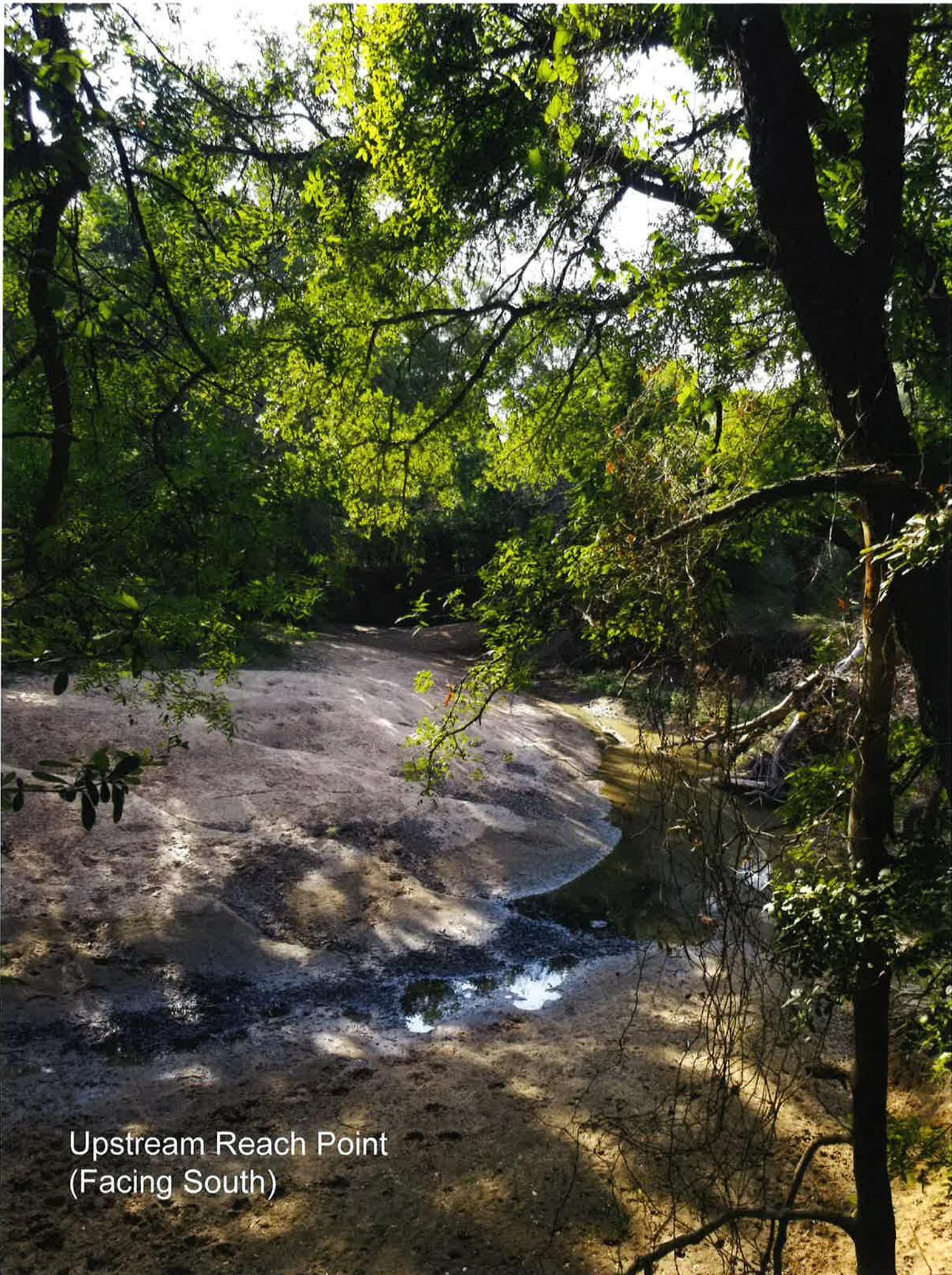
Given under my hand and seal of office this 14<sup>th</sup> day of August, 2024.



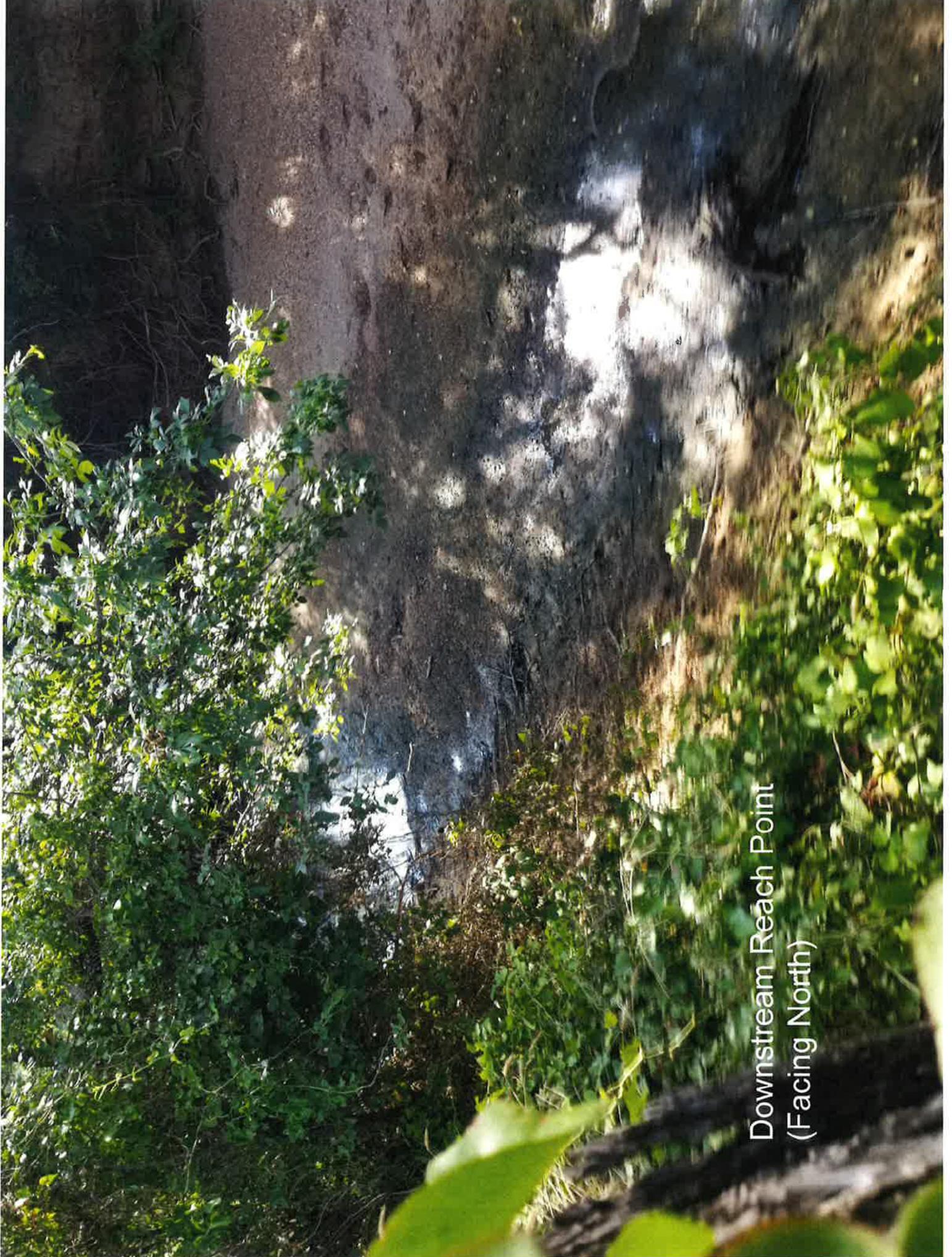
  
\_\_\_\_\_  
Notary Public, State of Texas



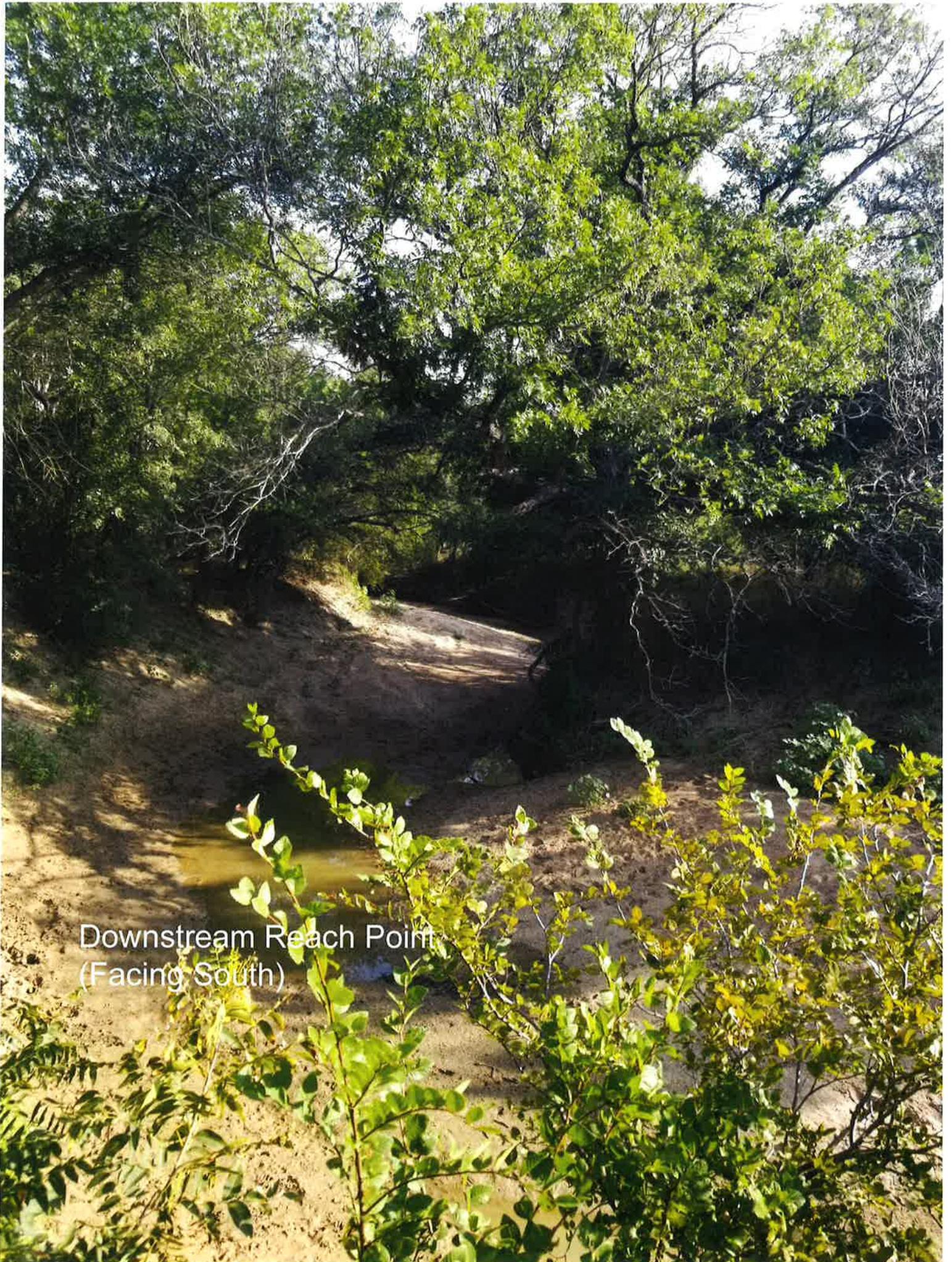
Upstream Reach Point  
(Facing North)



Upstream Reach Point  
(Facing South)



Downstream Reach Point  
(Facing North)



Downstream Reach Point  
(Facing South)

### **ADDENDUM TO SCHEDULE 6.0**

There is no irrigation system currently in place and none is currently anticipated or planned. Applicant does not anticipate the immediate diversion of any water under the requested amendment and would request a special condition be included in his amendment that would require a current water conservation plan be submitted ninety (90) days prior to any future diversion from the new proposed diversion reach requested in his amendment.



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.

A plan is not applicable here because this application does not have significant public interest.

### 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)