

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

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

DATE: June 21, 2023

SUBJECT: John and Katherine Kniffen Revocable Living Trust
ADJ 1798
CN604374405, RN103976221
Application No. 14-1798C to Amend Certificate of Adjudication
No. 14-1798
Texas Water Code § 11.122, Limited Mailed Notice Required
San Saba River, Colorado River Basin
Menard County

The application was received on May 10, 2023. Application fees were received on May 30, 2023. Additional fees were received on June 12, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on June 21, 2023. Mailed notice to co-owners for adding a place of use is required pursuant to Title 30 Texas Administrative Code (TAC) § 295.158(c)(2)(B), and mailed notice to interjacent water right holders of record in the Colorado River Basin for adding a diversion point is required pursuant to Title 30 TAC § 295.158(c)(3)(D).

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

Hal E. Bailey, Jr.

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

OCC Mailed Notice Required

YES

NO

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 21, 2023

Ms. Meredith Allen
Menard County WCID
P.O. Box 1215
Menard, Texas 76859

VIA E-MAIL

RE: John and Katherine Kniffen Revocable Living Trust
ADJ 1798
CN604374405, RN103976221
Application No. 14-1798C to Amend Certificate of Adjudication No. 14-1798
Texas Water Code § 11.122, Limited Mailed Notice Required
San Saba River, Colorado River Basin
Menard County

Dear Ms. Allen:

This acknowledges receipt, on June 12, 2023, of additional fees in the amount of \$49.98 (Receipt No. M317456, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on June 21, 2023. 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 e-mail at hal.bailey@tceq.texas.gov or at (512) 239-4615.

Sincerely,

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

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

Attachment



12-JUN-23 03:17 PM

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>
NOTICE FEES-WUP- WATER USE PERM	PTGU PTGU NOTICE FEES WUP WATER USE PERMITS	M317456 141798C KIFFEN/JOHN , KATHERINE	[REDACTED] 061223 RHDAVIS	 N CK	BS00103479 D3802789	12-JUN-23	-\$49.98
					Total (Fee Code):		-\$49.98

Hal Bailey

From: [REDACTED]
Sent: Thursday, June 8, 2023 2:07 PM
To: Hal Bailey
Subject: RE: John and Katherine Kniffen Revocable Living Trust Application No. 14-1798C RFI Sent

Hal,

We put the check in the mail today. Thanks!

Meredith

From: Hal Bailey <Hal.Bailey@tceq.texas.gov>
Sent: Thursday, June 1, 2023 8:02 PM
To: [REDACTED]
Subject: John and Katherine Kniffen Revocable Living Trust Application No. 14-1798C RFI Sent

Good evening Meredith,

Attached is a Request for Information (RFI) letter for application no. 14-1798C. Please provide a response by COB on 07/03/2023.

Feel free to let me know if you should have any questions.

Thank you,

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

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 1, 2023

Ms. Meredith Allen, Manager
Menard County WCID
P.O. Box 1215
Menard, Texas 76859

VIA E-MAIL

RE: John and Katherine Kniffen Revocable Living Trust
ADJ 1798
CN604374405, RN103976221
Application No. 14-1798C to Amend Certificate of Adjudication No. 14-1798
Texas Water Code § 11.122, Limited Mailed Notice Required
San Saba River, Colorado River Basin
Menard County

Dear Ms. Allen:

This acknowledges receipt, on May 10, 2023, of the referenced application. Fees in the amount of \$112.50 were received on May 30, 2023 (Receipt No. M316957, copy attached).

Before the application can be declared administratively complete, remit fees in the amount of \$49.98 as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (Amendment)	\$	100.00
Recording Fee	\$	12.50
Notice (\$2.94 x 17 water right holders)	\$	49.98
<u>Total Fees</u>	<u>\$</u>	<u>162.48</u>
Fees Received	\$	112.50
<u>Fees Due</u>	<u>\$</u>	<u>49.98</u>

Please provide the requested fees by July 3, 2023, or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact me via email at hal.bailey@tceq.texas.gov or by telephone at (512) 239-4615.

Sincerely,

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

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

Attachment



TCEQ

30-MAY-23 08:31 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	M316957	██████████		BS00103274	30-MAY-23	-\$112.50
	WUP	ADJ141798	052623	N	D3802705		
WATER USE PERMITS		MENARD CO	VHERNAND	CK			
		WCID 1					
Total (Fee Code):							-\$112.50

RECEIVED
 JUN 01 2023
 Water Availability Division

RECEIVED
 JUN 01 2023
 Water Availability Division

MENARD COUNTY WATER CONTROL & IMPROVEMENT DISTRICT #1

206 E San Saba Ave
Post Office Box 1215
Menard, Texas 76849
Office: 325-396-3670

E-mail: [REDACTED]

Chairman: Mark Blau

Vice-Chairman: Debra Roberson

Secretary/Treasurer: Paul Mews

Director: Susan Wheless

Director: James McBee

March 15, 2023

Texas Commission on Environmental Quality
Water Rights Permitting and Availability Division- MC 160
P. O. Box 13087
Austin, TX 78711-3087

Re: Amendment to Certificate of Adjudication 14-1798
CN604374405
San Saba River, Colorado River Basin

Dear Sir:

The landowner, Katherine Kniffen, Trustee, has requested that I submit the necessary documents to effect amendment of COA 14-1798 to add an additional diversion point. The type of use, amount if diversion and rate of diversion remain unchanged.

Enclosed are the following documents submitted on behalf of Mrs. Kniffen:

1. Administrative Information Checklist
2. Administrative Information Report
3. Technical Information Report
4. Partition Deed dated September 18, 1992, filed for record in Vol. 136 Page 630 of the Official Public Records of Menard County, Texas.
5. *Special Warranty Deed* dated May 3, 2011, recorded in Volume 232, Page 26; and *Special Warranty Deed* dated May 3, 2011, recorded in Volume 232, Page 34 of the Official Public Records of Menard County,
6. Notarized Summary of Revocable Living Trust Agreement, authorizing Katherine Kniffen to act on behalf of the Trust.
7. Agreement Relating to Water Right
8. An aerial map of the subject land with the existing and proposed diversion points marked.
9. A section of a USGS topo map with the proposed diversion point marked.
10. Photographs across the San Saba River and upstream and downstream from the proposed point.
11. Check # 1229 in the amount of \$112.50 for the required fees.

Applicant owns the Westernmost 31.2 acre tract and the Easternmost 20 acre tract shown on the map and have provided consent for Novice Kniffen and Elizabeth Ann Kniffen to irrigate, during the lifetime of Novice Kniffen, the 20 acre tract owned by them that is between the tracts owned by Applicant. However, the water right will only become appurtenant to the land owned by the Applicant

Please contact me at 325-396-3670, [REDACTED] or the above address, if you need any additional information.

Thank you for your attention to this application.

Sincerely,

A handwritten signature in cursive script that reads "Meredith E. Allen". The signature is written in black ink and is positioned above the typed name.

Meredith E. Allen
Manager

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): John and Katherine Kniffen Revocable Living Trust

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

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

ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

New Appropriation of State Water

Amendment to a Water Right *

Bed and Banks

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

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

Addition of diversion point to existing certificate.

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?

John and Katherine Kniffen Revocable Living Trust

(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 : CN604374405 (leave blank if you do not yet have a CN).

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

First/Last Name: John & Katherine Kniffen

Title: Trustees

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: John and Katherine Kniffen

Mailing Address: 3170 East FM 2092

City: Menard State: Texas ZIP Code: 76859

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:
State Franchise Tax ID Number: _____ SOS Charter (filing) Number: _____

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

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

First and Last Name: Meredith Allen

Title: Manager

Organization Name: Menard County WCID

Mailing Address: P.O. Box 1215

City: Menard State: TX ZIP Code: 76859

Phone Number: 325-396-3670

Fax Number: _____

E-mail Address: [REDACTED]

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

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

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

First and Last Name: _____

Title: _____

Organization Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Phone Number: _____

Fax Number: _____

E-mail Address: _____

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

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

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

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

Account number: _____ Amount past due: _____

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

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

Enforcement order number: _____ Amount past due: _____

b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicants 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** Y

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

https://www3.twdb.texas.gov/apps/reports/WU/SurveyStatus_PriorThreeYears

Applicant has submitted all required TWDB surveys of groundwater and surface water?

Yes / No Y

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Katherine Kniffen
(Typed or printed name)

Trustee
(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: Katherine Kniffen Date: 1-18-2023
(Use blue ink)

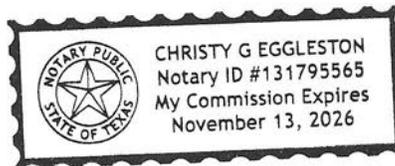
Subscribed and Sworn to before me by the said

on this 18th day of January, 2023

My commission expires on the 13th day of November, 2026

Christy Eggleston
Notary Public

Monard
County, Texas



[SEAL]

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, John Kniffen

Trustee

(Typed or printed name)

(Title)

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

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

Signature: John Kniffen

Date: 5/11/2023

(Use blue ink)

Subscribed and Sworn to before me by the said

on this 1st day of May, 2023

My commission expires on the 13th day of November, 2023

Christy Eggleston
Notary Public

monard
County, Texas



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

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

This Report is required for applications for new or amended water rights. Based on the Applicant's responses below, 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 to schedule a meeting.

Date of pre-application meeting: 05/03/2023

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

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

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

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

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: 14-1798

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

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

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

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

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

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

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

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

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

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

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

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

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

Additionally, all amendments require:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Worksheets and information:

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

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

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

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

The request is for an addition of a diversion point and does not request an increase in diversion amount or rate, and as such will not impact water supply or availability.

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 F Water Plan and the 2022 State Water Plan because there is nothing in the plans that conflict with the application.

- b. Did the Applicant perform its own Water Availability Analysis? Y / N N

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

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

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

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

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

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

a. Location Information Regarding the Lands to be Irrigated

- i) Applicant proposes to irrigate a total of _____ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, TX.
- ii) Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. 76859.

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**
20	agricultural irrigation	agricultural irrigation	N/A	Johann Knetsch Survey 193, Abstract 478

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- i. Applicant proposes to irrigate a total of 71.2 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 71.2 acres in _____ County, TX.
 - ii. Location of land to be irrigated: In the Johann Knetsch Original Survey No. 193, Abstract No. 478.

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

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

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

WORKSHEET 1.1

INTERBASIN TRANSFERS, TWC § 11.085

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

Applicant requests to transfer State Water to another river basin within the State? Y / N_____

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

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

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

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

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

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

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

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

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

WORKSHEET 1.2 NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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

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

WORKSHEET 2.0

Impoundment/Dam Information

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

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

1. Storage Information (Instructions, Page. 21)

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

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

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

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

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name):_____
- b. Zip Code: _____
- c. In the_____Original Survey No._____, Abstract No._____, _____County, Texas.

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

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

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

Latitude_____°N, Longitude_____°W.

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

- i. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):_____
- ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N_____

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

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

b. Maximum Rate of Diversion for **this new point** 0.356 cfs (cubic feet per second)
or 160 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / N Y
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 2.9 cfs or 1300 gpm

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

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

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

Check one		Write: Existing or Proposed
<input checked="" type="checkbox"/>	Directly from stream	shared with 1806
<input type="checkbox"/>	From an on-channel reservoir	
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	Other method (explain fully, use additional sheets if necessary)	

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

Applicant has calculated the drainage area. Y / N N

If yes, the drainage area is sq. miles.
(If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application)

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): San Saba River
- b. Zip Code: 76859
- c. Location of point: In the J KNETSCH Original Survey No. 193, Abstract No. 418, Menard 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 30.923817 °N, Longitude -99.741975 °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): Google Earth
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 4.0

DISCHARGE INFORMATION

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

- a. The purpose of use for the water being discharged will be_____.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses _____(% or amount) and explain the method of calculation:_____
- c. Is the source of the discharged water return flows? Y / N_____If yes, provide the following information:
 - 1. The TPDES Permit Number(s)._____ (attach a copy of the **current** TPDES permit(s))
 - 2. Applicant is the owner/holder of each TPDES permit listed above? Y / N_____

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

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

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

dii. Identify any other source of the water_____

WORKSHEET 4.1

DISCHARGE POINT INFORMATION

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

For water discharged at this location provide:

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

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

WORKSHEET 5.0

ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

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

Diversion pump will implement mesh screen to avoid impingement and entrainment.

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

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

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

Other, specify: _____

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: _____

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

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

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

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

- a. For all bed and banks applications:
 - i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.
- b. For all alternate source applications:
 - i. If the alternate source is treated return flows, provide the TPDES permit number _____
 - ii. If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:
Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

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

- iii. If groundwater will be used, provide the depth of the well _____ and the name of the aquifer from which water is withdrawn _____.

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans

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

Instructions, Page 31.

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

1. Water Conservation Plans

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

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

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

1. ____Municipal Use. See 30 TAC § 288.2. **
2. ____Industrial or Mining Use. See 30 TAC § 288.3.
3. Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. ____Wholesale Water Suppliers. See 30 TAC § 288.5. **

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

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

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

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

2. Drought Contingency Plans

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

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

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

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

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



Texas Commission on Environmental Quality

SYSTEM INVENTORY AND WATER CONSERVATION PLAN

FOR INDIVIDUALLY-OPERATED IRRIGATION SYSTEMS

This form is provided to assist entities in conservation plan development 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 Supply Division at (512) 239-4691.

Name: John B. Kniffen and Katherine L. Kniffen Revocable Living Trust

Address: 3170 E. FM 2092

Telephone Number: (325)396-2245 **Fax:** () N/A

Form Completed By: Katherine L. Kniffen **Title:** Trustee

Signature: _____ **Date:** 05-03-2023

Annual diversion requested or appropriated (in acre-feet):

I.	Type of Crop: (Include hybrid crop names; e.g., which type of coastal Bermuda?)	Growing season (months)	Acres irrigated per year:
	Pecans	12	71.2

Total # of acres: 71.2

In the table below, list, on average, the total amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year:

January	0	May	3.50	September	2.50	Overall total for all months
February	0	June	2.50	October	2.00	
March	0	July	4.0	November	0	
April	1.50	August	4.0	December	0	
Monthly Totals	1.50		14.0		4.5	

Are crops rotated seasonally or annually? YES NO (check one)

If yes, please describe: _____

NOTE: If the plan does not provide information for each requirement below, include an

explanation of why the requirement is not applicable.

II. Describe soil type (include permeability characteristics, if available):
Loam, highly permeable, nearly level

III. Describe the existing irrigation system, including plans, designs, and/or sketches of the system layout, pump location, slope of the land to be irrigated, and specifics about the delivery method:

Pipelines laid from the pump in a north-south direction along the rows of trees, with an outlet for watering at each individual tree.

IV. Describe the methods and/or device within an accuracy of plus or minus 5% that will be used to measure and account for the amount of water diverted for irrigation:

The hours of irrigation will be recorded on each date that irrigation takes place. Gpm will be estimated from pump capacity. Trees are watered at the base of each tree; no water is wasted on irrigation of space between the trees. Yes, we confirm the device has an accuracy of 5%.

V. Describe the specific and quantified five-year and ten-year targets for water saving including, where appropriate, quantitative goals for irrigation water use efficiency.

Since the trees are individually watered there is very little that could be done to further conserve water..

5-year goal – 2.5% conserved by monitoring pipelines, checking for leaks on a monthly basis during months when irrigation takes place

10-year goal: 5% conserved by watering only during early morning or late-evening/night hours during the months June-August

VI. If there is an existing irrigation system, have any system evaluations been performed on the efficiency of the system? YES NO (check one)

If YES, please indicate: _____

When evaluation(s) was performed: _____

Who performed the evaluation(s): _____

Results of evaluation(s): _____

VII. Describe any water conserving equipment, application system or method in the irrigation system:

Application of water through pipelines only at the base of each tree

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

Pipelines to the trees are checked for leaks each time irrigation takes place.

IX. Describe any water-saving scheduling or measurement practices to be used in the application of water; (for example, irrigation only early in the morning, late evening or night hours, and when the wind is calm and temperatures lower) and the utilization of soil-moisture monitoring:

Irrigation will be scheduled for early morning and late-evening/night hours from mid-

June through the end of August

X. Describe any water-saving land improvements that the applicant plans to incorporate into the irrigation practices, such as conservation tillage, knifing, furrow diking, weed control, etc.:

N/A

XI. Describe any recovery and reuse of tail water runoff:

N/A

XII. Describe, where applicable, any xeriscape practices to be used (usually associated with landscaping):

N/A

XIII. Indicate (in gallons-per-minute or cubic-feet-per-second) the rate that water is diverted from the source: maximum of 150 gpm

Best Management Practices Guide

On November 2004, the Texas Water Development Board's (TWDB) Report 362 was completed by the Water Conservation Implementation Task Force. Report 362 is the Water Conservation Best Management Practices (BMP) Guide. The BMP Guide is a voluntary list of management practices that water users may implement in addition to the required components of Title 30, Texas Administrative Code, Chapter 288. The BMP Guide is available on the TWDB's website at the link below or by calling (512) 463-7847.

<http://www.twdb.state.tx.us/assistance/conservation/TaskForceDocs/WCITFBMPGuide.pdf>

If you have any questions on how to fill out this form or about the Water Conservation program, please contact us at 512/239-4691.

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.

DEED OF PARTITION

576

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
 COUNTY OF MENARD §

That whereas, WE, JOHN KNIPPEN and wife, KATHERINE KNIPPEN and NOVICE C. KNIPPEN and wife, ELIZABETH ANN KNIPPEN have and hold in common the lands hereindfter mentioned, and are desirous of making partition of the same;

NOW, THEREFORE, in consideration of the premises and to effect such partition, it is hereby covenanted, granted, concluded and agreed by and between said parties, and each of them covenant, grants, concludes and agrees, for himself, themselves, his and their heirs and assigns, that a partition of said lands be made as follows; viz:

1st. The said JOHN KNIPPEN and wife, KATHERINE KNIPPEN shall from henceforth have, hold, possess and enjoy, in severalty, by themselves and to them and their heirs and assigns for their part, share and proportion of the said lands and premises, free from any and all claims of the other parties hereto, all that tract of land situated in Menard County, Texas, approximately three (3) miles East from the county seat, and the Eastern portion of that subdivision of 40.0 acres out of and being the East part of a 134.41 acre subdivision of Survey No. 193, Abstract No. 478, Certificate No. 168, Original Grantee Johann Knetsch, being a part of the tract formerly known as the "Wilensky Farm", and the portion of said land hereby partitioned to JOHN KNIPPEN and wife, KATHERINE KNIPPEN being described by metes and bounds as follows, to-wit:

BEGINNING at a fence corner on the North side of the Menard-Mason Road, the Southeast corner of said Wilensky tract, for the Southeast corner of this subdivision;

THENCE North 89° 45' West with fence, 142 varas;

THENCE North 0°8'17" East 827.948 varas to the South bank of the San Saba River;

THENCE down the river South 68° East 151 varas to a stake;

THENCE South 772 varas to the PLACE OF BEGINNING; together with an easement along the current pasture road in, on and over the western portion of said lands and being that portion of said lands and partitioned herein to NOVICE C. KNIPPEN and wife, ELIZABETH ANN KNIPPEN for purposes of ingress and egress to that portion herein partitioned to JOHN KNIPPEN and wife, KATHERINE KNIPPEN; and the other parties hereto do grant, release and confirm unto the said JOHN KNIPPEN and wife, KATHERINE KNIPPEN the premises above described; to have and to hold in severalty the above described premises, with all and singular the hereditaments and appurtenances thereunto belonging unto the said JOHN KNIPPEN and wife, KATHERINE KNIPPEN, their heirs and assigns forever. NOVICE C. KNIPPEN and wife, ELIZABETH ANN KNIPPEN hereby bind themselves, their heirs, executors, administrators and successors to WARRANT and FOREVER DEFEND all and singular the above described property and easement to JOHN KNIPPEN and wife, KATHERINE KNIPPEN their heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

2nd. The said NOVICE C. KNIPPEN and wife, ELIZABETH ANN KNIPPEN shall from henceforth have, hold, possess and enjoy, in severalty, by themselves and to them and their heirs and assigns for their part, share and proportion of the said lands and premises, free from any and all claims of the other parties hereto all that tract of land situated in Menard County, Texas, approximately 2.5 miles East from the county seat, and the Western

OFFICIAL PUBLIC RECORDS
 VOL 136 PAGE 630



True and Correct Copy of Original Filed in Menard County Clerks Office

portion of that subdivision of 40.0 acres out of and being the East part of a 134.41 acre subdivision of Survey No. 193, Abstract No. 478, Certificate No. 168, Original Grantee Johann Knetsch, being a part of the tract formerly known as the "Wilensky Farm", and the portion of said land hereby partitioned to NOVICE C. KNIFFEN and wife, ELIZABETH ANN KNIFFEN being described by metes and bounds as follows; to-wit:

BEGINNING at a stake on the South bank of the San Saba River for the Northwest corner of this tract and the Northwest corner of the land described in a Warranty Deed from George H. Ledbetter, et ux, to JOHN KNIFFEN, et ux, et al;

THENCE down the river, South 68° East, 139 varas;

THENCE South 0°8'17" West 827.948 varas to the Menard-Mason Road;

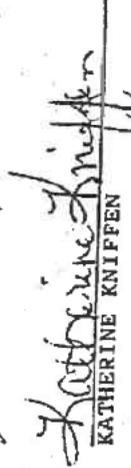
THENCE North 89° 45' West with fence 127 varas to a stake;

THENCE North 878 varas to the PLACE OF BEGINNING, subject to the easement hereinabove set over to JOHN KNIFFEN and wife, KATHERINE KNIFFEN and subject to that certain Deed of Trust executed by NOVICE C. KNIFFEN and wife, ELIZABETH ANN KNIFFEN to Melvin G. Bateman, trustee for the benefit of JOHN KNIFFEN and wife, KATHERINE KNIFFEN to secure payment of a note in the original principal amount of \$47,901.45; and the other parties hereto do grant, release and confirm unto the said NOVICE C. KNIFFEN and wife, ELIZABETH ANN KNIFFEN the premises above described; to have and to hold in severalty the above described premises with all and singular the hereditaments and appurtenances thereunto belonging, unto the said NOVICE C. KNIFFEN and wife, ELIZABETH ANN KNIFFEN, their heirs and assigns forever. JOHN KNIFFEN and wife, KATHERINE KNIFFEN hereby bind themselves, their heirs, executors, administrators and successors to WARRANT AND FOREVER DEFEND all and singular the above described property to NOVICE C. KNIFFEN and wife, ELIZABETH ANN KNIFFEN, their heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

It is hereby stipulated by the parties that there is a trailer house located on the portion of land partitioned to JOHN KNIFFEN and wife, KATHERINE KNIFFEN which is connected to a water well located on the portion of land partitioned to NOVICE C. KNIFFEN and wife, ELIZABETH ANN KNIFFEN and said connection is to continue and the water lines as well as the right to use the water from the well shall operate as a covenant running with said land.

18 IN WITNESS whereof, we have hereunto set our hands this the _____ day of September, 1992.


JOHN KNIFFEN


KATHERINE KNIFFEN


NOVICE C. KNIFFEN


ELIZABETH ANN KNIFFEN

OFFICIAL PUBLIC
RECORDS
VOL 136 PAGE 631



True and Correct
Copy of Original
Filed in Menard
County Clerks Office

ACKNOWLEDGMENTS

THE STATE OF TEXAS §
COUNTY OF MENARD §

This instrument was acknowledged before me on the 3rd day of September, 1992 by the said JOHN KNIFFEN and wife, KATHERINE KNIFFEN.



Lawrence F. Harrison
NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS §
COUNTY OF Andrews §

This instrument was acknowledged before me on the 18 day of September, 1992 by the said NOVICE C. KNIFFEN and wife, ELIZABETH ANN KNIFFEN.



Novice C. Kniffen
NOTARY PUBLIC, STATE OF TEXAS
My Commission Expires 5/31/93

ADDRESS OF EACH GRANTEE:

Novice C. and Elizabeth Ann Kniffen
1208 NW 8th
Andrews, Texas 79714

John and Katherine Kniffen
HCR 85, Box 11B
Menard, Texas 76859

PREPARED IN THE LAW OFFICE OF:

Lawrence F. Harrison
P. O. Box 385
Junction, Texas 76849

OFFICIAL PUBLIC RECORDS
VOL 136 PAGE 632



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County Clerks Office

SPECIAL WARRANTY DEED

THIS INDENTURE, made as of May 3rd, 2011, between JOHN B. KNIFFEN and his wife, KATHERINE L. KNIFFEN, having an address at 3170 E. FM 2092, Menard, Texas, 76859, (collectively referred to as "Grantors"), and THE JOHN B. KNIFFEN AND KATHERINE L. KNIFFEN REVOCABLE LIVING TRUST, having an address at 3170 E. FM 2092, Menard, Texas, 76859, ("Grantee").

WITNESSETH, that Grantors, in consideration of Ten Dollars and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, so hereby transfer unto Grantee and its heirs, executors, administrators, successors and assigns forever.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the County of Menard, and the State of Texas, being more particularly described as follows, to-wit:

SEE "EXHIBIT A" ATTACHED

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

This conveyance is made and accepted subject to the following matters, to the extent same are in effect at this time. Any and all restrictions, covenants, conditions, rights-of-way, mineral reservations, mineral leases and easements, if any, relating to the hereinabove described property, but only to the extent they are still in effect shown of record in the hereinabove mentioned County and State, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect, relating to the hereinabove described property.

GRANTOR, FOR THE CONSIDERATION AND SUBJECT TO THE RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY, GRANTS, SELLS, AND CONVEYS TO GRANTEE THE PROPERTY, TOGETHER WITH ALL AND SINGULAR THE RIGHTS AND APPURTENANCES THERETO IN ANY WISE BELONGING, TO HAVE AND HOLD IT TO GRANTEE, GRANTEE'S HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS, OR ASSIGNS FOREVER. GRANTOR 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, BY, THROUGH OR UNDER GRANTOR, BUT NOT OTHERWISE.
LIFE ESTATE IS HEREBY RESERVED FOR GRANTORS.

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

SPECIAL WARRANTY DEED

IN WITNESS WHEREOF, Grantors have duly executed this deed on the date first above written.

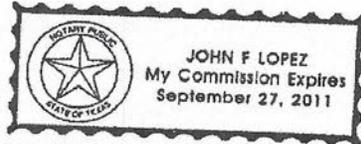
John B. Kniffen
JOHN B. KNIFFEN
Katherine L. Kniffen
KATHERINE L. KNIFFEN

STATE OF TEXAS

COUNTY OF MENARD

Before me, a notary public, on this day personally appeared JOHN B. KNIFFEN and KATHERINE L. KNIFFEN, who acknowledged that they did sign the foregoing instrument, and acknowledged to me that they executed the same for the uses and purposes and consideration therein expressed.

GIVEN UNDER MY HAND and official seal this 3rd day of May,
2011.



John F Lopez
Notary Public, State of Texas

After recording return to:
Mr. & Mrs. John B. Kniffen
3170 E. FM 2092
Menard, Texas 76859

SPECIAL WARRANTY DEED

"EXHIBIT A"

All of Grantor'(s)' interest in the following:

Being 31.2 acres, more or less, out of Survey No. 193, Abstract No. 478, Johann Knetsch Original Grantee, Menard County, Texas, more fully described by metes and bounds in Warranty Deed dated March 16, 1998 from George Ledbetter and wife, Jackie N. Ledbetter, to John Kniffen and wife, Katherine Kniffen and recorded on March 23, 1998 in Volume 161, Page 454 of the records of Menard County, Texas.

SPECIAL WARRANTY DEED

J+K
trust agreement

**NOTARIZED SUMMARY OF TRUST
THE JOHN B. KNIFFEN AND KATHERINE L. KNIFFEN
REVOCABLE LIVING TRUST AGREEMENT**

The undersigned hereby certify that they created a Revocable Living Trust. This Trust is known as: **THE JOHN B. KNIFFEN AND KATHERINE L. KNIFFEN REVOCABLE LIVING TRUST**, dated the 3rd day of May, 2011. JOHN B. KNIFFEN AND KATHERINE L. KNIFFEN, Truators and Trustees, reside at 3170 E. FM 2092, the City of Menard, State of Texas, the County of Menard.

IT IS AGREED BETWEEN THE PARTIES HERETO AS FOLLOWS:

Description of Trust

The parties hereto desire to confirm the establishment of a Revocable Trust on this date, for the benefit of the Truators (as husband and wife) and containing herein the following provisions:

1. The Truators are designated as the Trustees to serve until both of their deaths or incompetence.
2. Upon the end of the terms of the original Trustees, BARRY M. KNIFFEN and KELLY S. JOHNSON are designated as Joint Successor Trustees.
3. Upon the death of either Truator, the surviving spouse retains the right to the use of the Trust assets.
4. Any Trustee/Truator has the power and authority to manage and control, buy, sell, and transfer the trust property, in such manner as the Trustee may deem advisable, and shall have, enjoy and exercise all powers and rights over and concerning said property and the proceeds thereof as fully and amply as though said Trustee were the absolute and qualified owner of same, including the power to grant, bargain, sell and convey, encumber and hypothecate, real and personal property, and the power to invest in corporate obligations of every kind, stocks, preferred or common, and to buy stocks, bonds and similar investments on margin or other leveraged accounts, except to the extent that such management would cause includability of an irrevocable trust in the Estate of a Trustee.
5. Following the death of both husband and wife, the Trust continues or is distributed in whole or in part for the benefit of other named Beneficiaries according to the terms of the Trust.
6. While both Truators are living and competent, except when there shall be a Corporate Trustee, either Trustee may add money to or withdraw money from any bank or savings and loan or checking account owned by the Trust without the approval of the other Trustee or other

Trustor, provided, however, that the ownership of funds received and deposited, whether community property or non-community property shall remain the same and the Trustor removing or adding funds shall gain no additional ownership interest therein than was present prior to the withdrawal from or addition to the Trust Account.

7. All property transferred into the Trust which had an original source as community property shall remain community property unless other provisions shall have been made therefor.

8. All separate property transferred into the Trust remains separate property unless other provisions have been made therefore.

9. Unless otherwise indicated to a prospective transferee, the Trustee has full power to transfer assets held in the name of the Trust and subsequent transferees are entitled to rely upon such transfers provided the chain of title is not otherwise deficient.

10. The Trust Agreement also states that any bank, corporation, brokerage firm or other entity or any individual may conclusively presume that the Trustee has full power and authority and such person or institution shall be held harmless and shall incur no liability by reason of so presuming.

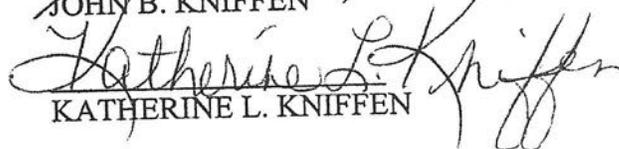
11. The situs of the Trust is the State of Texas.

12. The use of this Summary of Trust is for convenience only and the Trust is solely controlled as to provisions and interpretations, and any conflict between this abstract and the Trust shall be decided in favor of the Trust.

13. With regard to any real property transferred into the Trust designated as the Trustors' homestead, the Trustors shall have the exclusive right to occupy said property as a permanent resident, rent free, except for taxes and other expenses.

IN WITNESS WHEREOF, the parties have hereto executed this Summary of Trust
this date.

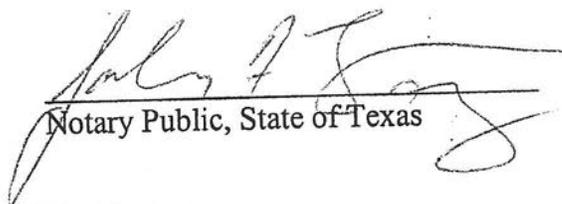
TRUSTORS/TRUSTEES:

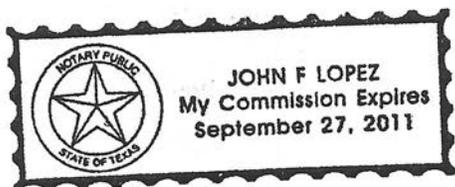

JOHN B. KNIFFEN

KATHERINE L. KNIFFEN

STATE OF TEXAS

COUNTY OF MENARD

On this the 3rd day of May, 2011, before me, a Notary Public, personally appeared JOHN B. KNIFFEN AND KATHERINE L. KNIFFEN, personally known to me to be the persons whose name are subscribed to this instrument, and acknowledged that they executed it for the purposes herein expressed.


Notary Public, State of Texas



NOTARIZED SUMMARY OF TRUST

AGREEMENT RELATING TO WATER RIGHT

THIS AGREEMENT is entered into this 6 day of February, 2023, by and between Novice C. Kniffen and Elizabeth Ann Kniffen and The John B. Kniffen and Katherine L. Kniffen Revocable Living Trust, all residents of Menard County, Texas.

WITNESSETH:

WHEREAS, the parties hereto are partners in and operate their separate tracts of land together as, K & K Pecans; and

WHEREAS, the parties hereto confirm that the tracts of land have been partitioned for family estate planning purposes but are operated together by the parties as K & K Pecans; and

WHEREAS, The John B. Kniffen and Katherine L. Kniffen Revocable Living Trust is the owner of ten acre-feet of WR-14-1798;

NOW THEREFORE, it is agreed between the parties that the subject ten acre-feet of WR 14-1798 shall be used to irrigate all tracts of land operated by K & K Pecans until the death of Novice C. Kniffen, and upon the death of Novice C. Kniffen this agreement shall terminate; and

IT IS FURTHER AGREED THAT the parties hereto recognize that WR 14-1798 is owned by The John B. Kniffen and Katherine L. Kniffen Revocable Living Trust, and will not become appurtenant to the land owned by Novice C. Kniffen and Elizabeth Ann Kniffen.

Novice C. Kniffen
Novice C. Kniffen

Elizabeth Ann Kniffen
Elizabeth Ann Kniffen

The John B. Kniffen and Katherine L. Kniffen Revocable Living Trust

By: John B. Kniffen
John B. Kniffen and

Katherine L. Kniffen
Katherine L. Kniffen, Trustee

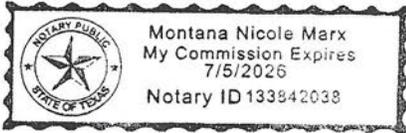
ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF MENARD)

This instrument was acknowledged before me, the undersigned authority, on this 6 th day of February, 2023, by NOVICE C. KNIFFEN personally known to me (or proved to me on the

STATE OF TEXAS)
)
COUNTY OF MENARD)

This instrument was acknowledged before me, the undersigned authority, on this 6 th day of February, 2023, by JOHN B. KNIFFEN personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the foregoing instrument.



Montana Marx
Notary Public, State of Texas

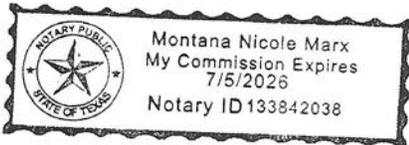
Montana Marx
Printed Name of Notary

My Commission Expires:

07/05/26

STATE OF TEXAS)
)
COUNTY OF MENARD)

This instrument was acknowledged before me, the undersigned authority, on this 6 th day of February, 2023, by KATHERINE L. KNIFFEN personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the foregoing instrument.



Montana Marx
Notary Public, State of Texas

Montana Marx
Printed Name of Notary

My Commission Expires:

07/05/26

basis of satisfactory evidence) to be the persons whose names are subscribed to the foregoing instrument.



Montana Marx
Notary Public, State of Texas

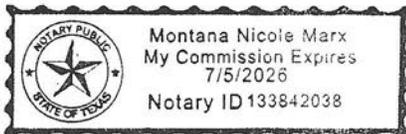
Montana Marx
Printed Name of Notary

My Commission Expires:

07/05/26

STATE OF TEXAS)
)
COUNTY OF MENARD)

This instrument was acknowledged before me, the undersigned authority, on this 6th day of February, 2023 by ELIZABETH ANN KNIFFEN, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the foregoing instrument.



Montana Marx
Notary Public, State of Texas

Montana Marx
Printed Name of Notary

My Commission Expires:

07/05/26

Kniffen Proposed New Diversion Point

March 15, 2023

Request to add diversion point from West side of town to property owned by Kniffens on East side of town where current 14-1806 is currently.

Legend

 Existing

Existing Diversion Point (WR 1798)

Existing Kniffen (14-1806) Proposed New (14-1798)





Figure-4 Yellow point marks 14-1806, and the requested additional div. point for 14-1798



*Figure Error! No text of specified style in document.-2
Looking across San Saba River from div. point*



*Figure Error! No text of specified style in document.-1
Looking downstream from div. point*



Figure 3 Looking upstream from div. point



Figure-4 Yellow point marks 14-1806, and the requested additional div. point for 14-1798

MENARD CO WCID #1
P O BOX 1215
MENARD, TX 76859

Date 3/15 20 23

88-1861/1113

PAY
TO THE
ORDER OF

TCEQ

\$ 112.50 ¹⁰⁰/₁₀₀

One hundred twelve and ⁵⁰/₁₀₀

DOLLARS



MB MENARD BANK
P.O. BOX 8
MENARD, TEXAS 76859

MEMO Kniffen div. pt 1798

MP