

# 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: Jenna Rollins, Program Support Coordinator  
Water Rights Permitting and Availability Section

DATE: June 5, 2025

SUBJECT: Joe B. Metz  
ADJ 679  
CN603116674, RN109253435  
Application No. 23-679E to Sever a Portion of Certificate of  
Adjudication No. 23-579 and Combine it with and Amend a  
Portion of Certificate of Adjudication No. 23-679  
Texas Water Code § 11.122, Not Requiring Notice  
Rio Grande, Rio Grande Basin  
Hidalgo County

The application and fees were received on March 13, 2025. Additional information was received on May 23, 2025. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on June 5, 2025. No notice is required pursuant to Title 30 Texas Administrative Code § 303.42(2).

All fees are paid and the application is sufficient for filing.



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Jenna Rollins, Program Support Coordinator  
Water Rights Permitting and Availability Section  
Water Availability Division

**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 5, 2025

Mr. Richard W. Fryer  
Fryer & Hansen, PLLC  
1352 W. Pecan Blvd.  
McAllen, TX 78501-4352

**VIA E-MAIL**

RE: Joe B. Metz  
ADJ 679  
CN603116674, RN109253435  
Application No. 23-679E to Sever a Portion of Certificate of Adjudication No. 23-579 and  
Combine it with and Amend a Portion of Certificate of Adjudication No. 23-679  
Texas Water Code § 11.122, Not Requiring Notice  
Rio Grande, Rio Grande Basin  
Hidalgo County

Dear Mr. Fryer:

This acknowledges receipt, on May 23, 2025, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on June 5, 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 [jenna.rollins@tceq.texas.gov](mailto:jenna.rollins@tceq.texas.gov) or by telephone at 512-239-1845.

Sincerely,

A handwritten signature in cursive script that reads "Jenna Rollins".

Jenna Rollins, Program Support Coordinator  
Water Rights Permitting and Availability Section  
Water Availability Division

CC: Mr. Joe B. Metz

## Jenna Rollins

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**From:** Jenna Rollins  
**Sent:** Tuesday, May 27, 2025 9:45 AM  
**To:** Jenna Rollins  
**Subject:** FW: COA 23-679 E - Joe B. Metz RFI 5/5/25  
**Attachments:** Joe\_B\_Metz\_23-679E\_RFI\_5.5.2025.pdf

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**From:** email fryerandhansen.com [REDACTED]  
**Sent:** Friday, May 23, 2025 1:30 PM  
**To:** Jeremy Walker-Lee <[Jeremy.Walker-Lee@tceq.texas.gov](mailto:Jeremy.Walker-Lee@tceq.texas.gov)>  
**Cc:** Chris Kozlowski <[chris.kozlowski@tceq.texas.gov](mailto:chris.kozlowski@tceq.texas.gov)>; Humberto Galvan <[Humberto.Galvan@tceq.texas.gov](mailto:Humberto.Galvan@tceq.texas.gov)>; [REDACTED]  
**Subject:** COA 23-679 E - Joe B. Metz RFI 5/5/25

Good afternoon, Mr. Walker - Lee -

The attached Request for Information was received in connection with the pending application to transfer the use of 75 AF water rights for use on property of Mr. Joe B. Metz.

The following are the responses are provided on behalf of Mr. Metz:

1. Confirm that the application does not request an increase in the appropriation or an increase in the diversion rate.

**Correct. The application does not request an increase in the appropriation or an increase in the diversion rate.**

2. Confirm that the device(s) used to measure and account for the water diverted from the source of supply complies with the requirements in 30 Texas Administrative Code (TAC) § 303.2 of the Rio Grande Watermaster rules, including that the device has an accuracy of plus or minus 5.0%.

**Yes, the device used to measure and account for the water diverted from the source of supply complies with the requirements in 30 Texas Administrative Code (TAC) § 303.2 of the Rio Grande Watermaster rules, and the device has an accuracy of plus or minus 5.0%.**

We trust this response will allow TCEQ's Water Rights Permitting Team to continue processing the Application for final approval by the Executive Director.

If you require any additional information in connection with this Application, please contact our office.

Have a wonderful afternoon!

Luann Ochoa, Paralegal, for:  
Richard Fryer

Fryer & Hansen, PLLC  
1352 West Pecan Boulevard  
McAllen, Texas 78501  
Telephone: (956) 686-6606  
Fax: (956) 686-6606

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## Jeremy Walker-Lee

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**From:** Jeremy Walker-Lee  
**Sent:** Monday, May 5, 2025 10:33 AM  
**To:** [REDACTED]  
**Cc:** Chris Kozlowski; Humberto Galvan; [REDACTED]  
**Subject:** Joe B. Metz 23-679E  
**Attachments:** Joe\_B\_Metz\_23-679E\_RFI\_5.5.2025.pdf

Good Morning,

Please see the attached request for information letter for Joe B. Metz 23-679E and provide a response by 6/4/2025.

Thanks,

Jeremy Walker-Lee, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
512-239-0637



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*

May 5, 2025

Mr. Richard W. Fryer  
Fryer & Hansen, PLLC  
1352 W. Pecan Blvd.  
McAllen, TX 78501-4352

**VIA E-MAIL**

RE: Joe B. Metz  
ADJ 679  
CN603116674, RN109253435  
Application No. 23-679E to Sever a Portion of Certificate of Adjudication No. 23-579 and  
Combine it with and Amend a Portion of Certificate of Adjudication No. 23-679  
Texas Water Code § 11.122, Not Requiring Notice  
Rio Grande, Rio Grande Basin  
Hidalgo County

Dear Mr. Fryer:

This acknowledges receipt, on March 13, 2025, of the referenced application and fees in the amount of \$212.50 (Receipt No. M555247, copy attached).

Additional information is required before the application can be declared administratively complete.

1. Confirm that the application does not request an increase in the appropriation or an increase in the diversion rate.
2. Confirm that the device(s) used to measure and account for the water diverted from the source of supply complies with the requirements in 30 Texas Administrative Code (TAC) § 303.2 of the Rio Grande Watermaster rules, including that the device has an accuracy of plus or minus 5.0%.

Please provide the requested information by June 4, 2025, or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact me via email at [jeremy.walker-lee@tceq.texas.gov](mailto:jeremy.walker-lee@tceq.texas.gov) or by telephone at (512) 239-0637.

Sincerely,

A handwritten signature in cursive script that reads "Jeremy Walker-Lee".

Jeremy Walker-Lee, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment

cc: Mr. Joe B. Metz

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • [tceq.texas.gov](http://tceq.texas.gov)

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printed on recycled paper



12-MAR-25 09:20 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP	M555247	1376		BS00114559	12-MAR-25	-\$212.50
	WUP		031225	N	D5802432		
	WATER USE PERMITS	FRYER & HANSEN PLLC	RHDAVIS	CK			
					Total (Fee Code):		-\$212.50
					Grand Total:		-\$4,867.50

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**FRYER & HANSEN, P.L.L.C.**

*Law Firm*

1352 W. Pecan Blvd.  
McAllen, Texas 78501

Telephone 956-686-6606

Telefax 956-686-6601

**Richard W. Fryer**  
J.D., P.E., LEED AP

March 5, 2025

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED**

**NO.: 70211970000063179704**

Texas Commission on Environmental Quality ("TCEQ")  
Financial Administration Division - Cashier's Office, MC-214  
P.O. Box 13088  
Austin, TX 78711-3088

**RE: Water Rights to equal 75.00 AF Class B Water Rights  
Conveyed to Joe Metz from COA 23-579  
Rio Grande Basin, Hidalgo County, Texas**

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**MAR 13 2025**

Water Availability Division

Dear Sirs:

Enclosed please find this firm's check representing the TCEQ's \$212.50 fee for processing Joe B. Metz's Application to **Sever and Combine** the referenced water rights into COA 23-679. The **Worksheet 8.0 Calculation of Fees** is included herein.

By copy of this letter, the original application to Sever and Combine has been forwarded to Water Rights Permitting & Availability Section - MC- 160, Water Permits & Resource Management Division, to request that TCEQ update its ownership records of surface water rights to: (1) sever the 75.00 acre-feet Class B irrigation water rights from COA 23-579 and to combine them with COA 23-679, as amended; and (2) to change the place(s) of use and point(s) of diversion to the diversion point reflected in COA 23-679.

Please return the duplicate copy of this letter enclosed, file-stamped, in the envelope provided to evidence your receipt of this request. If you have any questions regarding this request or the documents enclosed, please contact me. Your usual assistance in this matter is most appreciated.

Very truly yours,



Richard W. Fryer

cc: **via email :** [WRPT@tceq.texas.gov](mailto:WRPT@tceq.texas.gov)  
Water Rights Permitting & Availability Section - MC- 160  
Water Permits & Resource Management Division  
Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

plo: C: WR: METZ: -Sever and Combine-Cov.ltr

## INDEX

1. Administrative Information Checklist - 10214B;
2. Technical Information Report - 10214C;
3. Summary of Request;
4. Copies of documents evidencing chain of title for water rights;  
FROM COA 23-579 – 75.00 A/F MUN
5. COA 23-679 Diversion point;
6. Copy of Water Conservation Plan
7. Copy of Deed for land to be irrigated
8. Public Information Report

1. Administrative Information Checklist - 10214B;

# 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): Joe B. Metz

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).

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Water Availability Division

Y/N

Y **Administrative Information Report**

N Additional Co-Applicant Information

N Additional Co-Applicant Signature Pages

N Written Evidence of Signature Authority

Y **Technical Information Report**

Y USGS Map (or equivalent)

N Map Showing Project Details

N Original Photographs

N Water Availability Analysis

Y **Worksheet 1.0**

Y Recorded Deeds for Irrigated Land

N Consent for Irrigated Land

N **Worksheet 1.1**

N Addendum to Worksheet 1.1

N **Worksheet 1.2**

N **Worksheet 2.0**

N Additional W.S. 2.0 for Each Reservoir

N Dam Safety Documents

N Notice(s) to Governing Bodies

N Recorded Deeds for Inundated Land

N Consent for Inundated Land

Y/N

N **Worksheet 3.0**

N Additional W.S. 3.0 for each Point

N Recorded Deeds for Diversion Points

N Consent for Diversion Access

N **Worksheet 4.0**

N TPDES Permit(s)

N WWTP Discharge Data

N Groundwater Well Permit

N Signed Water Supply Contract

N **Worksheet 4.1**

N **Worksheet 5.0**

N Addendum to Worksheet 5.0

N **Worksheet 6.0**

Y Water Conservation Plan(s)

N Drought Contingency Plan(s)

N Documentation of Adoption

N **Worksheet 7.0**

N Accounting Plan

Y **Worksheet 8.0**

Y Fees

Y (\*) Public Involvement Plan

(\*) Public Involvement Plan reviewed and determined not

# 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."

See "Summary of Request"

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## 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?

Joe B. Metz

*(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 : 603116674 ( 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: Joe B. Metz

Title: Owner

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

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: Joe B. Metz

Mailing Address: P. O. Box 727

City: Mission State: Texas ZIP Code: 78573-0013

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 <u>  </u>

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For Corporations or Limited Partnerships, provide:

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

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

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

First and Last Name: Richard W. Fryer

Title: Attorney

Organization Name: Fryer & Hansen, PLLC

Mailing Address: 1352 W. Pecan Blvd.

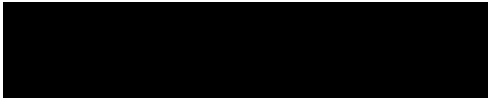
City: McAllen

State: Texas

ZIP Code: 78501

Phone Number: (956) 686-6606

Fax Number: (956) 686-6601

E-mail Address: 

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Water Availability Division

### 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: Joe B. Metz

Title: Owner

Organization Name: N/A

Mailing Address: P.O. Box 727

City: Mission State: TX ZIP Code: 78573-0013

Phone Number: (956) 874-4345

Fax Number: N/A

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: N/A

Title: N/A

Organization Name: N/A

Mailing Address: N/A

City: N/A State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Phone Number: N/A

Fax Number: N/A

E-mail Address: N/A

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

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

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

If yes, provide the following information:

Account number: N/A Amount past due: N/A

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

If yes, please provide the following information:

Enforcement order number: N/A Amount past due: N/A

- 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 N/A

- 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 N/A

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

Applicant:

I, Joe B. Metz

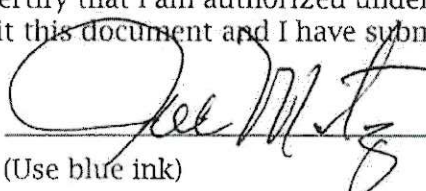
Owner

(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: 

(Use blue ink)

Date: 2/13/2025

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MAR 13 2025

Subscribed and Sworn to before me by the said

Water Availability Division

on this 13<sup>th</sup> day of February, 2025.

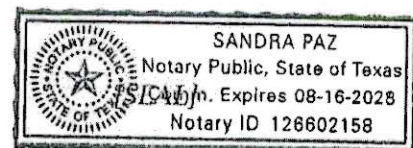
My commission expires on the 16<sup>th</sup> day of August, 2028.

Sandra Paz

Notary Public

Hidalgo

County, Texas



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

## 2. Technical Information Report - 10214C;

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MAR 13 2025

Water Availability Division

# 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: 6/4/2024

## 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 / NN
- 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 / NY (If yes, indicate the Certificate or Permit number: 23-679 )

*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 / NN*

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

*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: 23-679

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

List of water rights to sever	Combine into this ONE water right
23-579	23-679

- 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 / NN\_\_\_\_\_

*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 / NN\_\_\_\_\_

*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 / NY\_\_\_\_\_
- 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 / NY\_\_\_\_\_
- 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 / NN\_\_\_\_\_

*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 / NN \_\_\_\_\_ 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/NN \_\_\_\_\_

*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 / NN \_\_\_\_\_

*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 / NN \_\_\_\_\_

*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 / NN \_\_\_\_\_

*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 / NN \_\_\_\_\_

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

*Worksheets and information:*

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

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

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

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

Applicant is located within the Region M Planning Group. The state and regional water plans generally do not address every possible change in individual water rights. The application is consistent with the 2021 Region M Water Plan and the 2022 State Water Plan because there is nothing in the water plans that conflicts with issuing this proposed amendment.

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

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

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

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

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

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

Quantity (acre- feet) <i>(Include losses for Bed and Banks)</i>	State Water Source (River Basin) or Alternate Source <i>*each alternate source (and new appropriation based on return flows of others) also requires completion of Worksheet 4.0</i>	Purpose(s) of Use	Place(s) of Use <i>*requests to move state water out of basin also require completion of Worksheet 1.1 Interbasin Transfer</i>
NA	NA	N/A	NA

NA \_\_\_\_\_ 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 95.514 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 95.514 acres in Hidalgo County, TX.
- ii) Location of land to be irrigated: In the Los Ejdos De Reynosa Viejo 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**
75	Agricultural	Agricultural	Hidalgo County	Hidalgo County

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- Applicant proposes to irrigate a total of 95.514 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 95.514 acres in Hidalgo County, TX.
  - Location of land to be irrigated: In the Los Ejidos De Reynosa Vieja Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_.

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

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

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

# WORKSHEET 1.1

## INTERBASIN TRANSFERS, TWC § 11.085

N/A

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

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

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

- Provide the Basin of Origin.\_\_\_\_\_
- Provide the quantity of water to be transferred (acre-feet).\_\_\_\_\_
- 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:

- 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\_\_\_\_\_
- The proposed transfer is from a basin to an adjoining coastal basin? Y/N\_\_\_\_\_
- 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\_\_\_\_\_
- 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":

- the contract price of the water to be transferred (if applicable) (also include a copy of the contract or adopted rate for contract water);
- 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;
- 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.

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

c. Does this point share a diversion rate with other points? Y / NN \_\_\_\_\_  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* \_\_\_\_\_ cfs or \_\_\_\_\_ 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 checked="" type="checkbox"/>	Directly from stream	Existing
<input type="checkbox"/>	From an on-channel reservoir	diversion point for
<input type="checkbox"/>	From a stream to an on-channel reservoir	COA 23-679
<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): Rio Grande
- b. Zip Code: 78501 Reynosa Grant
- c. Location of point: In the Los Ejidos de / Original Survey No.           , Abstract No.           , Hidalgo 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 26.191522 °N, Longitude -98.424454 °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): mapping program and TCEQ WR permitting staff
- 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.

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## 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

N/A

### 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.**

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

d. Waterbody Recreational Uses

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

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

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 map submitted with the application indicating the location of the photograph and the direction of the shot.
2. If the application includes a proposed reservoir, also include:
  - i. A brief description of the area that will be inundated by the reservoir.
  - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
  - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

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

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

a. For all bed and banks applications:

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

b. For all alternate source applications:

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

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 / NNA**

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

appropriation; and evaluates any other feasible alternative to new water development.  
See 30 TAC § 288.7.  
Applicant has included this information in each applicable plan? Y / N Y

## 2. Drought Contingency Plans

- 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. N/A Municipal Uses by public water suppliers. See 30 TAC § 288.20.
  2. N/A Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
  3. N/A 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 NN

## 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.

### 3. Summary of Request;

## SUMMARY OF REQUEST

Pursuant to the Texas Water Code and the Texas Commission on Environmental Protection's ("Commission") Rule and Regulations, **Joe B. Metz** of McAllen, Hidalgo County, Texas ("Applicant"), acquired 75.00 A/F agricultural water rights for irrigation from Certificate of Adjudication ("COA") 23-579 ("Water Rights") by Applicant in Water Rights Conveyance of record as Document No. 3497091, Official Records of Hidalgo County, Texas, and reflected in TCEQ's Water Rights Change of Ownership Memorandum dated December 14, 2023.

Applicant hereby requests the Commission to sever the Water Rights and combine them with the water rights under COA 23-679, as follows:

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### **SEVER AND COMBINE:**

1. By this Application, Applicant seeks to sever the 75.00 A/F agricultural Water Rights for irrigation from COA 23-579, and to combine such Water Rights into COA 23-679.

### **PURPOSE OF USE:**

2. The existing purpose of the Water Rights is agricultural use. Applicant will use the Water Rights for agricultural purposes (irrigation) and, therefore, no change in the purpose of use is sought or required.

### **PLACE OF USE:**

3. The Applicant seeks to change the place of use of the Water Rights to the place of use reflected in COA 23-679.

The existing place of use for the 75.00 A/F Water Rights is in Hidalgo County, Texas, to irrigate the following described tract(s):

*Tracts 81, 176, 375, 381, 382, & Banco 97, Los Ejidos De Reynosa Viejo Grant,  
Hidalgo County, Texas (COA 23-579)*

Applicant seeks to use the 75.00 A/F Water Rights within that same land grant (Los Ejidos De Reynosa Viejo Grant) in Hidalgo County, Texas, to irrigate the following described tracts:

*95.514 acres located in:*

*Tracts 133, 134, 143, and 144A, Los Ejidos De Reynosa Viejo Grant,  
Hidalgo County, Texas. (COA 23-679)*

**PLACE OF DIVERSION:**

4. A. Applicant requests that TCEQ update the existing diversion point for COA 23-679 going forward to reflect six decimal places, as follows:

*Latitude 26.191522 N; Longitude -98.424454 West, in Hidalgo County, Texas.*

- B. The Applicant seeks to change the diversion point for the 75.00 A/F Water Rights currently held under COA 23-579 to the updated diversion point for COA 23-679, as amended, as follows:

*Latitude 26.191522 N, Long. -98.424454 West, in Hidalgo County, Texas.*

The location of the diversion point is well known to the Rio Grande Water Master and is described in the Commission records.

5. Applicant states that the actions sought in this application to sever the water rights from COA 23-579 and to combine them with COA 23-679; to change the place of use; and to change the point of diversion, as requested herein, do not contemplate an increased consumptive use of water or rate of diversion which would harm any other existing water rights holders on the Rio Grande below Amistad and Falcon Reservoirs; and will not prejudice any other water rights holder on the Rio Grande below Amistad Reservoir.

6. Applicant has submitted the required fees with this application.

4. Copies of documents evidencing chain of title for water rights;

FROM COA 23-579 – 75.00 A/F MUN

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 14, 2023

Richard W. Fryer  
Fryer & Hansen PLLC  
1352 Pecan Blvd  
McAllen, TX 78501-4352

VIA-EMAIL

RE: Change of Ownership  
Certificate of Adjudication No. 23-579

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Dear Richard W. Fryer:

This acknowledges receipt of additional information received on December 1, 2023.

*TCEQ Change of Ownership Memorandum* attached.

If you have any questions concerning this matter, please contact me via e-mail at [Morgan.Cantu@tceq.texas.gov](mailto:Morgan.Cantu@tceq.texas.gov) or by telephone at (512) 239-4739.

Sincerely,


A handwritten signature in black ink, appearing to read "Morgan Cantu".

Morgan Cantu, Project Manager  
Water Rights Compliance Assurance Team  
Water Availability Division

Attachment

cc: Rio Grande Watermaster's Office

# TCEQ Water Rights Change of Ownership Memorandum

**To:** Records Management **Date:** December 14, 2023  
**Thru:** For Sandra Douglas, Team Leader **Certificate of Adjudication No.** 23-579  
 Water Rights Compliance Assurance Team **Source County:** Hidalgo  
**From:** Morgan Cantu, Project Manager **Source Basin:** Rio Grande  
Water Rights Compliance Assurance Team  
**Subject:** Change of Ownership  
**Add:** Joe B. Metz, as part-owner

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## Conveyance Documents Reviewed

Title	Dated	Doc. No.
Water Rights Conveyance	10/19/2023	3497091

The change of ownership application and \$100 recording fee (Voucher No. 670010) were received on November 14, 2023. The review of the application was completed on December 14, 2023. The conclusions in this memo are based upon a review of the above-mentioned conveyance documents submitted by the applicants from the Official Public Records of Hidalgo County, Texas. The conclusions are subject to change if additional information is received.

## Ownership of Record with Addresses and Remarks:

1. Sharon Rees Waite  
DBA Ojo De Agua Property  
8301 W Business Highway 83  
Mission, TX 78572-9445
2. Thomas B. Waite Jr. Testamentary Trust  
DBA Ojo De Agua Property  
8301 W Business Highway 83  
Mission, TX 78572-9445
3. Charles Kenneth Clark Trust  
DBA Ojo De Agua Property  
8301 W Business Highway 83  
Mission, TX 78572-9445
4. Anne Karen Clark Trust  
DBA Ojo De Agua Property  
8301 W Business Highway 83  
Mission, TX 78572-9445
5. Joe B. Metz  
PO Box 727  
Mission, TX 78573-0013

## The owners of record have been updated as follows:

Authorization 1: Diversion of 531.18 acre-feet of Class B water per year from the Rio Grande, for agricultural purposes, to irrigate 227.48 acres of land in TWC Tract H-567, in Hidalgo County. That being a 100% interest in north 100 acres of tract 381 (158.74 ac-ft of water), 50% interest in tracts 375 (69.61 ac-ft of water) & 382 (35.94 ac-ft of water), 6.5% interest in tract 81 (34.73 ac-ft of water), and 75% interest in tracts 176 (148.82 ac-ft of water) & Banco #97 (83.34 ac-ft of water), within TWC Tract H-567.

Owner Name	Amount	Purpose
Sharon Rees Waite	531.18 ac-ft	Agricultural

Authorization 2: Diversion of 529.50 acre-feet of Class B water per year from the Rio Grande, for agricultural purposes, to irrigate 226.80-acres of land, located in TWC Tract H-567, in Hidalgo County. That being a 50% interest in south 100 acres of tract 381 (79.37 ac-ft of water), 50% interest in tracts 382 (35.94 ac-ft of water), 375 (69.61 ac-ft of water) & 81 (267.19 ac-ft of water), and 25% interest in tracts 176 (49.61 ac-ft of water) & Banco #97 (27.78 ac-ft of water), within TWC Tract H-567.

Owner Name	Amount	Purpose
Thomas B. Waite Jr. Testamentary Trust	529.50 ac-ft	Agricultural

Authorization 3: Diversion of 155.91 acre-feet of Class B water per year from the Rio Grande, for agricultural purposes, to irrigate 62.36 acres of land in TWC Tract H-567, in Hidalgo County. That being a 25% interest in south 100 acres of tract 381 (39.68 ac-ft of water) and 21.75% interest in tract 81 (116.23 ac-ft of water), within TWC Tract H-567.

Owner Name	Amount	Purpose
Charles Kenneth Clark Trust	155.91 ac-ft	Agricultural

Authorization 4: Diversion of 155.91 acre-feet of Class B water per year from the Rio Grande, for agricultural purposes, to irrigate 62.36 acres of land in TWC Tract H-567, in Hidalgo County. That being a 25% interest in south 100 acres of tract 381 (39.68 ac-ft of water) and 21.75% interest in tract 81 (116.23 ac-ft of water), within TWC Tract H-567.

Owner Name	Amount	Purpose
Anne Karen Clark Trust	155.91 ac-ft	Agricultural

Authorization 5: Diversion of 75 acre-feet of Class B water per year from the Rio Grande, for agricultural purposes, in Hidalgo County. No land was conveyed.

Owner Name	Amount	Purpose
Joe B. Metz	75 ac-ft	Agricultural

Please be aware that a permanent water right is an easement and passes with title to the land to which it is appurtenant unless the water right is expressly reserved or excepted from conveyance or is conveyed separately from the land. See Texas Water Code §11.040(a) and 30 Texas Administrative Code (TAC) § 297.81(a) and (d). However, also be aware that a permanent water right must be expressly conveyed if the water right is held by a water corporation, water district, river authority, or governmental entity authorized to supply water to others. See 30 TAC § 297.81(b).

This water right falls under the jurisdiction of the Rio Grande Watermaster Program. Prior to diverting, please contact the Rio Grande Watermaster's Office at (800) 609-1219.



Morgan Cantu

**Doc-3497091**

Hidalgo County  
Arturo Guajardo Jr.  
County Clerk  
Edinburg, Texas 78540

Document No: 3497091

Billable Pages: 2

Recorded On: November 03, 2023 01:02 PM

Number of Pages: 3

CONVEYANCE

\*\*\*\*\*Examined and Charged as Follows\*\*\*\*\*

Total Recording: \$ 40.00

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\*\*\*\*\*THIS PAGE IS PART OF THE DOCUMENT\*\*\*\*\*

Any provision herein which restricts the Sale, Rental, or use of the described REAL PROPERTY  
because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document No: 3497091  
Receipt No: 20231103000193  
Recorded On: November 03, 2023 01:02 PM  
Deputy Clerk: Maria Perez  
Station: CH-1-CC-K01

**Record and Return To:**

Simplifile  
5072 North 300 West  
PROVO UT 84604



STATE OF TEXAS  
COUNTY OF HIDALGO

I hereby certify that this Instrument was FILED in the File Number sequence on the date/time  
printed hereon, and was duly RECORDED in the Official Records of Hidalgo County, Texas.

Arturo Guajardo Jr.  
County Clerk  
Hidalgo County, Texas

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

**WATER RIGHTS CONVEYANCE**

Date: October 19, 2023

**Grantor: SHARON REES WAITE and JOE B. METZ, TRUSTEE OF THE T.B.WAITE, JR. TESTAMENTARY TRUST**

**Grantor's Mailing Address: 8301 W. Business 83, Mission,  
Hidalgo County, Texas 78572**

**Grantee: JOE B. METZ**

**Grantee's Mailing Address: P.O. Box 727, Mission,  
Hidalgo County, Texas 78573-0013**

**Consideration:**

The sum of **TEN AND NO/100THS DOLLARS (\$10.00)** and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

**Water Rights:**

The right to divert and use water from the Rio Grande River in a maximum amount not to exceed a maximum of **75.00 acre-feet of water per annum from the Rio Grande River that are currently used for irrigation purposes on a Class "B" irrigation priority basis of allocation**, said 75.00 acre-feet of water rights being a part of the water rights appurtenant to Tract 382, Los Ejidos de Reynosa Vieja, Hidalgo County, Texas, from the water rights owned by GRANTOR and evidenced by Certificate of Adjudication No. 23-579 (the "Water Rights").

**Reservations: None.**

GRANTOR, for the Consideration, GRANTS, SELLS, AND CONVEYS to GRANTEE the Water Rights, 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 title to the Water Rights, which are not less than a 100% interest in **75.00 acre-feet of water per annum for irrigation purposes on a Class "B" irrigation priority basis of allocation**, to GRANTEE and GRANTEE's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof. Without limitation, this warranty shall apply in the event of any failure(s) as to the foregoing minimums specified as to the amount of, and percent interest in, the Water Rights conveyed hereby.

GRANTOR hereby authorizes the Texas Commission on Environmental Quality, or its successor, and any such other governmental body or authority that has jurisdiction over the Water Rights ("Water Authority"), to make such changes in the records as are necessary to accomplish the conveyance and transfer of the Water Rights. GRANTOR agrees to execute such other instruments as shall be necessary and required by the TCEQ and other Water Authority.

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

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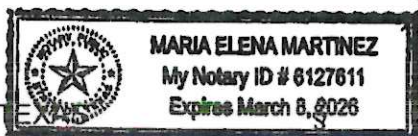
By: Sharon Rees Waite  
Sharon Rees Waite

By: Joe B. Metz Trustee  
Joe B. Metz, Trustee of The T.B. Waite, Jr.  
Testamentary Trust

STATE OF TEXAS §

COUNTY OF Hidalgo §

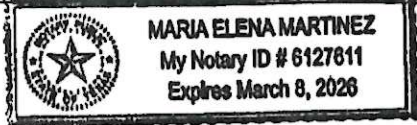
ACKNOWLEDGED before me on the 19 day of October, 2023,  
by Sharon Rees Waite.



STATE OF TEXAS §

COUNTY OF Hidalgo §

ACKNOWLEDGED before me on the 19 day of October, 2023,  
by Joe B. Metz, Trustee of the T.B. Waite, Jr. Testamentary Trust.



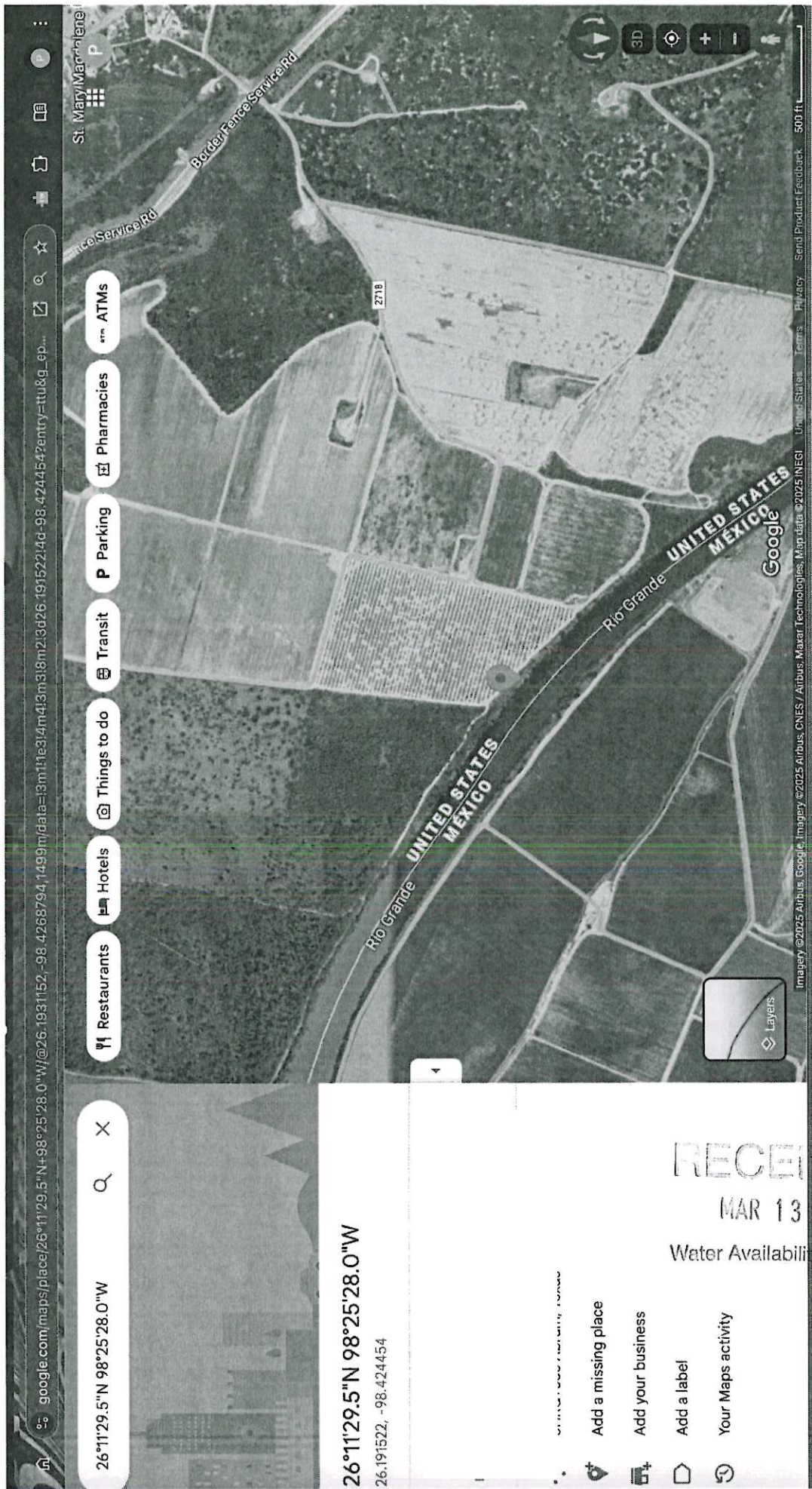
PREPARED IN THE OFFICE OF:  
AFTER RECORDING RETURN TO:

Richard W. Fryer  
Fryer & Hansen, P.L.L.C.  
1352 W. Pecan Blvd.  
McAllen, Texas 78501  
Tel: (956) 686-6606  
Fax: (956) 686-6601

Maria Elena Martinez  
Notary Public, State of Texas

Maria Elena Martinez  
Notary Public, State of Texas

5. COA 23-679 Diversion point;



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THE STATE OF TEXAS

§

CONSENT OF DIVERTER

COUNTY OF HIDALGO

§

§

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Water Availability Division

TO: Texas Commission on Environmental Quality  
Austin, Texas

RE: Certificate of Adjudication No. 23-679, Lower Rio Grande  
3 acre feet of water per annum on a Class "B" irrigation priority basis

Joe B. Metz ("the Undersigned") is presently the owner of the diversion point in relation to Certificate of Adjudication No. 23-530, and have been advised that Mr. Joe Metz, has acquired the water rights identified above under Certificate of Adjudication No. 23-679.

This is to advise that the Undersigned hereby consents to be the diverter of said water rights subject to the terms and conditions of agreements between the Undersigned and Mr. Joe Metz.

Dated this 8 day of Sept, 2006.

Joe B. Metz

6. Copy of Water Conservation Plan



## Texas Commission on Environmental Quality

Water Availability Division

MC-160, P.O. Box 13087 Austin, Texas 78711-3087


Telephone (512) 239-4600, FAX (512) 239-2214

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

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

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

#### Contact Information

Name: Joe B. Metz  
Address: 8301 W. Bus. Hwy 83  
Telephone Number: \_\_\_\_\_ Fax: \_\_\_\_\_  
Form Completed By: Self  
Title: Individual Owner  
Signature:  Date: 2/13/2025

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

## I. BACKGROUND DATA

### A. Water Use

1. Annual diversion appropriated or requested (in acre-feet): 78
2. In the table below, list the amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year.

January 3	February 9	March 9	April 9
May 9	June 3	July 3	August 3
September 9	October 9	November 9	December 3
Total All Months			78

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

Type of crop	Growing Season (Months)	Acres irrigated/year
citrus	Feb-May/Sept-Nov	95.514
Total acres irrigated		78

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

If yes, please describe:

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

silty clay loam

### B. Irrigation system information

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

micro sprinklers

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

6" micrometer

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

No irrigation system changes are planned/anticipated. The current system is the most

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

- a. 5-year goal:  
Savings in acre-feet                      or system efficiency as a percentage 85-95 %
- b. 10-year goal:  
Savings in acre-feet                      or system efficiency as a percentage 85-9 %

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

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

☐ Yes                      ☒ No

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

#### C. Conservation practices

1. Describe any water conserving irrigation equipment, application system or method in the irrigation system (e.g., surge irrigation, low pressure sprinkler, drip irrigation, nonleaking pipe).  
micro sprinkler system
2. Describe any methods that will be used for water loss control and leak detection and repair.  
N/A - periodic visual inspectio of system for leaks.
3. Describe any water-saving scheduling or practices to be used in the application of water (e.g., irrigation only in early morning, late evening or night hours and/or during lower temperatures and winds) and methods to measure the amount of water applied (e.g. soil-moisture monitoring).

irrigation at night

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

land leveling

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

N/A

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

None

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

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

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

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

# TCEQ Core Data Form

TCEQ Use Only

If you have questions on how to fill out this form or about our Central Registry, please contact us at 512-239-5175.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-239-3282.

## SECTION I: General Information

1. Reason for Submission <i>Example: new wastewater permit; IHW registration; change in customer information; etc.</i>	
2. Attachments <input type="checkbox"/> Yes <input type="checkbox"/> No	Describe Any Attachments: (ex: Title V Application, Waste Transporter Application, etc.)
3. Customer Reference Number-if issued CN (9 digits)	4. Regulated Entity Reference Number-if issued RN SEE FAX (9 digits)

## SECTION II: Customer Information

5. Customer Role (Proposed or Actual) -- As It Relates to the Regulated Entity Listed on This Form			
Please check <u>one</u> of the following: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Owner and Operator <input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Volunteer Cleanup Applicant <input type="checkbox"/> Other			
TCEQ Use Only <input type="checkbox"/> Superfund <input type="checkbox"/> PST <input type="checkbox"/> Respondent			
6. General Customer Information <input checked="" type="checkbox"/> New Customer <input type="checkbox"/> Change to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership <input type="checkbox"/> No Change* *If "No Change" and Section I is complete, skip to Section III - Regulated Entity Information.			
7. Type of Customer: <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Sole Proprietorship - D.B.A. <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <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			
8. Customer Name (If an individual, please print last name first) If new name, enter previous name: Metz, Joe B.			
9. Mailing Address: 8301 W. Loop 374			
City Mission		State TX	ZIP 78572
ZIP + 4			
10. Country Mailing Information if outside USA		11. E-Mail Address if applicable	
12. Telephone Number (956) 581-3602		13. Extension or Code	14. Fax Number if applicable ( )
16. State Franchise Tax ID Number if applicable		17. DUNS Number if applicable (9 digits)	
18. Number of Employees <input checked="" type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher		19. Independently Owned and Operated? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

## SECTION III: Regulated Entity Information

20. General Regulated Entity Information <input type="checkbox"/> New Regulated Entity <input type="checkbox"/> Change to Regulated Entity Information <input type="checkbox"/> No Change* *If "No Change" and Section I is complete, skip to Section IV - Preparer Information.	
21. Regulated Entity Name (If an individual, please print last name first)	

Move cursor to page 2 to continue.

22. Street Address: _____					
(No P.O. Boxes) _____					
City			State	ZIP	ZIP + 4
23. Mailing _____					
Address _____					
City			State	ZIP	ZIP + 4
24. E-Mail Address: _____					
25. Telephone Number _____			26. Extension or Code _____	27. Fax Number if applicable _____	
(      )			(      )		
28. Primary SIC Code (4 digits)	29. Secondary SIC Code (4 digits)	30. Primary NAICS Code (5 or 6 digits)		31. Secondary NAICS Code (5 or 6 digits)	
32. What is the Primary Business of this entity? (Please do not repeat the SIC or NAICS description.)  					
<i>Questions 33 - 37 address geographic location. Please refer to the instructions for applicability.</i>					
33. County: _____					
34. Description of Physical Location  					
35. Nearest City				State	Nearest ZIP
36. Latitude (N) Degrees      Minutes      Seconds			37. Longitude (W) Degrees      Minutes      Seconds		
38. TCEQ Programs In Which This Regulated Entity Participates <i>Not all programs have been listed. Please add to this list as needed. If you don't know or are unsure, please mark "unknown."</i>					
<input type="checkbox"/> Animal Feeding Operation		<input type="checkbox"/> Petroleum Storage Tank		<input checked="" type="checkbox"/> Water Rights	
<input type="checkbox"/> Title V - Air		<input type="checkbox"/> Wastewater Permit		<input type="checkbox"/> _____	
<input type="checkbox"/> Industrial & Hazardous Waste		<input type="checkbox"/> Water Districts		<input type="checkbox"/> _____	
<input type="checkbox"/> Municipal Solid Waste		<input type="checkbox"/> Water Utilities		<input type="checkbox"/> Unknown	
<input type="checkbox"/> New Source Review - Air		<input type="checkbox"/> Licensing - TYPE(s) _____			

#### SECTION IV: Preparer Information

39. Name _____			40. Title _____		
41. Telephone Number (      )		42. Extension or Code	43. Fax Number if applicable (      )		
44. E-Mail Address: _____					

7. Copy of Deed for land to be irrigated

Hidalgo County  
J. D. Salinas III  
County Clerk  
Edinburg, TX 78540



70 2005 01525052

Instrument Number: 2005-1525052

Recorded On: September 26, 2005

As  
Recording

Parties:

To

Billable Pages: 4

Number of Pages: 5

Comment: COR WARDWVNLN GF#4376

**\*\* Examined and Charged as Follows: \*\***

Recording	20.00
Total Recording:	20.00

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Water Availability Division

\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY  
because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 2005-1525052  
Receipt Number: 708927  
Recorded Date/Time: September 26, 2005 04:20P  
Book-Vol/Pg: BK-SC VL-3 PG-44613  
User / Station: R Perez - Cash Superstation 8

**Record and Return To:**

MR. JOE METZ  
RR 3 BOX 124  
MISSION TX 78572

SJTC/ *[Signature]* GF # 4374

**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.**

**CORRECTION WARRANTY DEED WITH VENDOR'S LIEN**

**Date:** August 31, 2005

**Grantor:** Trophy International, Inc., a Delaware corporation and Sundown Enterprises, LTD, a Texas limited partnership, formerly Sundown Enterprises Inc., a Texas corporation

**Grantor's Mailing Address (including county):**

1400 Esperanza  
McAllen, Texas 78501  
Hidalgo County

**Grantee:** Joe Metz

**Grantee's Mailing Address (including county):**

RR 3 Box 124  
Mission, Texas 78572  
Hidalgo County

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**Consideration:** TEN AND NO/100 DOLLARS and other good and valuable consideration and the further consideration of a note of even date that is in the principal amount of \$143,500.00 and is executed by Grantee, payable to the order of FIRST NATIONAL BANK. The note is secured by a vendor's lien retained in favor of FIRST NATIONAL BANK in this deed and by a deed of trust of even date, from Grantee to Michael V. McCarthy, Trustee.

FIRST NATIONAL BANK, at Grantee's request, having paid in cash to Grantor that portion of the purchase price of the property that is evidenced by the note described, the vendor's lien and superior title to the property are retained for the benefit of FIRST NATIONAL BANK and are transferred to FIRST NATIONAL BANK without recourse on Grantor.

**Property (including any improvements):**

A tract of land out of Tracts 133, 134, 143 and 144-A, LOS EJIDOS DE REYNOSA VIEJO GRANT, Hidalgo County, Texas, according to the map or plat thereof recorded in Volume 7, Pages 5-8, Map Records, Hidalgo County, Texas, reference to which is here made for all purposes, and being more particularly described by metes and bounds as follows:

BEGINNING at the most Southerly Northwest corner of Tract 134, for an interior corner of the following described tract of land, said corner being the Southwest corner of Tract 142 and also being the Southwest corner of U.S.A. Tract No. 363;

THENCE, with the most Southerly North line of Tract 134 and South line of U.S.A. Tract 363, South 56 degrees 26 minutes 04 seconds East, 27.2 feet to an iron rod with FNM cap set, for the most Southerly Northeast corner hereof;

THENCE, with a line crossing Tracts 134 and 133, South 13 degrees 04 minutes 39 seconds West, 3436.57 feet to an iron rod with FNM cap set on the North bank of the Rio Grande River, for the Southeast corner hereof;

THENCE, upstream with the meanders of said river as follows: North 43 degrees 18 minutes 07 seconds West,

662.98 feet; North 61 degrees 15 minutes 32 seconds West, 88.85 feet; North 45 degrees 13 minutes 42 seconds West,

103.8 feet; and North 56 degrees 30 minutes 29 seconds West, 70.31 feet to a point on the West line of Tract 144-A,

for the Southwest corner hereof;

THENCE, leaving said river bank, with the West boundary line of Tract 144-A as follows; North 9 degrees 57 minutes 49 seconds East, 98.76 feet; North 7 degrees 36 minutes 43 seconds East, 281.2 feet; North 7 degrees 56 minutes 43 seconds East 600.0 feet; North 5 degrees 03 minutes 43 seconds East, 612.0 feet; North 3 degrees 28 minutes 43 seconds East, 370.0 feet; North 7 degrees 21 minutes 43 seconds East, 590.0 feet; North 11 degrees 34 minutes 43 seconds East, 542.3 feet; North 14 degrees 54 minutes 43 seconds East, 120.0 feet; North 10 degrees 54 minutes 43 seconds East, 190.5 feet; North 27 degrees 12 minutes 43 seconds East, 565.0 feet and North 32 degrees 29 minutes 20 seconds East, 399.37 feet to a point on the Southwest levee right-of-way of the International

Boundary and Water Commission River Levee, for the Northwest corner hereof;  
THENCE, with said river levee right-of-way line as follows: South 39 degrees 43 minutes 39 seconds East, 1112.75 feet; and South 75 degrees 43 minutes 39 seconds East, 166.37 feet to a point on the East line of Tract 143, for the most Northerly Northeast corner hereof;  
THENCE, with said boundary line of Tract 143 as follows: South 34 degrees 30 minutes 56 seconds West, 621.09 feet and South 27 degrees 35 minutes 56 seconds West, 83.4 feet to the POINT OF BEGINNING, containing 95.514 acres of land, more or less, which may increase by accretion or decrease by erosion.

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

**SAVE AND EXCEPT ALL OF THE OIL, GAS AND OTHER MINERALS IN AND UNDER AND THAT MAY BE PRODUCED FROM THE PROPERTY, AND SUBJECT TO:**

Easements and reservations as shown according to the map or plat thereof recorded in Volume 7, Pages 5-8, Map Records of Hidalgo County, Texas.

Road Easement as described in Deed dated October 1, 2002, executed by Trophy International, Inc., a Delaware corporation to E.B. Reyna, Jr. and Elda Belinda Reyna, recorded under Clerk's File No. 1239553, Official Public Records of Hidalgo County, Texas.

Easement as reserved and described in Deed dated October 1, 2002, executed by E. B. Reyna, Jr. and Elda Belinda Reyna to Trophy International, Inc., a Delaware corporation, recorded under Document No. 1239554, Official Records, Hidalgo County, Texas.

Water Rights as reserved in Deed dated October 1, 2002, executed by E. B. Reyna, Jr. and Elda Belinda Reyna to Trophy International, Inc., a Delaware corporation, recorded under Document No. 1239554, Official Records, Hidalgo County, Texas.

Oil, Gas and Mineral Lease dated May 8, 1979 in favor of Gas Producing Enterprises, Inc. recorded in Volume 382, Page 608, Volume 382, Page 611, dated June 14, 1979, recorded in Volume 383, Page 244 and Volume 383, Page 246, Oil and Gas Records of Hidalgo County, Texas, together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of aforesaid instrument.

Oil, Gas and Mineral Lease dated June 13, 2001, in favor of Smith Production, Inc., recorded under Document No. 998526 and extended under Document No. 1318902, Official Records of Hidalgo County, Texas, together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of aforesaid instrument. (as to Tracts 133 and 134)

Oil, Gas and Mineral Lease dated June 11, 2001, in favor of Smith Production, Inc., recorded under g. Document No. 998528 and extended under Document No. 1318901, Official Records of Hidalgo County, Texas, together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of aforesaid instrument. (as to Tracts 133 and 134)

Oil, Gas and Mineral Lease dated June 13, 2001, in favor of Smith Production, Inc., recorded under Document No. 998529 and dated November 20, 2002, under Document No. 1160508, Official Records of Hidalgo County, Texas, together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of the aforesaid instrument. (as to Tracts 133 and 134)

Memorandum of Oil, Gas & Mineral Lease dated September 26, 2003, in favor of Smith Production, Inc., recorded under Document No. 1257823, Document No. 1257824, Document No. 1272262 and Document No. 1272263, Official Records of Hidalgo County, Texas, together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of the aforesaid instrument. (as to Tracts 144-A and 143)

Oil, Gas and Mineral Lease dated July 30, 2004, in favor of Smith Production, Inc., recorded under Document No. 1378718, Official Records of Hidalgo County, Texas, together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of the aforesaid instrument. (as to Tracts 143 and 144-A)

Mineral reservations and/or conveyances as set forth in instrument dated March 30, 1935, executed by A. Sandoval and Encarnacion Mercado Sandoval to H. C. Starkey, recorded in Volume 7, Page 312, Oil and

Gas Lease Records, Hidalgo County, Texas, together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of aforesaid instrument. (as to Tract 133)

Mineral reservations and/or conveyances as set forth in instrument dated June 1, 1973, executed by Tomas Ochoa and wife, Manuela Gonzalez Ochoa to Louisiana Strawberry and Vegetable Distributing Co., Inc., recorded in Volume 1367, Page 585, Deed Records, Hidalgo County, Texas, together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of aforesaid instrument. (as to all Tracts)

Mineral reservations and/or conveyances as set forth in instrument dated February 12, 1944, executed by Alfred N. Vela, Jr. to A. N. Vela, Sr., recorded in Volume 528, Page 302, Deed Records, Hidalgo County, Texas, together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of aforesaid instrument. (as to Tract 134)

Mineral reservations and/or conveyances as set forth in instrument dated July 19, 1937, executed by Mateo Gonzales, et al to H. F. Ferry and J. W. Ewing, recorded in Volume 22, Page 436, Oil and Gas Lease Records, Hidalgo County, Texas, together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of aforesaid instrument. (as to Tract 143)

Mineral reservations and/or conveyances as set forth in instrument dated December 20, 1935, executed by Grade Callaway to Dolores Garza, recorded in Volume 412, Page 503, Deed Records, Hidalgo County, Texas, together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of aforesaid instrument. (as to Tract 144-A)

Mineral reservations and/or conveyances as set forth in instrument dated October 1, 2002, executed by E.B. Reyna, Jr. and Elda Belinda Reyna, to Trophy International, Inc., a Delaware corporation, recorded under Document No. 1239554, Official Records, Hidalgo County, Texas, together with all rights incident to the owners and lessees of the minerals. Title to said interest not checked subsequent to date of aforesaid instrument. (as to all Tracts)

A ten foot irrigation easement along the South side of subject property and a twenty foot road easement along the Northerly and most Northeasterly side of subject property, all as shown on Survey dated February 27, 2002, prepared by Plinio C. Medina, Registered Professional Land Surveyor.  
INTENTIONALLY LEFT BLANK.

Zoning and building ordinances in favor of the County of Hidalgo.

Standby fees, taxes and assessments by any taxing authority for the year 2005, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner.

Grantor, for the consideration, receipt of which is acknowledged, 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 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 conveyance and warranty.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

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

Grantor Sundown Enterprises, LTD is only conveying by these presents all of its undivided interest in the portion of the Property that is located on Tract 133, and acknowledges that it owns no interest in the portion of the Property located on said Tracts 134, 143, and 144-A. In connection therewith, it hereby disclaims any right, title or interest in and to said Tracts 134, 143 and 144-A.

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Water Availability Division

On March 10, 2005, Grantor executed a Warranty Deed with Vendor's Lien to Grantee which was filed for record in the Office of the County Clerk of Hidalgo County, Texas on March 23, 2005 as Document No. 1450010 wherein by error the mineral reservation was omitted and this Correction Warranty Deed with Vendor's Lien is made and recorded for the sole purpose of correcting said error, and in all other respects confirming said former Warranty Deed with Vendor's Lien.

Trophy International, Inc., a Delaware Corporation

By: [Signature]  
Name: Othol E. Brand Jr.  
Its: President

Sundown Enterprises, LTD

By: Brand Investments, L.L.C., General Partner

By: Othol E. Brand Jr.  
Name: Othol E. Brand, Sr.  
Its: Manager

Joe Metz [Signature]

STATE OF TEXAS  
COUNTY OF HIDALGO

ACKNOWLEDGMENT

This instrument was acknowledged before me on Sep. 12, 2005, by Othol E. Brand Jr.  
President of Trophy International, Inc., a  
Delaware corporation.

[Signature]  
YVETTE LONGORIA  
Notary Public  
State of Texas  
My Comm. Exp. 09/16/2008  
STATE OF TEXAS  
COUNTY OF HIDALGO

ACKNOWLEDGMENT

This instrument was acknowledged before me on Sep 12, 2005, by Othol E. Brand Sr.  
Member of Brand Investments, L.L.C., General Partner of  
Sundown Enterprises, LTD.

[Signature]  
YVETTE LONGORIA  
Notary Public  
State of Texas  
My Comm. Exp. 09/16/2008

ACKNOWLEDGMENT

This instrument was acknowledged before me on 9/12, 2005, by Joe Metz

[Signature]  
Notary Public

PREPARED IN THE OFFICE OF:  
King, Guerra, Davis & Garcia  
P.O. Box 1025  
Mission, Texas 78573

AFTER RECORDING RETURN TO:  
Mr. Joe Metz  
RR 3 Box 124  
Mission, Texas 78572  
31,303

Filed for Record in:  
Hidalgo County III  
by  
County Clerk  
On: Sep 26, 2005 at 04:20P  
As a Recording  
Document Number: 1525052  
Total Fees: 20.00  
Receipt Number - 708927  
By:  
Rene Perez, Deputy

DAVID H. GUERRA  
Notary Public  
STATE OF TEXAS  
My Comm. Exp. 10-16-2008

## 8. Public Involvement Plan



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.

Public Involvement Plan is not applicable because it does not require public notice and is not of public interest.

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Water Availability Division

### 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)