

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Natalia Ponebshek, Project Manager
Water Rights Permitting Team

DATE: December 20, 2024

SUBJECT: MCHR Family Farm, LLC
ADJ 1253
CN606268209, RN102720760
Application No. 14-1253A to Amend a Portion of Certificate of
Adjudication No. 14-1253
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Spring Creek, Colorado River Basin
Irion County

The application was received on December 2, 2024, additional information was received on December 3 and 15, 2024, and fees were received on December 5, 2024. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on December 20, 2024. Mailed notice to the record holder (co-owners) is required pursuant to 30 Title Texas Administrative Code (TAC) § 295.158(c)(2)(B) and to the interjacent water right holders of record in the Colorado River Basin pursuant to Title 30 TAC § 295.158(c)(3)(D); however, there are no interjacent water right holders.

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

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required ☐ YES ☒ NO

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 20, 2024

Ms. Becky Bookter
MCHR Family Farm, LLC
2819 Chatterton Dr.
San Angelo, TX 76904-6155

VIA E-MAIL

RE: MCHR Family Farm, LLC
ADJ 1253
CN606268209, RN102720760
Application No. 14-1253A to Amend a Portion of Certificate of Adjudication No. 14-1253
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Spring Creek, Colorado River Basin
Irion County

Dear Ms. Bookter:

This acknowledges receipt, on December 2, 2024, of the application, on December 3 and 15, 2024, of additional information, and on December 5, 2024, of fees in the amount of \$112.50 (Receipt No. M547358, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on December 20, 2024. Staff will continue processing the application for consideration by the Executive Director.

Please be advised that additional information may be requested during the technical review phase of the application process.

If you have any questions concerning the application, please contact me via email at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment

Natalia Ponebshek

From: becky bookter [REDACTED] >
Sent: Sunday, December 15, 2024 12:52 PM
To: Natalia Ponebshek
Subject: MCHR Family Farm LLC Consent
Attachments: Don and Susan Consent for diversion point and use.pdf

attached is the consent from Don and Susan Ball for the new nes diversion point and use

Becky

December 14, 2024

Don Ball and Susan E. Ball consent for MCHR Family Farm, LLC to amend Texas water right 14-1253 to add a place of use and a diversion point.



Don Ball



Susan E. Ball

Texas Commission on Environmental Quality
TELEPHONE MEMO TO THE FILE

Call to: Becky Bookter	Call from: TECQ Staff Natalia Ponebshek
Date: 12/13/2024	Applicant: (app name and #) MCHR Family Farms, LLC App No. 14-1253A
<i>Information for File follows:</i> I called Becky Bookter to discuss getting a signed consent letter from the co-owners on ADJ 14-1253 so that no notice will be required for this application. She will obtain the consent letter and email it to me next week. Natalia Ponebshek 12/13/2024	
Signed	



Basis2 Receipt Report by Endorsement Number

DEC-12-24 12:15 PM

Acct. #: WUP

Account Name: WATER USE PERMITS

<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
	M547358	ADJ141253	MCHR FAMILY FARM LLC	CK	1010		BS00112703	05-DEC-24	\$112.50

Natalia Ponebshek

From: becky bookter [REDACTED]
Sent: Tuesday, December 3, 2024 2:28 PM
To: Natalia Ponebshek
Subject: MCHR Family Farm LLC
Attachments: Scan 12.3.24.pdf

Here are the three pages. Thanks
Becky

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: BECKY BOOKTER

Title: MANAGER

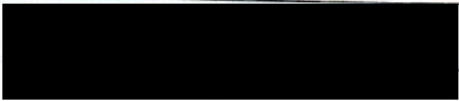
Organization Name: MCHR FAMILY FARM LLC

Mailing Address: 2819 CHATTERTON DR

City: SAN ANGELO State: TX ZIP Code: 76904

Phone Number: 325-212-4991

Fax Number: _____

E-mail Address: 

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 N/A
- 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	N/A	N/A	N/A	N/A	N/A
Chloride, mg/L	N/A	N/A	N/A	N/A	N/A
Total Dissolved Solids, mg/L	N/A	N/A	N/A	N/A	N/A
pH, standard units	N/A	N/A	N/A	N/A	N/A
Temperature*, degrees Celsius	N/A	N/A	N/A	N/A	N/A

* 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 N/A and the name of the aquifer from which water is withdrawn N/A.

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. N/A Municipal Use. See 30 TAC § 288.2. **
2. N/A Industrial or Mining Use. See 30 TAC § 288.3.
3. N/A Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. N/A 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 N/A**

- 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

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): MCHR FAMILY FARM LLC

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

Y/N

Y **Administrative Information Report**

N Additional Co-Applicant Information

N Additional Co-Applicant Signature Pages

Y Written Evidence of Signature Authority

Y **Technical Information Report**

N USGS Map (or equivalent)

Y Map Showing Project Details

N Original Photographs

N Water Availability Analysis

Y **Worksheet 1.0**

Y Recorded Deeds for Irrigated Land

N Consent for Irrigated Land

N **Worksheet 1.1**

N Addendum to Worksheet 1.1

N **Worksheet 1.2**

N **Worksheet 2.0**

N Additional W.S. 2.0 for Each Reservoir

N Dam Safety Documents

N Notice(s) to Governing Bodies

Y Recorded Deeds for Inundated Land

N Consent for Inundated Land

Y/N

Y **Worksheet 3.0**

N Additional W.S. 3.0 for each Point

N Recorded Deeds for Diversion Points

N Consent for Diversion Access

N **Worksheet 4.0**

N TPDES Permit(s)

N WWTP Discharge Data

N Groundwater Well Permit

N Signed Water Supply Contract

N **Worksheet 4.1**

Y **Worksheet 5.0**

N Addendum to Worksheet 5.0

N **Worksheet 6.0**

N Water Conservation Plan(s)

N Drought Contingency Plan(s)

N Documentation of Adoption

N **Worksheet 7.0**

N Accounting Plan

Y **Worksheet 8.0**

Y Fees

Y Public Involvement Plan

RECEIVED
DEC 02 2024

Water Availability Division

ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

☐ New Appropriation of State Water

☒ Amendment to a Water Right *

☐ Bed and Banks

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

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

Amending place of use and diversion point

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?

MCHR FAMILY FARM LLC

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

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

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

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

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

First/Last Name: BECKY BOOKTER

Title: MANAGER

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

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

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

Name: MCHR FAMILY FARM LLC

Mailing Address: 2819 CHATTERTON DR

City: SAN ANGELO State: TX ZIP Code: 76904

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 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 checked="" type="checkbox"/> Other <u>LIMITED LIABILITY CO</u>

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: 3209424651 SOS Charter (filing) Number: 0805469273

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

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

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

First and Last Name: N/A

Title: N/A

Organization Name: N/A

Mailing Address: N/A

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

Phone Number: N/A

Fax Number: N/A

E-mail Address: N/A

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

- a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your application.
1. Does Applicant or Co-Applicant owe any fees to the TCEQ? Yes / No NO
If **yes**, provide the following information:
Account number: N/A Amount past due: N/A
2. Does Applicant or Co-Applicant owe any penalties to the TCEQ? Yes / No NO
If **yes**, please provide the following information:
Enforcement order number: N/A Amount past due: N/A
- b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicant's may check their status with the Comptroller at <https://mycpa.cpa.state.tx.us/coa/>
Is the Applicant or Co-Applicant in good standing with the Comptroller? Yes / No YES
- c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use - if required. See TWC §16.012(m) and 30 TAC § 297.41(a)(5). Applicants should check survey status on the TWDB website prior to filing:
https://www3.twdb.texas.gov/apps/reports/WU_REP/SurveyStatus_PriorThreeYears
Applicant has submitted all required TWDB surveys of groundwater and surface water?
Yes / No N/A

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, BECKY BOOKTER

MANAGER

(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: Becky Bookter

(Use blue ink)

Date: 11/25/24

Subscribed and Sworn to before me by the said

on this 25th day of November, 2024.

My commission expires on the 17th day of December, 2025.

Notary Public

Brandi Michelle Granzin



County, Texas

Tom Green County

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: 11/15/2024

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

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

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y / N 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: N/A)

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

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: 14-1253

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

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

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

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

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

Worksheets and information:

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

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

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

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

The state water plan generally does not address every possible change in individual water rights. The application is consistent with the 2021 Regional Water Plan and the 2022 State Water Plan because there is nothing in the plans that conflicts 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) (Include losses for Bed and Banks)	State Water Source (River Basin) or Alternate Source *each alternate source (and new appropriation based on return flows of others) also requires completion of Worksheet 4.0	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>
	N/A		

N/A 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 N/A 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 N/A acres in N/A County, TX.
- ii) Location of land to be irrigated: In the N/A Original Survey No. N/A, Abstract No. N/A.

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**
213.5	AGRICULTURAL	AGRICULTURAL	IRION	370.56 Acres in Irion County

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- Applicant proposes to irrigate a total of 370.56 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 370.56 acres in Irion County, TX.
 - Location of land to be irrigated: In the J Hartscher, J. Hartscher, German Emigration Co Original Survey No. 680,681,653, Abstract No. 157,158,105.

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

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

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

WORKSHEET 1.1

INTERBASIN TRANSFERS, TWC § 11.085

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 N

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

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

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 N/A
- b. The proposed transfer is from a basin to an adjoining coastal basin? Y/N N/A
- 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 N/A
- 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 N/A

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: N/A
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: N/A
- c. The impoundment is on-channel N/A 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 N/A
 - 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 N/A
- d. Is the impoundment structure already constructed? Y / N N/A
 - i. For already constructed on-channel structures:
 1. Date of Construction: N/A
 2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N N/A
 - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N N/A
 - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N N/A
 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N N/A
 - a. If yes, provide the Site No. N/A and watershed project name N/A;
 - b. Authorization to close "ports" in the service spillway requested? Y / N N/A
 - 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 N/A
Provide the date and the name of the Staff Person N/A
 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 N/A
 - b. Plans (with engineer's seal) for the structure required. Y / N N/A
 - c. Engineer's signed and sealed hazard classification required. Y / N N/A
 - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N N/A

3. Applicants **shall** give notice by certified mail to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir to be constructed, will be located. (30 TAC § 295.42). Applicant must submit a copy of all the notices and certified mailing cards with this Application. Notices and cards are included? Y / N N/A
- iii. Additional information required for on-channel storage:
1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: N/A.
 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 N/A
If yes, the drainage area is N/A 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): SPRING CREEK
- b. Zip Code: 76941
- c. In the J HARTSCHER Original Survey No. 681, Abstract No. 158,
IRION 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/A°N, Longitude N/A°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): N/A
- ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N N/A

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. N/A Upstream Limit of Diversion Reach No.
3. N/A Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** N/A cfs (cubic feet per second)
or N/A 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 6.67 cfs or 3000 gpm

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

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

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

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

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/A

If yes, the drainage area is N/A 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): SPRING CREEK
- b. Zip Code: 76941
- c. Location of point: In the J HARTSCHER Original Survey No. 681, Abstract No. 155, IRION 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 31.325092°N, Longitude -100.735011°W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): MAPPING PROGRAM
- 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 N/A.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses N/A (% or amount) and explain the method of calculation: N/A
- c. Is the source of the discharged water return flows? Y / N N/A If yes, provide the following information:
1. The TPDES Permit Number(s), N/A (attach a copy of the current TPDES permit(s))
 2. Applicant is the owner/holder of each TPDES permit listed above? Y / N N/A

PLEASE NOTE: If Applicant is not the discharger of the return flows, 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 N/A, surface water N/A?
 5. If any percentage is surface water, provide the base water right number(s) N/A.
- d. Is the source of the water being discharged groundwater? Y / N N/A If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped: N/A
 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 N/A
 3. Indicate how the groundwater will be conveyed to the stream or reservoir.

N/A
 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 N/A
If yes, provide the signed contract(s).
- dii. Identify any other source of the water N/A

WORKSHEET 4.1 DISCHARGE POINT INFORMATION

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

For water discharged at this location provide:

- a. The amount of water that will be discharged at this point is N/A 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 N/A cfs or N/A gpm.
- c. Name of Watercourse as shown on Official USGS maps: N/A
- d. Zip Code N/A
- e. Location of point: In the N/A Original Survey No. N/A, Abstract No. N/A, N/A County, Texas.
- f. Point is at:
Latitude N/A°N, Longitude N/A°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): N/A

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.

SCREEN ON DIVERSION PUMP

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: UNKNOWN

☐ Other, specify: N/A

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: N/A

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.

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 N/A

2. Drought Contingency Plans for feasible alternative to new water development

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

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. When is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

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

WORKSHEET 8.0 CALCULATION OF FEES

This worksheet is for calculating required application fees. Applications are not Administratively Complete until all required fees are received. **Instructions, Page. 34**

1. NEW APPROPRIATION

	Description	Amount (\$)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$) . <u>In Acre-Feet</u>	
	a. Less than 100	\$100.00
	b. 100 - 5,000	\$250.00
	c. 5,001 - 10,000	\$500.00
	d. 10,001 - 250,000	\$1,000.00
	e. More than 250,000	\$2,000.00
Recording Fee		\$25.00
Agriculture Use Fee	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. ***	
Use Fee	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. ***	
Recreational Storage Fee	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
Storage Fee	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	
TOTAL		\$

2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
Filing Fee	Amendment: \$100	100.00
	OR Sever and Combine: \$100 x _____ of water rights to combine	
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$ 112.50

3. BED AND BANKS

	Description	Amount (\$)
Filing Fee		\$100.00
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$

MCHR Family Farm LLC

Upper Dam

Ball Reservoir

Upper Dam 31.324826, -100.734613

Diversion Point 31.325092, -100.735011

Google Earth

Image © 2024 Airbus

400 ft



Spn

IC20240000063

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

SPECIAL WARRANTY DEED
(Irion County Farm, LLC)

THE STATE OF TEXAS §

COUNTY OF TOM GREEN §

This Special Warranty Deed ("Deed") is made by and between the parties designated in paragraph 1 below.

1. Parties. The parties to this Deed are as follows:

Irion County Farm, LCC a Texas limited liability company (hereafter sometimes referred to as "GRANTOR");

Becky B. Bookter

Don G. Ball and Susan E. Ball

Sandra B. Schkade and Vicki S. Terrill

For purposes of this Deed and property tax purposes the parties' addresses are as follows:

Irion County Farm, LLC
2819 Chatterton
San Angelo, TX 76904

Becky B. Bookter
2819 Chatterton
San Angelo, TX 76904

Don G. and Susan E. Ball
6001 Melrose Ave
San Angelo, TX 76901

Sandra B. Schkade and Vicki S. Terrill
2014 Cattail Lane
San Angelo, TX 76904

2. Consideration. The conveyances set forth below are in consideration of the partial distribution of the property of Irion County Farm, LLC

3. Distributions and Stipulations.

A. BECKY B. BOOKTER. GRANTOR, for the Consideration, grants, sells, and conveys to BECKY B. BOOKTER a single woman, the Surface of the following described property, together with all and singular the rights and appurtenances thereto in any way belonging,

to have and to hold it to BECKY B. BOOKTER, her heirs, successors, and assigns forever. GRANTOR binds itself and its successors and assigns to warrant and forever defend all and singular the property to BECKY B. BOOKTER and her heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under the GRANTOR, but not otherwise, except as to the Exceptions to Conveyance and Warranty:

TRACT ONE: The property described in Exhibit A attached hereto and incorporated herein.

TRACT TWO: An undivided one-half interest of GRANTOR in all water rights appurtenant to the properties described in Exhibits A, B and C attached hereto, including, but not limited to, all of GRANTOR's rights and power to: (a) impound water in on-channel reservoirs on Spring Creek for agricultural purposes ("the Reservoirs"), and (b) to divert water from the Reservoirs for agricultural purposes.

B. DON G. BALL and SUSAN E. BALL. GRANTOR, for the Consideration, grants, sells, and conveys to DON G. BALL as his separate property an undivided .86858686 interest and to SUSAN E. BALL as her separate property an undivided .13141314 interest, the Surface of the following described property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to DON G. BALL and SUSAN E. BALL, their heirs, successors, and assigns forever. GRANTOR binds itself and its successors and assigns to warrant and forever defend all and singular the property to DON G. BALL and SUSAN E. BALL and their heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under the GRANTOR, but not otherwise, except as to the Exceptions to Conveyance and Warranty:

TRACT ONE: The property described in Exhibit B attached hereto and incorporated herein.

TRACT TWO: An undivided one-half interest of GRANTOR in all water rights appurtenant to the properties described in Exhibits A, B and C attached hereto, including, but not limited to, all of GRANTOR's rights and power to: (a) impound water in on-channel reservoirs on Spring Creek for agricultural purposes ("the Reservoirs"), and (b) to divert water from the Reservoirs for agricultural purposes.

C. SANDRA B. SCHKADE and VICKI S. TERRILL. GRANTOR, for the Consideration, grants, sells, and conveys to SANDRA B. SCHKADE an undivided 68.08% and to VICKI TERRILL an undivided 31.92%, as their separate property, the Surface of the following described property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to SANDRA B. SCHKADE and VICKI TERRILL, their heirs, successors, and assigns forever. GRANTOR binds itself and its successors and assigns to warrant and forever defend all and singular the property to SANDRA B. SCHKADE and VICKI TERRILL and their heirs, successors, and assigns against every person whomsoever lawfully claiming or to

claim the same or any part thereof when the claim is by, through, or under the GRANTOR, but not otherwise, except as to the Exceptions to Conveyance and Warranty:

The property described in Exhibit C attached hereto and incorporated herein.

4. Exceptions to Conveyance and Warranty: Each of the conveyances set forth in Paragraph 3 above shall be subject to validly existing easements, rights-of-way, and prescriptive rights, whether of record or not, all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests rights interests outstanding in persons other than the Parties.

5. Taxes. For the year 2023 and all subsequent years, each grantee assumes liability for and pay ad valorem taxes on the property conveyed to such party. Further, each such party will be liable for the payment of all ad valorem taxes on the property conveyed to such party by reason of a change in the use of the property from its current agricultural use after the date of this Deed that results in the "roll-back" or recapture of taxes for the current year and all preceding tax years for which the "roll-back" or recapture could be imposed.

Executed effective December 21, 2023.

IRION COUNTY FARM, LLC

BY: Sandra B. Schkade
SANDRA B. SCHKADE, Manager

BY: Becky B. Bookter
BECKY B. BOOKTER, Manager

BY: Don G. Ball
DON G. BALL, Manager

THE STATE OF TEXAS

COUNTY OF TOM GREEN

§
§
§

This instrument was acknowledged before me on the 21 day of December, 2023, by SANDRA B. SCHKADE as Manager of Irion County Farm, LLC.

[Signature]
Notary in and for the State of Texas



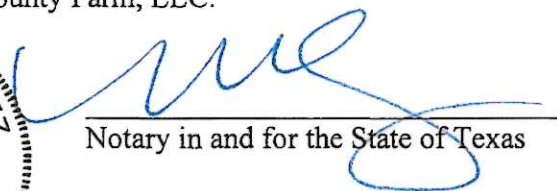
THE STATE OF TEXAS

§
§
§

COUNTY OF TOM GREEN

This instrument was acknowledged before me on the 20th day of December, 2023, by BECKY B. BOOKTER as Manager of Irion County Farm, LLC.




Notary in and for the State of Texas

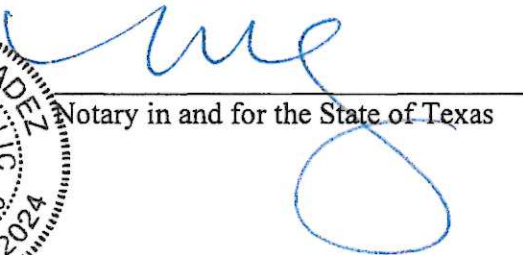
THE STATE OF TEXAS

§
§
§

COUNTY OF TOM GREEN

This instrument was acknowledged before me on the 20th day of December, 2023, by DON G. BALL as Manager of Irion County Farm, LLC.




Notary in and for the State of Texas

Return Original Recorded Deed To:
Smith Rose Finley
PO Box 2540
San Angelo, Texas 76902

CONCHO VALLEY LAND SURVEYING, LLC

2921 BLUEBONNET LN.

SAN ANGELO, TEXAS 76904

FIRM NO. 10194455

325-949-8475 / 325-227-0642

conchovalleyland@gmail.com

THOMAS J. HOUSTON
R.P.L.S., L.S.L.S.

Irion County Farm, LLC
to



Description
370.56 Acres
(West Tract)

Being 370.56 acres of land out of J. Hartscher Survey 680, Abstract 157; J. Hartscher Survey 681, Abstract 158; and German Emigration Co. Survey 653, Abstract 105, Irion County, Texas and being part of the "1084.8 Ac." and "17.7 Ac." tracts described in deed from Laverne G. Ball, et al to Irion County Farm, LLC recorded Volume 145 at page 155 of the Official Public Records of Irion County, Texas. Said 370.56 acres being described by metes and bounds as follows:

Beginning at a cedar corner post found in the south line of that 100 feet wide railroad right of way described in deed recorded in Volume 5 at page 86 of the Deed Records of Irion County, Texas for the NW corner of said "17.7 Ac." tract and the NW corner this tract from which a found iron pipe corner post bears S.87°E. 2.3 feet. Said cedar corner post also being in the fenced east line of a paved road locally known as County Road 211.

Thence with the north line of said "17.7 Ac." tract, said south line of railroad and along or near a fence, N.75°04'15"E. 5058.60 feet to a 5/8" iron rod set for the NW corner of another 370.56 acre tract (Middle Tract) described on even date herewith and the NE corner of this tract.

Thence with a west line of said Middle Tract, S.2°33'02"E., at 59.11 feet cross the south line of said "17.7 Ac." tract and the north line of said "1084.8 Ac." tract, a total distance of 2421.76 feet to a set 5/8" iron rod.

Thence continuing with said west line of Middle Tract, S.71°19'08"W. 486.63 feet to a set 5/8" iron rod.

Thence continuing with said west line of Middle Tract, S.2°37'51"E., at 72.9 feet pass an old leaning corner post and continuing along or near a fence a total distance of 1128.38 feet to an old leaning corner post.

Thence continuing with said west line of Middle Tract and along or near a fence, S.2°23'00"E. 390.26 feet, S.0°16'26"W. 131.18 feet and S.6°22'22"E. 131.78 feet to a found cedar corner post.

Thence continuing with said west line of Middle Tract and along or near a fence, N.77°21'50"E. 69.71 feet to a set 5/8" iron rod.

Thence continuing with said west line of Middle Tract, S.2°39'11"W., at 34.63 feet pass a set 5/8" iron rod, a total distance of 101.11 feet to a point on the north bank of Spring Creek for the SW corner of said Middle Tract and the SE corner of this tract.

Thence with the north bank of Spring Creek and its meanders:

S.66°48'02"W. 55.23 feet, S.71°01'11"W. 120.07 feet,
S.80°36'58"W. 130.32 feet, S.72°46'10"W. 90.19 feet,
S.72°19'03"W. 106.36 feet, S.72°40'18"W. 97.84 feet,
S.81°48'24"W. 129.81 feet, S.79°31'41"W. 57.75 feet,
S.87°34'53"W. 168.98 feet, S.73°55'34"W. 61.85 feet,
S.75°24'08"W. 51.47 feet, N.81°28'25"W. 50.13 feet,
N.83°38'46"W. 125.18 feet, N.79°17'52"W. 62.83 feet,
S.84°08'33"W. 83.46 feet, S.80°09'12"W. 44.32 feet,
N.70°21'48"W. 50.46 feet, N.65°50'44"W. 28.83 feet,
N.75°05'59"W. 47.92 feet, N.85°30'05"W. 55.88 feet,
N.76°09'10"W. 68.25 feet, N.77°53'44"W. 66.95 feet,
S.86°55'40"W. 99.32 feet, N.75°43'13"W. 26.24 feet,
N.68°09'55"W. 72.70 feet, N.75°55'36"W. 69.19 feet,
N.70°48'47"W. 155.82 feet, N.28°18'21"E. 35.37 feet,
N.82°33'04"W. 16.85 feet, S.64°57'59"W. 20.13 feet,
S.54°29'35"W. 37.75 feet, N.82°56'04"W. 13.38 feet,
N.07°48'24"W. 19.46 feet, N.64°15'00"W. 3.52 feet,
S.78°40'09"W. 15.63 feet, S.53°50'49"W. 22.87 feet,
N.85°39'25"W. 23.66 feet, N.82°32'48"W. 65.20 feet,
N.86°03'31"W. 98.61 feet, N.80°56'57"W. 58.80 feet,
N.80°17'31"W. 30.40 feet, N.82°11'59"W. 29.40 feet,
N.75°47'37"W. 69.60 feet, N.77°01'54"W. 25.29 feet,
N.69°40'10"W. 60.75 feet, N.79°32'21"W. 77.49 feet,
N.72°45'16"W. 95.68 feet, N.69°46'52"W. 66.76 feet,
N.54°32'21"W. 40.46 feet, N.62°17'52"W. 60.15 feet,
N.65°35'54"W. 44.13 feet, N.39°44'38"W. 43.27 feet,
N.39°41'19"W. 39.45 feet, N.26°38'09"W. 51.07 feet,
N.76°26'48"E. 22.88 feet, N.87°22'07"E. 33.72 feet,
N.12°05'47"E. 46.25 feet, N.48°28'31"W. 64.24 feet,
N.60°55'19"W. 45.48 feet, N.41°26'03"W. 64.48 feet,
N.61°00'55"W. 54.58 feet, N.41°40'12"W. 30.25 feet,
N.43°45'49"W. 26.90 feet, N.42°47'04"W. 32.74 feet,
N.49°02'23"W. 27.31 feet, N.45°33'45"W. 74.92 feet,
N.52°35'21"W. 30.47 feet, N.48°40'29"W. 51.27 feet,
N.41°18'03"W. 34.84 feet, N.38°34'48"W. 57.15 feet,
N.34°41'07"W. 55.45 feet, N.41°55'46"W. 70.18 feet,
N.21°36'34"W. 61.90 feet, N.55°28'15"W. 30.21 feet,

N.26°41'44"W. 16.31 feet, N.19°06'10"E. 16.31 feet,
N.02°59'37"W. 19.88 feet and N.62°11'22"W. 16.58 feet to a point
on said north bank of Spring Creek for the most southerly SW corner
of this tract and the most southerly SW corner of said "1084.8
Ac." tract.

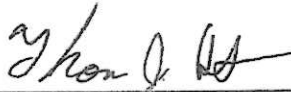
Thence with a west line of said "1084.8 Ac." tract and the east
line of that "15.41 Ac." tract described in deed recorded as
Document No. 20210000243 of said Official Public Records,
N.13°20'36"E., at 20.0 feet pass an old corner post on top of bluff
at south end of fence and continuing along or near a fence, at
29.76 pass a 5/8" iron rod set in said fence for witness, a total
distance of 816.32 feet to an iron pipe corner post found for an
ell corner of said "1084.8 Ac." tract.

Thence with the north line of said "15.41 Ac." tract, a south line
of said "1084.8 Ac." tract and along or near a fence, S.85°11'27"W.
1283.15 feet to a cedar corner post found in said fence line of
County Road 211 for the most westerly SW corner of said "1084.8
Ac." tract from which a found iron pipe corner post bears
N.85°11'27"E. 3.1 feet and a found 1/2" iron pipe bears
S.86°55'48"E. 5.04 feet.

Thence with the most westerly west line of said "1084.8 Ac." tract
and along or near said fenced east line of County Road 211,
N.0°54'45"E., at 1424.26 feet pass the NW corner of said "1084.8
Ac." tract and the SW corner of said "17.7 Ac." tract, a total
distance of 1484.26 feet to the place of beginning and containing
370.56 acres of land.

Note: Courses and distances recited herein are of the Texas
Coordinate System of 1983-Central Zone. Acreage based on
surface horizontal distances.

Surveyed on the ground March 23 thru May 19, 2023.



Thomas J. Houston

Registered Professional Land Surveyor No. 4261



Also see accompanying descriptions and plat (BOOKTER2.DWG)

CONCHO VALLEY LAND SURVEYING, LLC

2921 BLUEBONNET LN.

SAN ANGELO, TEXAS 76904

FIRM NO. 10194455

325-949-8475 / 325-227-0642

conchovalleyland@gmail.com

THOMAS J. HOUSHON
R.P.L.S., L.S.L.S.

Irion County Farm, LLC
to



Description
370.56 Acres
(Middle Tract)

Being 370.56 acres of land out of J.F. Christ Survey 678, Abstract 43; J.F. Christ Survey 679, Abstract 44; and J. Hartscher Survey 680, Abstract 157, Irion County, Texas and being part of the "1084.8 Ac." and "17.7 Ac." tracts described in deed from Laverne G. Ball, et al to Irion County Farm, LLC recorded Volume 145 at page 155 of the Official Public Records of Irion County, Texas. Said 370.56 acres being described by metes and bounds as follows:

Beginning at a 5/8" iron rod set in a fence in the south line of that 100 feet wide railroad right of way described in deed recorded in Volume 5 at page 86 of the Deed Records of Irion County, Texas and the north line of said "17.7 Ac." tract for the NW corner of another 370.56 acre tract (East Tract) described on even date herewith and the NE corner of this tract from which a 5/8" iron rod set for the NE corner of said "17.7 Ac." tract bears N.75°04'15"E. 4034.06 feet.

Thence with a west line of said East Tract, S.6°41'21"E., at 58.34 feet cross the south line of said "17.7 Ac." tract and north line of said "1084.8 Ac." tract, a total distance of 1597.08 feet to a 5/8" iron rod set in fence for an angle corner in said west line of East Tract.

Thence continuing with a west line of said East Tract, S.9°26'35"W. at 182.93 feet pass a set 3/8" spike,
at 439.73 feet pass a set 5/8" iron rod,
at 1848.75 feet pass a set 5/8" iron rod,
at 2086.87 feet pass a set 3/8" spike,
at 2141.04 feet pass a set 5/8" iron rod,
at 2196.67 feet pass a set 3/8" spike, a total distance of 2254.79 feet to a point on the north bank of Spring Creek for the SW corner of said East Tract and the SE corner of this tract.

Thence with the north bank of Spring Creek and its meanders:
S.57°37'04"W. 1.70 feet, S.16°35'26"W. 28.97 feet,
S.75°51'47"W. 39.99 feet, S.70°25'34"W. 59.48 feet,
S.60°53'15"W. 69.45 feet, S.63°16'19"W. 97.82 feet,
S.41°18'48"W. 52.40 feet, S.68°14'18"W. 124.92 feet,

S.68°51'50"W. 39.23 feet, S.57°56'03"W. 91.80 feet,
 S.70°15'22"W. 54.05 feet, S.59°04'29"W. 84.82 feet,
 S.57°13'01"W. 90.56 feet, S.56°15'22"W. 103.37 feet,
 S.54°13'13"W. 85.51 feet, S.53°07'38"W. 142.75 feet,
 S.53°33'40"W. 172.67 feet, S.71°15'25"W. 65.23 feet,
 S.51°20'08"W. 88.00 feet, S.30°38'30"W. 117.47 feet,
 S.22°38'33"W. 36.77 feet, S.42°02'11"W. 51.41 feet,
 S.43°59'42"W. 56.84 feet, S.54°56'16"W. 108.71 feet,
 S.44°58'56"W. 31.71 feet, S.53°39'58"W. 108.81 feet,
 S.52°36'40"W. 143.96 feet, S.45°27'29"W. 18.92 feet,
 S.14°36'58"E. 9.32 feet, S.67°01'49"W. 20.82 feet,
 S.47°46'48"W. 69.38 feet, S.34°27'41"W. 52.76 feet,
 S.60°50'27"W. 48.91 feet, S.55°35'49"W. 47.77 feet,
 S.73°38'01"W. 77.43 feet, S.78°25'39"W. 88.66 feet,
 S.82°20'50"W. 60.39 feet, N.79°43'16"W. 54.11 feet,
 N.31°28'32"W. 39.46 feet, N.29°27'43"W. 13.47 feet,
 S.71°47'12"W. 45.50 feet, S.72°45'47"W. 36.87 feet,
 S.54°32'18"W. 25.91 feet, S.07°17'42"E. 9.15 feet,
 S.37°55'04"W. 40.81 feet, N.77°23'10"W. 135.65 feet,
 N.35°41'58"W. 68.32 feet, N.87°28'56"W. 61.21 feet,
 S.83°37'03"W. 65.46 feet, S.87°40'43"W. 156.37 feet,
 S.83°44'27"W. 59.52 feet, S.81°06'01"W. 78.52 feet,
 S.81°12'39"W. 121.02 feet, S.77°47'29"W. 149.03 feet,
 S.79°03'28"W. 103.19 feet, S.75°32'42"W. 79.66 feet,
 S.78°31'48"W. 169.44 feet, S.72°53'25"W. 43.51 feet,
 S.75°20'19"W. 38.65 feet, S.09°43'51"E. 11.61 feet,
 S.73°12'55"E. 27.22 feet, S.14°38'09"E. 4.80 feet and
 S.66°48'02"W. 45.33 feet to a point on said north bank of Spring
 Creek for the SW corner of this tract and the SE corner of another
 370.56 acre tract (West Tract) described on even date herewith.

Thence with an east line of said West Tract, N.2°39'11"E., at 66.48
 feet pass a set 5/8" iron rod, a total distance of 101.11 feet to
 a 5/8" iron rod set in a fence.

Thence continuing with said east line of West Tract and along or
 near a fence, S.77°21'50"W. 69.71 feet to a found cedar corner
 post.

Thence continuing with said east line of West Tract and along or
 near a fence, N.6°22'22"W. 131.78 feet, N.0°16'26"E. 131.18 feet,
 and N.2°23'00"W. 390.26 feet to an old leaning corner post.

Thence continuing with said east line of West Tract and along or
 near a fence, N.2°37'51"W., at 1055.5 feet pass an old leaning
 corner post, a total distance of 1128.38 feet to a set 5/8" iron
 rod.

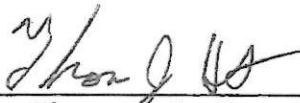
Thence continuing with said east line of West Tract, N.71°19'08"E. 486.63 feet to a set 5/8" iron rod.

Thence continuing with said east line of West Tract, N.2°33'02"W., at 2362.65 feet cross said north line of "1084.8 Ac." tract and said south line of "17.7 Ac." tract, a total distance of 2421.76 feet to a 5/8" iron rod set in fence in said north line of "17.7 Ac." tract and said south line of railroad for the NE corner of said West Tract and the NW corner of this tract.

Thence with said north line of "17.7 Ac." tract, said south line of railroad and along or near a fence, N.75°04'15"E. 3778.64 feet to the place of beginning and containing 370.56 acres of land.

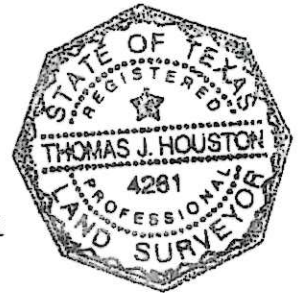
Note: Courses and distances recited herein are of the Texas Coordinate System of 1983-Central Zone. Acreage based on surface horizontal distances.

Surveyed on the ground March 23 thru May 19, 2023.



Thomas J. Houston

Registered Professional Land Surveyor No. 4261



Also see accompanying descriptions and plat (BOOKTER2.DWG)

CONCHO VALLEY LAND SURVEYING, LLC

2921 BLUEBONNET LN.
SAN ANGELO, TEXAS 76904
FIRM NO. 10194455
325-949-8475 / 325-227-0642
conchovalleyland@gmail.com

THOMAS J. HOUSTON
R.P.L.S., L.S.L.S.

Irion County Farm, LLC
to



Description
370.56 Acres
(East Tract)

Being 370.56 acres of land out of P. Bluthart Survey 676, Abstract 22; D. Boecke Survey 677, Abstract 23; and J.F. Christ Survey 678, Abstract 43, Irion County, Texas and being part of the "1084.8 Ac." and "17.7 Ac." tracts described in deed from Laverne G. Ball, et al to Irion County Farm, LLC recorded Volume 145 at page 155 of the Official Public Records of Irion County, Texas. Said 370.56 acres being described by metes and bounds as follows:

Beginning at a 5/8" iron rod set in the south line of that 100 feet wide railroad right of way described in deed recorded in Volume 5 at page 86 of the Deed Records of Irion County, Texas for the NE corner of said "17.7 Ac." tract and the NE corner of this tract from which a found corner post bears S.0°51'50"W. 2.2 feet.

Thence with the east line of said "17.7 Ac." tract and along or near a fence, S.0°51'50"W., at 60.00 feet pass the SE corner of said "17.7 Ac." tract, the NE corner of said "1084.8 Ac." tract and the NW corner of that "20 Ac." tract described in deed recorded in Volume 232 at page 352 of said Official Public Records and continuing with the east line of said "1084.8 Ac." tract and with the west line of said "20 Ac." tract, a total distance of 1547.43 feet to an iron pipe corner post found for the SW corner of said "20 Ac." tract and the most westerly NW corner of that "151.300 Ac." tract described in deed recorded in Volume 181 at page 935 of said Official Public Records.

Thence continuing with said east line of "1084.8 Ac." tract, the west line of said "151.300 Ac." tract and along or near a fence, S.0°47'48"W., at 3415.5 feet pass 0.7 foot west of an iron pipe corner post, a total distance of 3470.14 feet to a point on the north bank of Spring Creek for the SW corner of said "151.300 Ac." tract, the SE corner of said "1084.8 Ac." tract and the SE corner of this tract.

Thence with the north bank of Spring Creek and its meanders:
N.63°17'05"W. 39.33 feet, N.62°43'38"W. 59.37 feet,
N.77°51'55"W. 45.49 feet, N.28°38'44"W. 43.78 feet,
N.53°17'22"W. 37.01 feet, N.42°27'59"W. 37.86 feet,

N.83°54'27"W. 88.28 feet, N.86°18'57"W. 47.59 feet,
 N.69°58'37"W. 37.20 feet, N.83°46'07"W. 58.77 feet,
 N.74°20'26"W. 36.79 feet, N.79°48'57"W. 86.61 feet,
 N.89°14'16"W. 36.53 feet, N.75°42'09"W. 43.04 feet,
 N.84°42'01"W. 122.95 feet, S.05°18'22"E. 16.73 feet,
 S.76°16'36"E. 49.11 feet, S.34°21'36"W. 11.48 feet,
 N.80°52'08"W. 75.04 feet, S.84°04'54"W. 35.23 feet,
 N.57°29'25"W. 14.07 feet, N.76°29'08"W. 149.52 feet,
 S.85°01'51"W. 75.40 feet, N.86°23'19"W. 145.70 feet,
 N.88°27'58"W. 157.58 feet, N.80°37'24"W. 159.23 feet,
 N.85°20'40"W. 221.30 feet, S.78°14'17"W. 38.32 feet,
 N.37°35'52"E. 10.03 feet, N.81°48'48"W. 46.54 feet,
 N.85°11'13"E. 61.19 feet, S.87°15'06"W. 120.07 feet,
 S.72°59'12"E. 62.44 feet, N.75°40'42"W. 58.99 feet,
 S.26°50'21"E. 27.49 feet, S.74°26'15"W. 43.57 feet,
 S.74°41'42"E. 26.74 feet, N.69°24'16"W. 28.90 feet,
 N.80°25'11"E. 34.78 feet, N.82°23'04"W. 41.27 feet,
 N.56°58'36"E. 62.62 feet, N.37°40'02"W. 29.59 feet,
 N.79°50'49"E. 21.65 feet, N.77°12'08"W. 33.58 feet,
 S.88°54'02"W. 52.95 feet, S.33°59'49"W. 18.64 feet,
 N.72°17'04"E. 32.37 feet, N.40°09'47"W. 43.64 feet,
 N.51°57'39"W. 9.06 feet, N.82°02'34"W. 23.45 feet,
 N.84°58'34"W. 60.09 feet, N.85°16'35"W. 45.99 feet,
 N.80°13'07"E. 51.39 feet, N.81°53'03"W. 72.80 feet,
 S.89°44'41"W. 131.69 feet, S.88°31'08"W. 43.02 feet,
 S.84°46'31"E. 72.39 feet, N.88°35'26"W. 91.68 feet,
 S.89°06'07"E. 55.44 feet, S.85°00'34"W. 88.94 feet,
 S.83°36'05"E. 94.35 feet, S.81°20'58"W. 43.23 feet,
 S.78°11'45"E. 192.21 feet, S.80°49'26"W. 55.33 feet,
 S.84°50'29"W. 107.00 feet, S.58°54'12"W. 164.62 feet,
 and S.57°37'04"W. 97.76 feet to a point on said north bank of
 Spring Creek for the SW corner of this tract and the SE corner of
 another 370.56 acre tract (Middle Tract) described on even date
 herewith.

Thence with an east line of said Middle Tract, N.9°26'35"E.,
 at 58.12 feet pass a set 3/8" spike,
 at 113.75 feet pass a set 5/8" iron rod,
 at 167.92 feet pass a set 3/8" spike,
 at 406.04 feet pass a set 5/8" iron rod,
 at 1815.06 feet pass a set 5/8" iron rod,
 at 2071.86 feet pass a set 3/8" spike, a total distance of 2254.79
 feet to a 5/8" iron rod set in fence for an angle point in said
 east line of Middle Tract.

Thence continuing with said east line of Middle Tract,
 N.6°41'21"W., at 1538.74 feet cross the north line of said "1084.8
 Ac." tract and south line of said "17.7 Ac." tract, a total

distance of 1597.08 feet to a 5/8" iron rod set in fence in the north line of "17.7 Ac." tract and said south line of railroad for the NE corner of said Middle Tract and the NW corner of this tract.

Thence with said north line of "17.7 Ac." tract, said south line of railroad and partially along or near a fence, N.75°04'15"E. 4034.06 feet to the place of beginning and containing 370.56 acres of land.

Note: Courses and distances recited herein are of the Texas Coordinate System of 1983-Central Zone. Acreage based on surface horizontal distances.

Surveyed on the ground March 23 thru May 19, 2023.



Thomas J. Houston

Registered Professional Land Surveyor No. 4261



Also see accompanying descriptions and plat (BOOKTER2.DWG)

Shirley Graham
COUNTY CLERK



209 N Park View St
Mertzon, TX 76941
PHONE (325) 835-2421

DO NOT DESTROY
WARNING-THIS IS PART OF THE OFFICIAL RECORD

INSTRUMENT NO. 20240000063
FILED FOR RECORD ON : 1/12/24 1:37 PM
SUBMITTER: Smith Rose Finley PC
RETURN TO:

Book: 0293 Page: 0681
of Pages: 14

SMITH ROSE FINLEY
PO BOX 2540
SAN ANGELO, TX 76903

I hereby certify that this instrument was FILED in file number Sequence
on the date and at the time stamped here on by me and was duly
RECORDED in the Official Public Records of Irion County, TX.

Shirley Graham
County Clerk, Irion County, Texas

BY:

A handwritten signature in blue ink, appearing to read "Linda H. Jacket", written over a horizontal line.

Deputy

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

IC20240000254

SPECIAL WARRANTY DEED

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

Date: Effective March 20, 2024

Grantor: BECKY B. BOOKTER, an unmarried woman

Grantor's Mailing Address : 2819 Chatterton, San Angelo, Texas 76904

Grantee: MCHR FAMILY FARM, LLC a Texas limited liability company

Grantee's Mailing Address : 2819 Chatterton, San Angelo, Texas 76904

Consideration: Membership interests in Grantee and other good and valuable consideration

Property (including any improvements): The following described real property situated in Irion County, Texas:

TRACT ONE: The Surface Only of the property described in Exhibit A attached hereto and incorporated herein.

TRACT TWO: All of Grantor's interest in all water rights appurtenant to the properties described in Exhibits A, B and C attached hereto, including, but not limited to, all of Grantor's rights and power to: (a) impound water in an on-channel reservoirs on Spring Creek for agricultural purposes ("the Reservoirs"), and (b) to divert water from the Reservoirs for agricultural purposes.

Exceptions from Conveyance and Warranty: This conveyance is subject to all valid easements, restrictions and rights-of-way, and outstanding interests in oil, gas and other minerals, if any, against the above-described property.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO

REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION OF THE 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 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, when the claim is by, through and under Grantor, but not otherwise.

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

Becky B. Bookter
BECKY B. BOOKTER

THE STATE OF TEXAS §
 §
COUNTY OF TOM GREEN §

This instrument was acknowledged before me on April 8, 2024, by BECKY B. BOOKTER.



Allen L. Price
Notary Public, State of Texas

PREPARED BY THE OFFICES OF:

Smith, Rose, Finley
P.O. Box 2540
San Angelo, Texas 76902-2540
325/653-6721

CONCHO VALLEY LAND SURVEYING, LLC

2921 BLUEBONNET LN.
SAN ANGELO, TEXAS 76904
FIRM NO. 10194455
325-949-8475 / 325-227-0642
conchovalleyland@gmail.com

THOMAS J. HOUSTON
R.P.L.S., L.S.L.S.

Irion County Farm, LLC
to

EXHIBIT A

Description
370.56 Acres
(West Tract)

Being 370.56 acres of land out of J. Hartscher Survey 680, Abstract 157; J. Hartscher Survey 681, Abstract 158; and German Emigration Co. Survey 653, Abstract 105, Irion County, Texas and being part of the "1084.8 Ac." and "17.7 Ac." tracts described in deed from Laverne G. Ball, et al to Irion County Farm, LLC recorded Volume 145 at page 155 of the Official Public Records of Irion County, Texas. Said 370.56 acres being described by metes and bounds as follows:

Beginning at a cedar corner post found in the south line of that 100 feet wide railroad right of way described in deed recorded in Volume 5 at page 86 of the Deed Records of Irion County, Texas for the NW corner of said "17.7 Ac." tract and the NW corner this tract from which a found iron pipe corner post bears S.87°E. 2.3 feet. Said cedar corner post also being in the fenced east line of a paved road locally known as County Road 211.

Thence with the north line of said "17.7 Ac." tract, said south line of railroad and along or near a fence, N.75°04'15"E. 5058.60 feet to a 5/8" iron rod set for the NW corner of another 370.56 acre tract (Middle Tract) described on even date herewith and the NE corner of this tract.

Thence with a west line of said Middle Tract, S.2°33'02"E., at 59.11 feet cross the south line of said "17.7 Ac." tract and the north line of said "1084.8 Ac." tract, a total distance of 2421.76 feet to a set 5/8" iron rod.

Thence continuing with said west line of Middle Tract, S.71°19'08"W. 486.63 feet to a set 5/8" iron rod.

Thence continuing with said west line of Middle Tract, S.2°37'51"E., at 72.9 feet pass an old leaning corner post and continuing along or near a fence a total distance of 1128.38 feet to an old leaning corner post.

Thence continuing with said west line of Middle Tract and along or near a fence, S.2°23'00"E. 390.26 feet, S.0°16'26"W. 131.18 feet and S.6°22'22"E. 131.78 feet to a found cedar corner post.

Thence continuing with said west line of Middle Tract and along or near a fence, N.77°21'50"E. 69.71 feet to a set 5/8" iron rod.

Thence continuing with said west line of Middle Tract, S.2°39'11"W., at 34.63 feet pass a set 5/8" iron rod, a total distance of 101.11 feet to a point on the north bank of Spring Creek for the SW corner of said Middle Tract and the SE corner of this tract.

Thence with the north bank of Spring Creek and its meanders:

S.66°48'02"W. 55.23 feet, S.71°01'11"W. 120.07 feet,
S.80°36'58"W. 130.32 feet, S.72°46'10"W. 90.19 feet,
S.72°19'03"W. 106.36 feet, S.72°40'18"W. 97.84 feet,
S.81°48'24"W. 129.81 feet, S.79°31'41"W. 57.75 feet,
S.87°34'53"W. 168.98 feet, S.73°55'34"W. 61.85 feet,
S.75°24'08"W. 51.47 feet, N.81°28'25"W. 50.13 feet,
N.83°38'46"W. 125.18 feet, N.79°17'52"W. 62.83 feet,
S.84°08'33"W. 83.46 feet, S.80°09'12"W. 44.32 feet,
N.70°21'48"W. 50.46 feet, N.65°50'44"W. 28.83 feet,
N.75°05'59"W. 47.92 feet, N.85°30'05"W. 55.88 feet,
N.76°09'10"W. 68.25 feet, N.77°53'44"W. 66.95 feet,
S.86°55'40"W. 99.32 feet, N.75°43'13"W. 26.24 feet,
N.68°09'55"W. 72.70 feet, N.75°55'36"W. 69.19 feet,
N.70°48'47"W. 155.82 feet, N.28°18'21"E. 35.37 feet,
N.82°33'04"W. 16.85 feet, S.64°57'59"W. 20.13 feet,
S.54°29'35"W. 37.75 feet, N.82°56'04"W. 13.38 feet,
N.07°48'24"W. 19.46 feet, N.64°15'00"W. 3.52 feet,
S.78°40'09"W. 15.63 feet, S.53°50'49"W. 22.87 feet,
N.85°39'25"W. 23.66 feet, N.82°32'48"W. 65.20 feet,
N.86°03'31"W. 98.61 feet, N.80°56'57"W. 58.80 feet,
N.80°17'31"W. 30.40 feet, N.82°11'59"W. 29.40 feet,
N.75°47'37"W. 69.60 feet, N.77°01'54"W. 25.29 feet,
N.69°40'10"W. 60.75 feet, N.79°32'21"W. 77.49 feet,
N.72°45'16"W. 95.68 feet, N.69°46'52"W. 66.76 feet,
N.54°32'21"W. 40.46 feet, N.62°17'52"W. 60.15 feet,
N.65°35'54"W. 44.13 feet, N.39°44'38"W. 43.27 feet,
N.39°41'19"W. 39.45 feet, N.26°38'09"W. 51.07 feet,
N.76°26'48"E. 22.88 feet, N.87°22'07"E. 33.72 feet,
N.12°05'47"E. 46.25 feet, N.48°28'31"W. 64.24 feet,
N.60°55'19"W. 45.48 feet, N.41°26'03"W. 64.48 feet,
N.61°00'55"W. 54.58 feet, N.41°40'12"W. 30.25 feet,
N.43°45'49"W. 26.90 feet, N.42°47'04"W. 32.74 feet,
N.49°02'23"W. 27.31 feet, N.45°33'45"W. 74.92 feet,
N.52°35'21"W. 30.47 feet, N.48°40'29"W. 51.27 feet,
N.41°18'03"W. 34.84 feet, N.38°34'48"W. 57.15 feet,
N.34°41'07"W. 55.45 feet, N.41°55'46"W. 70.18 feet,
N.21°36'34"W. 61.90 feet, N.55°28'15"W. 30.21 feet,

N.26°41'44"W. 16.31 feet, N.19°06'10"E. 16.31 feet,
N.02°59'37"W. 19.88 feet and N.62°11'22"W. 16.58 feet to a point
on said north bank of Spring Creek for the most southerly SW corner
of this tract and the most southerly SW corner of said "1084.8
Ac." tract.

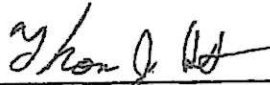
Thence with a west line of said "1084.8 Ac." tract and the east
line of that "15.41 Ac." tract described in deed recorded as
Document No. 20210000243 of said Official Public Records,
N.13°20'36"E., at 20.0 feet pass an old corner post on top of bluff
at south end of fence and continuing along or near a fence, at
29.76 pass a 5/8" iron rod set in said fence for witness, a total
distance of 816.32 feet to an iron pipe corner post found for an
ell corner of said "1084.8 Ac." tract.

Thence with the north line of said "15.41 Ac." tract, a south line
of said "1084.8 Ac." tract and along or near a fence, S.85°11'27"W.
1283.15 feet to a cedar corner post found in said fence line of
County Road 211 for the most westerly SW corner of said "1084.8
Ac." tract from which a found iron pipe corner post bears
N.85°11'27"E. 3.1 feet and a found 1/2" iron pipe bears
S.86°55'48"E. 5.04 feet.

Thence with the most westerly west line of said "1084.8 Ac." tract
and along or near said fenced east line of County Road 211,
N.0°54'45"E., at 1424.26 feet pass the NW corner of said "1084.8
Ac." tract and the SW corner of said "17.7 Ac." tract, a total
distance of 1484.26 feet to the place of beginning and containing
370.56 acres of land.

Note: Courses and distances recited herein are of the Texas
Coordinate System of 1983-Central Zone. Acreage based on
surface horizontal distances.

Surveyed on the ground March 23 thru May 19, 2023.



Thomas J. Houston

Registered Professional Land Surveyor No. 4261



Also see accompanying descriptions and plat (BOOKTER2.DWG)

CONCHO VALLEY LAND SURVEYING, LLC

2921 BLUEBONNET LN.
SAN ANGELO, TEXAS 76904
FIRM NO. 10194455
325-949-8475 / 325-227-0642
conchovalleyland@gmail.com

THOMAS J. HOUSTON
R.P.L.S., L.S.L.S.

Irion County Farm, LLC
to

EXHIBIT B

Description
370.56 Acres
(Middle Tract)

Being 370.56 acres of land out of J.F. Christ Survey 678, Abstract 43; J.F. Christ Survey 679, Abstract 44; and J. Hartscher Survey 680, Abstract 157, Irion County, Texas and being part of the "1084.8 Ac." and "17.7 Ac." tracts described in deed from Laverne G. Ball, et al to Irion County Farm, LLC recorded Volume 145 at page 155 of the Official Public Records of Irion County, Texas. Said 370.56 acres being described by metes and bounds as follows:

Beginning at a 5/8" iron rod set in a fence in the south line of that 100 feet wide railroad right of way described in deed recorded in Volume 5 at page 86 of the Deed Records of Irion County, Texas and the north line of said "17.7 Ac." tract for the NW corner of another 370.56 acre tract (East Tract) described on even date herewith and the NE corner of this tract from which a 5/8" iron rod set for the NE corner of said "17.7 Ac." tract bears N.75°04'15"E. 4034.06 feet.

Thence with a west line of said East Tract, S.6°41'21"E., at 58.34 feet cross the south line of said "17.7 Ac." tract and north line of said "1084.8 Ac." tract, a total distance of 1597.08 feet to a 5/8" iron rod set in fence for an angle corner in said west line of East Tract.

Thence continuing with a west line of said East Tract, S.9°26'35"W. at 182.93 feet pass a set 3/8" spike,
at 439.73 feet pass a set 5/8" iron rod,
at 1848.75 feet pass a set 5/8" iron rod,
at 2086.87 feet pass a set 3/8" spike,
at 2141.04 feet pass a set 5/8" iron rod,
at 2196.67 feet pass a set 3/8" spike, a total distance of 2254.79 feet to a point on the north bank of Spring Creek for the SW corner of said East Tract and the SE corner of this tract.

Thence with the north bank of Spring Creek and its meanders:
S.57°37'04"W. 1.70 feet, S.16°35'26"W. 28.97 feet,
S.75°51'47"W. 39.99 feet, S.70°25'34"W. 59.48 feet,
S.60°53'15"W. 69.45 feet, S.63°16'19"W. 97.82 feet,
S.41°18'48"W. 52.40 feet, S.68°14'18"W. 124.92 feet,

S.68°51'50"W. 39.23 feet, S.57°56'03"W. 91.80 feet,
 S.70°15'22"W. 54.05 feet, S.59°04'29"W. 84.82 feet,
 S.57°13'01"W. 90.56 feet, S.56°15'22"W. 103.37 feet,
 S.54°13'13"W. 85.51 feet, S.53°07'38"W. 142.75 feet,
 S.53°33'40"W. 172.67 feet, S.71°15'25"W. 65.23 feet,
 S.51°20'08"W. 88.00 feet, S.30°38'30"W. 117.47 feet,
 S.22°38'33"W. 36.77 feet, S.42°02'11"W. 51.41 feet,
 S.43°59'42"W. 56.84 feet, S.54°56'16"W. 108.71 feet,
 S.44°58'56"W. 31.71 feet, S.53°39'58"W. 108.81 feet,
 S.52°36'40"W. 143.96 feet, S.45°27'29"W. 18.92 feet,
 S.14°36'58"E. 9.32 feet, S.67°01'49"W. 20.82 feet,
 S.47°46'48"W. 69.38 feet, S.34°27'41"W. 52.76 feet,
 S.60°50'27"W. 48.91 feet, S.55°35'49"W. 47.77 feet,
 S.78°38'01"W. 77.48 feet, S.78°25'39"W. 88.66 feet,
 S.82°20'50"W. 60.39 feet, N.79°43'16"W. 54.11 feet,
 N.31°28'32"W. 39.46 feet, N.29°27'43"W. 13.47 feet,
 S.71°47'41"W. 45.50 feet, S.72°45'47"W. 36.87 feet,
 S.54°32'18"W. 25.91 feet, S.07°17'42"E. 9.15 feet,
 S.87°55'04"W. 40.81 feet, N.77°23'10"W. 135.65 feet,
 N.85°41'58"W. 68.32 feet, N.87°28'56"W. 61.21 feet,
 S.83°37'03"W. 65.46 feet, S.87°40'43"W. 156.37 feet,
 S.88°44'37"W. 59.52 feet, S.81°06'01"W. 78.52 feet,
 S.81°12'39"W. 121.02 feet, S.77°47'29"W. 149.03 feet,
 S.79°08'28"W. 103.19 feet, S.75°32'42"W. 79.66 feet,
 S.78°31'48"W. 169.44 feet, S.72°53'25"W. 43.51 feet,
 S.75°20'19"W. 38.85 feet, S.09°43'51"E. 11.61 feet,
 S.73°12'55"E. 27.22 feet, S.14°38'09"E. 4.80 feet and
 S.66°48'02"W. 45.33 feet to a point on said north bank of Spring
 Creek for the SW corner of this tract and the SE corner of another
 370.56 acre tract (West Tract) described on even date herewith.

Thence with an east line of said West Tract, N.2°39'11"E., at 66.48
 feet pass a set 5/8" iron rod, a total distance of 101.11 feet to
 a 5/8" iron rod set in a fence.

Thence continuing with said east line of West Tract and along or
 near a fence, S.77°21'50"W. 69.71 feet to a found cedar corner
 post.

Thence continuing with said east line of West Tract and along or
 near a fence, N.6°22'22"W. 131.78 feet, N.0°16'26"E. 131.18 feet,
 and N.2°23'00"W. 390.26 feet to an old leaning corner post.

Thence continuing with said east line of West Tract and along or
 near a fence, N.2°37'51"W., at 1055.5 feet pass an old leaning
 corner post, a total distance of 1128.38 feet to a set 5/8" iron
 rod.

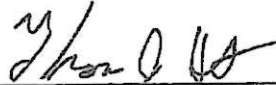
Thence continuing with said east line of West Tract, N.71°19'08"E.
486.63 feet to a set 5/8" iron rod.

Thence continuing with said east line of West Tract, N.2°33'02"W.,
at 2362.65 feet cross said north line of "1084.8 Ac." tract and
said south line of "17.7 Ac." tract, a total distance of 2421.76
feet to a 5/8" iron rod set in fence in said north line of "17.7
Ac." tract and said south line of railroad for the NE corner of
said West Tract and the NW corner of this tract.

Thence with said north line of "17.7 Ac." tract, said south line
of railroad and along or near a fence, N.75°04'15"E. 3778.64 feet
to the place of beginning and containing 370.56 acres of land.

Note: Courses and distances recited herein are of the Texas
Coordinate System of 1983-Central Zone. Acreage based on
surface horizontal distances.

Surveyed on the ground March 23 thru May 19, 2023.



Thomas J. Houston

Registered Professional Land Surveyor No. 4261



Also see accompanying descriptions and plat (BOOKTER2.DWG)

CONCHO VALLEY LAND SURVEYING, LLC

2921 BLUEBONNET LN.
SAN ANGELO, TEXAS 76904
FIRM NO. 10194455
325-949-8475 / 325-227-0642
conchovalleyland@gmail.com

THOMAS J. HOUSTON
R.P.L.S., L.S.L.S.

Irion County Farm, LLC
to



Description
370.56 Acres
(East Tract)

Being 370.56 acres of land out of P. Bluthart Survey 676, Abstract 22; D. Boecke Survey 677, Abstract 23; and J.F. Christ Survey 678, Abstract 43, Irion County, Texas and being part of the "1084.8 Ac." and "17.7 Ac." tracts described in deed from Laverne G. Ball, et al to Irion County Farm, LLC recorded Volume 145 at page 155 of the Official Public Records of Irion County, Texas. Said 370.56 acres being described by metes and bounds as follows:

Beginning at a 5/8" iron rod set in the south line of that 100 feet wide railroad right of way described in deed recorded in Volume 5 at page 86 of the Deed Records of Irion County, Texas for the NE corner of said "17.7 Ac." tract and the NE corner of this tract from which a found corner post bears S.0°51'50"W. 2.2 feet.

Thence with the east line of said "17.7 Ac." tract and along or near a fence, S.0°51'50"W., at 60.00 feet pass the SE corner of said "17.7 Ac." tract, the NE corner of said "1084.8 Ac." tract and the NW corner of that "20 Ac." tract described in deed recorded in Volume 232 at page 352 of said Official Public Records and continuing with the east line of said "1084.8 Ac." tract and with the west line of said "20 Ac." tract, a total distance of 1547.43 feet to an iron pipe corner post found for the SW corner of said "20 Ac." tract and the most westerly NW corner of that "151.300 Ac." tract described in deed recorded in Volume 181 at page 935 of said Official Public Records.

Thence continuing with said east line of "1084.8 Ac." tract, the west line of said "151.300 Ac." tract and along or near a fence, S.0°47'48"W., at 3415.5 feet pass 0.7 foot west of an iron pipe corner post, a total distance of 3470.14 feet to a point on the north bank of Spring Creek for the SW corner of said "151.300 Ac." tract, the SE corner of said "1084.8 Ac." tract and the SE corner of this tract.

Thence with the north bank of Spring Creek and its meanders:
N.63°17'05"W. 39.33 feet, N.62°43'38"W. 59.37 feet,
N.77°51'55"W. 45.49 feet, N.28°38'44"W. 43.78 feet,
N.53°17'22"W. 37.01 feet, N.42°27'59"W. 37.86 feet,

N.83°54'27"W. 88.28 feet, N.86°18'57"W. 47.59 feet,
 N.69°58'37"W. 37.20 feet, N.83°46'07"W. 58.77 feet,
 N.74°20'26"W. 36.79 feet, N.79°48'57"W. 86.61 feet,
 N.89°14'16"W. 36.53 feet, N.75°42'09"W. 43.04 feet,
 N.84°42'01"W. 122.95 feet, S.05°18'22"E. 16.73 feet,
 S.76°16'36"E. 49.11 feet, S.34°21'36"W. 11.48 feet,
 N.80°52'08"W. 75.04 feet, S.84°04'54"W. 35.23 feet,
 N.57°29'25"W. 14.07 feet, N.76°29'08"W. 149.52 feet,
 S.85°01'51"W. 75.40 feet, N.86°23'19"W. 145.70 feet,
 N.88°27'58"W. 157.58 feet, N.80°37'24"W. 159.23 feet,
 N.85°20'40"W. 221.30 feet, S.78°14'17"W. 38.32 feet,
 N.37°35'52"W. 10.03 feet, N.81°48'48"W. 46.54 feet,
 N.85°11'13"W. 61.19 feet, S.87°15'06"W. 120.07 feet,
 S.72°59'12"W. 62.44 feet, N.75°40'42"W. 58.99 feet,
 S.26°50'21"W. 27.49 feet, S.74°26'15"W. 43.57 feet,
 S.74°41'42"W. 26.74 feet, N.69°24'16"W. 28.90 feet,
 N.80°25'11"W. 34.78 feet, N.82°23'04"W. 41.27 feet,
 N.56°58'36"W. 62.62 feet, N.37°40'02"W. 29.59 feet,
 N.79°50'49"W. 21.65 feet, N.77°12'08"W. 33.58 feet,
 S.88°54'02"W. 52.95 feet, S.33°59'49"W. 18.64 feet,
 N.72°17'04"W. 32.37 feet, N.49°09'47"W. 43.64 feet,
 N.51°57'39"W. 9.06 feet, N.82°02'34"W. 23.45 feet,
 N.84°58'34"W. 60.09 feet, N.85°16'35"W. 45.99 feet,
 N.80°13'07"W. 51.39 feet, N.81°53'03"W. 72.80 feet,
 S.89°44'41"W. 131.69 feet, S.88°31'08"W. 43.02 feet,
 S.84°46'31"W. 72.39 feet, N.88°35'26"W. 91.68 feet,
 S.89°06'07"W. 55.44 feet, S.85°00'34"W. 88.94 feet,
 S.83°36'05"W. 94.35 feet, S.81°20'58"W. 43.23 feet,
 S.78°11'45"W. 192.21 feet, S.80°49'26"W. 55.33 feet,
 S.84°50'29"W. 107.00 feet, S.58°54'12"W. 164.62 feet,
 and S.57°37'04"W. 97.76 feet to a point on said north bank of
 Spring Creek for the SW corner of this tract and the SE corner of
 another 370.56 acre tract (Middle Tract) described on even date
 herewith.

Thence with an east line of said Middle Tract, N.9°26'35"E.,
 at 58.12 feet pass a set 3/8" spike,
 at 113.75 feet pass a set 5/8" iron rod,
 at 167.92 feet pass a set 3/8" spike,
 at 406.04 feet pass a set 5/8" iron rod,
 at 1815.06 feet pass a set 5/8" iron rod,
 at 2071.86 feet pass a set 3/8" spike, a total distance of 2254.79
 feet to a 5/8" iron rod set in fence for an angle point in said
 east line of Middle Tract.

Thence continuing with said east line of Middle Tract,
 N.6°41'21"W., at 1538.74 feet cross the north line of said "1084.8
 Ac." tract and south line of said "17.7 Ac." tract, a total

Shirley Graham
COUNTY CLERK



209 N Park View St
Mertzon, TX 76941
PHONE (325) 835-2421

DO NOT DESTROY

WARNING-THIS IS PART OF THE OFFICIAL RECORD

INSTRUMENT NO. 20240000254
FILED FOR RECORD ON : 4/11/24 2:04 PM

Book: 0295 Page: 0277
of Pages: 12

SUBMITTER: Smith Rose Finley PC
RETURN TO: SMITH ROSE FINLEY
PO BOX 2540
ATTN MONICA VALADEZ
SAN ANGELO, TX 76902

I hereby certify that this instrument was FILED in file number Sequence
on the date and at the time stamped here on by me and was duly
RECORDED in the Official Public Records of Irion County, TX.

Shirley Graham
County Clerk, Irion County, Texas

BY:

A handwritten signature in blue ink that reads "Linda Hojacket".

Deputy

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





Texas Commission on Environmental Quality

Public Involvement Plan Form for Permit and Registration Applications

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

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

Section 1. Preliminary Screening

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

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

Section 2. Secondary Screening

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

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

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

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

Our land has recently been divided between family members. MCHR Family Farm, LLC is seeking to amend their ownership interest in the impoundment amount at the Upper Dam to 200 acre-feet and no ownership interest in the impoundment amount at the Lower Dam. A Public Involvement Plan is not applicable for this situation.

Section 3. Application Information

Type of Application (check all that apply):

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

Water Quality

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

Water Rights New Permit

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

Amendment to an Existing Water Right

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

Section 4. Plain Language Summary

Provide a brief description of planned activities.

Section 5. Community and Demographic Information

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

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

(City)

(County)

(Census Tract)

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

☐

City

☐

County

☐

Census Tract

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

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

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

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

(e) Languages commonly spoken in area by percentage

(f) Community and/or Stakeholder Groups

(g) Historic public interest or involvement

Section 6. Planned Public Outreach Activities

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

☐ Yes ☐ No

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

☐ Yes ☐ No

If Yes, please describe.

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

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

☐ Yes ☐ No

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

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

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

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

☐ Yes ☐ No

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

☐ Yes ☐ No

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

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

Section 7. Voluntary Submittal

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

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

☐ Yes ☐ No

What types of notice will be provided?

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

JOINT CONSENT TO AMEND OWNERSHIP OF WATER RIGHTS

This agreement is between Don G. Ball and Susan E. Ball ("BALL") and MCHR Family Farm, LLC ("MCHR").

BALL and MCHR own water rights in 303 acre-feet of water in two reservoirs on Spring Creek located in the J. Hartscher Survey 681, Abstract 158 (Upper Dam) and the J.F. Christ Survey 679, Abstract 44 (Lower Dam) in Irion County, Texas pursuant to Certificate of Adjudication No 14-1253. BALL and MCHR desire to amend their ownership interests.

BALL hereby seeks to amend their ownership interest in the impoundment amount at the Lower Dam to 103 acre-feet of water and to amend their ownership interest in the impoundment amount at the Upper Dam to a zero amount (no interest or rights).

MCHR hereby seeks to amend its ownership interest in the impoundment amount at the Upper Dam to 200 acre-feet of water and to amend their ownership interest in the impoundment amount at the Lower Dam to a zero amount (no interest or rights).

BALL and MCHR each hereby agree to the amendments and allocations of water rights as set forth above.

Dated September 26, 2024

Don G. Ball
DON G. BALL

Susan E. Ball
SUSAN E. BALL

MCHR FAMILY FARM, LLC

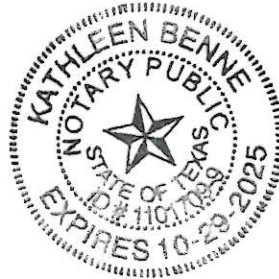
BY: Becky Bookter, Manager
BECKY BOOKTER, Manager

THE STATE OF TEXAS

§
§
§

COUNTY OF TOM GREEN

This instrument was acknowledged before me on the 26 day of September, 2024, by DON G. BALL.



Kathleen Benne
Notary in and for the State of Texas

THE STATE OF TEXAS

§
§
§

COUNTY OF TOM GREEN

This instrument was acknowledged before me on the 26 day of September, 2024, by
SUSAN E. BALL.



Kathleen Benne
Notary in and for the State of Texas

THE STATE OF TEXAS

§
§

COUNTY OF TOM GREEN

This instrument was acknowledged before me on the 25 day of September, 2024, by
BECKY BOOKTER as Manager of MCHR FAMILY FARM, LLC.



[Signature]
Notary in and for the State of Texas

CERTIFICATE OF RESOLUTION

I certify that BECKY BOOKTER, DANIELLE MITCHELL and SHAWN BOOKTER are all of the Members and Managers of MCHR FAMILY FARM, LLC, a Texas Limited Liability Company (the "Company"). I further hereby certify that the Company is duly organized and existing under the laws of the State of Texas; that all franchise and other taxes required to maintain its existence have been paid when due and that no such taxes are delinquent; that no proceedings are pending for the forfeiture of its Certificate of Formation or for its dissolution, voluntarily or involuntarily; that it is duly qualified to do business in the State of Texas; that there is no provision of the Certificate of Formation or Regulations/Company Agreement of the Company limiting the power of the Managers to pass the resolution set out below and that the same is in conformity with the provisions of said Certificate of Formation and Regulations; that on the 27th day of August, 2024, there was held a meeting of the Members and Managers of the Company, at which meeting all of the Members and Managers were present; and that at said meeting the following resolution was duly and legally passed and adopted and is now in full force and effect:

RESOLVED, that BECKY BOOKTER, as Manager of the Company, is authorized and directed to complete and execute all TCEQ Water Rights Permitting Applications, Administrative Information Reports, Technical Information Reports, Worksheets, TCEQ Water Rights Change of Ownership Memorandums and any and all other documents which are necessary or convenient to documents and apply for the change of ownership and water rights related to property owned by the Company.

Becky Bookter
BECKY BOOKTER

THE STATE OF TEXAS §

COUNTY OF TOM GREEN §



This instrument was acknowledged before me on August 29th, 2024, by BECKY BOOKTER.

Brandi Michelle Grantin
Notary Public, State of Texas

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 17, 2024

Becky Bookter
2819 Chatterton Dr.
San Angelo, TX 76904-6155

VIA-EMAIL

RE: Change of Ownership
Certificate of Adjudication No. 14-1253

Dear Becky Bookter:

This corrects the Change of Ownership Memorandum dated August 8, 2024, which included an error in the ownership of this water right. Attached is a copy of the revised TCEQ Change of Ownership Memorandum.

TCEQ Change of Ownership Memorandum attached.

If you have any questions concerning this matter, please contact me via e-mail at Amy.McKellar@tceq.texas.gov or by telephone at (512) 239-3918.

Sincerely,

Amy McKellar

Amy McKellar, Project Manager
Water Rights Compliance Assurance Team
Water Availability Division

Attachment

cc: Concho Watermaster's Office

TCEQ Water Rights Change of Ownership Memorandum

To: Records Management **Date:** October 17, 2024
Thru: JD Sandra Douglas, Team Leader **Certificate of Adjudication No.** 14-1253
Water Rights Compliance Assurance Team
From: Amy McKellar, Project Manager **Source County:** Irion
Water Rights Compliance Assurance Team
Subject: Change of Ownership - CORRECTION **Source Basin:** Colorado River

This Memo serves to correct the Inter-Office Memorandum dated August 8, 2024, to correctly reflect the ownership of the impoundment authorization. The conclusions are subject to change if additional information is received.

Ownership of Record with Addresses and Remarks:

- | | |
|---|--|
| 1. Susan E. Ball
6001 Melrose Ave.
San Angelo, TX 76901-5229 | 2. Don G. Ball
6001 Melrose Ave.
San Angelo, TX 76901-5229 |
| 3. MCHR Family Farm, LLC
c/o Becky Bookter
2819 Chatterton Dr.
San Angelo, TX 76904-6155 | |

The owners of record have been updated as follows:

Authorization 1: Impoundment of 165.55 acre-feet of water on Spring Creek, located in the J. Hartscher Survey 681, Abstract 158 (upper dam), in Irion County.

Owner Name
MCHR Family Farm, LLC

Authorization 2: Impoundment of 137.45 acre-feet of water on Spring Creek, located in the J. F. Christ Survey 679, Abstract 44 (lower dam), in Irion County.

Owner Name
Susan E. Ball Don G. Ball (undivided interest)

Authorization 3: Diversion of 213.5 acre-feet of water per year from Spring Creek for agricultural purposes, to irrigate 107-acres of land out of a 370.56-acre tract, located in the J. F. Christ Survey 678, Abstract 43, the J. F. Christ Survey 679, Abstract 44, and the J. Hartscher Survey 680, Abstract 157, in Irion County.

Owner Name	Amount	Purpose
Susan E. Ball Don G. Ball (undivided interest)	213.5 ac-ft	Agricultural

Authorization 4: Diversion of 213.5 acre-feet of water per year from Spring Creek for agricultural purposes, to irrigate 107-acres of land out of a 370.56-acre tract, located in the J. Hartscher Survey 680, Abstract 157, in Irion County.

Owner Name	Amount	Purpose
MCHR Family Farm, LLC	213.5 ac-ft	Agricultural

Special Warranty Deed No. 20240000063 included an agreement of division of the water right which separates 370.56-acres of land located in the P. Bluthart Survey 676, Abstract 22, the D. Boecke Survey 677, Abstract 23, and the J. F. Christ Survey 678, Abstract 43, from being appurtenant to the water right.

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

This water right falls under the jurisdiction of the Concho Watermaster's office. Prior to diversion, please contact the Concho Watermaster's office at (866) 314-4894.

Amy McKellar

Amy McKellar