

# TCEQ Interoffice Memorandum

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**To:** Office of the Chief Clerk  
Texas Commission on Environmental Quality

**Thru:** Chris Kozlowski, Team Leader  
Water Rights Permitting Team

**From:** Lillian E. Beerman, Ph.D., Project Manager  
Water Rights Permitting Team

**Date:** January 14, 2022

**Subject:** Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and  
Ryan S. Neuhaus 1994 Trust  
ADJ 4318  
CN604584003, CN604584011, CN604584029, RN105136790  
Application No. 12-4318E to Amend Certificate of Adjudication  
No. 12-4318  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Brazos River, Brazos River Basin  
Falls County

The application and fees were received on June 3, 2021. Additional information was received on December 7, 2021. The application was declared administratively complete and filed with the Office of the Chief Clerk on January 14, 2022. Mailed notice to the interjacent water rights holders of record in the Brazos River Basin and to the co-owners of the Certificate is required pursuant to Title 30 Texas Administrative Code §§ 295.158(c)(3)(C) and 295.158(c)(2)(B).

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

*Lillian E. Beerman, Ph.D.*

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Lillian E. Beerman, Ph.D., Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

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

## Neuhaus\_1994\_Trusts\_12-4318E\_Administratively Complete

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Fri 1/14/2022 3:50 PM

To:



Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

 1 attachments (207 KB)

Neuhaus\_1994\_Trusts\_12-4318E\_ADC\_Letter\_01.14.2022.pdf;

Mr. Vaughan,

Application No. 12-4318E, submitted by Neuhaus\_1994\_Trusts, is Administratively Complete as of January 14, 2022.

The application to amend ADJ 4318 is now in Technical Review.

Please see attached letter.

Thank You,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

[lillian.beerman@tceq.texas.gov](mailto:lillian.beerman@tceq.texas.gov)

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 14, 2022

Mr. Eugene R. Vaughan, III, Attorney  
Jones, Galligan, Key & Lozano  
P.O. Box 1247  
Weslaco, TX 78599-1247

VIA E-MAIL

RE: Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and  
Ryan S. Neuhaus 1994 Trust  
ADJ 4318  
CN604584003, CN604584011, CN604584029, RN105136790  
Application No. 12-4318E to Amend Certificate of Adjudication No. 12-4318  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Brazos River, Brazos River Basin  
Falls County

Dear Mr. Vaughan:

This acknowledges receipt of additional information on December 7, 2021.

The application was declared administratively complete and filed with the Office of the Chief Clerk on January 14, 2022. 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 at [lillian.beerman@tceq.texas.gov](mailto:lillian.beerman@tceq.texas.gov) or by phone at (512) 239-4019.

Sincerely,

*Lillian E. Beerman, Ph.D.*

Lillian E. Beerman, Ph.D., Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

## Re: Neuhaus\_1994\_Trusts\_Application\_No.\_12-4318E\_Request\_for\_Information

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Fri 1/7/2022 6:56 PM

To: [REDACTED]

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mr. Vaughan,

We have received your response to our request for information for Neuhaus 1994 Trusts' Application No. 12-4318E to amend ADJ 4318.

The technical staff are completing their review of your submission. Once the review is complete and the application is deemed administratively complete, the Application will go into Technical Review.

During Technical Review, the conservation, hydrology, and instream staff will review your application in the order of the date the application was received and by the river basin. Once their review is complete, I will draft the amendment, staff will review the amendment, and the Applicants, the Neuhaus Family, will have the opportunity to review the draft amendment. The applicant comment period is two weeks. Once your comments have been received, Notice will be sent to interjacent water right holders for 15-day comment period. If the draft amendment is not protested, it will go to the TCEQ Executive Director for signature.

I hope this answers your question. I assure you that I am doing my best to ensure that the Neuhaus 1994 Trust's amendment to ADJ 4318 is given prompt consideration.

Thank you,

Lillian E. Beerman, Ph.D.  
Water Rights Permitting Team  
Water Availability Division  
512-239-4019  
lillian.beerman@tceq.texas.gov

---

**From:** Eugene Vaughan [REDACTED]

**Sent:** Friday, January 7, 2022 3:13 PM

**To:** Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

**Cc:** Beatriz Velasquez <[REDACTED]>; Herbert Bristow <[REDACTED]>

**Subject:** RE: Neuhaus\_1994\_Trusts\_Application\_No.\_12-4318E\_Request\_for\_Information

Lillian,

Good afternoon.

I just wanted to follow up since I had not heard anything on this matter following our transmission of the information requested in the Request for Information. Could you let me know what our timing looks like to finalize this matter, if possible? I have copied the attorney for the seller of these water rights on this email so that he can be in the loop as well.

Thanks for your help with this.

Gene

---

**From:** Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

**Sent:** Monday, November 22, 2021 2:59 PM

**To:** Eugene Vaughan <[REDACTED]>  
**Cc:** Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>  
**Subject:** Neuhaus\_1994\_Trusts\_Application\_No.\_12-4318E\_Request\_for\_Information

Mr. Eugene R. Vaughan, III:

Attached is a Request for Information for the Application to Amend Certificate of Adjudication No. 12-4318 by Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust.

Please provide the requested information by COB, Wednesday, December 22, 2021.

If you have any questions, do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

[lillian.beerman@tceq.texas.gov](mailto:lillian.beerman@tceq.texas.gov)

**RE: Neuhaus\_1994\_Trusts\_Application\_No.\_12-4318E\_Request\_for\_Information**

Eugene Vaughan [REDACTED]

Tue 12/7/2021 3:19 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: Beatriz Velasquez [REDACTED]

📎 7 attachments (2 MB)

Worksheet 5.0.pdf; field view looking north.jpeg; field view looking south.jpeg; field view looking west.jpeg; river bank looking north.jpeg; riverbank looking south.jpeg; diversion point lookin west.jpeg;

Ms. Beerman,

Good afternoon.

In response to the RFI dated November 22, 2021, I have attached a completed Worksheet 5.0 and the accompanying photographs. Please let me know if you need anything further.

Also, assuming that this information is satisfactory to allow the application to be declared administratively complete, could you give me an estimate of how much time will remain for final approval of the amendment? The only reason I ask is that I need to give the seller's attorney some idea of how much time remains to finalize this transaction.

I appreciate all of your help with this matter.

Gene

**Eugene R. Vaughan, III**  
Attorney at-law

**Jones, Galligan, Key & Lozano, L.L.P.**

2300 West Pike Blvd., Suite 300

P.O. Drawer 1247

Weslaco, Texas 78599-1247

Website: [www.jgkl.com](http://www.jgkl.com)

Switchboard: (956) 968-5402

Direct Line: ([REDACTED])

Fax: (956) 968-6089

**Brownsville Office:**

1400 East Madison, Suite 4

Brownsville, Texas 78520

Phone: (956) 621-0710



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distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (Collect [956] 968 5402), and destroy the original message. Thank you.

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## 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 29.**

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Applicant utilizes a river screen so that aquatic plants and animals are not pulled into the nozzles of Applicant's irrigation system.

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

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

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

Other, specify: \_\_\_\_\_

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the map submitted with the application indicating the location of the photograph and the direction of the shot. *SEE ATTACHED PHOTOS*
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.













**RE: Neuhaus\_1994\_Trusts\_Application\_No.\_12-4318E\_Request\_for\_Information**

Eugene Vaughan [REDACTED]

Mon 11/22/2021 4:37 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Thank you, Lillian.

I will go through this and get the requested information back to you ASAP.

Gene

**Eugene R. Vaughan, III**  
**Attorney at-law**

**Jones, Galligan, Key & Lozano, L.L.P.**

2300 West Pike Blvd., Suite 300

P.O. Drawer 1247

Weslaco, Texas 78599-1247

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**From:** Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

**Sent:** Monday, November 22, 2021 2:59 PM

**To:** Eugene Vaughan <[REDACTED]>

**Cc:** Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

**Subject:** Neuhaus\_1994\_Trusts\_Application\_No.\_12-4318E\_Request\_for\_Information

Mr. Eugene R. Vaughan, III:

Attached is a Request for Information for the Application to Amend Certificate of Adjudication No. 12-4318 by Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994

Trust, and Ryan S. Neuhaus 1994 Trust.

Please provide the requested information by COB, Wednesday, December 22, 2021.

If you have any questions, do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

[lillian.beerman@tceq.texas.gov](mailto:lillian.beerman@tceq.texas.gov)

## Neuhaus\_1994\_Trusts\_Application\_No.\_12-4318E\_Request\_for\_Information

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mon 11/22/2021 2:59 PM

To:

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

 1 attachments (152 KB)

Neuhaus\_12-4318\_RFI\_Sent.pdf;

**Mr. Eugene R. Vaughan, III:**

Attached is a Request for Information for the Application to Amend Certificate of Adjudication No. 12-4318 by Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust.

Please provide the requested information by COB, Wednesday, December 22, 2021.

If you have any questions, do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

[lillian.beerman@tceq.texas.gov](mailto:lillian.beerman@tceq.texas.gov)

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

November 22, 2021

Mr. Eugene R. Vaughan, III, Attorney  
Jones, Galligan, Key & Lozano  
P.O. Box 1247  
Weslaco, TX 78599-1247

VIA E-MAIL

RE: Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust  
ADJ 4318  
CN604584003, CN604584011, CN604584029, RN105136790  
Application No. 12-4318E to Amend Certificate of Adjudication No. 12-4318  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Brazos River, Brazos River Basin  
Falls County

Dear Mr. Vaughan:

This acknowledges receipt, on June 3, 2021, of the referenced application and fees in the amount of \$212.50 (Receipt No. M118560B, copy attached).

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

1. Complete Item 2 in *Worksheet 5.0 Environmental Information*.

Please submit the requested information by December 22, 2021 or the application may be returned pursuant to Title 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via email at [lillian.beerman@tceq.texas.gov](mailto:lillian.beerman@tceq.texas.gov) or by telephone at (512) 239-4019.

Sincerely,

*Lillian E. Beerman, Ph.D.*

Lillian E. Beerman, Ph.D., Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment



04-JUN-21 11:29 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
NOTICE FEES-WUP- WATER USE PERM	PTGU PTGU NOTICE FEES WUP WATER USE PERMITS	M118560B 124318 JONES GALLIGAN KEY & LOZANO	24165 060321 RHDAVIS	 N CK	BS00087237 D1803483	04-JUN-21	- \$212.50
Total (Fee Code):							- \$212.50

*F. Hernandez*

RECEIVED

JUN 07 2021

Water Availability Division



TCEQ 04-JUN-21 11:29 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP	M118560A	24165		BS00087237	04-JUN-21	-\$100.00
	WUP	124318	060321	N	D1803483		
	WATER USE PERMITS	JONES	RHDAVIS	CK			
		GALLIGAN					
		KEY &					
		LOZANO LLP					
Total (Fee Code):							-\$100.00

*F. Hernandez*

RECEIVED

JUN 07 2021

Water Availability Division

## Neuhaus\_1994\_Trust\_COA\_No.\_12-4318E\_COO\_Documents

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mon 10/25/2021 5:20 PM

To:

[REDACTED]

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

 3 attachments (7 MB)

Neuhaus\_12-4318E\_COO\_07.01.2021.pdf; Neuhaus\_12-4318E\_COO\_&\_Amendment\_Applications.pdf; COA No. 12-4318.pdf;

Mr. Eugene R. Vaughan,

I, Lillian, am the project manager for you client, Neuhaus 1994 Trust's Application to amend COA No. 12-4318.

Attached are the Change of Ownership (COO) Memorandum, the Application for a COO and Amendment to ADJ 4318, and Certificate of Adjudication No. 12-4318, as amended.

If you have any questions or concerns, please do not hesitate to contact me.

Thank You,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

[lillian.beerman@tceq.texas.gov](mailto:lillian.beerman@tceq.texas.gov)



The ownership interest has been apportioned as follows:

**Authorization 1: 8.54 acre-foot on-channel reservoir complex** on Rock Branch, tributary of the North Bosque River, tributary of the Brazos River, in the Brazos River Basin, located in the John W. Mayberry Survey in Bosque County, Texas.

Owner Name
Lakeview Recreation Association, Inc.

**Authorization 2: 288 acre-foot off-channel reservoir** located in the John W. Carpenter Survey, Abstract No. 128, Bosque County, Texas.

Owner Name
Smith Bend Ranch, Ltd.

**Authorization 3: 150 acre-foot off-channel reservoir** in the J. H. Chambers Survey, Abstract No. 165, Hill County, Texas.

Owner Names
Brent A. Neuhaus 1994 Trust, Amy S. Neuhaus 1994 Trust, Ryan S. Neuhaus 1994 Trust (100% undivided interest)

**Authorization 4: Diversion of 497 acre-feet of water per year for Agricultural Purposes** from the Brazos River, Brazos River Basin, for irrigation of 373.78 acres being a 7-acre tract and 366.68-acre tract located in the William H. Smith Survey, Abstract No. 775, Bosque County, Texas.

Owner Name	Amount	Purpose
CHS Farms Ltd	497 acre-feet	Agriculture purposes

**Authorization 5: Diversion of 150 acre-feet of water per year for Agriculture and Mining Purposes** from the Brazos River, Brazos River Basin, in Hill County, Texas. No land was conveyed. Subject to Amendment.

Owner Names	Amount	Purpose
Brent A. Neuhaus 1994 Trust, Amy S. Neuhaus 1994 Trust, Ryan S. Neuhaus 1994 Trust (100% undivided interest)	150 acre-feet	Agriculture and Mining purposes

**Authorization 6: Diversion of 20 acre-feet of water per year for Agricultural Purposes** from the above referenced reservoir for irrigation of 30 acres of land in the John W. Mayberry Survey known as the Bosque Valley Golf Club, approximately 3 miles southeast of Meridian in Bosque County, Texas.

Owner Name	Amount	Purpose
Lakeview Recreation Association Inc.	20 acre-feet	Agricultural purposes

**Authorization 7: Diversion of 2,153 acre-feet of water per year for Agricultural Purposes** from the Brazos River, Brazos River Basin, for irrigation of 628.85 acres of land in Bosque County, Texas. And **Municipal, and Mining Purposes** in Bosque, McLennan, and those portions within the Brazos River Basin of Hill County, Texas.

Owner Name	Amount	Purpose
Smith Bend Ranch Ltd	2,153 acre-feet	Agriculture, Municipal, Mining purposes

Brent A. Neuhaus 1994 Trust is the customer and reporting contact for Amy S. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust.

Multiple Special Conditions and Time Priorities apply, see Certificate and subsequent amendments.

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 §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 Texas Administrative Code § 297.81(b).

This water right falls under the jurisdiction of the Brazos Watermaster's Program. Prior to diverting, please contact the Brazos Watermaster's Office at **(254) 761-3006**.

  
R. Joseph Nicosia

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 12-4318 OWNERS: Daniel M. Leonard  
P. O. Box 1718  
Fort Worth, Texas 76101  
H. L. Hunt, Jr., Trust  
Estate  
2800 Thanksgiving Tower  
Dallas, Texas 75201

COUNTY: Bosque PRIORITY DATE: December 31, 1921

WATERCOURSE: Brazos River BASIN: Brazos River

WHEREAS, by final decree of the 20th Judicial District Court of Milam County, in Cause No. 20,266, In Re: The Adjudication of Water Rights in the Brazos III River Segment of the Brazos River Basin dated November 7, 1985, a right was recognized under Claim 431 authorizing H. L. Hunt, Jr., Trust Estate to appropriate waters of the State of Texas as set forth below;

WHEREAS, by Trustee's Deed dated March 5, 1979, recorded in Volume 251, Page 547, Deed Records of Bosque County, Texas, Daniel M. Leonard acquired part ownership of Claim 431;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Brazos River Basin is issued to Daniel M. Leonard and H. L. Hunt, Jr., Trust Estate, subject to the following terms and conditions:

1. IMPOUNDMENT

Owners are authorized to maintain an existing 288 acre-foot capacity off-channel reservoir located in the John W. Carpenter Survey, Abstract 128, Bosque County, Texas.

2. USE

Owners are authorized to divert and use not to exceed 2820 acre-feet of water per annum from the Brazos River to irrigate a maximum of 752 acres of land out of a 823.66 acre tract located in the John W. Carpenter Survey, Abstract 128, Bosque County, Texas, said 823.66 acre tract being described as follows:

- (1) BEGINNING in the eastern right-of-way line of F.M. Road 2114, being the Southwest corner of a 137.54 acre tract described in a deed recorded in Volume 221, Page 648 of Deed Records of Bosque County, Texas.
- (2) THENCE N 58°08'E, 834.5 feet to a 5/8" iron pin;
- (3) THENCE N 57°38'E, 6461.5 feet to a point on the west bank of the Brazos River;
- (4) THENCE along said west bank with its meanders as follows: S 78°E, 1115 feet; S 62°E, 70 feet; S 75°E, 300 feet; S 69°E, 700 feet; S 66°E, 220 feet; S 86°E, 80 feet; S 60°E, 180 feet; S 43°E, 240 feet; S 30°E, 380 feet; S 22°E, 220 feet; S 12°E, 140 feet; S 35°W, 60 feet, S 22°E, 340 feet; S 17°E, 740 feet; S 12°E, 300 feet; S 14°E, 600 feet and S 05°41'E, 269.7 feet to a point, being the southeast corner of this tract;
- (5) THENCE S 57°08'W, 715.8 feet to a 5/8" iron pin;
- (6) THENCE S 57°48'W, 1544.1 feet to a point for corner;
- (7) THENCE N 32°21'W, 2642.5 feet to a point for corner;
- (8) THENCE S 57°38'W, 2499.1 feet to a point for corner;

Certificate of Adjudication 12-4318

- (9) THENCE S 32°20'E, 2626.8 feet to a point for corner;
- (10) THENCE S 57°39'W, 942.6 feet to a point in the east line of a county road;
- (11) THENCE N 85°54'W, 55.4 feet to a 5/8" iron pin;
- (12) THENCE S 57°35'W, 2769.4 feet to an iron pin in the east R.O.W. line of F.M. Road 2114;
- (13) THENCE with the east R.O.W. line of F.M. Road 2114 as follows: N 65°18'W, 54.3 feet; N 08°10'W, 988.3 feet; N 09°08'W 961.6 feet to the beginning of a curve to the left having a radius of 1685.08 feet and thence along said curve a distance of 1136.2 feet to a 2" pipe;
- (14) THENCE N 47°46'W 1505.3 feet to a 2" pipe at the beginning of a curve to the right having a radius of 5657.98 feet and thence along said curve a distance of 480.9 feet to a 2" pipe;
- (15) THENCE N 43°W, 253.9 feet to the place of beginning.

3. DIVERSION

A. Location

At a point on the Brazos River in the John W. Carpenter Survey, Abstract 128, Bosque County, Texas.

B. Maximum rate: 8.89 cfs (4000 gpm).

4. PRIORITY

The time priority of owners' right is December 31, 1921.

5. SPECIAL CONDITION

Owners are authorized to store water diverted from the Brazos River in the aforesaid off-channel reservoir for subsequent diversion and use to the extent authorized herein.

The locations of pertinent features related to this certificate are shown on Page 1 of the Brazos III River Segment Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Water Commission, Austin, Texas and the Bosque County Clerk.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 20th Judicial District Court of Milam County, Texas, in Cause No. 20,266, In Re: The Adjudication of Water Rights in the Brazos III River Segment of the Brazos River Basin dated November 7, 1985 and supersedes all rights of the owner asserted in that cause.

This certificate of adjudication is issued subject to senior and superior water rights in the Brazos River Basin.

This certificate of adjudication is issued subject to the Rules of the Texas Water Commission and its continuing right of supervision of State water resources consistent with the public policy of the State as set forth in the Texas Water Code.

Certificate of Adjudication 12-4318

This water right is appurtenant to and is an undivided part of the above-described land within which irrigation is authorized. A transfer of any portion of the land described includes, unless otherwise specified, a proportionate amount of the water right owned by the owner or seller at the time of the transaction.

TEXAS WATER COMMISSION

*Paul Hopkins*  
\_\_\_\_\_  
Paul Hopkins, Chairman

DATE ISSUED:

JUN 16 1986

ATTEST:

*Mary Ann Hefner*  
\_\_\_\_\_  
Mary Ann Hefner, Chief Clerk

AMENDMENT TO  
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-4318A	TYPE:	AMENDMENT
Name: Helen S. Hodge	Address:	1043 N. Plymoth Road Dallas, Texas 75208
Filed: August 14, 1987	Granted:	September 8, 1987
Purpose: Irrigation	Counties:	Bosque and Hill
Watercourse: Brazos River	Watershed:	Brazos River Basin

WHEREAS, Certificate of Adjudication No. 12-4318 was issued to Daniel . Leonard and H. L. Hunt, Jr., Trust Estate on June 16, 1986, and authorizes the certificate owners to maintain a 288 acre-foot capacity off-channel reservoir, about 2300 feet south of the Brazos River and to divert and use not to exceed 2820 acre-feet of water per annum from the Brazos River for the irrigation of a maximum of 752 acres of land out of 823.66 acres in Bosque County, Texas. Certificate No. 12-4318 authorizes a diversion point on the Brazos River in the John W. Carpenter Survey, Abstract No. 128, approximately 23 miles southeast of Meridian, Bosque County at a maximum diversion rate of 8.89 cfs (4000 gpm); and

WHEREAS, Daniel M. Leonard and H. L. Hunt, Jr., Trust Estate entered into an agreement whereby the aforesaid 2820 acre-feet of water rights were divided and as a result Daniel M. Leonard has the right to divert 667 acre-feet of water per annum and H. L. Hunt, Jr., Trust Estate has the right to divert 2153 acre-feet of water per annum authorized by Certificate No. 12-4318; and

WHEREAS, Helen S. Hodge has acquired the aforesaid 667 acre-feet of water rights and the land to which the rights attach from Daniel M. Leonard; and

WHEREAS, Helen S. Hodge has requested an amendment to this part of Certificate No. 12-4318 to authorize a change in the place of use, the irrigation of additional acreage and to add two diversion points; and

WHEREAS, the Texas Water Commission finds that jurisdiction over the application is established; and

WHEREAS, no person protested the granting of this application; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Water Commission in issuing this amendment.

NOW, THEREFORE, this amendment to Certificate No. 12-4318 is issued to Helen S. Hodge, subject to the following provisions:

1. USE

Certificate owner is authorized to divert and use not to exceed 667 acre-feet of water per annum from the Brazos River to irrigate two separate tracts of land totaling 522.366 acres: one tract being comprised of two parcels, a 7-acre tract and a 366.68-acre tract in the William H. Smith Survey, Abstract No. 775, Bosque County, Texas, the conveyance of which tracts to certificate owner is recorded in Volume 239, page 330 and Volume 221, page 945 of the Bosque County Deed Records, respectively, and a 148.586-acre tract in the James H. Chambers Survey, Abstract No. 165, Hill County, Texas, the conveyance of which tract to certificate owner is recorded in Volume 547, page 729 of the Hill County Deed Records.

2. DIVERSION

a) Point No. 1: Certificate owner is authorized to divert water from the southwest, or right, bank of the Brazos River, at a point which is N 48°45' W, 9000 feet from the southeast corner of the aforesaid Carpenter survey, approximately 21.5 miles southeast of Meridian, Bosque County, Texas.

Point No. 2: Certificate owner is authorized to divert water from the east, or left, bank of the Brazos River, at a point which is S 39°15' W, 23,200 feet from the aforesaid survey corner, approximately 19.5 miles southwest of Hillsboro, Hill County, Texas.

b) The maximum combined rate of diversion for all diversion points on the Brazos River authorized by Certificate No. 12-4318, as amended, is 8.89 cfs (4000 gpm).

3. PRIORITY

The time priority of this amendment is December 31, 1921.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate No. 12-4318, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

Certificate owner agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Water Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS WATER COMMISSION

DATE ISSUED:

November 2, 1987

ATTEST:

/s/ Paul Hopkins  
Paul Hopkins, Chairman

/s/ John O. Houchins  
John O. Houchins, Commissioner

/s/ Karen A. Phillips  
Karen A. Phillips, Chief Clerk

/s/ B.J. Wynne, III  
B. J. Wynne, III, Commissioner

# TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



## AMENDMENT TO A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 12-4318B

CERTIFICATE NO. 12-4318B

TYPE: §11.122

Permittee: Lakeview Recreation  
Association, Inc.,  
DBA Bosque Valley  
Golf Club

Address: P.O. Box 759  
Meridian, Texas 76665

Filed: January 18, 2001

Granted: APR 03 2003

Purpose: Agriculture

Counties: Bosque and Hill

Watercourse: Rock Branch tributary  
of the North Bosque River,  
and the North Bosque River,  
tributary of the Brazos River

Watershed: Brazos River Basin

WHEREAS, Certificate of Adjudication No. 12-4318, as amended, authorizes the Owner to maintain a 288 acre-foot capacity off-channel reservoir and to divert and use, with a time priority of December 31, 1921, not to exceed 2,820 acre-feet of water per annum from the Brazos River at a maximum diversion rate of 8.89 cfs (4,000 gpm) to irrigate a maximum of 752 acres of land out of an 823.66 acre tract in the John Carpenter Survey, Abstract No. 128, approximately 23 miles southeast of Meridian in Bosque County; and

WHEREAS, Helen S. Hodge acquired a portion of the aforesaid 2,820 acre-feet of water authorization and amended the Certificate to authorize diversion and use of not to exceed 667 acre-feet of water per annum at a maximum diversion rate of 8.89 cfs (4,000 gpm) from two additional points on the Brazos River in combination with the diversion points previously authorized by the Certificate to irrigate 522.366 acres of land out of two tracts in the William H. Smith Survey, Abstract No. 775 in Bosque County and one tract in the James H. Chambers Survey, Abstract No. 165, in Hill County; and

WHEREAS, Lakeview Recreation Association, Inc., DBA Bosque Valley Golf Club, Applicant, pursuant to a Gift Deed dated March 23, 2000, acquired a portion of the aforesaid 667 acre-feet of water owned by Helen S. Hodge, which authorizes the Applicant to divert and use not to exceed 20 acre-feet of water per annum for irrigation at a (proportionate) diversion rate of 0.062 cfs (28 gpm); and

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APR 14 2003

NATURAL RESOURCE TEAM

WHEREAS, no diversion point or place of use was granted in the Gift Deed; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 12-4318, as amended, by adding an additional diversion point on the east, or left, bank of the North Bosque River, located at 31.89°N Latitude and 97.64°W Longitude, also bearing S 69° W, 4,950 feet from the southwest corner of the John W. Mayberry Survey in Bosque County; and

WHEREAS, Applicant also seeks authorization to increase the diversion rate of the water authorized from 0.062 cfs (28 gpm) to 0.67 cfs (300 gpm); and

WHEREAS, Applicant seeks authorization to add 30 acres of land in the John W. Mayberry Survey known as the Bosque Valley Golf Club, approximately 3 miles southeast of Meridian in Bosque County, as a place of use for the aforesaid water; and

WHEREAS, Applicant seeks authorization to maintain an existing on-channel reservoir complex of two reservoirs having a total surface area of 1.22 acres and storage capacity of 8.54 acre-feet of water on Rock Branch, tributary of the North Bosque River, tributary of the Brazos River, in the Brazos River Basin and;

WHEREAS, the center point of the aforesaid reservoir complex is located at 32.47°N Latitude and 98.06°W Longitude, approximately 3 miles southeast of Meridian; and

WHEREAS, Applicant will pipe the water authorized by this amendment, if granted, from the North Bosque River to the aforesaid reservoirs for storage and subsequent diversion for agricultural purposes to irrigate 30 acres of land in the John W. Mayberry Survey; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) finds that jurisdiction over the application is established; and

WHEREAS, the Executive Director finds that in order to protect instream uses and water quality certain streamflow restrictions should be required; and

WHEREAS, the City of Waco (Protester) on or about September 25, 2001, filed a protest to the granting of this amendment; and

WHEREAS, the Applicant and the Protester reached a signed agreement on points of concern, including the site for streamflow measurement, meters for diversion, streamflow restrictions, and access to pump sites and records; and

WHEREAS, The Executive Director finds that the Applicant may divert and use for agricultural purposes only that amount of water that is pumped from the Bosque River and piped to the on-channel reservoirs, less evaporative loss; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-4318, as amended, designated Certificate of Adjudication No. 12-4318B, is issued to Lakeview Recreation Association, Inc., DBA Bosque Valley Golf Club, subject to the following terms and conditions:

1. IMPOUNDMENT

Lakeview Recreation Association, Inc., DBA Bosque Valley Golf Club (Owner) is authorized to maintain an existing on-channel reservoir complex of two reservoirs having a total surface area of 1.22 acres and storage capacity of 8.54 acre-feet of water on Rock Branch, tributary of the North Bosque River, tributary of the Brazos River, in the Brazos River Basin. The center point of the reservoir complex is located at 32.47°N Latitude and 98.06°W Longitude, approximately 3 miles southeast of Meridian.

2. USE

Owner is authorized to divert from the North Bosque River and pipe to the aforesaid reservoir complex for storage and subsequent diversion not to exceed 20 acre-feet of water per annum for agricultural purposes to irrigate 30 acres of land in the John W. Mayberry Survey known as the Bosque Valley Golf Club, approximately 3 miles southeast of Meridian in Bosque County.

3. DIVERSION

- A. Owner may divert the water authorized herein from a point, Diversion Point 1, on the east, or left, bank of the North Bosque River, located at 31.89°N Latitude and 97.64°W Longitude, also bearing S 69° W, 4,950 feet from the southwest corner of the John W. Mayberry Survey, in Bosque County to the on-channel reservoir complex for subsequent diversion for agricultural purposes.
- B. Owner may divert the water authorized herein from the perimeter of the aforesaid on-channel reservoir complex.
- C. Owner may divert the water authorized herein at a maximum rate of 0.67 cfs (300 gpm).

4. PRIORITY

The time priority of Owner's right is December 31, 1921, except it shall be junior in priority to the water rights owners of record, at the date of issuance of this

amendment, with diversion points in the North Bosque River watershed between the new diversion point and the confluence of the North Bosque River with the Brazos River.

5. SPECIAL CONDITIONS

- A. Prior to diversion of the water authorized herein, Owner shall install a meter at Diversion Point No. 1 to record the amount of water diverted from the North Bosque River to the on-channel reservoirs for subsequent diversion for agricultural purposes.
- B. In order to provide maintenance flows for existing instream uses, including water quality, Owner may only divert water when the streamflow of the North Bosque River measured at USGS Gauge No. 08095000 at Clifton, Texas equals or exceeds:
  - 1. 12 cfs during the months of January, February, and July,
  - 2. 37 cfs during the months of March, April, and June,
  - 3. 70 cfs during the month of May, and
  - 4. 6.5 cfs during the months of August through December.
- C. Owner must pass all inflows of state water through the reservoir complex.
- D. Owner may divert from the reservoir complex only that amount of water that has been piped from the diversion point on the North Bosque River less evaporative loss.
- E. Owner shall record diversion meter measurements at least weekly.
- F. Owner shall record the streamflow measurement at USGS Gauge No. 08095000 daily beginning the day prior to river pumping operations and continuing one day after pumping ceases.
- G. During normal business hours, and upon request, representatives of the TCEQ shall be provided physical access to the diversion sites, including pumping and metering facilities, and recorded data for review, inspection, and verification purposes.

6. CONSERVATION

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 12-4318, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

Owner agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

The water right granted by this permit is appurtenant to and is an undivided part of the above-described land within which irrigation is authorized. A transfer of any portion of the land described includes, unless otherwise specified, a proportionate amount of the water right owned by the owner or seller at the time of the transaction.

This amendment is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

*Margaret Hofma*

\_\_\_\_\_  
For the Commission

Date Issued: APR 03 2003

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO  
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-4318C

TYPE: 11.122

Owner: Smith Bend Ranch, Ltd.

Address: 20475 Highway 46 West  
Suite No. 180-619  
Spring Branch, Texas 78070

Filed: January 11, 2007

Granted: MAR 13 2007

Purpose: Agricultural (Irrigation),  
Municipal, and Mining

Counties: Bosque, McLennan and Hill

Watercourse: Brazos River

Watershed: Brazos River Basin

WHEREAS, Applicant owns a portion of Certificate of Adjudication No. 12-4318 which authorizes the diversion and use of not to exceed 2,153 acre-feet of water per year from the Brazos River, Brazos River Basin at a maximum combined diversion rate of 8.89 cfs (4,000 gpm) for agricultural purposes to irrigate 628.85 acres in Bosque County. Owner is also authorized to maintain an off-channel reservoir with a capacity of 288 acre-feet of water. Diverted water may be placed directly on the authorized lands or stored in the off-channel reservoir for subsequent diversion and use, the time priority for this right is of December 31, 1921; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 12-4318 to add municipal and mining uses to the 2,153 acre-feet of water per year from the Brazos River, Brazos River Basin, and to add a place of use to anywhere in Bosque and McLennan Counties and those portions of Hill County within the Brazos River Basin; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, no one protested the granting of this application; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-4318, designated Certificate of Adjudication No. 12-4318C, is issued to Smith Bend Ranch, Ltd., subject to the following terms and conditions:

1. USE

In addition to the authorization to divert and use not to exceed 2,153 acre-feet of water per year from the Brazos River, Brazos River Basin for agricultural purposes to irrigate 628.85 acres in Bosque County, Owner is also authorized to use the water for municipal and mining purposes anywhere in Bosque, McLennan, and those portions of Hill County within the Brazos River Basin.

2. CONSERVATION

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses.

3. SPECIAL CONDITIONS

- a.) Owner shall complete and submit to TCEQ, within 180 days prior to delivery of water to, or diversion of water by, any wholesale customer, a water conservation and drought contingency plan for use by a wholesale water supplier to meet the minimum requirements of Title 30 TAC 288.5 and 288.22.
- b.) Within 90 days prior to the diversion of water for industrial/mining purposes, the owner or contract customer shall submit an industrial/mining water conservation plan to the TCEQ to comply with Title 30 TAC Chapter 288.3.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 12-4318, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

Certificate owner agrees to be bound by the terms, conditions, and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY



For the Commission

Date Issued: MAR 13 2007

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-4318D

TYPE: 11.122

Owner:	John McPherson and Wendell McPherson, dba McPherson Farms	Address:	127 Thousand Oaks Drive Whitney, Texas 76692
Filed:	April 22, 2009	Granted:	<b>MAY 15 2009</b>
Purpose:	Agricultural & Mining	County:	Hill
Watercourse:	The Brazos River	Watershed:	Brazos River Basin

WHEREAS, John and Wendell McPherson own a portion of Certificate of Adjudication No. 12-4318, authorizing the Owners to divert and use not to exceed 150 acre-feet of water with a combined diversion rate of 8.89 cfs (4,000 gpm) from three diversion points on the Brazos River, Brazos River Basin, for agricultural purposes to irrigate land out of a 148.586-acre tract in Hill County, Texas, with a time priority of December 31, 1921; and

WHEREAS, Owners seek to amend their portion of Certificate of Adjudication No. 12-4318 to add mining purposes to their current authorization in Hill County; and

WHEREAS, Owners also seek to amend their portion of Certificate of Adjudication No. 12-4318 to add a 10 acre-foot off-channel reservoir with a surface area of one acre, located approximately 19.5 miles southwest of the Town of Hillsboro, Texas, in Hill County, at Latitude 31.794887°N, Longitude 97.299365°W, for storage and subsequent mining and agricultural uses; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, no requests for a contested case hearing were received for this application; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-4318, designated Certificate of Adjudication No. 12-4318D, is issued to John and Wendell McPherson, dba McPherson Farms, subject to the following terms and conditions:

1. USE

In lieu of Owners previous authorization to divert and use not to exceed 150 acre-feet of water from the Brazos River, Brazos River Basin, for agricultural purposes to irrigate land out of a 148.586-acre tract in Hill County, Texas; Owners are now authorized to divert 150 acre-feet of water per year from the Brazos River, Brazos River Basin, for storage in an off-channel reservoir for subsequent mining purposes in Hill County and agricultural purposes to irrigate land out of a 148.586-acre tract in the J.H. Chambers Survey, Abstract No. 165 in Hill County, Texas.

2. CONSERVATION

Owners shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss of waste or maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future use or alternative uses.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate No. 12-4318, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

Owners agree to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State resources exercised by the Commission.

  
For the Commission

Date Issued: **MAY 15 2009**

# JONES, GALLIGAN, KEY & LOZANO, L.L.P.

F. L. Jones (1939-2007)  
Robert L. Galligan  
Terry D. Key (Retired)  
Anita G. Lozano  
Matthew L. Jones  
Lance A. Kirby  
Rebecca Gay Jones  
Rudy Salinas, Jr.

## ATTORNEYS AT LAW

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\*1400 E. Madison, Suite 4, Brownsville, Texas 78520  
Telephone: (956) 621-0710

E-mail: evaughan@jgkl.com  
File No. 40089

June 1, 2021

Texas Commission on Environmental Quality  
P.O. Box 13088, MC-160  
Austin, Texas 78711-3088

**Via CMRRR #7019 2970 0000 3571 7004**

Re: Certificate of Adjudication No. 12-4318; Change of Ownership and Application for Amendment to a Water Right

To Whom It May Concern:

Please be advised that our firm represents **BRENT A. NEUHAUS & RYAN S. NEUHAUS, Co-Trustees of the BRENT A. NEUHAUS 1994 TRUST, AMY S. KAUFMANN & MARTY KAUFMANN Co-Trustees of the AMY S. NEUHAUS 1994 TRUST, and RYAN S. NEUHAUS & JILL NEUHAUS, Co-Trustees of the RYAN S. NEUHAUS 1994 TRUST** (collectively, "Neuhaus"). Neuhaus has purchased water rights representing the right to divert and use 150 acre-feet per year from the Brazos River from **HARD INVESTMENTS, LLC**, as evidenced by Certificate of Adjudication No. 12-4318 (the "Water Rights"). On behalf of Neuhaus, we hereby submit the following documents for the purpose of changing the ownership of the Water Rights and amending the Water Rights to change their point of diversion and place of use:

1. Change of Ownership Form (Form TCEQ-10204) transferring ownership of the Water Rights to Neuhaus, which is supported by the following documents establishing chain of title:
  - a. Water Rights Sales Agreement, dated February 18, 2021, by and between **HARD INVESTMENTS, LLC**, as Seller, and Neuhaus, as Buyer, for the sale and purchase of the Water Rights;
  - b. Water Rights Conveyance dated February 12, 2021, from **HARD INVESTMENTS, LLC**, as Grantor, to Neuhaus, as Grantee, for the conveyance of a total of 150 acre-feet of water rights evidenced by Certificate of Adjudication No. 12-4318, recorded under Document No. 00121432, Vol. 2103, Pg. 572, Official Records, Hill County, Texas;  
  
Assignment of Water Rights from **C&G REALTY E, LLC** and **C&G REALTY B, LLC** to **HARD INVESTMENTS, LLC**, recorded under Document No. 00116712, in Volume 2076, Page 773, in the Official Public Records of Hill County, Texas; and
  - d. Assignment of Water Rights from **C&G REALTY B, LLC**, to **HARD INVESTMENTS, LLC**, recorded under Document No. 00116713, in

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Water Availability Division

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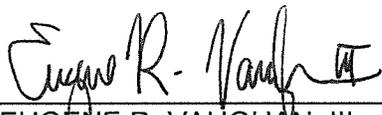
Volume 2076, Page 785, in the Official Public Records of Hill County,  
Texas

2. Original TCEQ Water Rights Permitting Application (Form TCEQ-10214B) for Cert. Adj. No. 12-4318, which includes the following:
  - a. Original Technical Information Report (Form TCEQ-10214C) requesting that the point of diversion from the Brazos River be changed;
  - b. **Exhibit "A"** – Copy of the Diversion Point Location and Topo Map for Marlin Quadrangle;
  - c. **Exhibit "B"** – Warranty Deed With Vendor's Lien from David Mack Jameson to Brent A. Neuhaus 1994 Trust, Amy S. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust in Fall County;
  - d. **Exhibit "C"** – Copy of Marshall Criteria;
  - e. **Exhibit "D"** – Copy System Inventory and Water Conservation Plan for Individually-Operated Irrigation Systems;
3. A check in the amount of \$312.50, payable to the Texas Commission on Environmental Quality.

Time is of the essence in this transaction. I realize that you process applications in the order in which they arrive at TCEQ; however, I would appreciate your prompt attention to this matter. I believe, based on prior transactions of this nature, that we have attached all of the documents that you will need. If you need anything further, though, or if you have any questions or comments, please do not hesitate to contact me.

Yours very truly,

JONES, GALLIGAN, KEY & LOZANO, L.L.P.

By:   
\_\_\_\_\_  
EUGENE R. VAUGHAN, III  
For the Firm

Encl. as stated.

# SURFACE WATER RIGHTS CHANGE OF OWNERSHIP FORM

This Form is required to update the TCEQ ownership records of surface water rights in Texas. Submit a separate form for each water right. **See accompanying instructions regarding completion of this Form.** If you require additional assistance, you may contact the Water Rights Compliance Assurance Team (WRCAT) at (512) 239-4600.

1. Indicate: Water Rights Permit No. \_\_\_\_\_ and River Basin No. \_\_\_\_\_, or  
Certificate of Adjudication No. 12-4318

2. Provide the contact information for the person TCEQ may contact while processing this form. Please verify that the mailing address is recognized by the US Postal Service (USPS) on the USPS website at <https://tools.usps.com/go/ZipLookupAction!input.action>.

Contact Name: BRENT A. NEUHAUS  
Mailing Address: 7736 Central Park  
City: Waco State: Texas ZIP Code + four: 76712-6535  
Telephone No(s). Home: 254-749-7301 Office: 254-732-0623  
Email Address: BrentNeuhaus@unitedagt.com

3. Provide the Full Legal Name of each new owner of the water right and the address information of each owner (for Notices and communications once the water right ownership has been updated) in the spaces below. ***\*Note - The names of the new owner(s) must match the legal recorded conveyance documents that prove the change of ownership. Additionally, if a new owner is an entity, the legal name must match the name as filed with the Texas Secretary of State, County, or any other legal documents forming the entity.***

Please verify that the mailing address is recognized by the USPS website at <https://tools.usps.com/go/ZipLookupAction!input.action>.

First New Owner's Name(s): BRENT A. NEUHAUS 1994 TRUST  
Mailing Address: 7736 Central Park  
City: Waco State: Texas ZIP Code + four: 76712-6535  
Telephone No(s). Home: 254-749-7301 Office: 254-732-0623  
Email Address: BrentNeuhaus@unitedagt.com

***Submit additional new owners name(s) and address(es) below or on a supplemental sheet.***

Additional New Owner(s) Contact Information:

AMY S. NEUHAUS 1994 TRUST [same contact information as above]

RYAN S. NEUHAUS 1994 TRUST [same contact information as above]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- a. Is any new owner a Corporation, a Limited Partnership, a Limited Liability Company, or Limited Liability Partnership registered with the Texas Secretary of State?  
Yes or No NO.

If yes, provide Secretary of State Filing Number(s): \_\_\_\_\_. You may verify an entity's name and filing number at <http://www.sos.state.tx.us/corp/sosda/index.shtml>

4. If a new owner is currently a customer with the TCEQ, provide the Customer Number (CN) below. You may search for an Owner's CN on the TCEQ website at <http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN: CN604584011; CN604584003; CN604584029 (leave blank if the new owner does not yet have a CN).

5. Pursuant to Title 30 Texas Administrative Code (TAC) Sections 297.81-297.83, relating to Conveyances of Land and Water Rights, **the following additional items must be submitted or the Form may be returned without processing.**

- a. This "**Change of Ownership**" Form fully completed, signed.
- b. Documents establishing a **complete chain of title** from the owner of record to the new owner. All such conveyance documents must be copies of **Certified** and/or **Recorded** documents on file in applicable county property records. (These documents usually consist of **deeds and other such conveyances** or, in case of an inheritance usually, the (a) **will**, (b) **probate order** and (c) **will inventory**.) Include as attachments to this submission copies of these conveyance documents. If your files are too large to be submitted via e-mail, utilize TCEQ's FTP ([FTP Help Site](#)), and e-mail [WRCAT](#) for directions on how to transfer these files.
- c. **\$100 recording fee** for processing the Change of Ownership Form for the water right. Make your remittance payable at [TCEQ ePay](#). Please indicate your voucher number or provide a copy in the submission e-mail.

6. **Please Note** - if the water right is located in an area of a river basin under the jurisdiction of a TCEQ Watermaster, the water right may not be used if there are any outstanding penalties, fees, or interest related to the water right. You may contact the applicable Watermaster to verify there are no outstanding fees, penalties, and interest related to the water right. **Rio Grande Watermaster, (956) 430-6046; Concho Watermaster and South Texas Watermaster, (210) 490-3096; Brazos Watermaster, (254) 761-3006.**

I certify that the Surface Water Rights Change of Ownership Form submitted is complete and accurate to the best of my knowledge. By entering my name below and pressing the "Sign and Submit" button, I certify that:

1. I, BRENT A. NEUHAUS, am of sound mind.
2. I have the authority to submit this information.
3. I am knowingly and intentionally submitting a Surface Water Rights Change of Ownership Form for the above state Surface Water Right.
4. I am aware that an owner of a water right or his or her agent shall promptly inform the Executive Director of any transfer of water right or change of the owner's address.
5. I am aware that intentionally or knowingly making or causing to be made false material statements or representation in this Surface Water Rights Change of Ownership Form is a criminal offense subject to criminal penalties.
6. By entering my name and pressing the "Sign and Submit" button, I am executing an electronic signature equivalent to my written signature.

This signature constitutes an electronic signature legally equivalent to my written signature.

Signature (Required)



A rectangular box containing a handwritten signature in black ink, which appears to be "Brent A. Neuhaus".

**BRENT A. NEUHAUS, Co-Trustee, BRENT A. NEUHAUS 1994 TRUST**

**SIGN and SUBMIT**

Submit, E-mail, or Mail this completed form and all required items to:

**Texas Commission on Environmental Quality  
Water Rights Compliance Assurance Team (WRCAT)  
PO Box 13088, MC-160  
Austin, Texas 78711-3088**

**Telephone (512) 239-4600**

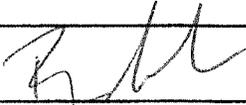
**[WRCOO@tceq.texas.gov](mailto:WRCOO@tceq.texas.gov)**

I certify that the Surface Water Rights Change of Ownership Form submitted is complete and accurate to the best of my knowledge. By entering my name below and pressing the "Sign and Submit" button, I certify that:

1. I, RYAN S. NEUHAUS, am of sound mind.
2. I have the authority to submit this information.
3. I am knowingly and intentionally submitting a Surface Water Rights Change of Ownership Form for the above state Surface Water Right.
4. I am aware that an owner of a water right or his or her agent shall promptly inform the Executive Director of any transfer of water right or change of the owner's address.
5. I am aware that intentionally or knowingly making or causing to be made false material statements or representation in this Surface Water Rights Change of Ownership Form is a criminal offense subject to criminal penalties.
6. By entering my name and pressing the "Sign and Submit" button, I am executing an electronic signature equivalent to my written signature.

This signature constitutes an electronic signature legally equivalent to my written signature.

Signature (Required)



**RYAN S. NEUHAUS, Co-Trustee, BRENT A. NEUHAUS 1994 TRUST**

**SIGN and SUBMIT**

Submit, E-mail, or Mail this completed form and all required items to:

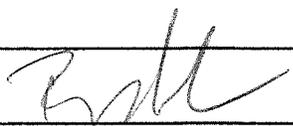
**Texas Commission on Environmental Quality  
Water Rights Compliance Assurance Team (WRCAT)  
PO Box 13088, MC-160  
Austin, Texas 78711-3088  
Telephone (512) 239-4600  
[WRCOO@tceq.texas.gov](mailto:WRCOO@tceq.texas.gov)**

I certify that the Surface Water Rights Change of Ownership Form submitted is complete and accurate to the best of my knowledge. By entering my name below and pressing the "Sign and Submit" button, I certify that:

1. I, RYAN S. NEUHAUS, am of sound mind.
2. I have the authority to submit this information.
3. I am knowingly and intentionally submitting a Surface Water Rights Change of Ownership Form for the above state Surface Water Right.
4. I am aware that an owner of a water right or his or her agent shall promptly inform the Executive Director of any transfer of water right or change of the owner's address.
5. I am aware that intentionally or knowingly making or causing to be made false material statements or representation in this Surface Water Rights Change of Ownership Form is a criminal offense subject to criminal penalties.
6. By entering my name and pressing the "Sign and Submit" button, I am executing an electronic signature equivalent to my written signature.

This signature constitutes an electronic signature legally equivalent to my written signature.

Signature (Required)



**RYAN S. NEUHAUS, Co-Trustee, RYAN S. NEUHAUS 1994 TRUST**

**SIGN and SUBMIT**

Submit, E-mail, or Mail this completed form and all required items to:

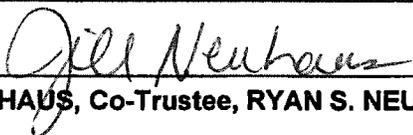
**Texas Commission on Environmental Quality  
Water Rights Compliance Assurance Team (WRCAT)  
PO Box 13088, MC-160  
Austin, Texas 78711-3088  
Telephone (512) 239-4600  
[WRCOO@tceq.texas.gov](mailto:WRCOO@tceq.texas.gov)**

I certify that the Surface Water Rights Change of Ownership Form submitted is complete and accurate to the best of my knowledge. By entering my name below and pressing the "Sign and Submit" button, I certify that:

1. I, JILL NEUHAUS, am of sound mind.
2. I have the authority to submit this information.
3. I am knowingly and intentionally submitting a Surface Water Rights Change of Ownership Form for the above state Surface Water Right.
4. I am aware that an owner of a water right or his or her agent shall promptly inform the Executive Director of any transfer of water right or change of the owner's address.
5. I am aware that intentionally or knowingly making or causing to be made false material statements or representation in this Surface Water Rights Change of Ownership Form is a criminal offense subject to criminal penalties.
6. By entering my name and pressing the "Sign and Submit" button, I am executing an electronic signature equivalent to my written signature.

This signature constitutes an electronic signature legally equivalent to my written signature.

Signature (Required)

  
JILL NEUHAUS, Co-Trustee, RYAN S. NEUHAUS 1994 TRUST

**SIGN and SUBMIT**

Submit, E-mail, or Mail this completed form and all required items to:

**Texas Commission on Environmental Quality  
Water Rights Compliance Assurance Team (WRCAT)  
PO Box 13088, MC-160  
Austin, Texas 78711-3088  
Telephone (512) 239-4600  
[WRCOO@tceq.texas.gov](mailto:WRCOO@tceq.texas.gov)**

I certify that the Surface Water Rights Change of Ownership Form submitted is complete and accurate to the best of my knowledge. By entering my name below and pressing the "Sign and Submit" button, I certify that:

1. I, AMY S. KAUFMANN, am of sound mind.
2. I have the authority to submit this information.
3. I am knowingly and intentionally submitting a Surface Water Rights Change of Ownership Form for the above state Surface Water Right.
4. I am aware that an owner of a water right or his or her agent shall promptly inform the Executive Director of any transfer of water right or change of the owner's address.
5. I am aware that intentionally or knowingly making or causing to be made false material statements or representation in this Surface Water Rights Change of Ownership Form is a criminal offense subject to criminal penalties.
6. By entering my name and pressing the "Sign and Submit" button, I am executing an electronic signature equivalent to my written signature.

This signature constitutes an electronic signature legally equivalent to my written signature.

Signature (Required)



**AMY S. KAUFMANN, Co-Trustee, AMY S. NEUHAUS 1994 TRUST**

**SIGN and SUBMIT**

Submit, E-mail, or Mail this completed form and all required items to:

**Texas Commission on Environmental Quality  
Water Rights Compliance Assurance Team (WRCAT)  
PO Box 13088, MC-160  
Austin, Texas 78711-3088**

**Telephone (512) 239-4600**

**[WRCOO@tceq.texas.gov](mailto:WRCOO@tceq.texas.gov)**

I certify that the Surface Water Rights Change of Ownership Form submitted is complete and accurate to the best of my knowledge. By entering my name below and pressing the "Sign and Submit" button, I certify that:

1. I, MARTY KAUFMANN, am of sound mind.
2. I have the authority to submit this information.
3. I am knowingly and intentionally submitting a Surface Water Rights Change of Ownership Form for the above state Surface Water Right.
4. I am aware that an owner of a water right or his or her agent shall promptly inform the Executive Director of any transfer of water right or change of the owner's address.
5. I am aware that intentionally or knowingly making or causing to be made false material statements or representation in this Surface Water Rights Change of Ownership Form is a criminal offense subject to criminal penalties.
6. By entering my name and pressing the "Sign and Submit" button, I am executing an electronic signature equivalent to my written signature.

This signature constitutes an electronic signature legally equivalent to my written signature.

Signature (Required)



**MARTY KAUFMANN, Co-Trustee, AMY S. NEUHAUS 1994 TRUST**

**SIGN and SUBMIT**

Submit, E-mail, or Mail this completed form and all required items to:

**Texas Commission on Environmental Quality  
Water Rights Compliance Assurance Team (WRCAT)  
PO Box 13088, MC-160  
Austin, Texas 78711-3088**

**Telephone (512) 239-4600**

**[WRCOO@tceq.texas.gov](mailto:WRCOO@tceq.texas.gov)**

## Water Rights Purchase and Sale Agreement

This agreement (the "Agreement") to buy and sell surface water rights is between **SELLER** and **BUYER** as identified below and is effective on the 18<sup>th</sup> day of February, 2021 (the "Effective Date").

**Seller:** HARD INVESTMENTS, LLC, a Texas limited liability company

**Seller's  
Address:** P.O. Box 222  
Meridian, Texas 76666

**Buyer:** BRENT A. NEUHAUS and RYAN S. NEUHAUS, Co-Trustees of the BRENT A. NEUHAUS 1994 TRUST;

AMY S. KAUFMANN and MARTY KAUFMANN, Co-Trustees of the AMY S. NEUHAUS 1994 TRUST; and

RYAN S. NEUHAUS and JILL NEUHAUS, Co-Trustees of the RYAN S. NEUHAUS 1994 TRUST

**Buyer's  
Address:** c/o Brent Neuhaus  
7736 Central Park  
Waco, Texas 76712

1. The Water Rights. Seller owns the right to divert and use water from the Brazos River in a maximum amount not to exceed 150 acre-feet per annum for irrigation use on land in Hill County, Texas, being those water rights evidenced by Certificate of Adjudication No. 12-4318. **BUYER** desires to purchase an amount of water rights equal to 150 acre-feet per annum (the "Water Rights") from **SELLER**. Subject to the terms and conditions of this Agreement, **SELLER** agrees to sell and transfer said water rights to **BUYER** and **BUYER** agrees to purchase and accept title to the Water Rights.

**SELLER** represents the following:

a) The Water Rights are owned by **SELLER** and are appurtenant to the real property described on Exhibit "A" attached hereto and have not been previously severed from this appurtenance.

b) **SELLER** understands that **BUYER** intends to institute amendment proceedings with the Texas Commission on Environmental Quality (the "TCEQ") to amend the Water Rights to change the point of diversion and place of use.

2. The Purchase Price. For and in consideration of **ONE HUNDRED FIFTY THOUSAND AND NO/100THS DOLLARS (\$150,000.00)** (the "Purchase Price") to be paid by **BUYER** as hereinafter provided, **SELLER** sells and will transfer to **BUYER** and **BUYER** hereby purchases the Water Rights from **SELLER** consistent with all necessary proceedings before the TCEQ and subject to the terms and conditions provided in this Agreement.

The Purchase Price is payable in cash to **SELLER** according to the terms hereof and at closing of this transaction upon the TCEQ's approval of the change of ownership, place and of

use, and points of diversion to the Water Rights as requested by **BUYER** and **SELLER's** transfer of the Water Rights to **BUYER**, all as provided for below.

3. The Earnest Money. It is agreed that **BUYER** will deposit or will have deposited the sum of **TWENTY-FIVE THOUSAND AND NO/100THS DOLLARS (\$25,000.00)** (the "Earnest Money") with **EUGENE R. VAUGHAN, III** (the "Escrow Agent"), with the firm of **JONES, GALLIGAN, KEY & LOZANO, L.L.P.**, 2300 West Pike Blvd., Suite 300, P.O. Drawer 1247, Weslaco, Texas, as Escrow Agent, which sum shall be held by him in trust and paid to **SELLER** along with the balance of the Purchase Price when this transaction is closed, or refunded to **BUYER** if this transaction is not closed, as provided herein. The Earnest Money is deposited with Escrow Agent with the understanding that Escrow Agent:

- a) Is not a party to this Contract and does not assume or have any liability for performance or non-performance of any signatory;
- b) Has the right to require from all signatories a written release of liability of the Escrow Agent which authorizes the disbursement of the Earnest Money;
- c) Is not liable for interest or other charge on the funds held: and
- d) Is not liable for any losses of escrow funds caused by the failure of any banking institution in which such funds have been deposited, unless such banking institution is acting as Escrow Agent.

If any signatory unreasonably fails to deliver promptly the documents described in (b) above, then such signatory shall be liable to the other signatories as provided herein. At the Closing, the Earnest Money shall be applied to the Purchase Price.

4. TCEQ Proceedings and Closing. The parties acknowledge that the essence of this transaction is that the TCEQ approve the change of ownership, place of use, and points of diversion of the Water Rights to those desired by **BUYER**; and, because of this condition, it is especially agreed as follows:

a) Final closing of this transaction and delivery of the Purchase Price from the Escrow Agent to **SELLER** are subject to and dependent on the approval by the TCEQ of the change of ownership, place of use, and points of diversion of the Water Rights as requested by **BUYER**; and the issuance by the TCEQ of an Amended Certificate of Adjudication evidencing such approval, or such other orders as are necessary under the circumstances to authorize the transfer of the Water Rights, as amended consistent with the provisions of this Agreement, to **BUYER**.

b) **SELLER** hereby authorizes **BUYER** to file an application (the "Application") with the TCEQ for its desired approval of this transfer, change of ownership, place of use, and point of diversion and agrees to execute the necessary documents required of **SELLER** for such proceeding. **BUYER** shall commence such proceedings as soon as is possible but within thirty (30) calendar days following Escrow Agent's receipt of the Conveyance, as defined and provided for in subparagraph (c) below. The expenses of this proceeding shall be borne by **BUYER**, including the expenses of any public hearings or proceedings before said TCEQ and all required filing and recording fees. **BUYER** agrees to initiate and pursue said proceedings, and **SELLER** agrees to cooperate with **BUYER** in connection therewith, with all due diligence and care so as to complete same

and procure approval of this transfer in such TCEQ proceedings within two hundred seventy (270) calendar days following the initial filing of the Application with the TCEQ, but any delay brought about by the TCEQ proceedings, including any technical review, that is not attributable to the conduct of the **BUYER**, which causes a delay of Closing beyond the two hundred seventy (270) day period, shall not be grounds for cancellation of this Agreement.

c) In order to properly seek and obtain said approval of the TCEQ and to accomplish the transfer and amendment of the Water Rights, **SELLER** agrees to execute and deliver the Conveyance, the form of which is attached hereto as **Exhibit "B"** to the Escrow Agent for any appropriate use by **BUYER** or its authorized representative (including the Escrow Agent) in the TCEQ approval proceeding. **SELLER** shall fully support **BUYER's** Application before the TCEQ and, in connection therewith, participate in any public notice or hearing that is required in the context of the TCEQ approval proceeding. **SELLER** also agrees to execute, or have executed, such other applications or documents necessary to accomplish the transfer of the Water Rights, all of which documents shall be in form and substance acceptable to **BUYER** and **SELLER** and TCEQ. Even though the Conveyance is signed and delivered by **SELLER** to the Escrow Agent and recorded in the Official Records of Hill County, Texas, **SELLER** shall not receive or be entitled to receive the Purchase Price from the Escrow Agent until the TCEQ has issued an Amendment to the Certificate of Adjudication involved herein or such other order or orders approving the amendment and this transfer so as to allow the diversion and use of the Water Rights as sought by **BUYER**. The Escrow Agent shall deliver the Purchase Price as adjusted in accordance to the terms hereof, if applicable, to **SELLER** within ten (10) calendar days following the issuance and delivery of the said TCEQ approval order(s) and Amended Certificate of Adjudication to Escrow Agent, at his offices located at 2300 West Pike Blvd, Suite 300, P.O. Drawer 1247, Weslaco, Texas.

d) **SELLER** agrees to provide authentic copies of all title documents within **SELLER'S** possession or known to **SELLER** evidencing **SELLER's** interest in the Water Rights within thirty (30) days of the Effective Date of this Agreement. Within that same time period, **SELLER** shall also provide an affidavit to **BUYER** stating that there are no liens or claims that encumber the Water Rights. Notwithstanding any other provision hereof, **BUYER's** performance under this Agreement is subject to receipt of the aforementioned documents evidencing **SELLER'S** interest in the Water Rights and **SELLER's** affidavit regarding the non-existence of liens or claims that encumber the Water Rights. It is agreed that **BUYER** or its authorized representative shall file and prosecute the necessary Application(s) with the TCEQ as provided above. If it shall be determined that **SELLER** owns less than the represented 150 acre-feet of Water Rights, the Purchase Price shall be adjusted on the basis of \$1,000.00 per acre-foot, such adjustment to be made at Closing by a reduction in the Purchase Price in accordance with the terms hereof; provided however, if **SELLER** is determined to own less than 150 acre-feet per annum of water rights, **BUYER** shall have the right, but not the obligation, to cancel this Agreement and receive the return of the Earnest Money and be under no further obligation to **SELLER** other than the re-conveyance of the Water Rights as such were conveyed to **BUYER** In accordance with the terms of a conveyance instrument in the same form as attached Exhibit "B" with the effect being the reconveyance of all such Water Rights by the grantee to the original grantor.

e) In the event the TCEQ does not issue an Amendment to the Certificate of Adjudication involved herein and its final approval order of such amendment(s) and

transfer to **BUYER** on or before the expiration of two hundred seventy (270) days from the date of this Agreement, and assuming no delay caused by **BUYER** or **SELLER**, unless the parties otherwise agree to an extension, then said Conveyance shall be returned to **SELLER** by the Escrow Agent and all portions of the transaction shall be cancelled by appropriate legal means, including any re-conveyance of the Water Rights back to the **SELLER**, and the Earnest Money shall be returned and paid to **BUYER**. In such event, no party shall have any further obligation to the other and the parties agree to sign such instruments and take such actions as are required to place the parties in the position each was in with respect to the Water Rights prior to entering into this Agreement.

5. Water Allocations. Prior to or at the Closing of this transaction contemplated hereby, **SELLER** agrees to pay any penalty, interest, or assessments accrued and owing to the TCEQ, or any other interest, taxes, or assessments due that pertain to the Water Rights or water allocation attributable thereto. **SELLER** further agrees that upon the closing of this transaction, **BUYER** shall receive a water allocation attributable to the Water Rights in the records of the TCEQ Brazos River Watermaster for use in 2020, or such later year, as the case may be, amounting to a minimum of acre-feet of water allocation based upon a calendar year proration, assuming a full annual water allocation, as calculated by the Brazos River Watermaster, remaining in the year involved, from the date of issuance of the Amendment to the Certificate of Adjudication involved herein.

6. Severance. It is agreed that **BUYER** is hereby purchasing the Water Rights as a right separate and apart from (a) its current point of diversion or use and appurtenant facilities; and (b) any other water rights which may be appurtenant to the existing point of diversion or use and attendant facilities, and no interest in same is intended to be sold, transferred, or conveyed hereby.

7. Default and Remedies.

a) Seller's Default. Unless **SELLER's** Default relates to: (i) the untruth or incorrectness of **SELLER's** representations for reasons not reasonably within **SELLER's** control, (ii) a defect in **SELLER's** title to the Water Rights, or (iii) the failure of the TCEQ or other water rights authority to approve the transfer of the Water Rights (unless such failure is due to the acts of **SELLER**), **BUYER** may enforce specific performance, as **BUYER's** sole and exclusive remedy, of **SELLER's** obligations under this Agreement, but any such action must be initiated, if at all, within ninety (90) days after the breach or alleged breach of this Agreement.

b) Buyer's Default. If **BUYER** fails to perform any of its obligations under this Agreement, **SELLER** may enforce specific performance, as **SELLER's** sole and exclusive remedy, of **BUYER's** obligations under this Agreement, but any such action must be initiated, if at all, within ninety (90) days after the breach or alleged breach of this Agreement.

c) If either party retains an attorney to enforce this Agreement, the party prevailing in litigation is entitled to recover reasonable attorney's fees and court and other costs.

8. Seller's and Buyer's Representations.

a) Seller's Representations to Buyer. **SELLER** represents to **BUYER** that

the following are true and correct as of the Effective Date and will be true and correct on the Final Closing:

- i) Litigation. **SELLER** has not received written notice and has no actual knowledge of any litigation pending or threatened against **SELLER** that might affect the Water Rights or **SELLER's** ability to perform its obligations under this Agreement.
- ii) Violation of Laws. **SELLER** has not received written notice of violation of any law, ordinance, regulation, or requirements affecting the Water Rights or **SELLER's** use of the Water Rights.
- iii) Licenses, Permits, and Approvals. **SELLER** has not received written notice that any license, permit, or approval necessary to use the Water Rights in the manner in which they are currently used will not be renewed on expiration or that any material condition will be imposed in order to obtain their renewal.
- iv) No Liens. On the Final Closing, the Water Rights will be free and clear of all liens and encumbrances of any nature except the Permitted Exceptions or liens to which **BUYER** has given its consent.
- v) Good Title. **SELLER** has good and indefeasible fee simple title to the Water Rights, free and clear of all mortgages, liens, licenses, encumbrances, leases, tenancies, security interests, covenants, conditions, restrictions, rights-of-way, easements, judgments, and other matters affecting title.
- vi) No Bills or Claims. There will be no unpaid bills or claims in connection with any repair or work performed or material furnished or otherwise relating to the Water Rights for the benefit of **SELLER** as of the date of Closing, and all bills attributable to or affecting the Water Rights will be paid by **SELLER** in full before Closing.
- vii) No Adverse Matters. To the best of **SELLER's** knowledge, there is no (a) change contemplated in any applicable laws, ordinances or restrictions; (b) judicial or administrative action threatened or pending against the Water Rights or **SELLER**; (c) action pending or threatened against the Water Rights or **SELLER**; or (d) natural or artificial conditions relating to the Water Rights that would have a material adverse effect on the Water Rights.
- viii) Compliance with Laws. To the best of **SELLER's** knowledge, **SELLER** has at all times complied with and operated in compliance with all applicable federal, state, and local laws, regulations, and ordinances regarding the Water Rights, including rules of any applicable Water Authority. **SELLER** will promptly notify **BUYER** of any noncompliance notice received by Seller.
- ix) No Other Representation. Except as stated above, **SELLER** makes no representation with respect to the Water Rights.
- x) "As Is, Where Is". THIS AGREEMENT IS AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE PURCHASE PRICE 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, EXCEPT THOSE IN THIS AGREEMENT AND THE CLOSING DOCUMENTS.

BUYER IS NOT RELYING ON ANY REPRESENTATIONS, DISCLOSURES, OR EXPRESS OR IMPLIED WARRANTIES OTHER THAN THOSE EXPRESSLY CONTAINED IN THIS AGREEMENT AND THE CLOSING DOCUMENTS. BUYER IS NOT RELYING ON ANY INFORMATION REGARDING THE PROPERTY PROVIDED BY ANY PERSON, OTHER THAN BUYER'S OWN INSPECTION AND THE REPRESENTATIONS AND WARRANTIES CONTAINED IN THIS AGREEMENT AND THE CLOSING DOCUMENTS.

b) Buyer's Representations to Seller. BUYER represents to SELLER that the following is true and correct as of the Effective Date and will be true and correct on the Closing Date. BUYER is an individual with authority to perform its obligations under this Agreement. This Agreement is binding on BUYER. This Agreement is, and all documents required by this Agreement to be executed and delivered to SELLER at closing will be, duly authorized, executed, and delivered by BUYER.

9. Miscellaneous Provisions.

a) Notices. Any notice required by or permitted under this Agreement must be in writing. Any notice required by this Agreement will be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address shown in this Agreement. Notice may also be given by regular mail, personal delivery, courier delivery, facsimile transmission, or other commercially reasonable means and will be effective when actually received, provided that (a) any notice received on a Saturday, Sunday, or national holiday will be deemed to have been received on the next day that is not a Saturday, Sunday, or national holiday; and (b) any notice received after 5:00 P.M. local time at the place of delivery on a day that is not a Saturday, Sunday, or national holiday will be deemed to have been received on the next day that is not a Saturday, Sunday, or national holiday. Any address for notice may be changed by written notice delivered as provided herein. Copies of each notice must be given by one of these methods to the attorney of the party to whom notice is given.

b) Entire Agreement. This Agreement, together with its exhibit(s), and any documents delivered at Closing constitute the entire agreement of the parties concerning the sale of the Water Rights by SELLER to BUYER. There are no oral representations, warranties, agreements, or promises pertaining to the sale of the Water Rights by SELLER to BUYER not incorporated in writing in this Agreement.

c) Amendment. This Agreement may be amended only by an instrument in writing signed by the parties.

d) Assignment. BUYER may assign this Agreement and BUYER's rights under it only to an entity in which BUYER possesses, directly or indirectly, the power to direct or cause the direction of its management and policies, whether through the ownership of voting securities or otherwise, and any other assignment is void. No such

assignment will relieve **BUYER** of its obligations under this Agreement, and **BUYER** and the assignee will be jointly and severally liable for the performance of such obligations after any such assignment.

e) Survival. The obligations of this Agreement that cannot be performed before termination of this Agreement or before closing will survive termination of this Agreement or closing, and the legal doctrine of merger will not apply to these matters.

f) Choice of Law; Venue. This Agreement will be construed under the laws of the state of Texas, without regard to choice-of-law rules of any jurisdiction. Venue is in Hill County.

g) Waiver of Default. It is not a waiver of default if the non-defaulting party fails to declare immediately a default or delays taking any action with respect to the default.

h) No Third-Party Beneficiaries. There are no third-party beneficiaries of this Agreement.

i) Severability. If a provision of this Agreement is unenforceable for any reason, to the extent the unenforceability does not destroy the basis of the bargain among the parties, the unenforceability does not affect any other provision of this Agreement, and this Agreement is to be construed as if the unenforceable provision is not a part of the Agreement.

j) Ambiguities Not Construed against Drafter. The rule of construction that ambiguities in a document will be construed against the party who drafted it will not be applied in interpreting this Agreement.

k) No Special Relationship. The parties' relationship is an ordinary commercial relationship, and they do not intend to create the relationship of principal and agent, partnership, joint venture, or any other special relationship.

l) Counterparts. If this Agreement is executed in multiple counterparts, all counterparts taken together will constitute this Agreement. Copies of signatures to this Agreement are effective as original signatures.

m) Confidentiality. The parties will keep confidential this Agreement, this transaction, and all information learned in the course of this transaction, except to the extent disclosure is required by law or court order or to enable third parties to advise or assist **BUYER** to investigate the Water Rights or either party to close this transaction. Remedies for violations of this provision are limited to injunctions, and no damages or rescission may be sought or recovered as a result of any such violations.

n) Binding Effect. This Agreement binds, benefits, and may be enforced by the parties and their respective heirs, successors, and permitted assigns.

o) Authority. The persons signing below on behalf of **SELLER** and **BUYER** personally represent and warrant that each has full right and authority to execute this Agreement on behalf of the **SELLER** or **BUYER**, as the case may be.

p) Seller's Knowledge. Any reference in this Agreement to "**SELLER's**

knowledge" shall refer only to the personal knowledge or recollection of **LANCE M. REINHARD**.

**SELLER:**

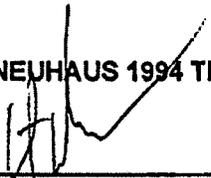
**HARD INVESTMENTS, LLC, a Texas limited liability company**

By:   
\_\_\_\_\_  
**LANCE M. REINHARD, Manager**

Date: **February 12, 2021**  
\_\_\_\_\_

BUYER:

**BRENT A. NEUHAUS 1994 TRUST**

By:   
\_\_\_\_\_ **BRENT A. NEUHAUS, Co-Trustee**

Date: \_\_\_\_\_

By: \_\_\_\_\_ **RYAN S. NEUHAUS, Co-Trustee**

Date: \_\_\_\_\_

BUYER:

**BRENT A. NEUHAUS 1994 TRUST**

By: \_\_\_\_\_  
**BRENT A. NEUHAUS, Co-Trustee**

Date: \_\_\_\_\_

By:  \_\_\_\_\_  
**RYAN S. NEUHAUS, Co-Trustee**

Date: 2/9/21 \_\_\_\_\_

AMY S. NEUHAUS 1994 TRUST; and

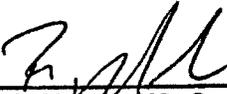
By: *Amy S. Kaufmann*  
AMY S. KAUFMANN, Co-Trustee

Date: 2-9-2021

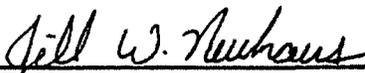
By: *Marty Kaufmann*  
MARTY KAUFMANN, Co-Trustee

Date: 2-9-2021

**RYAN S. NEUHAUS 1994 TRUST**

By:   
**RYAN S. NEUHAUS, Co-Trustee**

Date: 2/9/21

By:   
**JILL NEUHAUS, Co-Trustee**

Date: 2/9/21

Escrow Agent's Receipt of Earnest Money

JONES, GALLIGAN, KEY & LOZANO, L.L.P. hereby acknowledges receipt of a check in the sum of TWENTY-FIVE THOUSAND AND NO/100THS DOLLARS (\$25,000.00) from BUYER under the terms and conditions as set forth in the Agreement to which this receipt is attached.

Dated: February 18, 2021.

JONES, GALLIGAN, KEY & LOZANO, L.L.P.

BY: Eugene R. Vaughan III  
EUGENE R. VAUGHAN, III

**EXHIBIT "A"**

**Appurtenant Property**

**Tract 1:**

Field notes for the survey of a certain lot, tract, or parcel of land being 117.480 acres out of the J. Chambers Survey A-165 and 125.666 acres out of the William H. Nelson Survey A-678 in Hill County, Texas. Said land is a part of that certain 278.146 acre tract described in a deed from John Artie McPherson et ux, Linda Carolyn McPherson to C&G Realty E, LLC recorded in Volume 1771, Page 332 of the Official Public Records of Hill County, more particularly described as follows:

**BEGINNING** at a cotton spindle found in the center of HCR #2200 and in the east line of that certain 254.826 acre tract described in a deed to G&C Realty B, LLC recorded in Volume 1808, Page 734 of the Official Public Records of Hill County for the northwest corner of said 278.146 acre tract and for the northwest corner of this, said spindle being S30°20'19"E 51.05 feet from a 1/2" iron rod found in the north line of said Chambers Survey and in the south line of the William Brooks Survey A-1 for the northeast corner of said 254.826 acre tract, from which a 6" cedar fence corner post found for the occupied northwest corner of said Chambers Survey on the east bank of the Brazos River bears S58°51'10"W 2077.42 feet, S59°45'48"W 1833.58 feet, and S53°47'34"W 2395.35 feet

**THENCE** N65°28'47"E, at 53.60 feet passing a 1/2" iron rod found for the southwest corner of that certain 0.82 acre tract described in a deed to the State of Texas recorded in Volume 512, Page 369 of the Deed Records of Hill County, in all a distance of 201.46 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found in the south line of said 0.82 acre tract and in the south line of F.M. Highway 1304 for the beginning of a curve to the right;

**THENCE** continuing with the south line of F.M. Highway 1304, with the south line of said 0.82 acre tract, generally along a fence, and along said curve having a radius of 5669.58 feet, N57°29'48"E for a chord distance of 395.73 feet, an arc distance of 395.87 feet, to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the end of said curve;

**THENCE** continuing with the south line of F.M. Highway 1304 and generally along a fence, N59°34'00"E 1424.97 feet to a 4" iron pipe fence corner post found at the intersection of the south line of F.M. Highway 1304 with the west line of that certain 10.0 acre tract described in a deed to Michael McKibben recorded in Volume 2045, Page 601 of the Official Public Records of Hill County for the southeast corner of said 0.82 acre tract, for the an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

**THENCE** generally along a fence, S31°04'08"E 1031.02 feet to a 4" iron pipe fence corner post found for the southwest corner of said McKibben tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

**THENCE** generally along a fence, N60°39'11"E 412.94 feet to a 4" iron pipe fence corner post found for the southeast corner of said McKibben tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

**THENCE** with the east line of said McKibben tract and generally along a fence, N31°04'04"W 766.06 feet to a 5/8" iron rod found in a fence line for the southwest corner of that certain 2.000 acre tract described

In a deed to Louis L. Thiele recorded in Volume 1624, Page 808 of the Official Public Records of Hill County and for an outside ell corner of this;

THENCE generally along a fence, N59°38'22"E 319.09 feet to a 4" cedar fence corner post found for the southeast corner of said Thiele tract and for an inside ell corner of said 278.146 acre tract and for an inside ell corner of this;

THENCE generally along a fence, N31°04'24"W 273.20 feet to a 5/8" iron rod found at a fence corner in the south line of FM. Highway 1304, and in the south line of that certain 2.16 acre tract described in a deed to the State of Texas recorded in Volume 5:1, Page 806 of the Deed Records of Hill County for the northeast corner of said Thiele tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE with the south line of F. M. Highway 1304 and with the south line of said 2.16 acre tract, N59°34'00"E 728.77 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found and N59°44'00"E 1172.60 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the beginning of a curve to the left;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 2.16 acre tract, and along said curve having a radius of 11519.16 feet, N59°05'00"E for a chord distance of 271.30 feet, an arc distance of 271.31 feet, to a 5/8" Iron rod with cap stamped "INCE RPLS #5175" found for the end of said curve;

THENCE continuing with the south line of F.M. Highway 1304 and with the south line of said 2.16 acre tract, N58°26'00"E 338.20 feet to a 5/8" Iron rod with cap stamped "INCE RPLS #5175" found for the beginning of a curve to the right;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 2.16 acre tract, and along said curve having a radius of 11399.18 feet, N58°29'03"E for a chord distance of 175.55 feet, an arc distance of 175.55 feet to a 12" cedar fence corner post found for the northwest corner of that certain 1.01 acre tract described in a deed to Donald Horn recorded in Volume 581, Page 638 of the Deed Records of Hill County, for the northeast corner of said 278.146 acre tract, and for the northeast corner of this;

THENCE generally along a fence, S30°09'45"E 1418.20 feet to a 5/8" Iron rod with cap stamped "INCE RPLS #5175" found at a fence corner for the southwest corner of said Horn 1.01 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along a fence, N58°31'13"E 31.01 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found at an old fence corner post in the west line of that certain 65 acre tract described in a deed to Donald Dean Horn recorded in Volume 453, Page 184 of the Deed Records of Hill County for the southeast corner of said 1.01 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE with the west line of said 65 acre Horn tract, with the east line of said 278.146 acre tract, and generally along a fence, S28°35'29"E 378.95 feet to a 5/8" iron rod set for the northeast corner of that certain 35.000 acre tract described in a deed to Armando Ortega recorded in Volume 2046, Page 148 of the Official Public Records of Hill County and for the southeast corner of this, said rod being N28°35'29"W 1038.78 feet from a 4" iron pipe fence corner post found for the southeast corner of said 278.146 acre tract;

THENCE S59°40'56"W 1478.31 feet to a 1/2" iron rod set in the east line of that certain 24 foot easement tract described in a deed recorded in Volume 1771, Page 332 of the Official Public Records of Hill County

for the northwest corner of said 35.000 acre tract and for an inside ell corner of this, said rod being S29°33'42"E 11.03 feet from a bend in the east line of said 24 foot easement;

THENCE with the east line of said easement, S29°33'42"E 36.77 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found, S29°45'47"E 452.74 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said 24 foot easement;

THENCE with the east line of an existing access road, S32°08'20"E 263.92 feet to a 1/2" iron rod set;

THENCE S08°11'13"E 69.59 feet to a 1/2" iron rod set in the east line of that certain tract described in a deed to Methodist Episcopal Church South (Old Lebanon Cemetery) recorded in Volume "N", Page 421 of the Deed Records of Hill County, said rod being N30°53'36"W 229.84 feet from a cotton spindle found set in top of an old cedar fence corner post broken off flush with the ground for the southeast corner of said Cemetery tract and for an outside ell corner of said 278.146 acre tract;

THENCE N30°53'36"W 689.16 feet to a 6" cedar fence corner post found for the northeast corner of that certain 200 acre tract described in a deed to Andrea Holt recorded in Volume 1128, Page 772 of the Official Public Records of Hill County, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along a fence and with the occupied north line of said Holt tract, S59°38'33"W 4782.87 feet to a 6" cedar fence corner post found in the east line of HCR #2200, S60°46'12"W 44.86 feet to a 4" cedar fence corner post found in the west line of HCR #2200, and S59°40'16"W 5893.55 feet to a 4" cedar fence corner post found on the east bank of the Brazos River for the southwest corner of said 278.146 acre tract and for the southwest corner of this;

THENCE with the east bank of the Brazos River, N21°55'38"W 50.54 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southwest corner of said 254.826 acre tract, for the most westerly northwest corner of said 278.146 acre tract, and for the most westerly northwest corner of this;

THENCE N59°40'16"E 5166.16 feet to a railroad spike found for an outside ell corner of said 254.826 acre tract, for an inside ell corner of said 278.146 acre tract, and for inside ell corner of this;

THENCE N30°19'44"W 160.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for an inside ell corner of said 254.826 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE N59°40'16"E, at 373.94 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said 254.826 acre tract and for an outside ell corner of that certain 5.342 acre tract described in a deed to C&G Realty B, LLC recorded in Volume 1863, Page 535 of the Official Public Records of Hill County, in all a distance of 420.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for an inside ell corner of said 5.342 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE S30°19'44"E 150.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southwest corner of said 5.342 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE N59°40'16"E, at 311.61 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for reference, in all a distance of 332.78 feet to a 1/2" iron rod found in the center of HCR #2200 for the southeast corner of said 5.342 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along the center of HCR #2200 the following courses and distances:

N18°52'34"W 139.01 feet to a 1/2" iron rod found;

N18°31'28"W 161.23 feet to a 5/8" iron rod found; and

N12°07'43"E, at 176.61 feet passing a 1/2" iron rod found for the northeast corner of said 5.342 acre tract and for the southeast corner of that certain 2.040 acre tract described in said deed recorded in Volume 1863, Page 635, in all a distance of 346.67 feet to a railroad spike set in the south line of that certain 2.830 acre tract described in a deed to George Albert Wilhite, Jr. recorded in Volume 1760, Page 663 for the northeast corner of said 2.040 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE N50°24'46"E, at 171.08 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said Wilhite tract and for the southwest corner of that certain 2.401 acre tract described in a deed to Janet Elizabeth Anderson recorded in Volume 1735, Page 13 of the Official Public Records of Hill County, in all a distance of 251.50 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found in the south line of HCR #2200 and N58°54'04"E 291.02 feet to a 1/2" iron rod found at a fence corner for the southeast corner of said Hill Tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE with the east line of HCR #2200, N27°55'42"W 249.10 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the northeast corner of said Hill tract, for an outside ell corner of said 278.146 acre tract and for an inside ell corner of this;

THENCE S69°36'13"W 12.73 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of that certain 3.000 acre tract described in a deed to Ronnie Hasty recorded in Volume 1283, Page 178 of the Official Public Records of Hill County, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE with the center of HCR #2200, N30°17'10"W, at 275.07 feet passing a 1/2" iron rod found for the northeast corner of said Hasty tract, in all a distance of 830.10 feet to a 1/2" iron rod found and N26°13'24"W 166.80 feet to the point of beginning containing 243.146 acres of land, of which approximately 0.866 acres lies in a public road.

#### Tract 2:

Field notes for the survey of a certain lot, tract, or parcel of land being 146.710 acres out of the J. Chambers Survey A-165 and 108.116 acres out of the William H. Nelson Survey A-678 in Hill County, Texas. Said land is a part of that certain 260.208 acre tract described in a deed from John Artis McPherson et ux, Linda Carolyn McPherson to Wendell Ray McPherson recorded in Volume 727, Page 510, a part of that certain 148.586 acre tract described in a deed from Helen S. Hodge and J. Calvin Hodge to John McPherson and Wendell McPherson recorded in Volume 732, Page 359, and a part of that certain 2.0 acre tract described in a deed from W. T. Horn et ux, Charlsie Horn to W. L. McPherson, et al recorded in Volume 581, Page 833 of the Deed Records of Hill County, more particularly described as follows:

BEGINNING at a 6" cedar fence corner post found on the east bank of the Brazos River for the occupied northwest corner of the J. Chambers Survey A-165, for the occupied southwest corner of the William Brooks Survey A-1, for the southwest corner of that certain 106.47 acre tract described in a deed to Charles Matthews recorded in Volume 557, Page 537 of the Deed Records of Hill County, for the northwest corner of said 260.208 acre tract, and for the northwest corner of this;

THENCE with the occupied south line of said Brooks Survey, with the occupied north line of said Chambers Survey, with the north line of said 260.208 acre tract, and partially along a fence, N59°47'34"E

2395.35 feet to a 1/2" iron rod found in the north line of HCR #2201 for the southeast corner of said Matthews tract and for the southwest corner of that certain 90 acre tract described in a deed to Kenneth H. Burleson recorded in Volume 513, Page 852 of the Deed Records of Hill County;

THENCE continuing with the occupied south line of said Brooks Survey, with the occupied north line of said Chambers survey, and with the north line of said 260.208 acre tract, N59°45'48"E 1833.56 feet to a 1/2" iron rod found in the center of said county road for the southeast corner of said Burleson tract and for the southwest corner of that certain 20.20 acre tract described in a deed to Garland R. Lively recorded in Volume 669, Page 323 of the Deed Records of Hill County;

THENCE continuing with said occupied Survey lines and generally along the center of HCR #2201, N58°51'10"E, at 1384.03 feet passing a 1/2" iron rod found for the southeast corner of that certain 2.248 acre tract described in a deed to Jeanne C. Dickson recorded in Volume 1673, Page 813 of the Official Public Records of Hill County, in all a distance of 2077.42 feet to a 1/2" iron rod found at the intersection of the center of HCR #2201 with the center of HCR #2200 for the northeast corner of said 260.208 acre tract and for the northeast corner of this;

THENCE generally along the center of HCR #2200 S30°20'19"E 51.05 feet to a cotton spindle found for the northwest corner of that certain 278.146 acre tract described in a deed to C & G Realty E, LLC recorded in Volume 1771, Page 332 of the Official Public Records of Hill County;

THENCE continuing with the center of HCR #2200 and with the west line of said C & G Realty E, LLC tract, S26°13'24"E 166.80 feet to a 1/2" iron rod found, and S30°17'10"E 555.03 feet to 1/2" iron rod found for the northeast corner of that certain 3.000 acre tract described in a deed to Ronnie Hasty recorded in Volume 1283, Page 178 of the Official Public Records of Hill County, for an outside ell corner of said 260.208 acre tract, and for the most easterly southeast corner of this;

THENCE generally along a fence as extended, S59°35'44"W at 15.50 feet passing a 5/8" iron rod found at a fence corner for reference, in all a distance of 476.20 feet to a 6" cedar fence corner post found for the northwest corner of said Hasty tract, for an inside ell corner of said 260.208 acre tract, and for an inside ell corner of this;

THENCE generally along a fence and with the extension thereof, S30°17'09"E 276.00 feet to 5/8" iron rod found in the south line of said Chambers Survey, in the north line of the W. Nelson Survey A-678, and in the north line of that certain 2.830 acre tract described in a deed to George Albert Wilhite, Jr. recorded in Volume 1760, Page 863 of the Official Public Records of Hill County for the southwest corner of said Hasty tract, for an outside ell corner of said 260.208 acre tract and for an outside ell corner of this;

THENCE with said survey line and partially along a fence, S59°35'20"W 534.58 feet to a 2" iron pipe fence corner post found for the northwest corner of said Wilhite tract, for an inside ell corner of said 260.208 acre tract, and for an outside ell corner of that certain 2.040 acre tract described in a deed to Lucas Wayne Montgomery recorded in Volume 1725, Page 272 of the Official Public Records of Hill County and S60°04'15"W 70.77 feet to a 5/8" iron rod found for the northwest corner of said 2.040 acre tract and for an inside ell corner of this;

THENCE S19°42'18"E, at 207.64 feet passing the southwest corner of said 2.040 acre tract and the northwest corner of that certain 5.342 acre tract described in a deed to Lucas Wayne Montgomery recorded in Volume 1725, Page 278 of the Official Public Records of Hill County, in all a distance of 704.35 feet to a 5/8" iron rod found in the south line of said 260.208 acre tract and in a north line of said C & G Realty E tract for an outside ell corner of said 5.342 acre tract and for an outside ell corner of this;

THENCE S59°40'16"W 373.94 feet to a 5/8" iron rod found for an outside ell corner of said C & G tract, for an outside ell corner of said 260.208 acre tract, and for an inside ell corner of this;

THENCE S30°19'44"E 150.00 feet to a railroad spike found for an inside ell corner of said C & G tract, for an outside ell corner of said 260.208 acre tract, and for the most southerly southeast corner of this;

THENCE S59°40'18"W 5166.16 feet to a 5/8" iron rod found on the east bank of the Brazos River for the most westerly northwest corner of said C & G tract, for the southwest corner of said 260.208 acre tract, and for the southwest corner of this, said rod being N21°55'38"W 50.54 feet from a 5/8" iron rod found for the southwest corner of said C & G tract;

THENCE generally along the east bank of the Brazos River and generally along a fence, N21°55'38"W 891.66 feet to a 6" cedar fence corner post found for the an outside ell corner of said 260.208 acre tract and for an outside ell corner of this;

THENCE generally along a fence N67°24'22"E 11.05 feet to a 6" cedar fence corner post found for an inside ell corner of said 260.208 acre tract and for an inside ell corner of this;

THENCE generally along the east bank of the Brazos River and generally along a fence, N12°33'38"W 1037.72 feet to the place of beginning, containing 254.828 acres of land, of which approximately 2.282 acres lies within public roads.

**EXHIBIT "B"**  
**Form of Conveyance Instrument**

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

**WATER RIGHTS CONVEYANCE**

**Date:** \_\_\_\_\_, 202\_\_

**Grantor:** HARD INVESTMENTS, LLC, a Texas limited liability company

**Grantor's Mailing Address:**

P.O. Box 222  
Meridian, Texas 76666

**Grantee:** BRENT A. NEUHAUS and RYAN S. NEUHAUS, Co-Trustees of the BRENT A. NEUHAUS 1994 TRUST; AMY S. KAUFMANN and MARTY KAUFMANN, Co-Trustees of the AMY S. NEUHAUS 1994 TRUST; and RYAN S. NEUHAUS and JILL NEUHAUS, Co-Trustees of the RYAN S. NEUHAUS 1994 TRUST

**Grantee's Mailing Address:**

7736 Central Park  
Waco, Texas 76712

**Consideration:**

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

**Water Rights:**

The right to divert and use a maximum of up to 150 acre-feet of water per annum from the Brazos River, being water rights owned by GRANTOR out of the water rights evidenced by Certificate of Adjudication No. 12-4318 (the "Water Rights").

**Severance:**

GRANTOR does hereby expressly sever the Water Rights here conveyed from its land in Hill County, Texas, which is more particularly described on **Exhibit "1"**, and no other rights of GRANTOR are hereby conveyed except the Water Rights.

**Condition:**

The conveyance of the Water Rights to GRANTEE is expressly subject to approval by the

Texas Commission on Environmental Quality (the "TCEQ") of the change of ownership, place of use, purpose of use, and point of diversion of the Water Rights.

Subject to the Condition, GRANTOR, for the Consideration, GRANTS, SELLS, AND CONVEYS to GRANTEE the Water Rights, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to GRANTEE and GRANTEE's heirs, successors, and assigns forever. GRANTOR binds GRANTOR and GRANTOR's heirs and successors to warrant and forever defend all and singular the title to the Water Rights, which are not less than a 100% interest in 150 acre feet of water per annum, to GRANTEE and GRANTEE's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof. Without limitation, this warranty shall apply in the event of any failure(s) as to the foregoing minimums specified as to the amount of, and percent interest in, the Water Rights conveyed hereby.

The parties agree that once the TCEQ approves the transfer, and GRANTEE pays any remaining consideration for the transfer, in accordance with the terms of the contract between GRANTOR and GRANTEE, this conveyance will become absolute. GRANTOR hereby authorizes the Texas Commission on Environmental Quality, or its successor, and any such other governmental body or authority that has jurisdiction over the Water Rights ("Water Authority"), to make such changes in the records as are necessary to accomplish the conveyance and transfer of the Water Rights. GRANTOR agrees to execute such other instruments as shall be necessary and required by the TCEQ and other Water Authority.

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



Exhibit "1"

Tract 1:

Field notes for the survey of a certain lot, tract, or parcel of land being 117.480 acres out of the J. Chambers Survey A-166 and 125.666 acres out of the William H. Nelson Survey A-678 in Hill County, Texas. Said land is a part of that certain 278.146 acre tract described in a deed from John Artie McPherson et ux, Linda Carolyn McPherson to C&G Realty E, LLC recorded in Volume 1771, Page 332 of the Official Public Records of Hill County, more particularly described as follows:

BEGINNING at a cotton spindle found in the center of HCR #2200 and in the east line of that certain 254.826 acre tract described in a deed to G&C Realty B, LLC recorded in Volume 1808, Page 734 of the Official Public Records of Hill County for the northwest corner of said 278.146 acre tract and for the northwest corner of this, said spindle being S30°20'18"E 51.05 feet from a 1/2" iron rod found in the north line of said Chambers Survey and in the south line of the William Brooks Survey A-1 for the northeast corner of said 254.826 acre tract, from which a 6" cedar fence corner post found for the occupied northwest corner of said Chambers Survey on the east bank of the Brazos River bears S58°51'10"W 2077.42 feet, S59°45'48"W 1833.56 feet, and S53°47'34"W 2395.35 feet;

THENCE N55°29'47"E, at 53.80 feet passing a 1/2" iron rod found for the southwest corner of that certain 0.82 acre tract described in a deed to the State of Texas recorded in Volume 512, Page 389 of the Deed Records of Hill County, in all a distance of 201.40 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found in the south line of said 0.82 acre tract and in the south line of F.M. Highway 1304 for the beginning of a curve to the right;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 0.82 acre tract, generally along a fence, and along said curve having a radius of 5689.58 feet, N57°29'48"E for a chord distance of 395.73 feet, an arc distance of 395.8 feet, to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the end of said curve;

THENCE continuing with the south line of F.M. Highway 1304 and generally along a fence, N59°34'00"E 1424.97 feet to a 4" iron pipe fence corner post found at the intersection of the south line of F.M. Highway 1304 with the west line of that certain 10.0 acre tract described in a deed to Michael McKibben recorded in Volume 2045, Page 601 of the Official Public Records of Hill County for the southeast corner of said 0.82 acre tract, for the an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE generally along a fence, S31°04'08"E 1031.02 feet to a 4" iron pipe fence corner post found for the southwest corner of said McKibben tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along a fence, N60°39'11"E 412.94 feet to a 4" iron pipe fence corner post found for the southeast corner of said McKibben tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE with the east line of said McKibben tract and generally along a fence, N31°04'04"W 786.06 feet to a 5/8" iron rod found in a fence line for the southwest corner of that certain 2.000 acre tract described

In a deed to Louis L. Thiele recorded in Volume 1624, Page 808 of the Official Public Records of Hill County and for an outside ell corner of this;

THENCE generally along a fence, N59°38'22"E 319.09 feet to a 4" cedar fence corner post found for the southeast corner of said Thiele tract and for an inside ell corner of said 278.146 acre tract and for an inside ell corner of this;

THENCE generally along a fence, N31°04'24"W 273.20 feet to a 5/8" iron rod found at a fence corner in the south line of F.M. Highway 1304, and in the south line of that certain 2.16 acre tract described in a deed to the State of Texas recorded in Volume 511, Page 806 of the Deed Records of Hill County for the northeast corner of said Thiele tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE with the south line of F. M. Highway 1304 and with the south line of said 2.16 acre tract, N59°34'00"E 728.77 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found and N59°44'00"E 1172.60 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the beginning of a curve to the left;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 2.16 acre tract, and along said curve having a radius of 11518.16 feet, N59°05'00"E for a chord distance of 271.30 feet, an arc distance of 271.31 feet, to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the end of said curve;

THENCE continuing with the south line of F.M. Highway 1304 and with the south line of said 2.16 acre tract, N58°26'00"E 338.20 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the beginning of a curve to the right;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 2.16 acre tract, and along said curve having a radius of 11398.18 feet, N58°29'03"E for a chord distance of 175.55 feet, an arc distance of 175.55 feet to a 12" cedar fence corner post found for the northwest corner of that certain 1.01 acre tract described in a deed to Donald Horn recorded in Volume 581, Page 636 of the Deed Records of Hill County, for the northeast corner of said 278.146 acre tract, and for the northeast corner of this;

THENCE generally along a fence, S30°09'45"E 1418.20 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found at a fence corner for the southwest corner of said Horn 1.01 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along a fence, N58°31'13"E 31.01 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found at an old fence corner post in the west line of that certain 85 acre tract described in a deed to Donald Dean Horn recorded in Volume 453, Page 184 of the Deed Records of Hill County for the southeast corner of said 1.01 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE with the west line of said 85 acre Horn tract, with the east line of said 278.146 acre tract, and generally along a fence, S28°35'29"E 378.95 feet to a 5/8" iron rod set for the northeast corner of that certain 35.000 acre tract described in a deed to Armando Ortega recorded in Volume 2046, Page 148 of the Official Public Records of Hill County and for the southeast corner of this, said rod being N28°35'29"W 1038.78 feet from a 4" iron pipe fence corner post found for the southeast corner of said 278.146 acre tract;

THENCE S59°40'56"W 1478.31 feet to a 1/2" iron rod set in the east line of that certain 24 foot easement tract described in a deed recorded in Volume 1771, Page 332 of the Official Public Records of Hill County

for the northwest corner of said 35.000 acre tract and for an inside ell corner of this, said rod being S29°33'42"E 11.03 feet from a bend in the east line of said 24 foot easement;

THENCE with the east line of said easement, S29°33'42"E 36.77 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found, S29°45'47"E 452.74 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said 24 foot easement;

THENCE with the east line of an existing access road, S32°08'20"E 263.92 feet to a 1/2" iron rod set;

THENCE S03°11'13"E 59.59 feet to a 1/2" iron rod set in the east line of that certain tract described in a deed to Methodist Episcopal Church South (Old Lebanon Cemetery) recorded in Volume "N", Page 421 of the Deed Records of Hill County, said rod being N30°53'38"W 229.84 feet from a cotton spindle found set in top of an old cedar fence corner post broken off flush with the ground for the southeast corner of said Cemetery tract and for an outside ell corner of said 278.146 acre tract;

THENCE N30°53'38"W 669.16 feet to a 6" cedar fence corner post found for the northeast corner of that certain 200 acre tract described in a deed to Andiea Holt recorded in Volume 1128, Page 772 of the Official Public Records of Hill County, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along a fence and with the occupied north line of said Holt tract, S59°36'33"W 4782.87 feet to a 6" cedar fence corner post found in the east line of HCR #2200, S60°46'12"W 44.86 feet to a 4" cedar fence corner post found in the west line of HCR #2200, and S59°40'16"W 5893.55 feet to a 4" cedar fence corner post found on the east bank of the Brazos River for the southwest corner of said 278.146 acre tract and for the southwest corner of this;

THENCE with the east bank of the Brazos River, N21°55'38"W 80.54 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southwest corner of said 254.826 acre tract, for the most westerly northwest corner of said 278.146 acre tract, and for the most westerly northwest corner of this;

THENCE N59°40'16"E 5166.16 feet to a railroad spike found for an outside ell corner of said 254.826 acre tract, for an inside ell corner of said 278.146 acre tract, and for inside ell corner of this;

THENCE N30°19'44"W 150.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for an inside ell corner of said 254.826 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE N59°40'16"E, at 373.94 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said 254.826 acre tract and for an outside ell corner of that certain 5.342 acre tract described in a deed to C&G Realty B, LLC recorded in Volume 1863, Page 535 of the Official Public Records of Hill County, in all a distance of 420.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for an inside ell corner of said 5.342 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE S30°19'44"E 150.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southwest corner of said 5.342 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE N59°40'16"E, at 311.61 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for reference, in all a distance of 332.78 feet to a 1/2" iron rod found in the center of HCR #2200 for the southeast corner of said 5.342 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along the center of HCR #2200 the following courses and distances:

N18°52'34"W 139.01 feet to a 1/2" iron rod found;

N18°31'29"W 161.23 feet to a 5/8" iron rod found; and

N12°07'43"E, at 176.61 feet passing a 1/2" iron rod found for the northeast corner of said 5.342 acre tract and for the southeast corner of that certain 2.040 acre tract described in said deed recorded in Volume 1863, Page 535, in all a distance of 346.67 feet to a railroad spike set in the south line of that certain 2.830 acre tract described in a deed to George Albert Wilhite, Jr. recorded in Volume 1760, Page 663 for the northeast corner of said 2.040 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE N60°24'46"E, at 171.08 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said Wilhite tract and for the southwest corner of that certain 2.401 acre tract described in a deed to Janet Elizabeth Anderson recorded in Volume 1735, Page 13 of the Official Public Records of Hill County, in all a distance of 251.60 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found in the south line of HCR #2200 and N58°54'04"E 291.02 feet to a 1/2" iron rod found at a fence corner for the southeast corner of said Hill Tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE with the east line of HCR #2200, N27°55'42"W 249.10 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the northeast corner of said Hill tract, for an outside ell corner of said 278.146 acre tract and for an inside ell corner of this;

THENCE S69°36'13"W 12.73 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of that certain 3.000 acre tract described in a deed to Ronnie Hasty recorded in Volume 1283, Page 178 of the Official Public Records of Hill County, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE with the center of HCR #2200, N30°17'10"W, at 275.07 feet passing a 1/2" iron rod found for the northeast corner of said Hasty tract, in all a distance of 830.10 feet to a 1/2" iron rod found and N26°13'24"W 166.80 feet to the point of beginning containing 243.146 acres of land, of which approximately 0.866 acres lies in a public road.

#### Tract 2:

Field notes for the survey of a certain lot, tract, or parcel of land being 146.710 acres out of the J. Chambers Survey A-166 and 108.116 acres out of the William H. Nelson Survey A-678 in Hill County, Texas. Said land is a part of that certain 260.208 acre tract described in a deed from John Arlie McPherson et ux, Linda Carolyn McPherson to Wendell Ray McPherson recorded in Volume 727, Page 510, a part of that certain 146.586 acre tract described in a deed from Helen S. Hodge and J. Calvin Hodge to John McPherson and Wendell McPherson recorded in Volume 732, Page 359, and a part of that certain 2.0 acre tract described in a deed from W. T. Horn et ux, Charisie Horn to W. L. McPherson, et al recorded in Volume 561, Page 633 of the Deed Records of Hill County, more particularly described as follows:

BEGINNING at a 6" cedar fence corner post found on the east bank of the Brazos River for the occupied northwest corner of the J. Chambers Survey A-166, for the occupied southwest corner of the William Brooks Survey A-1, for the southwest corner of that certain 106.47 acre tract described in a deed to Charles Matthews recorded in Volume 557, Page 537 of the Deed Records of Hill County, for the northwest corner of said 260.208 acre tract, and for the northwest corner of this;

THENCE with the occupied south line of said Brooks Survey, with the occupied north line of said Chambers Survey, with the north line of said 260.208 acre tract, and partially along a fence, N59°47'34"E

2395.35 feet to a 1/2" iron rod found in the north line of HCR #2201 for the southeast corner of said Matthews tract and for the southwest corner of that certain 90 acre tract described in a deed to Kenneth H. Burleson recorded in Volume 513, Page 852 of the Deed Records of Hill County;

THENCE continuing with the occupied south line of said Brooks Survey, with the occupied north line of said Chambers survey, and with the north line of said 260.208 acre tract, N59°45'48"E 1833.56 feet to a 1/2" iron rod found in the center of said county road for the southeast corner of said Burleson tract and for the southwest corner of that certain 20.20 acre tract described in a deed to Garland R. Lively recorded in Volume 689, Page 323 of the Deed Records of Hill County;

THENCE continuing with said occupied Survey lines and generally along the center of HCR #2201, N58°51'10"E, at 1394.03 feet passing a 1/2" iron rod found for the southeast corner of that certain 2.248 acre tract described in a deed to Jeanne C. Dickson recorded in Volume 1673, Page 813 of the Official Public Records of Hill County, in all a distance of 2077.42 feet to a 1/2" iron rod found at the intersection of the center of HCR #2201 with the center of HCR #2200 for the northeast corner of said 260.208 acre tract and for the northeast corner of this;

THENCE generally along the center of HCR #2200 S30°20'19"E 51.05 feet to a cotton spindle found for the northwest corner of that certain 278.146 acre tract described in a deed to C & G Realty E, LLC recorded in Volume 1771, Page 332 of the Official Public Records of Hill County;

THENCE continuing with the center of HCR #2200 and with the west line of said C & G Realty E, LLC tract, S26°13'24"E 168.80 feet to a 1/2" iron rod found, and S30°17'10"E 555.03 feet to 1/2" iron rod found for the northeast corner of that certain 3.000 acre tract described in a deed to Ronnie Hasty recorded in Volume 1283, Page 178 of the Official Public Records of Hill County, for an outside ell corner of said 260.208 acre tract, and for the most easterly southeast corner of this;

THENCE generally along a fence as extended, S59°35'44"W at 15.50 feet passing a 5/8" iron rod found at a fence corner for reference, in all a distance of 475.20 feet to a 6" cedar fence corner post found for the northwest corner of said Hasty tract, for an inside ell corner of said 260.208 acre tract, and for an inside ell corner of this;

THENCE generally along a fence and with the extension thereof, S30°17'08"E 275.00 feet to 5/8" iron rod found in the south line of said Chambers Survey, in the north line of the W. Nelson Survey A-678, and in the north line of that certain 2.830 acre tract described in a deed to George Albert Wilhite, Jr. recorded in Volume 1780, Page 663 of the Official Public Records of Hill County for the southwest corner of said Hasty tract, for an outside ell corner of said 260.208 acre tract and for an outside ell corner of this;

THENCE with said survey line and partially along a fence, S59°35'20"W 534.56 feet to a 2" iron pipe fence corner post found for the northwest corner of said Wilhite tract, for an inside ell corner of said 260.208 acre tract, and for an outside ell corner of that certain 2.040 acre tract described in a deed to Lucas Wayne Montgomery recorded in Volume 1726, Page 272 of the Official Public Records of Hill County and S60°04'16"W 70.77 feet to a 5/8" iron rod found for the northwest corner of said 2.040 acre tract and for an inside ell corner of this;

THENCE S19°42'18"E, at 207.64 feet passing the southwest corner of said 2.040 acre tract and the northwest corner of that certain 5.342 acre tract described in a deed to Lucas Wayne Montgomery recorded in Volume 1725, Page 278 of the Official Public Records of Hill County, in all a distance of 704.35 feet to a 5/8" iron rod found in the south line of said 260.208 acre tract and in a north line of said C & G Realty E tract for an outside ell corner of said 5.342 acre tract and for an outside ell corner of this;

THENCE S59°40'16"W 373.94 feet to a 5/8" iron rod found for an outside ell corner of said C & G tract, for an outside ell corner of said 260.208 acre tract, and for an inside ell corner of this;

THENCE S30°19'44"E 150.00 feet to a railroad spike found for an inside ell corner of said C & G tract, for an outside ell corner of said 260.208 acre tract, and for the most southerly southeast corner of this;

THENCE S59°40'16"W 5166.16 feet to a 5/8" iron rod found on the east bank of the Brazos River for the most westerly northwest corner of said C & G tract, for the southwest corner of said 260.208 acre tract, and for the southwest corner of this, said rod being N21°55'38"W 50.54 feet from a 5/8" iron rod found for the southwest corner of said C & G tract;

THENCE generally along the east bank of the Brazos River and generally along a fence, N21°55'38"W 881.66 feet to a 6" cedar fence corner post found for the an outside ell corner of said 260.208 acre tract and for an outside ell corner of this;

THENCE generally along a fence N67°24'22"E 10.05 feet to a 6" cedar fence corner post found for an inside ell corner of said 260.208 acre tract and for an inside ell corner of this;

THENCE generally along the east bank of the Brazos River and generally along a fence, N12°33'38"W 1037.72 feet to the place of beginning, containing 254.828 acres of land, of which approximately 2.282 acres lies within public roads.



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

**WATER RIGHTS CONVEYANCE**

**Date:** February 12, 2021

**Grantor:** HARD INVESTMENTS, LLC, a Texas limited liability company

**Grantor's Mailing Address:**

P.O. Box 222  
Meridian, Texas 76666

**Grantee:** BRENT A. NEUHAUS and RYAN S. NEUHAUS, Co-Trustees of the BRENT A. NEUHAUS 1994 TRUST; AMY S. KAUFMANN and MARTY KAUFMANN, Co-Trustees of the AMY S. NEUHAUS 1994 TRUST; and RYAN S. NEUHAUS and JILL NEUHAUS, Co-Trustees of the RYAN S. NEUHAUS 1994 TRUST

**Grantee's Mailing Address:**

7736 Central Park  
Waco, Texas 76712

**Consideration:**

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

**Water Rights:**

The right to divert and use a maximum of up to 150 acre-feet of water per annum from the Brazos River, being water rights owned by GRANTOR out of the water rights evidenced by Certificate of Adjudication No. 12-4318 (the "Water Rights").

**Severance:**

GRANTOR does hereby expressly sever the Water Rights here conveyed from its land in Hill County, Texas, which is more particularly described on **Exhibit "1"**, and no other rights of GRANTOR are hereby conveyed except the Water Rights.

**Condition:**

The conveyance of the Water Rights to GRANTEE is expressly subject to approval by the Texas Commission on Environmental Quality (the "TCEQ") of the change of ownership, place of use, purpose of use, and point of diversion of the Water Rights.

Subject to the Condition, GRANTOR, for the Consideration, GRANTS, SELLS, AND CONVEYS to GRANTEE the Water Rights, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to GRANTEE and GRANTEE's heirs, successors, and assigns forever. GRANTOR binds GRANTOR and GRANTOR's heirs and successors to warrant and forever defend all and singular the title to the Water Rights, which are not less than a 100% interest in 150 acre feet of water per annum, to GRANTEE and GRANTEE's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof. Without limitation, this warranty shall apply in the event of any failure(s) as to the foregoing minimums specified as to the amount of, and percent interest in, the Water Rights conveyed hereby.

The parties agree that once the TCEQ approves the transfer, and GRANTEE pays any remaining consideration for the transfer, in accordance with the terms of the contract between GRANTOR and GRANTEE, this conveyance will become absolute. GRANTOR hereby authorizes the Texas Commission on Environmental Quality, or its successor, and any such other governmental body or authority that has jurisdiction over the Water Rights ("Water Authority"), to make such changes in the records as are necessary to accomplish the conveyance and transfer of the Water Rights. GRANTOR agrees to execute such other instruments as shall be necessary and required by the TCEQ and other Water Authority.

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



Exhibit "1"

Tract 1:

Field notes for the survey of a certain lot, tract, or parcel of land being 117.480 acres out of the J. Chambers Survey A-165 and 125.666 acres out of the William H. Nelson Survey A-678 in Hill County, Texas. Said land is a part of that certain 278.146 acre tract described in a deed from John Artie McPherson et ux, Linda Carolyn McPherson to C&G Realty E, LLC recorded in Volume 1771, Page 332 of the Official Public Records of Hill County, more particularly described as follows:

BEGINNING at a cotton spindle found in the center of HCR #2200 and in the east line of that certain 254.826 acre tract described in a deed to G&C Realty B, LLC recorded in Volume 1808, Page 734 of the Official Public Records of Hill County for the northwest corner of said 278.146 acre tract and for the northwest corner of this, said spindle being S30°20'19"E 51.05 feet from a 1/2" iron rod found in the north line of said Chambers Survey and in the south line of the William Brooks Survey A-1 for the northeast corner of said 254.826 acre tract, from which a 6' cedar fence corner post found for the occupied northwest corner of said Chambers Survey on the east bank of the Brazos River bears S58°51'10"W 2077.42 feet, S59°45'48"W 1833.56 feet, and S53°47'34"W 2395.35 feet;

THENCE N55°29'47"E, at 53.60 feet passing a 1/2" iron rod found for the southwest corner of that certain 0.82 acre tract described in a deed to the State of Texas recorded in Volume 512, Page 369 of the Deed Records of Hill County, in all a distance of 201.40 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found in the south line of said 0.82 acre tract and in the south line of F.M. Highway 1304 for the beginning of a curve to the right;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 0.82 acre tract, generally along a fence, and along said curve having a radius of 5669.58 feet, N57°29'48"E for a chord distance of 395.73 feet, an arc distance of 395.8 feet, to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the end of said curve;

THENCE continuing with the south line of F.M. Highway 1304 and generally along a fence, N59°34'00"E 1424.97 feet to a 4" iron pipe fence corner post found at the intersection of the south line of F.M. Highway 1304 with the west line of that certain 10.0 acre tract described in a deed to Michael McKibben recorded in Volume 2045, Page 601 of the Official Public Records of Hill County for the southeast corner of said 0.82 acre tract, for the an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE generally along a fence, S31°04'08"E 1031.02 feet to a 4" iron pipe fence corner post found for the southwest corner of said McKibben tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along a fence, N60°39'11"E 412.94 feet to a 4" iron pipe fence corner post found for the southeast corner of said McKibben tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE with the east line of said McKibben tract and generally along a fence, N31°04'04"W 766.06 feet to a 5/8" iron rod found in a fence line for the southwest corner of that certain 2.000 acre tract described

In a deed to Louis L. Thiele recorded in Volume 1624, Page 808 of the Official Public Records of Hill County and for an outside ell corner of this;

THENCE generally along a fence, N59°38'22"E 319.09 feet to a 4" cedar fence corner post found for the southeast corner of said Thiele tract and for an inside ell corner of said 278.146 acre tract and for an inside ell corner of this;

THENCE generally along a fence, N31°04'24"W 273.20 feet to a 5/8" iron rod found at a fence corner in the south line of F.M. Highway 1304, and in the south line of that certain 2.16 acre tract described in a deed to the State of Texas recorded in Volume 5:1, Page 806 of the Deed Records of Hill County for the northeast corner of said Thiele tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE with the south line of F. M. Highway 1304 and with the south line of said 2.16 acre tract, N59°34'00"E 728.77 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found and N59°44'00"E 1172.60 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the beginning of a curve to the left;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 2.16 acre tract, and along said curve having a radius of 11519.16 feet, N59°05'00"E for a chord distance of 271.30 feet, an arc distance of 271.31 feet, to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the end of said curve;

THENCE continuing with the south line of F.M. Highway 1304 and with the south line of said 2.16 acre tract, N58°26'00"E 338.20 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the beginning of a curve to the right;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 2.16 acre tract, and along said curve having a radius of 11399.16 feet, N58°29'03"E for a chord distance of 175.55 feet, an arc distance of 175.55 feet to a 12" cedar fence corner post found for the northwest corner of that certain 1.01 acre tract described in a deed to Donald Horn recorded in Volume 561, Page 636 of the Deed Records of Hill County, for the northeast corner of said 278.146 acre tract, and for the northeast corner of this;

THENCE generally along a fence, S30°09'45"E 1418.20 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found at a fence corner for the southwest corner of said Horn 1.01 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along a fence, N58°31'13"E 31.01 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found at an old fence corner post in the west line of that certain 65 acre tract described in a deed to Donald Dean Horn recorded in Volume 453, Page 184 of the Deed Records of Hill County for the southeast corner of said 1.01 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE with the west line of said 65 acre Horn tract, with the east line of said 278.146 acre tract, and generally along a fence, S28°35'29"E 378.95 feet to a 5/8" iron rod set for the northeast corner of that certain 35.000 acre tract described in a deed to Armando Ortega recorded in Volume 2048, Page 148 of the Official Public Records of Hill County and for the southeast corner of this, said rod being N28°35'29"W 1038.78 feet from a 4" iron pipe fence corner post found for the southeast corner of said 278.146 acre tract;

THENCE S59°40'56"W 1478.31 feet to a 1/2" iron rod set in the east line of that certain 24 foot easement tract described in a deed recorded in Volume 1771, Page 332 of the Official Public Records of Hill County

for the northwest corner of said 35.000 acre tract and for an inside ell corner of this, said rod being S29°33'42"E 11.03 feet from a bend in the east line of said 24 foot easement;

THENCE with the east line of said easement, S29°33'42"E 36.77 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found, S29°45'47"E 452.74 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said 24 foot easement;

THENCE with the east line of an existing access road, S32°08'20"E 263.92 feet to a 1/2" iron rod set;

THENCE S09°11'13"E 59.59 feet to a 1/2" iron rod set in the east line of that certain tract described in a deed to Methodist Episcopal Church South (Old Lebanon Cemetery) recorded in Volume "N", Page 421 of the Deed Records of Hill County, said rod being N30°53'36"W 229.84 feet from a cotton spindle found set in top of an old cedar fence corner post broken off flush with the ground for the southeast corner of said Cemetery tract and for an outside ell corner of said 278.146 acre tract;

THENCE N30°53'36"W 669.16 feet to a 6" cedar fence corner post found for the northeast corner of that certain 200 acre tract described in a deed to Andrea Holt recorded in Volume 1128, Page 772 of the Official Public Records of Hill County, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along a fence and with the occupied north line of said Holt tract, S59°38'33"W 4782.87 feet to a 6" cedar fence corner post found in the east line of HCR #2200, S60°46'12"W 44.86 feet to a 4" cedar fence corner post found in the west line of HCR #2200, and S59°40'16"W 5893.55 feet to a 4" cedar fence corner post found on the east bank of the Brazos River for the southwest corner of said 278.146 acre tract and for the southwest corner of this;

THENCE with the east bank of the Brazos River, N21°55'38"W 50.54 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southwest corner of said 254.826 acre tract, for the most westerly northwest corner of said 278.146 acre tract, and for the most westerly northwest corner of this;

THENCE N59°40'16"E 5166.16 feet to a railroad spike found for an outside ell corner of said 254.826 acre tract, for an inside ell corner of said 278.146 acre tract, and for inside ell corner of this;

THENCE N30°19'44"W 150.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for an inside ell corner of said 254.826 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE N59°40'16"E, at 373.94 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said 254.826 acre tract and for an outside ell corner of that certain 5.342 acre tract described in a deed to C&G Realty B, LLC recorded in Volume 1863, Page 535 of the Official Public Records of Hill County, in all a distance of 420.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for an inside ell corner of said 5.342 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE S30°19'44"E 150.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southwest corner of said 5.342 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE N59°40'16"E, at 311.61 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for reference, in all a distance of 332.79 feet to a 1/2" iron rod found in the center of HCR #2200 for the southeast corner of said 5.342 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along the center of HCR #2200 the following courses and distances:

N18°52'34"W 139.01 feet to a 1/2" iron rod found;

N18°31'29"W 161.23 feet to a 5/8" Iron rod found; and

N12°07'43"E, at 176.61 feet passing a 1/2" iron rod found for the northeast corner of said 5.342 acre tract and for the southeast corner of that certain 2.040 acre tract described in said deed recorded in Volume 1863, Page 535, in all a distance of 346.67 feet to a railroad spike set in the south line of that certain 2.830 acre tract described in a deed to George Albert Wilhite, Jr. recorded in Volume 1760, Page 663 for the northeast corner of said 2.040 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE N50°24'45"E, at 171.06 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said Wilhite tract and for the southwest corner of that certain 2.401 acre tract described in a deed to Janet Elizabeth Anderson recorded in Volume 1735, Page 13 of the Official Public Records of Hill County, in all a distance of 251.60 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found in the south line of HCR #2240 and N58°54'04"E 291.02 feet to a 1/2" iron rod found at a fence corner for the southeast corner of said Hill Tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE with the east line of HCR #2200, N27°56'42"W 249.10 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the northeast corner of said Hill tract, for an outside ell corner of said 278.146 acre tract and for an inside ell corner of this;

THENCE S59°36'13"W 12.73 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of that certain 3.000 acre tract described in a deed to Ronnie Hasty recorded in Volume 1283, Page 178 of the Official Public Records of Hill County, for an outside ell corner of said 278,146 acre tract, and for an outside ell corner of this;

THENCE with the center of HCR #2200, N30°17'10"W, at 275.07 feet passing a 1/2" iron rod found for the northeast corner of said Hasty tract, in all a distance of 830.10 feet to a 1/2" iron rod found and N26°13'24"W 166.80 feet to the point of beginning containing 243.146 acres of land, of which approximately 0.866 acres lies in a public road.

#### Tract 2:

Field notes for the survey of a certain lot, tract, or parcel of land being 146.710 acres out of the J. Chambers Survey A-165 and 108.116 acres out of the William H. Nelson Survey A-678 in Hill County, Texas. Said land is a part of that certain 260.208 acre tract described in a deed from John Artie McPherson et ux, Linda Carolyn McPherson to Wendell Ray McPherson recorded in Volume 727, Page 510, a part of that certain 148,586 acre tract described in a deed from Helen S. Hodge and J. Calvin Hodge to John McPherson and Wendell McPherson recorded in Volume 732, Page 359, and a part of that certain 2.0 acre tract described in a deed from W. T. Horn et ux, Charlsie Horn to W. L. McPherson, et al recorded in Volume 561, Page 633 of the Deed Records of Hill County, more particularly described as follows:

BEGINNING at a 6" cedar fence corner post found on the east bank of the Brazos River for the occupied northwest corner of the J. Chambers Survey A-165, for the occupied southwest corner of the William Brooks Survey A-1, for the southwest corner of that certain 106.47 acre tract described in a deed to Charles Matthews recorded in Volume 557, Page 537 of the Deed Records of Hill County, for the northwest corner of said 260.208 acre tract, and for the northwest corner of this;

THENCE with the occupied south line of said Brooks Survey, with the occupied north line of said Chambers Survey, with the north line of said 260208 acre tract, and partially along a fence, N59°47'34"E

2395.35 feet to a 1/2" iron rod found in the north line of HCR #2201 for the southeast corner of said Matthews tract and for the southwest corner of that certain 90 acre tract described in a deed to Kenneth H. Bureson recorded in Volume 513, Page 652 of the Deed Records of Hill County;

THENCE continuing with the occupied south line of said Brooks Survey, with the occupied north line of said Chambers survey, and with the north line of said 260.208 acre tract, N59°45'48"E 1833.56 feet to a 1/2" iron rod found in the center of said county road for the southeast corner of said Bureson tract and for the southwest corner of that certain 20.20 acre tract described in a deed to Garland R. Lively recorded in Volume 669, Page 323 of the Deed Records of Hill County;

THENCE continuing with said occupied Survey lines and generally along the center of HCR #2201, N58°51'10"E, at 1394.03 feet passing a 1/2" iron rod found for the southeast corner of that certain 2.248 acre tract described in a deed to Jeanne C. Dickson recorded in Volume 1673, Page 813 of the Official Public Records of Hill County, in all a distance of 2077.42 feet to a 1/2" iron rod found at the intersection of the center of HCR #2201 with the center of HCR #2200 for the northeast corner of said 260.208 acre tract and for the northeast corner of this;

THENCE generally along the center of HCR #2200 S30°20'19"E 51.05 feet to a cotton spindle found for the northwest corner of that certain 278.146 acre tract described in a deed to C & G Realty E, LLC recorded in Volume 1771, Page 332 of the Official Public Records of Hill County;

THENCE continuing with the center of HCR #2200 and with the west line of said C & G Realty E, LLC tract, S26°13'24"E 166.80 feet to a 1/2" iron rod found, and S30°17'10"E 555.03 feet to 1/2" iron rod found for the northeast corner of that certain 3.000 acre tract described in a deed to Ronnie Hasty recorded in Volume 1283, Page 178 of the Official Public Records of Hill County, for an outside ell corner of said 260.208 acre tract, and for the most easterly southeast corner of this;

THENCE generally along a fence as extended, S59°35'44"W at 15.50 feet passing a 5/8" iron rod found at a fence corner for reference, in all a distance of 475.20 feet to a 6" cedar fence corner post found for the northwest corner of said Hasty tract, for an inside ell corner of said 260.208 acre tract, and for an inside ell corner of this;

THENCE generally along a fence and with the extension thereof, S30°17'09"E 275.00 feet to 5/8" iron rod found in the south line of said Chambers Survey, in the north line of the W. Nelson Survey A-678, and in the north line of that certain 2.830 acre tract described in a deed to George Albert Wilhite, Jr. recorded in Volume 1760, Page 663 of the Official Public Records of Hill County for the southwest corner of said Hasty tract, for an outside ell corner of said 260.208 acre tract and for an outside ell corner of this;

THENCE with said survey line and partially along a fence, S59°35'20"W 534.56 feet to a 2" iron pipe fence corner post found for the northwest corner of said Wilhite tract, for an inside ell corner of said 260.208 acre tract, and for an outside ell corner of that certain 2.040 acre tract described in a deed to Lucas Wayne Montgomery recorded in Volume 1725, Page 272 of the Official Public Records of Hill County and S60°04'15"W 70.77 feet to a 5/8" iron rod found for the northwest corner of said 2.040 acre tract and for an inside ell corner of this;

THENCE S19°42'18"E, at 207.64 feet passing the southwest corner of said 2.040 acre tract and the northwest corner of that certain 5.342 acre tract described in a deed to Lucas Wayne Montgomery recorded in Volume 1725, Page 278 of the Official Public Records of Hill County, in all a distance of 704.35 feet to a 5/8" iron rod found in the south line of said 260.208 acre tract and in a north line of said C & G Realty E tract for an outside ell corner of said 5.342 acre tract and for an outside ell corner of this;

THENCE S59°40'16"W 373.94 feet to a 5/8" iron rod found for an outside ell corner of said C & G tract, for an outside ell corner of said 260.208 acre tract, and for an inside ell corner of this;

THENCE S30°19'44"E 150.00 feet to a railroad spike found for an inside ell corner of said C & G tract, for an outside ell corner of said 260.208 acre tract, and for the most southerly southeast corner of this;

THENCE S59°40'16"W 5166.16 feet to a 5/8" iron rod found on the east bank of the Brazos River for the most westerly northwest corner of said C & G tract, for the southwest corner of said 260.208 acre tract, and for the southwest corner of this, said rod being N21°55'38"W 50.54 feet from a 5/8" iron rod found for the southwest corner of said C & G tract;

THENCE generally along the east bank of the Brazos River and generally along a fence, N21°55'38"W 891.66 feet to a 6" cedar fence corner post found for the an outside ell corner of said 260.208 acre tract and for an outside ell corner of this;

THENCE generally along a fence N67°24'22"E 10.05 feet to a 6" cedar fence corner post found for an inside ell corner of said 260.208 acre tract and for an inside ell corner of this;

THENCE generally along the east bank of the Brazos River and generally along a fence, N12°33'38"W 1037.72 feet to the place of beginning, containing 254.826 acres of land, of which approximately 2.282 acres lies within public roads.

\$70.00



**ASSIGNMENT OF WATER RIGHTS**

**THIS ASSIGNMENT OF WATER RIGHTS**, made and entered into by and between C&G Realty E, LLC, a Texas limited liability company, (collectively "Assignor"), and C&G Realty B, LLC, a Texas limited liability company ("Assignee"); and shall be for the benefit of Hard Investments, LLC, a Texas limited liability company ("Beneficiary");

**WITNESSETH:**

WHEREAS, Assignor is the owner of certain water rights associated with the real property described on Exhibit "A" attached hereto and made a part hereof for all purposes (the "Property"); and

WHEREAS, Assignor was granted certain water rights associated with the Property and said rights are governed and administered by the Texas Commission on Environmental Quality (herein the "TCEQ"); and

WHEREAS, Assignor desires to assign all of Assignor's right, title and interest as owner of the Water Rights to Assignee including, but not limited to, the rights described in that one certain Certificate of Adjudication No. 12-4318 D as amended in that one certain TEQ Interoffice Memorandum dated July 15, 2015., and Assignee desires to accept the assignment thereof;

WHEREAS, Assignor and Assignee each desire to make this assignment for the express benefit of Beneficiary to confirm the conveyance as between Assignor and Assignee is intended to and shall hereinafter vest Assignor and Assignee with all water rights owned by each entity to be subsequently fully conveyed to Beneficiary;

NOW, THEREFORE, for the sum of Ten and *No/100* Dollars (\$10.00) and other good and valuable consideration in hand paid by Assignee to Assignor, the receipt and sufficiency of which are hereby acknowledged, and in further consideration of the premises and conditions contained herein, the parties hereto do hereby agree as follows:

1. Assignor hereby transfers, assigns and conveys to Assignee all of Assignor's rights and interests as owner of the water rights as described hereinabove controlled by TCEQ and this assignment for the further express benefit of Beneficiary, and confirms the conveyance as between Assignor and Assignee is intended to and shall hereinafter vest Assignor and Assignee with all water rights owned by Assignor and Assignee which are transferred, assigned and conveyed to Beneficiary.

2. This Agreement shall be construed and enforced in accordance with and governed by the laws of the State of Texas, without regard to conflicts of law principles, and the laws of the United States applicable in Texas.

3. Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective, valid and enforceable under applicable law, but if any provision of this Agreement shall be prohibited by, or invalid or unenforceable under, applicable law, then (i) the parties hereto agree that they will amend such provisions by the minimal amount necessary to bring such provisions within the ambit of enforceability, and (ii) the court may, at the request of either party, revise, reform or reconstruct such provisions in a manner sufficient to cause them to be enforceable. In no event shall any prohibition against, or the invalidity or unenforceability of, any provision hereof affect the validity or enforceability of any other provision hereof.

4. This Agreement may be amended or modified only by a written instrument signed by both of the parties.

5. Each of the parties hereto shall perform such actions and deliver or cause to be delivered any and all such documents, instruments and agreements as the other party hereto may reasonably request for the purpose of fully and effectively carrying out this Agreement and the assignment contemplated hereby.

6. This Assignment shall be effective upon the execution hereof by the parties, and recordation of same in the public records of Hill County Clerk's Office.

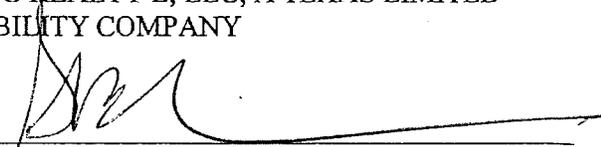
7. This Assignment shall be binding on and inure to the benefit of Assignor and Assignee, and their respective successors and assigns.

8. Assignor and Assignee understand that TCEQ may require additional documentation to complete the transfer of the water rights described herein and agree to cooperate in completing the registration of this Assignment with TCEQ.

EXECUTED on the dates set forth in the notary acknowledgments below, to be effective as of October 30, 2020.

**ASSIGNOR:**

C & G REALTY E, LLC, A TEXAS LIMITED  
LIABILITY COMPANY

BY: 

GARY B. HUMPHREYS, MEMBER

**ASSIGNEE**

C & G REALTY B, LLC, A TEXAS LIMITED LIABILITY COMPANY

BY: \_\_\_\_\_

GARY B. HUMPHREYS, MEMBER

**BENEFICIARY**

HARD INVESTMENTS, LLC, A TEXAS LIMITED LIABILITY COMPANY

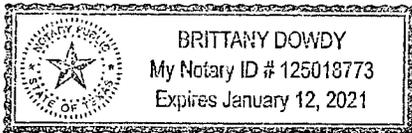
BY: \_\_\_\_\_

LANCE REINHARD, MANAGER

THE STATE OF TEXAS

COUNTY OF Tarrant

This instrument was acknowledged before me on the 30 day of Oct, 2020 by Gary B. Humphreys, Member of C & G Realty E, LLC, a Texas limited liability company, on behalf of said entity.

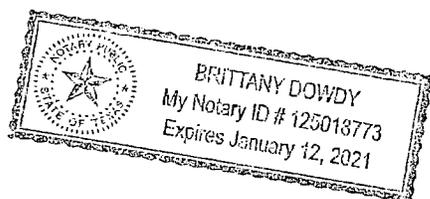


Brittany Dowdy  
Notary Public, State of Texas

THE STATE OF TEXAS

COUNTY OF Tarrant

This instrument was acknowledged before me on the 30 day of Oct., 2020 by Gary B. Humphreys, Member of C & G Realty B, LLC, a Texas limited liability company, on behalf of said entity.



Brittany Dowdy  
Notary Public, State of Texas

THE STATE OF TEXAS

COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2020 by Lance Reinhard, Manager of Hard Investments, LLC, a Texas limited liability company, on behalf of said entity.

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

**ASSIGNEE**

C & G REALTY B, LLC, A TEXAS LIMITED  
LIABILITY COMPANY

BY: \_\_\_\_\_  
GARY B. HUMPHREYS, MEMBER

**BENEFICIARY**

HARD INVESTMENTS, LLC, A TEXAS LIMITED  
LIABILITY COMPANY

BY: \_\_\_\_\_  
LANCE REINHARD, MANAGER

THE STATE OF TEXAS

COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2020  
by Gary B. Humphreys, Member of C & G Realty E, LLC, a Texas limited liability company, on  
behalf of said entity.

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

THE STATE OF TEXAS

COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2020 by Gary B. Humphreys, Member of C & G Realty B, LLC, a Texas limited liability company, on behalf of said entity.

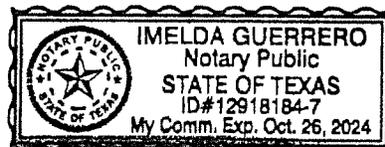
\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS

COUNTY OF McCombs

This instrument was acknowledged before me on the 30<sup>th</sup> day of October, 2020 by Lance Reinhard, Manager of Hard Investments, LLC, a Texas limited liability company, on behalf of said entity.

Imelda Guerrero  
Notary Public, State of Texas



## EXHIBIT "A" LEGAL DESCRIPTION

Tract 1:

Field notes for the survey of a certain lot, tract, or parcel of land being 117.480 acres out of the J. Chambers Survey A-165 and 125.666 acres out of the William H. Nelson Survey A-678 in Hill County, Texas. Said land is a part of that certain 278.146 acre tract described in a deed from John Artie McPherson et ux, Linda Carolyn McPherson to C&G Realty E, LLC recorded in Volume 1771, Page 332 of the Official Public Records of Hill County, more particularly described as follows:

BEGINNING at a cotton spindle found in the center of HCR #2200 and in the east line of that certain 254.826 acre tract described in a deed to G&C Realty B, LLC recorded in Volume 1808, Page 734 of the Official Public Records of Hill County for the northwest corner of said 278.146 acre tract and for the northwest corner of this, said spindle being S30°20'19"E 51.05 feet from a 1/2" iron rod found in the north line of said Chambers Survey and in the south line of the William Brooks Survey A-1 for the northeast corner of said 254.826 acre tract, from which a 6" cedar fence corner post found for the occupied northwest corner of said Chambers Survey on the east bank of the Brazos River bears S58°51'10"W 2077.42 feet, S59°45'48"W 1833.56 feet, and S59°47'34"W 2395.35 feet:

THENCE N55°29'47"E, at 53.60 feet passing a 1/2" iron rod found for the southwest corner of that certain 0.82 acre tract described in a deed to the State of Texas recorded in Volume 512, Page 369 of the Deed Records of Hill County, in all a distance of 201.40 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found in the south line of said 0.82 acre tract and in the south line of F.M. Highway 1304 for the beginning of a curve to the right;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 0.82 acre tract, generally along a fence, and along said curve having a radius of 5669.58 feet, N57°29'48"E for a chord distance of 395.73 feet, an arc distance of 395.81 feet, to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the end of said curve;

THENCE continuing with the south line of F.M. Highway 1304 and generally along a fence, N59°34'00"E 1424.97 feet to a 4" iron pipe fence corner post found at the intersection of the south line of F.M. Highway 1304 with the west line of that certain 10.0 acre tract described in a deed to Michael McKibben recorded in Volume 2045, Page 601 of the Official Public Records of Hill County for the southeast corner of said 0.82 acre tract, for the an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE generally along a fence, S31°04'08"E 1031.02 feet to a 4" iron pipe fence corner post found for the southwest corner of said McKibben tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along a fence, N60°39'11"E 412.94 feet to a 4" iron pipe fence corner post found for the southeast corner of said McKibben tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE with the east line of said McKibben tract and generally along a fence, N31°04'04"W 766.06 feet to a 5/8" iron rod found in a fence line for the southwest corner of that certain 2.000 acre tract described

in a deed to Louis L. Thiele recorded in Volume 1624, Page 808 of the Official Public Records of Hill County and for an outside ell corner of this;

THENCE generally along a fence, N59°38'22"E 319.09 feet to a 4" cedar fence corner post found for the southeast corner of said Thiele tract and for an inside ell corner of said 278.146 acre tract and for an inside ell corner of this;

THENCE generally along a fence, N31°04'24"W 273.20 feet to a 5/8" iron rod found at a fence corner in the south line of FM. Highway 1304, and in the south line of that certain 2.16 acre tract described in a deed to the State of Texas recorded in Volume 511, Page 806 of the Deed Records of Hill County for the northeast corner of said Thiele tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE with the south line of F. M. Highway 1304 and with the south line of said 2.16 acre tract, N59°34'00"E 728.77 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found and N59°44'00"E 1172.60 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the beginning of a curve to the left;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 2.16 acre tract, and along said curve having a radius of 11519.16 feet, N59°05'00"E for a chord distance of 271.30 feet, an arc distance of 271.31 feet, to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the end of said curve;

THENCE continuing with the south line of F.M. Highway 1304 and with the south line of said 2.16 acre tract, N58°26'00"E 338.20 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the beginning of a curve to the right;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 2.16 acre tract, and along said curve having a radius of 11399.16 feet, N58°29'03"E for a chord distance of 175.55 feet, an arc distance of 175.55 feet to a 12" cedar fence corner post found for the northwest corner of that certain 1.01 acre tract described in a deed to Donald Horn recorded in Volume 561, Page 636 of the Deed Records of Hill County, for the northeast corner of said 278.146 acre tract, and for the northeast corner of this;

THENCE generally along a fence, S30°09'45"E 1418.20 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found at a fence corner for the southwest corner of said Horn 1.01 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along a fence, N58°31'13"E 31.01 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found at an old fence corner post in the west line of that certain 65 acre tract described in a deed to Donald Dean Horn recorded in Volume 453, Page 184 of the Deed Records of Hill County for the southeast corner of said 1.01 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE with the west line of said 65 acre Horn tract, with the east line of said 278.146 acre tract, and generally along a fence, S28°35'29"E 378.95 feet to a 5/8" iron rod set for the northeast corner of that certain 35.000 acre tract described in a deed to Armando Ortega recorded in Volume 2046, Page 148 of the Official Public Records of Hill County and for the southeast corner of this, said rod being N28°35'29"W 1038.78 feet from a 4" iron pipe fence corner post found for the southeast corner of said 278.146 acre tract;

THENCE S59°40'56"W 1478.31 feet to a 1/2" iron rod set in the east line of that certain 24 foot easement tract described in a deed recorded in Volume 1771, Page 332 of the Official Public Records of Hill County

for the northwest corner of said 35.000 acre tract and for an inside ell corner of this, said rod being S29°33'42"E 11.03 feet from a bend in the east line of said 24 foot easement;

THENCE with the east line of said easement, S29°33'42"E 36.77 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found, S29°45'47"E 452.74 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said 24 foot easement;

THENCE with the east line of an existing access road, S32°08'20"E 263.92 feet to a 1/2" iron rod set;

THENCE S08°11'13"E 59.59 feet to a 1/2" iron rod set in the east line of that certain tract described in a deed to Methodist Episcopal Church South (Old Lebanon Cemetery) recorded in Volume "N", Page 421 of the Deed Records of Hill County, said rod being N30°53'36"W 229.84 feet from a cotton spindle found set in top of an old cedar fence corner post broken off flush with the ground for the southeast corner of said Cemetery trac and for an outside ell corner of said 278.146 acre tract;

THENCE N30°53'36"W 669.16 feet to a 6" cedar fence corner post found for the northeast corner of that certain 200 acre tract described in a deed to Andrea Holt recorded in Volume 1128, Page 772 of the Official Public Records of Hill County, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along a fence and with the occupied north line of said Holt tract, S59°38'33"W 4782.87 feet to a 6" cedar fence corner post found in the east line of HCR #2200, S60°46'12"W 44.86 feet to a 4" cedar fence corner post found in the west line of HCR #2200, and S59°40'16"W 5893.55 feet to a 4" cedar fence corner post found on the east bank of the Brazos River for the southwest corner of said 278.146 acre tract and for the southwest corner of this;

THENCE with the east bank of the Brazos River, N21°55'38"W 50.54 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southwest corner of said 254.826 acre tract, for the most westerly northwest corner of said 278.146 acre tract, and for the most westerly northwest corner of this;

THENCE N59°40'16"E 5166.16 feet to a railroad spike found for an outside ell corner of said 254.826 acre tract, for an inside ell corner of said 278.146 acre tract, and for inside ell corner of this;

THENCE N30°19'44"W 150.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for an inside ell corner of said 254.826 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE N59°40'16"E, at 373.94 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said 254.826 acre tract and for an outside ell corner of that certain 5.342 acre tract described in a deed to C&G Realty B, LLC recorded in Volume 1863, Page 535 of the Official Public Records of Hill County, in all a distance of 420.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for an inside ell corner of said 5.342 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE S30°19'44"E 150.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southwest corner of said 5.342 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE N59°40'16"E, at 311.61 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for reference, in all a distance of 332.79 feet to a 1/2" iron rod found in the center of HCR #2200 for the southeast corner of said 5.342 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along the center of HCR #2200 the following courses and distances:

N18°52'34"W 139.01 feet to a 1/2" iron rod found;

N18°31'29"W 161.23 feet to a 5/8" iron rod found; and

N12°07'43"E, at 176.61 feet passing a 1/2" iron rod found for the northeast corner of said 5.342 acre tract and for the southeast corner of that certain 2.040 acre tract described in said deed recorded in Volume 1863, Page 535, in all a distance of 346.67 feet to a railroad spike set in the south line of that certain 2.830 acre tract described in a deed to George Albert Wilhite, Jr. recorded in Volume 1760, Page 663 for the northeast corner of said 2.040 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE N50°24'45"E, at 171.06 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said Wilhite tract and for the southwest corner of that certain 2.401 acre tract described in a deed to Janet Elizabeth Anderson recorded in Volume 1735, Page 13 of the Official Public Records of Hill County, in all a distance of 251.50 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found in the south line of HCR #2200 and N58°54'04"E 291.02 feet to a 1/2" iron rod found at a fence corner for the southeast corner of said Hill Tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE with the east line of HCR #2200, N27°55'42"W 249.10 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the northeast corner of said Hill tract, for an outside ell corner of said 278.146 acre tract and for an inside ell corner of this;

THENCE S59°36'13"W 12.73 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of that certain 3.000 acre tract described in a deed to Ronnie Hasty recorded in Volume 1283, Page 178 of the Official Public Records of Hill County, for an outside ell corner of said 278,146 acre tract, and for an outside ell corner of this;

THENCE with the center of HCR #2200, N30°17'10"W, at 275.07 feet passing a 1/2" iron rod found for the northeast corner of said Hasty tract, in all a distance of 830.10 feet to a 1/2" iron rod found and N26°13'24"W 166.80 feet to the point of beginning containing 243.146 acres of land, of which approximately 0.866 acres lies in a public road.

Tract 2:

Field notes for the survey of a certain lot, tract, or parcel of land being 146.710 acres out of the J. Chambers Survey A-165 and 108.116 acres out of the William H. Nelson Survey A-678 in Hill County, Texas. Said land is a part of that certain 260.208 acre tract described in a deed from John Artie McPherson et ux, Linda Carolyn McPherson to Wendell Ray McPherson recorded in Volume 727, Page 510, a part of that certain 148.586 acre tract described in a deed from Helen S. Hodge and J. Calvin Hodge to John McPherson and Wendell McPherson recorded in Volume 732, Page 359, and a part of that certain 2.0 acre tract described in a deed from W. T. Horn et ux, Charlise Horn to W. L. McPherson, et al recorded in Volume 561, Page 633 of the Deed Records of Hill County, more particularly described as follows:

BEGINNING at a 6" cedar fence corner post found on the east bank of the Brazos River for the occupied northwest corner of the J. Chambers Survey A-165, for the occupied southwest corner of the William Brooks Survey A-1, for the southwest corner of that certain 106.47 acre tract described in a deed to Charles Matthews recorded in Volume 557, Page 537 of the Deed Records of Hill County, for the northwest corner of said 260.208 acre tract, and for the northwest corner of this;

THENCE with the occupied south line of said Brooks Survey, with the occupied north line of said Chambers Survey, with the north line of said 260.208 acre tract, and partially along a fence, N59°47'34"E

2395.35 feet to a 1/2" iron rod found in the north line of HCR #2201 for the southeast corner of said Matthews tract and for the southwest corner of that certain 90 acre tract described in a deed to Kenneth H. Burleson recorded in Volume 513, Page 652 of the Deed Records of Hill County;

THENCE continuing with the occupied south line of said Brooks Survey, with the occupied north line of said Chambers survey, and with the north line of said 260.208 acre tract, N59°45'48"E 1833.56 feet to a 1/2" iron rod found in the center of said county road for the southeast corner of said Burleson tract and for the southwest corner of that certain 20.20 acre tract described in a deed to Garland R. Lively recorded in Volume 669, Page 323 of the Deed Records of Hill County;

THENCE continuing with said occupied Survey lines and generally along the center of HCR #2201, N58°51'10"E, at 1394.03 feet passing a 1/2" iron rod found for the southeast corner of that certain 2.248 acre tract described in a deed to Jeanne C. Dickson recorded in Volume 1673, Page 813 of the Official Public Records of Hill County, in all a distance of 2077.42 feet to a 1/2" iron rod found at the intersection of the center of HCR #2201 with the center of HCR #2200 for the northeast corner of said 260.208 acre tract and for the northeast corner of this;

THENCE generally along the center of HCR #2200 S30°20'19"E 51.05 feet to a cotton spindle found for the northwest corner of that certain 278.146 acre tract described in a deed to C & G Realty E, LLC recorded in Volume 1771, Page 332 of the Official Public Records of Hill County;

THENCE continuing with the center of HCR #2200 and with the west line of said C & G Realty E, LLC tract, S26°13'24"E 166.80 feet to a 1/2" iron rod found, and S30°17'10"E 555.03 feet to 1/2" iron rod found for the northeast corner of that certain 3.000 acre tract described in a deed to Ronnie Hasty recorded in Volume 1283, Page 178 of the Official Public Records of Hill County, for an outside ell corner of said 260.208 acre tract, and for the most easterly southeast corner of this;

THENCE generally along a fence as extended, S59°35'44"W at 15.50 feet passing a 5/8" iron rod found at a fence corner for reference, in all a distance of 475.20 feet to a 6" cedar fence corner post found for the northwest corner of said Hasty tract, for an inside ell corner of said 260.208 acre tract, and for an inside ell corner of this;

THENCE generally along a fence and with the extension thereof, S30°17'09"E 275.00 feet to 5/8" iron rod found in the south line of said Chambers Survey, in the north line of the W. Nelson Survey A-678, and in the north line of that certain 2.830 acre tract described in a deed to George Albert Wilhite, Jr. recorded in Volume 1760, Page 663 of the Official Public Records of Hill County for the southwest corner of said Hasty tract, for an outside ell corner of said 260.208 acre tract and for an outside ell corner of this;

THENCE with said survey line and partially along a fence, S59°35'20"W 534.56 feet to a 2" iron pipe fence corner post found for the northwest corner of said Wilhite tract, for an inside ell corner of said 260.208 acre tract, and for an outside ell corner of that certain 2.040 acre tract described in a deed to Lucas Wayne Montgomery recorded in Volume 1725, Page 272 of the Official Public Records of Hill County and S60°04'15"W 70.77 feet to a 5/8" iron rod found for the northwest corner of said 2.040 acre tract and for an inside ell corner of this;

THENCE S19°42'18"E, at 207.64 feet passing the southwest corner of said 2.040 acre tract and the northwest corner of that certain 5.342 acre tract described in a deed to Lucas Wayne Montgomery recorded in Volume 1725, Page 278 of the Official Public Records of Hill County, in all a distance of 704.35 feet to a 5/8" iron rod found in the south line of said 260.208 acre tract and in a north line of said C & G Realty E tract for an outside ell corner of said 5.342 acre tract and for an outside ell corner of this;

THENCE S59°40'16"W 373.94 feet to a 5/8" iron rod found for an outside ell corner of said C & G tract, for an outside ell corner of said 260.208 acre tract, and for an inside ell corner of this;

THENCE S30°19'44"E 150.00 feet to a railroad spike found for an inside ell corner of said C & G tract, for an outside ell corner of said 260.208 acre tract, and for the most southerly southeast corner of this;

THENCE S59°40'16"W 5166.16 feet to a 5/8" iron rod found on the east bank of the Brazos River for the most westerly northwest corner of said C & G tract, for the southwest corner of said 260.208 acre tract, and for the southwest corner of this, said rod being N21°55'38"W 50.54 feet from a 5/8" iron rod found for the southwest corner of said C & G tract;

THENCE generally along the east bank of the Brazos River and generally along a fence, N21°55'38"W 891.66 feet to a 6" cedar fence corner post found for the an outside ell corner of said 260.208 acre tract and for an outside ell corner of this;

THENCE generally along a fence N67°24'22"E 10.05 feet to a 6" cedar fence corner post found for an inside ell corner of said 260.208 acre tract and for an inside ell corner of this;

THENCE generally along the east bank of the Brazos River and generally along a fence, N12°33'38"W 1037.72 feet to the place of beginning, containing 254.826 acres of land, of which approximately 2.282 acres lies within public roads.

\$66



**ASSIGNMENT OF WATER RIGHTS**

**THIS ASSIGNMENT OF WATER RIGHTS**, made and entered into by and between C&G Realty B, LLC, a Texas limited liability company, (collectively "Assignor"), and Hard Investments, LLC, a Texas limited liability company ("Assignee");

**WITNESSETH:**

WHEREAS, Assignor is the owner of certain water rights associated with the real property described on Exhibit "A" attached hereto and made a part hereof for all purposes (the "Property"); and

WHEREAS, by Warranty Deed dated October 30, 2020, recorded in the Office of the County Clerk of Hill County, Texas, under Clerk's File No. V. 2076, P 390 Assignee acquired all of Assignor's right, title and interest in the Property then owned by Assignor;

WHEREAS, Assignor was granted certain water rights associated with the Property and said rights are governed and administered by the Texas Commission on Environmental Quality (herein the "TCEQ"; and

WHEREAS, Assignor desires to assign all of Assignor's right, title and interest as owner of the Water Rights to Assignee including, but not limited to, the rights described in that one certain Certificate of Adjudication No. 12-4318 D as amended in that one certain TEQ Interoffice Memorandum dated July 15, 2015, and Assignee desires to accept the assignment thereof;

NOW, THEREFORE, for the sum of Ten and *No/100* Dollars (\$10.00) and other good and valuable consideration in hand paid by Assignee to Assignor, the receipt and sufficiency of which are hereby acknowledged, and in further consideration of the premises and conditions contained herein, the parties hereto do hereby agree as follows:

1. Assignor hereby transfers, assigns and conveys to Assignee all of Assignor's rights and interests as owner of the water rights as described hereinabove controlled by TCEQ.

2. This Agreement shall be construed and enforced in accordance with and governed by the laws of the State of Texas, without regard to conflicts of law principles, and the laws of the United States applicable in Texas.

3. Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective, valid and enforceable under applicable law, but if any provision of this Agreement shall be prohibited by, or invalid or unenforceable under, applicable law, then (i) the parties hereto agree that they will amend such provisions by the minimal amount necessary to bring such provisions within the ambit of enforceability, and (ii) the court may, at the request of either party, revise, reform or reconstruct such provisions in a manner sufficient to cause them to be enforceable. In no event shall any prohibition against, or the invalidity or unenforceability of, any provision hereof affect the validity or enforceability of any other provision hereof.

4. This Agreement may be amended or modified only by a written instrument signed by both of the parties.

5. Each of the parties hereto shall perform such actions and deliver or cause to be delivered any and all such documents, instruments and agreements as the other party hereto may reasonably request for the purpose of fully and effectively carrying out this Agreement and the assignment contemplated hereby.

6. This Assignment shall be effective upon the execution hereof by the parties, and recordation of same in the public records of Hill County Clerk's Office.

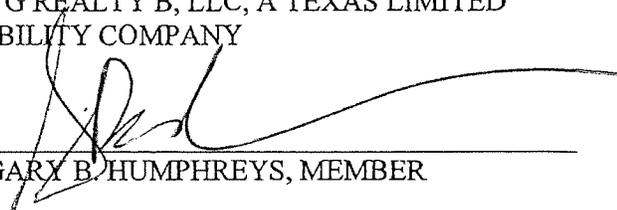
7. This Assignment shall be binding on and inure to the benefit of Assignor and Assignee, and their respective successors and assigns.

8. Assignor and Assignee understand that TCEQ may require additional documentation to complete the transfer of the water rights described herein and agree to cooperate in completing the registration of this Assignment with TCEQ.

EXECUTED on the dates set forth in the notary acknowledgments below, to be effective as of October 30, 2020.

**ASSIGNOR:**

C & G REALTY B, LLC, A TEXAS LIMITED  
LIABILITY COMPANY

BY: 

GARY B. HUMPHREYS, MEMBER

**ASSIGNEE**

HARD INVESTMENTS, LLC, A TEXAS LIMITED  
LIABILITY COMPANY

BY: \_\_\_\_\_

LANCE REINHARD, MANAGER

4. This Agreement may be amended or modified only by a written instrument signed by both of the parties.

5. Each of the parties hereto shall perform such actions and deliver or cause to be delivered any and all such documents, instruments and agreements as the other party hereto may reasonably request for the purpose of fully and effectively carrying out this Agreement and the assignment contemplated hereby.

6. This Assignment shall be effective upon the execution hereof by the parties, and recordation of same in the public records of Hill County Clerk's Office.

7. This Assignment shall be binding on and inure to the benefit of Assignor and Assignee, and their respective successors and assigns.

8. Assignor and Assignee understand that TCEQ may require additional documentation to complete the transfer of the water rights described herein and agree to cooperate in completing the registration of this Assignment with TCEQ.

EXECUTED on the dates set forth in the notary acknowledgments below, to be effective as of October 30, 2020.

**ASSIGNOR:**

C & G REALTY B, LLC, A TEXAS LIMITED  
LIABILITY COMPANY

BY: \_\_\_\_\_  
GARY B. HUMPHREYS, MEMBER

**ASSIGNEE**

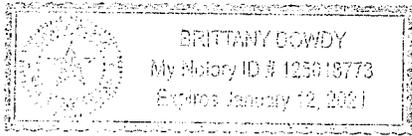
HARD INVESTMENTS, LLC, A TEXAS LIMITED  
LIABILITY COMPANY

BY:  \_\_\_\_\_  
LANCE REINHARD, MANAGER

THE STATE OF TEXAS

COUNTY OF Jurran

This instrument was acknowledged before me on the 30 day of Oct. 2020, 2020 by Gary B. Humphreys, Member of C & G Realty B, LLC, a Texas limited liability company, on behalf of said entity.



Britt Dowdy  
Notary Public, State of Texas

THE STATE OF TEXAS

COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2020 by Lance Reinhard, Manager of Hard Investments, LLC, a Texas limited liability company, on behalf of said entity.

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

AFTER RECORDING RETURN TO:  
Hard Investments, LLC  
cb Stewart The  
201 W. Burford, #103  
Bueleson TX 76028

THE STATE OF TEXAS

COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2020 by Gary B. Humphreys, Member of C & G Realty B, LLC, a Texas limited liability company, on behalf of said entity.

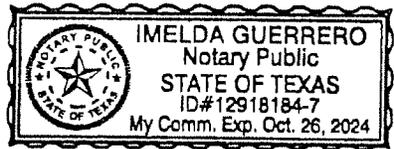
\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS

COUNTY OF McPherson

This instrument was acknowledged before me on the 3<sup>rd</sup> day of October, 2020 by Lance Reinhard, Manager of Hard Investments, LLC, a Texas limited liability company, on behalf of said entity.

Imelda Guerrero  
Notary Public, State of Texas



AFTER RECORDING RETURN TO:

Hard Investments, LLC  
c/o Stewart Title  
201 W. Buffalo  
#103  
Bucarest, TX 76020

## EXHIBIT "A" LEGAL DESCRIPTION

Tract 1:

Field notes for the survey of a certain lot, tract, or parcel of land being 117.480 acres out of the J. Chambers Survey A-165 and 125.666 acres out of the William H. Nelson Survey A-678 in Hill County, Texas. Said land is a part of that certain 278.146 acre tract described in a deed from John Artie McPherson et ux, Linda Carolyn McPherson to C&G Realty E, LLC recorded in Volume 1771, Page 332 of the Official Public Records of Hill County, more particularly described as follows:

BEGINNING at a cotton spindle found in the center of HCR #2200 and in the east line of that certain 254.826 acre tract described in a deed to G&C Realty B, LLC recorded in Volume 1808, Page 734 of the Official Public Records of Hill County for the northwest corner of said 278.146 acre tract and for the northwest corner of this, said spindle being S30°20'19"E 51.05 feet from a 1/2" iron rod found in the north line of said Chambers Survey and in the south line of the William Brooks Survey A-1 for the northeast corner of said 254.826 acre tract, from which a 6" cedar fence corner post found for the occupied northwest corner of said Chambers Survey on the east bank of the Brazos River bears S58°51'10"W 2077.42 feet, S59°45'48"W 1833.56 feet, and S59°47'34"W 2395.35 feet:

THENCE N55°29'47"E, at 53.60 feet passing a 1/2" iron rod found for the southwest corner of that certain 0.82 acre tract described in a deed to the State of Texas recorded in Volume 512, Page 369 of the Deed Records of Hill County, in all a distance of 201.40 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found in the south line of said 0.82 acre tract and in the south line of F.M. Highway 1304 for the beginning of a curve to the right;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 0.82 acre tract, generally along a fence, and along said curve having a radius of 5669.58 feet, N57°29'48"E for a chord distance of 395.73 feet, an arc distance of 395.81 feet, to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the end of said curve;

THENCE continuing with the south line of F.M. Highway 1304 and generally along a fence, N59°34'00"E 1424.97 feet to a 4" iron pipe fence corner post found at the intersection of the south line of F.M. Highway 1304 with the west line of that certain 10.0 acre tract described in a deed to Michael McKibben recorded in Volume 2045, Page 601 of the Official Public Records of Hill County for the southeast corner of said 0.82 acre tract, for the an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE generally along a fence, S31°04'08"E 1031.02 feet to a 4" iron pipe fence corner post found for the southwest corner of said McKibben tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along a fence, N60°39'11"E 412.94 feet to a 4" iron pipe fence corner post found for the southeast corner of said McKibben tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE with the east line of said McKibben tract and generally along a fence, N31°04'04"W 766.06 feet to a 5/8" iron rod found in a fence line for the southwest corner of that certain 2.000 acre tract described

in a deed to Louis L. Thiele recorded in Volume 1624, Page 808 of the Official Public Records of Hill County and for an outside ell corner of this;

THENCE generally along a fence, N59°38'22"E 319.09 feet to a 4" cedar fence corner post found for the southeast corner of said Thiele tract and for an inside ell corner of said 278.146 acre tract and for an inside ell corner of this;

THENCE generally along a fence, N31°04'24"W 273.20 feet to a 5/8" iron rod found at a fence corner in the south line of FM. Highway 1304, and in the south line of that certain 2.16 acre tract described in a deed to the State of Texas recorded in Volume 511, Page 806 of the Deed Records of Hill County for the northeast corner of said Thiele tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE with the south line of F. M. Highway 1304 and with the south line of said 2.16 acre tract, N59°34'00"E 728.77 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found and N59°44'00"E 1172.60 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the beginning of a curve to the left;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 2.16 acre tract, and along said curve having a radius of 11519.16 feet, N59°05'00"E for a chord distance of 271.30 feet, an arc distance of 271.31 feet, to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the end of said curve;

THENCE continuing with the south line of F.M. Highway 1304 and with the south line of said 2.16 acre tract, N58°26'00"E 338.20 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the beginning of a curve to the right;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 2.16 acre tract, and along said curve having a radius of 11399.16 feet, N58°29'03"E for a chord distance of 175.55 feet, an arc distance of 175.55 feet to a 12" cedar fence corner post found for the northwest corner of that certain 1.01 acre tract described in a deed to Donald Horn recorded in Volume 561, Page 636 of the Deed Records of Hill County, for the northeast corner of said 278.146 acre tract, and for the northeast corner of this;

THENCE generally along a fence, S30°09'45"E 1418.20 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found at a fence corner for the southwest corner of said Horn 1.01 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along a fence, N58°31'13"E 31.01 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found at an old fence corner post in the west line of that certain 65 acre tract described in a deed to Donald Dean Horn recorded in Volume 453, Page 184 of the Deed Records of Hill County for the southeast corner of said 1.01 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE with the west line of said 65 acre Horn tract, with the east line of said 278.146 acre tract, and generally along a fence, S28°35'29"E 378.95 feet to a 5/8" iron rod set for the northeast corner of that certain 35.000 acre tract described in a deed to Armando Ortega recorded in Volume 2046, Page 148 of the Official Public Records of Hill County and for the southeast corner of this, said rod being N28°35'29"W 1038.78 feet from a 4" iron pipe fence corner post found for the southeast corner of said 278.146 acre tract;

THENCE S59°40'56"W 1478.31 feet to a 1/2" iron rod set in the east line of that certain 24 foot easement tract described in a deed recorded in Volume 1771, Page 332 of the Official Public Records of Hill County

for the northwest corner of said 35.000 acre tract and for an inside ell corner of this, said rod being S29°33'42"E 11.03 feet from a bend in the east line of said 24 foot easement;

THENCE with the east line of said easement, S29°33'42"E 36.77 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found, S29°45'47"E 452.74 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said 24 foot easement;

THENCE with the east line of an existing access road, S32°08'20"E 263.92 feet to a 1/2" iron rod set;

THENCE S08°11'13"E 59.59 feet to a 1/2" iron rod set in the east line of that certain tract described in a deed to Methodist Episcopal Church South (Old Lebanon Cemetery) recorded in Volume "N", Page 421 of the Deed Records of Hill County, said rod being N30°53'36"W 229.84 feet from a cotton spindle found set in top of an old cedar fence corner post broken off flush with the ground for the southeast corner of said Cemetery trac and for an outside ell corner of said 278.146 acre tract;

THENCE N30°53'36"W 669.16 feet to a 6" cedar fence corner post found for the northeast corner of that certain 200 acre tract described in a deed to Andrea Holt recorded in Volume 1128, Page 772 of the Official Public Records of Hill County, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along a fence and with the occupied north line of said Holt tract, S59°38'33"W 4782.87 feet to a 6" cedar fence corner post found in the east line of HCR #2200, S60°46'12"W 44.86 feet to a 4" cedar fence corner post found in the west line of HCR #2200, and S59°40'16"W 5893.55 feet to a 4" cedar fence corner post found on the east bank of the Brazos River for the southwest corner of said 278.146 acre tract and for the southwest corner of this;

THENCE with the east bank of the Brazos River, N21°55'38"W 50.54 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southwest corner of said 254.826 acre tract, for the most westerly northwest corner of said 278.146 acre tract, and for the most westerly northwest corner of this;

THENCE N59°40'16"E 5166.16 feet to a railroad spike found for an outside ell corner of said 254.826 acre tract, for an inside ell corner of said 278.146 acre tract, and for inside ell corner of this;

THENCE N30°19'44"W 150.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for an inside ell corner of said 254.826 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE N59°40'16"E, at 373.94 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said 254.826 acre tract and for an outside ell corner of that certain 5.342 acre tract described in a deed to C&G Realty B, LLC recorded in Volume 1863, Page 535 of the Official Public Records of Hill County, in all a distance of 420.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for an inside ell corner of said 5.342 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE S30°19'44"E 150.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southwest corner of said 5.342 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE N59°40'16"E, at 311.61 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for reference, in all a distance of 332.79 feet to a 1/2" iron rod found in the center of HCR #2200 for the southeast corner of said 5.342 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along the center of HCR #2200 the following courses and distances:

N18°52'34"W 139.01 feet to a 1/2" iron rod found;

N18°31'29"W 161.23 feet to a 5/8" iron rod found; and

N12°07'43"E, at 176.61 feet passing a 1/2" iron rod found for the northeast corner of said 5.342 acre tract and for the southeast corner of that certain 2.040 acre tract described in said deed recorded in Volume 1863, Page 535, in all a distance of 346.67 feet to a railroad spike set in the south line of that certain 2.830 acre tract described in a deed to George Albert Wilhite, Jr. recorded in Volume 1760, Page 663 for the northeast corner of said 2.040 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE N50°24'45"E, at 171.06 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said Wilhite tract and for the southwest corner of that certain 2.401 acre tract described in a deed to Janet Elizabeth Anderson recorded in Volume 1735, Page 13 of the Official Public Records of Hill County, in all a distance of 251.50 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found in the south line of HCR #2200 and N58°54'04"E 291.02 feet to a 1/2" iron rod found at a fence corner for the southeast corner of said Hill Tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE with the east line of HCR #2200, N27°55'42"W 249.10 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the northeast corner of said Hill tract, for an outside ell corner of said 278.146 acre tract and for an inside ell corner of this;

THENCE S59°36'13"W 12.73 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of that certain 3.000 acre tract described in a deed to Ronnie Hasty recorded in Volume 1283, Page 178 of the Official Public Records of Hill County, for an outside ell corner of said 278,146 acre tract, and for an outside ell corner of this;

THENCE with the center of HCR #2200, N30°17'10"W, at 275.07 feet passing a 1/2" iron rod found for the northeast corner of said Hasty tract, in all a distance of 830.10 feet to a 1/2" iron rod found and N26°13'24"W 166.80 feet to the point of beginning containing 243.146 acres of land, of which approximately 0.866 acres lies in a public road.

Tract 2:

Field notes for the survey of a certain lot, tract, or parcel of land being 146.710 acres out of the J. Chambers Survey A-165 and 108.116 acres out of the William H. Nelson Survey A-678 in Hill County, Texas. Said land is a part of that certain 260.208 acre tract described in a deed from John Artie McPherson et ux, Linda Carolyn McPherson to Wendell Ray McPherson recorded in Volume 727, Page 510, a part of that certain 148.586 acre tract described in a deed from Helen S. Hodge and J. Calvin Hodge to John McPherson and Wendell McPherson recorded in Volume 732, Page 359, and a part of that certain 2.0 acre tract described in a deed from W. T. Horn et ux, Charlsie Horn to W. L. McPherson, et al recorded in Volume 561, Page 633 of the Deed Records of Hill County, more particularly described as follows:

BEGINNING at a 6" cedar fence corner post found on the east bank of the Brazos River for the occupied northwest corner of the J. Chambers Survey A-165, for the occupied southwest corner of the William Brooks Survey A-1, for the southwest corner of that certain 106.47 acre tract described in a deed to Charles Matthews recorded in Volume 557, Page 537 of the Deed Records of Hill County, for the northwest corner of said 260.208 acre tract, and for the northwest corner of this;

THENCE with the occupied south line of said Brooks Survey, with the occupied north line of said Chambers Survey, with the north line of said 260.208 acre tract, and partially along a fence, N59°47'34"E

2395.35 feet to a 1/2" iron rod found in the north line of HCR #2201 for the southeast corner of said Matthews tract and for the southwest corner of that certain 90 acre tract described in a deed to Kenneth H. Burleson recorded in Volume 513, Page 652 of the Deed Records of Hill County;

THENCE continuing with the occupied south line of said Brooks Survey, with the occupied north line of said Chambers survey, and with the north line of said 260.208 acre tract, N59°45'48"E 1833.56 feet to a 1/2" iron rod found in the center of said county road for the southeast corner of said Burleson tract and for the southwest corner of that certain 20.20 acre tract described in a deed to Garland R. Lively recorded in Volume 669, Page 323 of the Deed Records of Hill County;

THENCE continuing with said occupied Survey lines and generally along the center of HCR #2201, N58°51'10"E, at 1394.03 feet passing a 1/2" iron rod found for the southeast corner of that certain 2.248 acre tract described in a deed to Jeanne C. Dickson recorded in Volume 1673, Page 813 of the Official Public Records of Hill County, in all a distance of 2077.42 feet to a 1/2" iron rod found at the intersection of the center of HCR #2201 with the center of HCR #2200 for the northeast corner of said 260.208 acre tract and for the northeast corner of this;

THENCE generally along the center of HCR #2200 S30°20'19"E 51.05 feet to a cotton spindle found for the northwest corner of that certain 278.146 acre tract described in a deed to C & G Realty E, LLC recorded in Volume 1771, Page 332 of the Official Public Records of Hill County;

THENCE continuing with the center of HCR #2200 and with the west line of said C & G Realty E, LLC tract, S26°13'24"E 166.80 feet to a 1/2" iron rod found, and S30°17'10"E 555.03 feet to 1/2" iron rod found for the northeast corner of that certain 3.000 acre tract described in a deed to Ronnie Hasty recorded in Volume 1283, Page 178 of the Official Public Records of Hill County, for an outside ell corner of said 260.208 acre tract, and for the most easterly southeast corner of this;

THENCE generally along a fence as extended, S59°35'44"W at 15.50 feet passing a 5/8" iron rod found at a fence corner for reference, in all a distance of 475.20 feet to a 6" cedar fence corner post found for the northwest corner of said Hasty tract, for an inside ell corner of said 260.208 acre tract, and for an inside ell corner of this;

THENCE generally along a fence and with the extension thereof, S30°17'09"E 275.00 feet to 5/8" iron rod found in the south line of said Chambers Survey, in the north line of the W. Nelson Survey A-678, and in the north line of that certain 2.830 acre tract described in a deed to George Albert Wilhite, Jr. recorded in Volume 1760, Page 663 of the Official Public Records of Hill County for the southwest corner of said Hasty tract, for an outside ell corner of said 260.208 acre tract and for an outside ell corner of this;

THENCE with said survey line and partially along a fence, S59°35'20"W 534.56 feet to a 2" iron pipe fence corner post found for the northwest corner of said Wilhite tract, for an inside ell corner of said 260.208 acre tract, and for an outside ell corner of that certain 2.040 acre tract described in a deed to Lucas Wayne Montgomery recorded in Volume 1725, Page 272 of the Official Public Records of Hill County and S60°04'15"W 70.77 feet to a 5/8" iron rod found for the northwest corner of said 2.040 acre tract and for an inside ell corner of this;

THENCE S19°42'18"E, at 207.64 feet passing the southwest corner of said 2.040 acre tract and the northwest corner of that certain 5.342 acre tract described in a deed to Lucas Wayne Montgomery recorded in Volume 1725, Page 278 of the Official Public Records of Hill County, in all a distance of 704.35 feet to a 5/8" iron rod found in the south line of said 260.208 acre tract and in a north line of said C & G Realty E tract for an outside ell corner of said 5.342 acre tract and for an outside ell corner of this;

THENCE S59°40'16"W 373.94 feet to a 5/8" iron rod found for an outside ell corner of said C & G tract, for an outside ell corner of said 260.208 acre tract, and for an inside ell corner of this;

THENCE S30°19'44"E 150.00 feet to a railroad spike found for an inside ell corner of said C & G tract, for an outside ell corner of said 260.208 acre tract, and for the most southerly southeast corner of this;

THENCE S59°40'16"W 5166.16 feet to a 5/8" iron rod found on the east bank of the Brazos River for the most westerly northwest corner of said C & G tract, for the southwest corner of said 260.208 acre tract, and for the southwest corner of this, said rod being N21°55'38"W 50.54 feet from a 5/8" iron rod found for the southwest corner of said C & G tract;

THENCE generally along the east bank of the Brazos River and generally along a fence, N21°55'38"W 891.66 feet to a 6" cedar fence corner post found for the an outside ell corner of said 260.208 acre tract and for an outside ell corner of this;

THENCE generally along a fence N67°24'22"E 10.05 feet to a 6" cedar fence corner post found for an inside ell corner of said 260.208 acre tract and for an inside ell corner of this;

THENCE generally along the east bank of the Brazos River and generally along a fence, N12°33'38"W 1037.72 feet to the place of beginning, containing 254.826 acres of land, of which approximately 2.282 acres lies within public roads.

# 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): BRENT A. NEUHAUS 1994 TRUST; AMY S. NEUHAUS 1994 TRUST; RYAN S. NEUHAUS 1994 TRUST

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

Y/N		Y/N	
<u>Y</u>	<b>Administrative Information Report</b>	<u>Y</u>	<b>Worksheet 3.0</b>
<u>Y</u>	Additional Co-Applicant Information	<u>N</u>	Additional W.S 3.0 for each Point
<u>Y</u>	Additional Co-Applicant Signature Pages	<u>Y</u>	Recorded Deeds for Diversion Points
<u>N/A</u>	Written Evidence of Signature Authority	<u>N/A</u>	Consent For Diversion Access
<u>Y</u>	<b>Technical Information Report</b>	<u>N/A</u>	<b>Worksheet 4.0</b>
<u>Y</u>	USGS Map (or equivalent)	<u>N/A</u>	TPDES Permit(s)
<u>N</u>	Map Showing Project Details	<u>N/A</u>	WWTP Discharge Data
<u>N</u>	Original Photographs	<u>N/A</u>	24-hour Pump Test
<u>N</u>	Water Availability Analysis	<u>N/A</u>	Groundwater Well Permit
<u>Y</u>	<b>Worksheet 1.0</b>	<u>N/A</u>	Signed Water Supply Contract
<u>Y</u>	Recorded Deeds for Irrigated Land	<u>N/A</u>	<b>Worksheet 4.1</b>
<u>N/A</u>	Consent For Irrigation Land	<u>Y</u>	<b>Worksheet 5.0</b>
<u>N/A</u>	<b>Worksheet 1.1</b>	<u>N/A</u>	Addendum to Worksheet 5.0
<u>N/A</u>	Addendum to Worksheet 1.1	<u>Y</u>	<b>Worksheet 6.0</b>
<u>Y</u>	<b>Worksheet 1.2</b>	<u>Y</u>	Water Conservation Plan(s)
<u>Y</u>	Addendum to Worksheet 1.2	<u>N/A</u>	Drought Contingency Plan(s)
<u>N/A</u>	<b>Worksheet 2.0</b>	<u>N/A</u>	Documentation of Adoption
<u>N/A</u>	Additional W.S 2.0 for Each Reservoir	<u>N/A</u>	<b>Worksheet 7.0</b>
<u>N/A</u>	Dam Safety Documents	<u>N/A</u>	Accounting Plan
<u>N/A</u>	Notice(s) to Governing Bodies	<u>Y</u>	<b>Worksheet 8.0</b>
<u>N/A</u>	Recorded Deeds for Inundated Land	<u>Y</u>	Fees
<u>N/A</u>	Consent For Inundation Land		

**For Commission Use Only:**

Proposed/Current Water Right Number: \_\_\_\_\_

Basin: \_\_\_\_\_ Watermaster area Y/N: \_\_\_\_\_

# ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

New Appropriation of State Water

Amendment to a Water Right \*

Bed and Banks

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

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

Applicant requests the commission to change the point of diversion and the place of use of the  
right to divert up to a maximum of 150 acre-feet per annum from the Brazos River, being a  
portion of those water rights evidenced by Certificate of Adjudication No. 12-4318.

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

**a. Applicant**

Indicate the number of Applicants/Co-Applicants 3  
(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?

BRENT A. NEUHAUS 1994 TRUST

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

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?

You may search for your CN on the TCEQ website at

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

CN : 604584011 ( 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: BRENT A. NEUHAUS

Title: Co-Trustee

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

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: BRENT A. NEUHAUS

Mailing Address: 7736 Central Park

City: Waco

State: Texas

ZIP Code: 76712-6535

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:

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

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

### a. Applicant

Indicate the number of Applicants/Co-Applicants 3  
(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?

RYAN S. NEUHAUS 1994 TRUST

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

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?

You may search for your CN on the TCEQ website at

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

CN : 604584029 ( 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: RYAN S. NEUHAUS

Title: Co-Trustee

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

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: RYAN S. NEUHAUS

Mailing Address: 7736 Central Park

City: Waco

State: Texas

ZIP Code: 76712-6535

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:

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

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

**a. Applicant**

Indicate the number of Applicants/Co-Applicants 3  
(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?

AMY S. NEUHAUS 1994 TRUST

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

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?

You may search for your CN on the TCEQ website at

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

CN : 604584003 ( 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: AMY S. KAUFMANN

Title: Co-Trustee

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

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: AMY S. KAUFMANN

Mailing Address: 7736 Central Park

City: Waco

State: Texas

ZIP Code: 76712-6535

Indicate an X next to the type of Applicant:

Individual  Sole Proprietorship-D.B.A.

Partnership  Corporation

Trust  Estate

Federal Government  State Government

County Government  City Government

Other Government  Other \_\_\_\_\_

For Corporations or Limited Partnerships, provide:

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

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

### a. Applicant

Indicate the number of Applicants/Co-Applicants 3  
(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?

AMY S. NEUHAUS 1994 TRUST

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

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?

You may search for your CN on the TCEQ website at

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

CN : 604584003 ( 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: MARTY KAUFMANN

Title: Co-Trustee

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

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: MARTY KAUFMANN

Mailing Address: 7736 Central Park

City: Waco

State: Texas

ZIP Code: 76712-6535

Indicate an X next to the type of Applicant:

Individual  Sole Proprietorship-D.B.A.

Partnership  Corporation

Trust  Estate

Federal Government  State Government

County Government  City Government

Other Government  Other \_\_\_\_\_

For Corporations or Limited Partnerships, provide:

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

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

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

First and Last Name: EUGENE R. VAUGHAN, III

Title: Attorney

Organization Name: Jones, Galligan, Key & Lo

Mailing Address: P.O. Drawer 1247

City: Weslaco

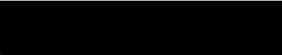
State: Texas

ZIP Code: 78599-1247

Phone No.: 956-973-1138

Extension:

Fax No.: 956-968-6089

E-mail Address: 

**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: BRENT A. NEUHAUS

Title:

Organization Name:

Mailing Address: 7736 Central Park

City: Waco

State: Texas

ZIP Code: 76712-6535

Phone No.: 254-749-7301

Extension:

Fax No.:

E-mail Address: [REDACTED]

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

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

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

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

Account number:

Amount past due:

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

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

Enforcement order number:

Amount past due:

b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicant's may check their status with the Comptroller at <https://mycpa.cpa.state.tx.us/coa/>

Is the Applicant or Co-Applicant in good standing with the Comptroller? **Yes / No N/A**

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

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

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

Applicant:

I, **BRENT A. NEUHAUS**

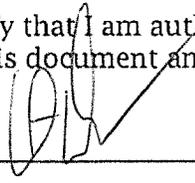
**Co-Trustee**

(Typed or printed name)

(Title)

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

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

Signature: 

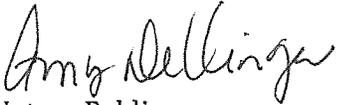
Date: 3/2/21

(Use blue ink)

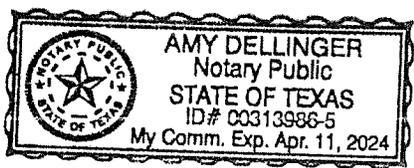
Subscribed and Sworn to before me by the said

on this 2 day of MARCH, 2021.

My commission expires on the 11 day of April, 2024.

  
Notary Public

McLennan  
County, Texas



[SEAL]

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

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

Applicant:

I, RYAN S. NEUHAUS

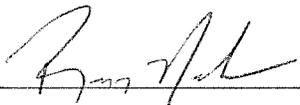
Co-Trustee

(Typed or printed name)

(Title)

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

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

Signature:  Date: 3/8/21  
(Use blue ink)

Subscribed and Sworn to before me by the said

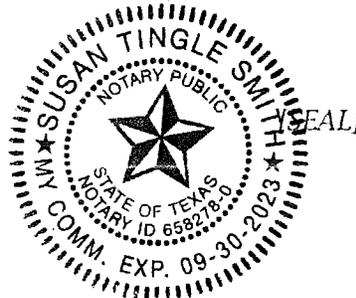
on this 8th day of March, 2021.

My commission expires on the 30th day of September, 2023.



Notary Public

Harris  
County, Texas



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

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

Applicant:

I, RYAN S. NEUHAUS

Co-Trustee

(Typed or printed name)

(Title)

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

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

Signature: [Handwritten Signature] Date: 3/8/21  
(Use blue ink)

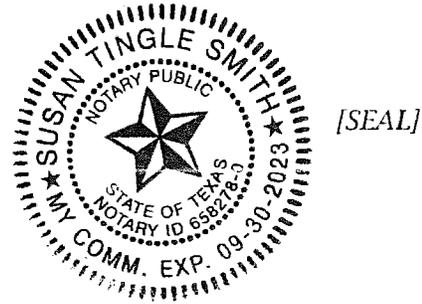
Subscribed and Sworn to before me by the said

on this 8th day of March, 2021.

My commission expires on the 30th day of September, 2023.

[Handwritten Signature]  
Notary Public

[Handwritten Signature]  
County, Texas



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

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

Applicant:

I, JILL NEUHAUS

Co-Trustee

(Typed or printed name)

(Title)

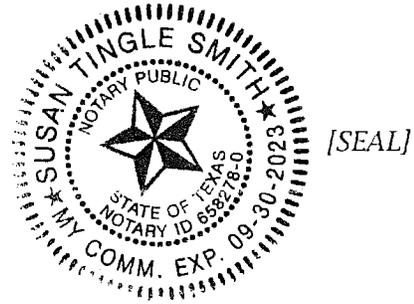
certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the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

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

Signature: Jill Neuhau Date: 3/8/21  
(Use blue ink)

Subscribed and Sworn to before me by the said  
on this 8th day of March, 2021.  
My commission expires on the 30th day of September, 2023.

Susan Tingle Smith  
Notary Public  
Harris  
County, Texas



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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, AMY S. KAUFMANN

Co-Trustee

(Typed or printed name)

(Title)

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

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

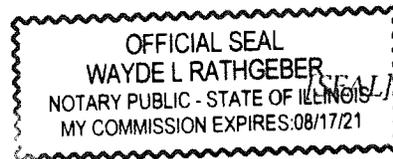
Signature: Amy S. Kaufmann Date: 3-3-2021  
(Use blue ink)

Subscribed and Sworn to before me by the said

on this 3<sup>rd</sup> day of March, 2021.

My commission expires on the 17<sup>th</sup> day of August, 2021.

Wayde L Rathgeber  
Notary Public



~~County, Texas~~

Sangamon County, Illinois

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

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

Applicant:

I, MARTY KAUFMANN

Co-Trustee

(Typed or printed name)

(Title)

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

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

Signature: Marty Kaufmann Date: 03-03-2021  
(Use blue ink)

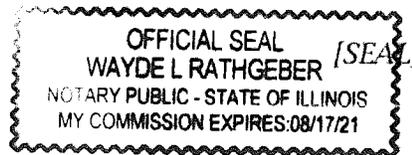
Subscribed and Sworn to before me by the said

on this 3<sup>rd</sup> day of March, 2021.

My commission expires on the 17<sup>th</sup> day of August, 2021.

Wayde L Rathgeber

Notary Public



~~County, Texas~~  
Sangamon County, Illinois

***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, Applicant are directed to submit additional Worksheets (provided herein). A completed Administrative Information Report is also required for each application.

***Applicants are strongly encouraged 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 call Water Availability Division at (512) 239-4600 to schedule a meeting.*** Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N<sup>N</sup>\_\_\_\_\_ (If yes, date :\_\_\_\_\_).

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

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

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

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

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: 12-4318

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

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

a. Applicant requests an amendment to an existing water right to increase the amount of the appropriation of State Water (diversion and/or impoundment)? **Y / N<sup>N</sup>** \_\_\_\_\_

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

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

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

c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? **Y / N<sup>Y</sup>** \_\_\_\_\_

*If yes, submit:*

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

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

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

e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? **Y / N<sup>N</sup>** \_\_\_\_\_

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

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

**Additionally, all amendments require:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Worksheets and information:*

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)
- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)

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

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

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

Applicant is located within Region G Planning Group. This application is not inconsistent with the 2021 Brazos G Regional Water Plan because there are no shortages projected for irrigation in Falls County through the planning period and no change in water supply is recommended.

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

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

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

**SEE MAP ATTACHED AS EXHIBIT "A"**

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

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

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

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

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

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

a. Location Information Regarding the Lands to be Irrigated

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

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

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

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

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

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

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
150	Irrigation and mining	Irrigation for Agriculture	146.710 acre tract Hill County, Texas	667.31 acre tract in Falls County, Texas

\*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 600 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 667.31 acres in Falls County, TX. See the two tracts described on Exhibits "A" and "B" of the Deed attached to this application as Exhibit "B".
  - Location of land to be irrigated: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_.

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

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

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

**See Exhibit "D"**

# WORKSHEET 1.1

## INTERBASIN TRANSFERS, TWC § 11.085

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

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

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

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

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

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

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

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

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

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

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

## WORKSHEET 1.2

### NOTICE. "THE MARSHALL CRITERIA"

This worksheet assists the Commission in determining notice required for certain **amendments** that do not already have a specific notice requirement in a rule for that type of amendment, and *that do not change the amount of water to be taken or the diversion rate*. The worksheet provides information that Applicant **is required** to submit for such amendments which include changes in use, changes in place of use, or other non-substantive changes in a water right (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:

See Exhibit "C"

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

3. Applicants **shall** give notice by certified mail to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir to be constructed, will be located. (30 TAC § 295.42). Applicant must submit a copy of all the notices and certified mailing cards with this Application. Notices and cards are included? Y / N\_\_\_\_\_
- iii. Additional information required for **on-channel** storage:
1. Surface area (in acres) of on-channel reservoir at normal maximum operating level:\_\_\_\_\_.
  2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option. Applicant has calculated the drainage area. Y/N\_\_\_\_\_ If yes, the drainage area is\_\_\_\_\_sq. miles. (If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

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

- a. On Watercourse (if on-channel) (USGS name):\_\_\_\_\_
- b. Zip Code: \_\_\_\_\_
- c. In the\_\_\_\_\_Original Survey No.\_\_\_\_\_, Abstract No.\_\_\_\_\_, \_\_\_\_\_County, Texas.

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

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

- d. A point on the centerline of the dam (on-channel) or anywhere within the impoundment (off-channel) is:  
Latitude\_\_\_\_\_°N, Longitude\_\_\_\_\_°W.  
***\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- di. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):\_\_\_\_\_
- dii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N\_\_\_\_\_

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

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

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

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

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

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

d. For amendments, is Applicant seeking to increase combined diversion rate? Y / 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
X	Directly from stream	EXISTING
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

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

Applicant has calculated the drainage area. Y / N \_\_\_\_\_

If yes, the drainage area is \_\_\_\_\_ sq. miles.

*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application)*

## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): BRAZOS RIVER
- b. Zip Code: 76661
- c. Location of point: In the T.J. Chambers Grant Original Survey No. \_\_\_\_\_, Abstract No. 12, Fells 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. See Exhibit "B"***

***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 31.283594 °N, Longitude 96.965053 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Handheld GPS Device
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.  
**See Exhibit "A".**
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 4.0 DISCHARGE INFORMATION

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

- a. The purpose of use for the water being discharged will be\_\_\_\_\_.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses\_\_\_\_\_ % and explain the method of calculation:\_\_\_\_\_

Is the source of the discharged water return flows? Y / N\_\_\_\_\_ If yes, provide the following information:

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

*PLEASE NOTE: If Applicant is not the discharger of the return flows, 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, then the application should be submitted under Section 3, Bed and Banks.*

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
  4. The percentage of return flows from groundwater\_\_\_\_\_, surface water\_\_\_\_\_?
  5. If any percentage is surface water, provide the base water right number(s)\_\_\_\_\_.
- c. Is the source of the water being discharged groundwater? Y / N\_\_\_\_\_ If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped:\_\_\_\_\_
  2. Any 24 hour pump test for the well if one has been conducted. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers\_\_\_\_\_.
  3. Indicate how the groundwater will be conveyed to the stream or reservoir.
  4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.
- ci. Is the source of the water being discharged a surface water supply contract? Y / N\_\_\_\_\_ If yes, provide the signed contract(s).
- cii. Identify any other source of the water\_\_\_\_\_

## WORKSHEET 4.1 DISCHARGE POINT INFORMATION

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

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

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

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

# WORKSHEET 5.0

## ENVIRONMENTAL INFORMATION

### 1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 29.**

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Applicant utilizes a river screen so that aquatic plants and animals are not pulled into the nozzles of Applicant's irrigation system.

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

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

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

Other, specify: \_\_\_\_\_

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

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

Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional

Natural Area: trees and/or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored

Common Setting: not offensive; developed but uncluttered; water may be colored or turbid

Offensive: stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

d. Waterbody Recreational Uses

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

Primary contact recreation (swimming or direct contact with water)

Secondary contact recreation (fishing, canoeing, or limited contact with water)

Non-contact recreation

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

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

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

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

- a. For all bed and banks applications:
  - i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.
- b. For all alternate source applications:

- i. If the alternate source is treated return flows, provide the TPDES permit number \_\_\_\_\_

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

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

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

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

# WORKSHEET 6.0

## Water Conservation/Drought Contingency Plans

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

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

### 1. Water Conservation Plans

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

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

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

1.  Municipal Use. See 30 TAC § 288.2. \*\*
2.  Industrial or Mining Use. See 30 TAC § 288.3.
3.  Agricultural Use, including irrigation. See 30 TAC § 288.4.
4.  Wholesale Water Suppliers. See 30 TAC § 288.5. \*\*

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

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

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

## 2. Drought Contingency Plans

- a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above - indicate each that applies:
1. \_\_\_\_ Municipal Uses by public water suppliers. See 30 TAC § 288.20.
  2. \_\_\_\_ Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
  3. \_\_\_\_ Wholesale Water Suppliers. See 30 TAC § 288.22.
- b. If Applicant must submit a plan under section 2(a) above, Applicant has also submitted documentation of adoption of drought contingency plan (*ordinance, resolution, or tariff, etc. See 30 TAC § 288.30*) Y / N 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. 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 <b>Amount (\$)</b> . <u>In Acre-Feet</u> a. Less than 100                      \$100.00 b. 100 - 5,000                         \$250.00 c. 5,001 - 10,000                     \$500.00 d. 10,001 - 250,000                 \$1,000.00 e. More than 250,000                \$2,000.00	
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.	
<b>TOTAL</b>		<b>\$</b>

### 2. AMENDMENT OR SEVER AND COMBINE

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

### 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.	
<b>TOTAL INCLUDED</b>		<b>\$</b>

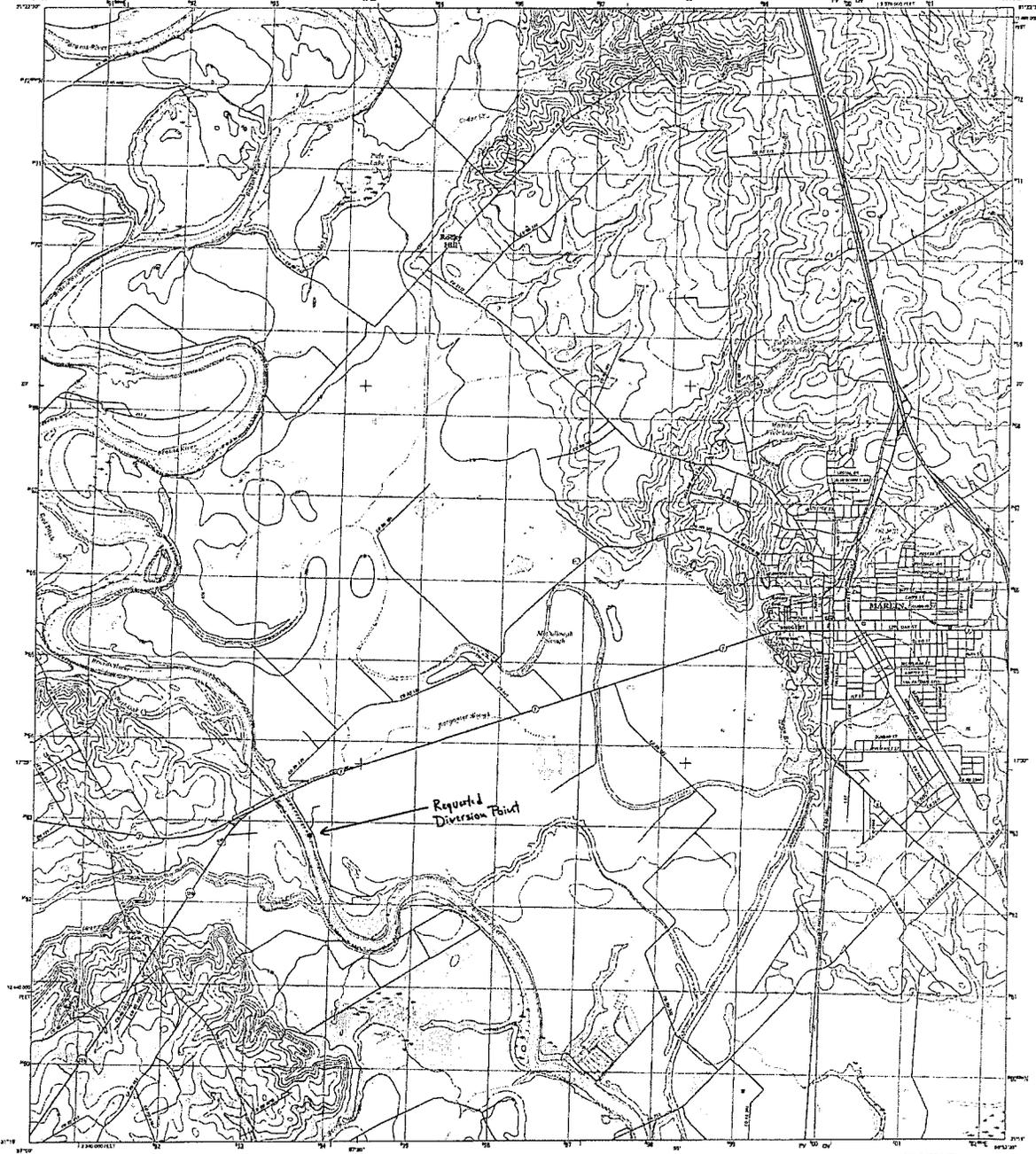
**EXHIBIT**  
"A"



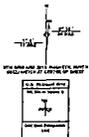
U.S. DEPARTMENT OF THE INTERIOR  
U.S. GEOLOGICAL SURVEY



HARLIN QUADRANGLE  
TEXAS-FULLS CO.  
7.5-MINUTE SERIES



Produced by the United States Geological Survey  
Data Source: 1:250,000 Scale  
This map is a reproduction of the original  
1:250,000 scale map. It is not a  
survey map. It is not intended for  
navigation purposes.



ROAD CLASSIFICATION

Interstate	State	Local	Other
Trunk	Arterial	Collector	Local
Expressway	Expressway	Expressway	Expressway
Expressway	Expressway	Expressway	Expressway

1	2	3	4
5	6	7	8
9	10	11	12

HARLIN, TX  
2014



Vol. 140 Page 128Warranty Deed  
With Vendor's Lien

2877

Date: November 25, 2002, to be effective on November 24, 2002

Grantor: DAVID MACK JAMESON, Individually and as Independent Executor of the Estate of MARTHA STASNEY JAMESON, Deceased; ANNE JAMESON MCCAUSLAND, formerly known as ANNE DOUGLAS JAMESON; JENNIFER LEE JAMESON; and DAVID MACK JAMESON, JR., each of whom owns, claims and occupies other property as our respective homesteads and conveys out of our respective separate property and separate estates.

Grantor's Mailing Address: 900 E. Worth, Grapevine,  
Tarrant County, Texas 76051

Grantee: BRENT A. NEUHAUS 1994 TRUST, dated April 11, 1994; AMY S. NEUHAUS 1994 TRUST, dated April 11, 1994; and RYAN S. NEUHAUS 1994 TRUST, dated April 11, 1994.

Grantee's Mailing Address: 1601 La Salle, Waco,  
McLennan County, Texas 76706

Consideration: THE SUM OF TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, including a note of even date executed by Grantee and payable to the order of TEXAS LAND BANK, FLCA, in the principal amount of THREE HUNDRED SEVENTY-THREE THOUSAND TWO HUNDRED AND 00/100 DOLLARS (\$373,200.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of TEXAS LAND BANK, FLCA and by a first-lien deed of trust of even date from Grantee to CHARLES P. GANT, Trustee.

## Property (including any improvements):

All of our undivided interest in 500 acres of land, more or less, in the T. J. Chambers Grant, Falls County, Texas, more fully described as Tract One in the attached Exhibit "A" and 167.311 acres of land, more or less, in the T. J. Chambers Grant, Falls County, Texas, more fully described as Tract Two in the attached Exhibit "B."

Reservations from Conveyance: As to the interest conveyed, for Grantor and Grantor's heirs, successors, and assigns forever, a reservation of an undivided one-fourth (1/4) of all oil, gas, and other minerals in and under and that may be produced from the Property. If the mineral estate is subject to existing production or an existing lease, the production, the lease, and the benefits from it are allocated in proportion to ownership in the mineral estate.

## Exceptions to Conveyance and Warranty:

1. Permit to Appropriate State Water from the Texas Water Commission to Leonard W. Stasney, et al, dated September 26, 1985, and recorded in Vol. 338, Page 559, Falls County Deed Records;
2. Easement conveyed by Nathan Levy, et al, to Southwestern Electric Service Co. by instrument dated August 4, 1961, and recorded in Vol. 249, Page 231, Falls County Deed Records;

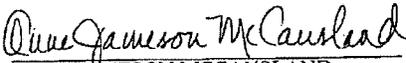
3. Easement conveyed by Lester Levy, et al, to the State of Texas by instrument dated June 8, 1938, and recorded in Vol. 172, Page 294, Falls County Deed Records;
4. Easement acquired by the City of Marlin in Cause No. 1817, Styled the City of Marlin v. Lester L. Levy, et al, in the County Court of Falls County, Texas;
5. An undivided one half (1/2) interest in oil, gas and other minerals reserved from Lester L. Levy, et al, to Fred Lohmeyer dated September 24, 1974 and recorded in Vol. 294, Page 569, Falls County Deed Records.

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

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

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

  
DAVID MACK JAMESON, Individually and  
as Independent Executor of the Estate of  
MARTHA STASNEY JAMESON, Deceased

  
ANNE JAMESON MCCAUSLAND

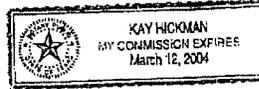
  
JENNIFER LEE JAMESON

  
DAVID MACK JAMESON, JR.

STATE OF TEXAS  
COUNTY OF Dallas

This instrument was acknowledged before me on the 20<sup>th</sup> of November, 2002 by DAVID MACK JAMESON, in the capacities therein stated and on behalf thereof.

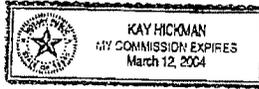
Kay Hickman  
Notary Public in and for  
the State of Texas



STATE OF TEXAS  
COUNTY OF Dallas

This instrument was acknowledged before me on the 20<sup>th</sup> of November, 2002 by ANNE JAMESON MCCAUSLAND

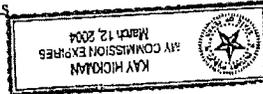
Kay Hickman  
Notary Public in and for  
the State of Texas



STATE OF TEXAS  
COUNTY OF Dallas

This instrument was acknowledged before me on the 20<sup>th</sup> of November, 2002 by JENNIFER LEE JAMESON

Kay Hickman  
Notary Public in and for  
the State of Texas



STATE OF TEXAS  
COUNTY OF Dallas

This instrument was acknowledged before me on the 20<sup>th</sup> of November, 2002 by DAVID MACK JAMESON, JR.

Kay Hickman  
Notary Public in and for  
the State of Texas



Fieldnote description for a 500.00 acre tract of land lying situate and being in the T. J. Chambers Grant in Falls County, Texas, and being out of and a part of that certain 667.311 acre tract of land conveyed to W. W. Callan by deed recorded in Volume 295, page 577 of the Deed Records of Falls County, Texas. Said 500.00 acres being described by metes and bounds as follows:

BEGINNING at a point set in the south fence line of said Callan Tract, which point bears S 44° 47' W, 2,048.64 feet from the S.E. corner of said Callan Tract for the S.E. corner of this description;

THENCE S 44° 47' W, 3,308.52 feet and S 49° 06' 31" W, 104.14 feet to a point in said fence line for corner;

THENCE S 2° 26' 38" E, 1,244.15 feet to a point set in the northerly high bank of the Brazos River for corner;

THENCE with the high bank of said river with its meanders as follows: S 22° 48' W, 11.41 feet; S 57° 02' W, 396.0 feet; S 88° 00' W, 561.0 feet; N 55° 08' W, 375.0 feet; N 48° 00' W, 351.0 feet; N 25° 36' W, 1,086.7 feet; N 20° 30' W, 1,958.3 feet; N 17° 50' W, 752.8 feet; N 27° 42' W, 812.4 feet and N 32° 23' W, 971.84 feet to a point in the southerly right-of-way line of State Highway 7 for the N.W. corner of this description;

THENCE with said right-of-way line, N 57° 32' E, 481.0 feet and N 63° 15' E, 240.7 feet to a point at the beginning of a curve to the right;

THENCE around said curve to the right, R=5,670 feet for an arc distance of 869.13 feet to a point at the end of said curve;

THENCE continuing with said right-of-way line, N 72° 02' E, 1,897.71 feet to a point for the N.E. corner of this;

THENCE S 44° 48' E, 4,083.21 feet to the PLACE OF BEGINNING; containing within these metes and bounds 500.00 acres of land.

Exhibit "A"

Fieldnote description for a 167.311 acre tract of land lying situate and being in the T. J. Chambers Grant in Falls County, Texas, and being out of and a part of that certain 667.311 acre tract of land conveyed to W. W. Callan by deed recorded in Volume 295, page 577 of the Deed Records of Falls County, Texas. Said 167.311 acres being described by metes and bounds as follows:

BEGINNING at the S.E. corner of said Callan Tract for the S.E. corner of this description;

THENCE with the south line of said tract, S 44° 47' W, 2,048.64 feet to a point for the S.W. corner of this;

THENCE N 44° 48' W, 4,083.21 feet to a point set in the southerly right-of-way line of State Highway 7 for the N.W. corner of this;

THENCE with said right-of-way line, N 72° 02' E, 2,295.79 feet to the N.E. corner of said Callan Tract for the N.E. corner of this;

THENCE with the east line of said Callan Tract, S 44° 48' E, 3,032.00 feet to the PLACE OF BEGINNING; containing within these metes and bounds 167.311 acres of land--

Exhibit "B"

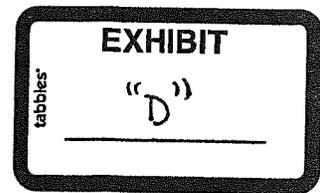
FILED	11/26/2002	AT	8:15 A	M
RECORDED	12/2/2002	AT	1:00 P	M
BY LINDA WATKINS		FRANCES BRASWELL, COUNTY CLERK FALLS COUNTY, TEXAS		

### Marshall Criteria

- a. Administrative Requirements and Fees. The attached application meets the administrative requirements for an amendment to a water right because it involves a change in the place of use of the water right, and it also involves a change in the diversion point of the water right. The application is a sworn application, and includes, among other things, a copy of the required GIS map, the completed water conservation plan, and all applicable fees.
- b. Beneficial Use. The proposed amendment meets the definition of a beneficial use because the water will be used for the irrigation of growing crops in an amount that economically necessary for a purpose authorized by Chapter 11 of the Texas Water Code.
- c. Public Welfare. The amendment is beneficial to the public welfare because it will allow for the irrigation of crops that are used in the production of food and clothing and because the water will be used in a manner that is designed to minimize waste of the water.
- d. Groundwater Effects Not applicable.
- e. State Water Plan. Applicant is located within Region G Planning Group. This application is not inconsistent with the 2021 Brazos G Regional Water Plan because there are no shortages projected for irrigation in Falls County through the planning period and no change in water supply is recommended.
- f. Waste Avoidance. Applicant has submitted a water conservation plan with the application for the proposed amendment that describes the manner in which Applicant will utilize water with maximum efficiency and minimal waste.
- g. Impacts on Water Rights or On-Stream Environment. Applicant is seeking to amend the water right to move the place of use and the diversion point to a place that is located downstream for its current place of use and diversion point. There will be no change in the rate of diversion or the amount of water diverted, so there should be no impact on downstream users.



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



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

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

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

**Contact Information**

Name: BRENT A. NEUHAUS 1994 TRUST; AMY S. NEUHAUS 1994 TRUST; RYAN S. NEUHAUS 1994 TRUST

Address: 7736 Central Park, Waco, Texas 76712

Telephone Number: (254)732-0542 Fax: (254)732-0898

Form Completed By: BRENT A. NEUHAUS

Title: Trustee

Signature: \_\_\_\_\_ Date: 02/\_\_\_\_/2021

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

**I. BACKGROUND DATA**

*A. Water Use*

1. Annual diversion appropriated or requested (in acre-feet): 150 acre-feet
2. In the table below, list the amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year.

January	February	March	April
			7.5
May	June	July	August
22.5	37.5	37.5	37.5
September	October	November	December
7.5			
<b>Total All Months</b>			

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

<i>Type of crop</i>	<i>Growing Season (Months)</i>	<i>Acres irrigated/year</i>
Cotton or Corn	March through October	600
<b>Total acres irrigated</b>		600

4. Are crops rotated seasonally or annually?     Yes                     No

If yes, please describe: Corn and Cotton rotation annually if market allows.

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

Weswood complex 0-8% slope .6" - 2" per hour  
 Ships Clay 0-8% slope .06" per hour  
 Yahola fine sandy loam 2"-6" per hour

*B. Irrigation system information*

1. Describe the existing irrigation method or system and associated equipment including pumps, flow rates, plans, and/or sketches of system the layout. Include the rate (in gallons per minute or cubic feet per second) that water is diverted from the source of

supply. If this WCP is submitted as part of a water right application, verify that the diversion volumes and rates are consistent with those in the application.

John Deere engine, Cornell 8H pump (2500 gal/min) with river screen suction and Valley pivots.

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

McCrometer MO308-1300 tested 101.0% accuracy (in-line flow meter)

McCrometer MO210-750 tested 99.7% accuracy (in-line flow meter)

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

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

a. 5-year goal:

Savings in acre-feet                      or system efficiency as a percentage 80%

b. 10-year goal:

Savings in acre-feet                      or system efficiency as a percentage 80%

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

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

Yes                       No

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

### C. Conservation practices

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

Valley Circle Pivots have replaced flood irrigation system.

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

Entire system shuts down in the event of loss of power, water pressure, or loss of traction at pivot.

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

Only irrigate when soil moisture is below adequate crop growing demands.

Only irrigate when wind is below 20 m.p.h. to minimize wind loss.

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

Utilize maximum weed control practices in order to conserve water and to reduce pressure on crops.

Complete annual soil work to enhance drainage from rain or pooling or irrigation water in order to increase soil intake.

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

Not applicable as the only water run-off is from rain.

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

The land has limited water supply available, so irrigation is only used when crop growth is critical.

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

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

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

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

# CERTIFIED TEST

CUSTOMER: BRIEN WATER WELLS  
MODEL NO: MO308-1300  
METER SERIAL NO: GPD6-08-3360

## CONFIGURATION

METER INSIDE DIAMETER: 7.981  
METER OUTSIDE DIAMETER: 8.625  
TEST DATE: 4/6/2016  
TEST FACILITY: Volumetric  
IDEAL TEST CONSTANT: 3867

## CALIBRATION DATA

	<u>Tested TC</u>	<u>GPM</u>	<u>Accuracy</u>
1	3907	832	101.0

CERTIFIED BY: Paul Hobbs

DATE: 4/7/2016

Calibration was performed on a gravimetric or volumetric test facility, traceable to the National Institute of Standards and Technology, USA. The estimated flow measurement uncertainty of the calibration facility is:  
Gravimetric +/- 0.15%      Volumetric +/- 0.5%

 **McCROMETER**  
**GREAT PLAINS**

**CERTIFIED TEST REPORT**

CUSTOMER: BRIEN WATER WELLS  
MODEL NO: MO310-750  
METER SERIAL NO: GP06-10-1300

**CONFIGURATION**

METER INSIDE DIAMETER: 10.02  
METER OUTSIDE DIAMETER: 10.75  
TEST DATE: 4/6/2016  
TEST FACILITY: Volumetric  
IDEAL TEST CONSTANT: 2237

**CALIBRATION DATA**

	<u>Tested TC</u>	<u>GPM</u>	<u>Accuracy</u>
<b>1</b>	2230	1086	99.7

TESTED BY: Paul Hobbs

DATE: 4/7/2016

Test was performed on a gravimetric or volumetric test facility, traceable to the National Institute of Standards and Technology, USA. The estimated flow measurement uncertainty of the calibration facility is  $\pm 0.5\%$ .

PHONE MEMO

To: Eugene R. Vaughan	From: Lillian E. Beerman
Date of Call: October 25, 2021	File No.: 12-4318E
Phone Number: [REDACTED]	Subject: Change of Ownership & Application

Called Mr. Vaughan to inquire about the Authorization for a 150 A-F off-channel reservoir detailed in the COO Memo. Mr. Vaughan said that their request was only for the 150 A-F diversion right for agricultural purposes. They do not have a reservoir; they do not intend to store water; they do not plan to use the water for mining purposes.

Mr. Vaughan said that he did not have the COO Memo or a copy of the Application for COO and Amendment. I offered to send him email copies and a copy of the Certificate and its amendment.

*Lillian E. Beerman, Ph.D. October 25, 2021*

**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): BRENT A. NEUHAUS 1994 TRUST; AMY S. NEUHAUS 1994 TRUST; RYAN S. NEUHAUS 1994 TRUST

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

- |            |  |            |                                     |
|------------|--|------------|-------------------------------------|
| Y/N        |  | Y/N        |                                     |
| <u>Y</u>   | <b>Administrative Information Report</b> | <u>Y</u>   | <b>Worksheet 3.0</b>                |
| <u>Y</u>   | Additional Co-Applicant Information      | <u>N</u>   | Additional W.S 3.0 for each Point   |
| <u>Y</u>   | Additional Co-Applicant Signature Pages  | <u>Y</u>   | Recorded Deeds for Diversion Points |
| <u>N/A</u> | Written Evidence of Signature Authority  | <u>N/A</u> | Consent For Diversion Access        |
| <u>Y</u>   | <b>Technical Information Report</b>      | <u>N/A</u> | <b>Worksheet 4.0</b>                |
| <u>Y</u>   | USGS Map (or equivalent)                 | <u>N/A</u> | TPDES Permit(s)                     |
| <u>N</u>   | Map Showing Project Details              | <u>N/A</u> | WWTP Discharge Data                 |
| <u>N</u>   | Original Photographs                     | <u>N/A</u> | 24-hour Pump Test                   |
| <u>N</u>   | Water Availability Analysis              | <u>N/A</u> | Groundwater Well Permit             |
| <u>Y</u>   | <b>Worksheet 1.0</b>                     | <u>N/A</u> | Signed Water Supply Contract        |
| <u>Y</u>   | Recorded Deeds for Irrigated Land        | <u>N/A</u> | <b>Worksheet 4.1</b>                |
| <u>N/A</u> | Consent For Irrigation Land              | <u>Y</u>   | <b>Worksheet 5.0</b>                |
| <u>N/A</u> | <b>Worksheet 1.1</b>                     | <u>N/A</u> | Addendum to Worksheet 5.0           |
| <u>N/A</u> | Addendum to Worksheet 1.1                | <u>Y</u>   | <b>Worksheet 6.0</b>                |
| <u>Y</u>   | <b>Worksheet 1.2</b>                     | <u>Y</u>   | Water Conservation Plan(s)          |
| <u>Y</u>   | Addendum to Worksheet 1.2                | <u>N/A</u> | Drought Contingency Plan(s)         |
| <u>N/A</u> | <b>Worksheet 2.0</b>                     | <u>N/A</u> | Documentation of Adoption           |
| <u>N/A</u> | Additional W.S 2.0 for Each Reservoir    | <u>N/A</u> | <b>Worksheet 7.0</b>                |
| <u>N/A</u> | Dam Safety Documents                     | <u>N/A</u> | Accounting Plan                     |
| <u>N/A</u> | Notice(s) to Governing Bodies            | <u>Y</u>   | <b>Worksheet 8.0</b>                |
| <u>N/A</u> | Recorded Deeds for Inundated Land        | <u>Y</u>   | Fees                                |
| <u>N/A</u> | Consent For Inundation Land              |            |                                     |

**For Commission Use Only:**

Proposed/Current Water Right Number: \_\_\_\_\_

Basin: \_\_\_\_\_ Watermaster area Y/N: \_\_\_\_\_

# ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

New Appropriation of State Water

Amendment to a Water Right \*

Bed and Banks

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

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

Applicant requests the commission to change the point of diversion and the place of use of the  
right to divert up to a maximum of 150 acre-feet per annum from the Brazos River, being a  
portion of those water rights evidenced by Certificate of Adjudication No. 12-4318.

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

### a. Applicant

Indicate the number of Applicants/Co-Applicants 3  
(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?

BRENT A. NEUHAUS 1994 TRUST

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

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?

You may search for your CN on the TCEQ website at

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

CN : 604584011 ( 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: BRENT A. NEUHAUS

Title: Co-Trustee

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

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: BRENT A. NEUHAUS

Mailing Address: 7736 Central Park

City: Waco

State: Texas

ZIP Code: 76712-6535

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:

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

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

### a. Applicant

Indicate the number of Applicants/Co-Applicants 3  
(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?

RYAN S. NEUHAUS 1994 TRUST

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

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?

You may search for your CN on the TCEQ website at

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

CN : 604584029 ( 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: RYAN S. NEUHAUS

Title: Co-Trustee

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

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: RYAN S. NEUHAUS

Mailing Address: 7736 Central Park

City: Waco

State: Texas

ZIP Code: 76712-6535

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:

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

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

### a. Applicant

Indicate the number of Applicants/Co-Applicants 3  
(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?

AMY S. NEUHAUS 1994 TRUST

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

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?

You may search for your CN on the TCEQ website at

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

CN : 604584003 ( 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: AMY S. KAUFMANN

Title: Co-Trustee

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

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: AMY S. KAUFMANN

Mailing Address: 7736 Central Park

City: Waco

State: Texas

ZIP Code: 76712-6535

Indicate an X next to the type of Applicant:

Individual  Sole Proprietorship-D.B.A.

Partnership  Corporation

Trust  Estate

Federal Government  State Government

County Government  City Government

Other Government  Other \_\_\_\_\_

For Corporations or Limited Partnerships, provide:

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

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

### a. Applicant

Indicate the number of Applicants/Co-Applicants 3  
(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?

AMY S. NEUHAUS 1994 TRUST

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

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

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

CN : 604584003 ( 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: MARTY KAUFMANN

Title: Co-Trustee

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

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: MARTY KAUFMANN

Mailing Address: 7736 Central Park

City: Waco

State: Texas

ZIP Code: 76712-6535

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:

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

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

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

First and Last Name: EUGENE R. VAUGHAN, III

Title: Attorney

Organization Name: Jones, Galligan, Key & Lo

Mailing Address: P.O. Drawer 1247

City: Weslaco

State: Texas

ZIP Code: 78599-1247

Phone No.: 956-973-1138

Extension:

Fax No.: 956-968-6089

E-mail Address: [REDACTED]

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

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

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

First and Last Name: BRENT A. NEUHAUS

Title:

Organization Name:

Mailing Address: 7736 Central Park

City: Waco

State: Texas

ZIP Code: 76712-6535

Phone No.: 254-749-7301

Extension:

Fax No.:

E-mail Address: E

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

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

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

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

Account number:

Amount past due:

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

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

Enforcement order number:

Amount past due:

b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicant's may check their status with the Comptroller at <https://mycpa.cpa.state.tx.us/coa/>

Is the Applicant or Co-Applicant in good standing with the Comptroller? **Yes / No N/A**

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

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

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

Applicant:

I, **BRENT A. NEUHAUS**

**Co-Trustee**

(Typed or printed name)

(Title)

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

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

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

3/2/21

(Use blue ink)

Subscribed and Sworn to before me by the said

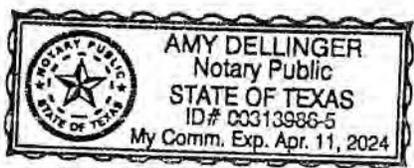
on this 2 day of MARCH, 2021.

My commission expires on the 11 day of April, 2024.

Notary Public

McLennan

County, Texas



[SEAL]

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

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

Applicant:

I, RYAN S. NEUHAUS

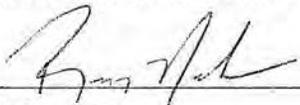
Co-Trustee

(Typed or printed name)

(Title)

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

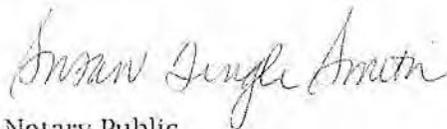
I further certify that I am authorized under Title 30 Texas Administrative Code §295.14 to sign and submit this document and I have submitted written evidence of my signature authority.

Signature:  Date: 3/8/21  
(Use blue ink)

Subscribed and Sworn to before me by the said

on this 8th day of March, 2021.

My commission expires on the 30th day of September, 2023.

  
Notary Public

Harris  
County, Texas



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

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

Applicant:

I, RYAN S. NEUHAUS

Co-Trustee

(Typed or printed name)

(Title)

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

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

Signature: [Handwritten Signature]

Date: 3/8/21

(Use blue ink)

Subscribed and Sworn to before me by the said

on this 8th day of March, 2021.

My commission expires on the 30th day of September, 2023.

[Handwritten Signature]  
Notary Public

[Handwritten Signature]  
County, Texas



[SEAL]

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, JILL NEUHAUS

Co-Trustee

(Typed or printed name)

(Title)

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

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

Signature: Jill Neuhau Date: 3/8/21  
(Use blue ink)

Subscribed and Sworn to before me by the said

on this 8th day of March, 2021

My commission expires on the 30th day of September, 2023

Susan Tingle Smith  
Notary Public

Tarrant  
County, Texas



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

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

Applicant:

AMY S. KAUFMANN

Co-Trustee

(Typed or printed name)

(Title)

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

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

Signature: Amy S. Kaufmann  
(Use blue ink)

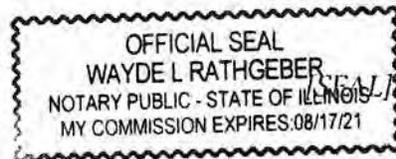
Date: 3-3-2021

Subscribed and Sworn to before me by the said

on this 3<sup>rd</sup> day of March, 2021.

My commission expires on the 17<sup>th</sup> day of August, 2021.

Wayde L Rathgeber  
Notary Public



~~County, Texas~~

Sangamon County, Illinois

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, MARTY KAUFMANN

Co-Trustee

(Typed or printed name)

(Title)

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

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

Signature: Marty Kaufmann Date: 03-03-2021  
(Use blue ink)

Subscribed and Sworn to before me by the said

on this 3<sup>rd</sup> day of March, 2021.

My commission expires on the 17<sup>th</sup> day of August, 2021.

Wayde L Rathgeber  
Notary Public



~~County, Texas~~  
Sangamon County, Illinois

*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, Applicant are directed to submit additional Worksheets (provided herein). A completed Administrative Information Report is also required for each application.

**Applicants are strongly encouraged 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 call Water Availability Division at (512) 239-4600 to schedule a meeting.** Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N<sup>N</sup>\_\_\_\_\_ (If yes, date :\_\_\_\_\_).

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

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

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

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

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: 12-4318

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

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

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

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

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

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

- c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? **Y / N<sup>Y</sup>** \_\_\_\_\_

*If yes, submit:*

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

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

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

- e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? **Y / N<sup>N</sup>** \_\_\_\_\_

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

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

**Additionally, all amendments require:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Worksheets and information:*

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)
- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)

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

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

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

Applicant is located within Region G Planning Group. This application is not inconsistent with the 2021 Brazos G Regional Water Plan because there are no shortages projected for irrigation in Falls County through the planning period and no change in water supply is recommended.

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

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

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

**SEE MAP ATTACHED AS EXHIBIT "A"**

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

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

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

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

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

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

a. Location Information Regarding the Lands to be Irrigated

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

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

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

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

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

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

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
150	Irrigation and mining	Irrigation for Agriculture	146.710 acre tract Hill County, Texas	667.31 acre tract in Falls County, Texas

\*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 600 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 667.31 acres in Falls County, TX. See the two tracts described on Exhibits "A" and "B" of the Deed attached to this application as Exhibit "B".
  - Location of land to be irrigated: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_.

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

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

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

**See Exhibit "D"**

# WORKSHEET 1.1

## INTERBASIN TRANSFERS, TWC § 11.085

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

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

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

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

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

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

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

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

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

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

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

## WORKSHEET 1.2

### NOTICE. "THE MARSHALL CRITERIA"

This worksheet assists the Commission in determining notice required for certain **amendments** that do not already have a specific notice requirement in a rule for that type of amendment, and *that do not change the amount of water to be taken or the diversion rate*. The worksheet provides information that Applicant **is required** to submit for such amendments which include changes in use, changes in place of use, or other non-substantive changes in a water right (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:

See Exhibit "C"

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

3. Applicants **shall** give notice by certified mail to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir to be constructed, will be located. (30 TAC § 295.42). Applicant must submit a copy of all the notices and certified mailing cards with this Application. Notices and cards are included? Y / N\_\_\_\_\_
- iii. Additional information required for **on-channel** storage:
1. Surface area (in acres) of on-channel reservoir at normal maximum operating level:\_\_\_\_\_.
  2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option. Applicant has calculated the drainage area. Y/N\_\_\_\_\_ If yes, the drainage area is\_\_\_\_\_sq. miles. (If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

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

- a. On Watercourse (if on-channel) (USGS name):\_\_\_\_\_
- b. Zip Code: \_\_\_\_\_
- c. In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, \_\_\_\_\_ County, Texas.

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

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

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

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

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

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

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

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

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

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

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

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

d. For amendments, is Applicant seeking to increase combined diversion rate? Y / 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
X	Directly from stream	EXISTING
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

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

Applicant has calculated the drainage area. Y / N \_\_\_\_\_

If yes, the drainage area is \_\_\_\_\_ sq. miles.

*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application)*

## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): BRAZOS RIVER
- b. Zip Code: 76661
- c. Location of point: In the T.J. Chambers Grant Original Survey No. \_\_\_\_\_, Abstract No. 12, Falls County, Texas.

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

***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 31.283594 °N, Longitude 96.965053 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Handheld GPS Device
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.  
**See Exhibit "A".**
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 4.0 DISCHARGE INFORMATION

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

- a. The purpose of use for the water being discharged will be \_\_\_\_\_.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses \_\_\_\_\_% and explain the method of calculation: \_\_\_\_\_

Is the source of the discharged water return flows? Y / N \_\_\_\_\_ If yes, provide the following information:

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

*PLEASE NOTE: If Applicant is not the discharger of the return flows, 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, then the application should be submitted under Section 3, Bed and Banks.*

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
  4. The percentage of return flows from groundwater \_\_\_\_\_, surface water \_\_\_\_\_?
  5. If any percentage is surface water, provide the base water right number(s) \_\_\_\_\_.
- c. Is the source of the water being discharged groundwater? Y / N \_\_\_\_\_ If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped: \_\_\_\_\_
  2. Any 24 hour pump test for the well if one has been conducted. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers \_\_\_\_\_.
  3. Indicate how the groundwater will be conveyed to the stream or reservoir.
  4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.
- ci. Is the source of the water being discharged a surface water supply contract? Y / N \_\_\_\_\_ If yes, provide the signed contract(s).
- cii. Identify any other source of the water \_\_\_\_\_

## WORKSHEET 4.1 DISCHARGE POINT INFORMATION

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

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

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

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

# WORKSHEET 5.0

## ENVIRONMENTAL INFORMATION

### 1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 29.**

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Applicant utilizes a river screen so that aquatic plants and animals are not pulled into the nozzles of Applicant's irrigation system.

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

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

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

Other, specify: \_\_\_\_\_

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

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

Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional

Natural Area: trees and/or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored

Common Setting: not offensive; developed but uncluttered; water may be colored or turbid

Offensive: stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

d. Waterbody Recreational Uses

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

Primary contact recreation (swimming or direct contact with water)

Secondary contact recreation (fishing, canoeing, or limited contact with water)

Non-contact recreation

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

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

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

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

- a. For all bed and banks applications:
  - i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.
- b. For all alternate source applications:

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

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

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

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

# WORKSHEET 6.0

## Water Conservation/Drought Contingency Plans

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

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

### 1. Water Conservation Plans

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

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

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

1.  Municipal Use. See 30 TAC § 288.2. \*\*
2.  Industrial or Mining Use. See 30 TAC § 288.3.
3.  Agricultural Use, including irrigation. See 30 TAC § 288.4.
4.  Wholesale Water Suppliers. See 30 TAC § 288.5. \*\*

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

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

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

## 2. Drought Contingency Plans

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

### I. 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 <b>Amount (\$)</b> . <u>In Acre-Feet</u> a. Less than 100                      \$100.00 b. 100 - 5,000                         \$250.00 c. 5,001 - 10,000                     \$500.00 d. 10,001 - 250,000                 \$1,000.00 e. More than 250,000                \$2,000.00	
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.	
<b>TOTAL</b>		<b>\$</b>

### 2. AMENDMENT OR SEVER AND COMBINE

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

### 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.	
<b>TOTAL INCLUDED</b>		<b>\$</b>

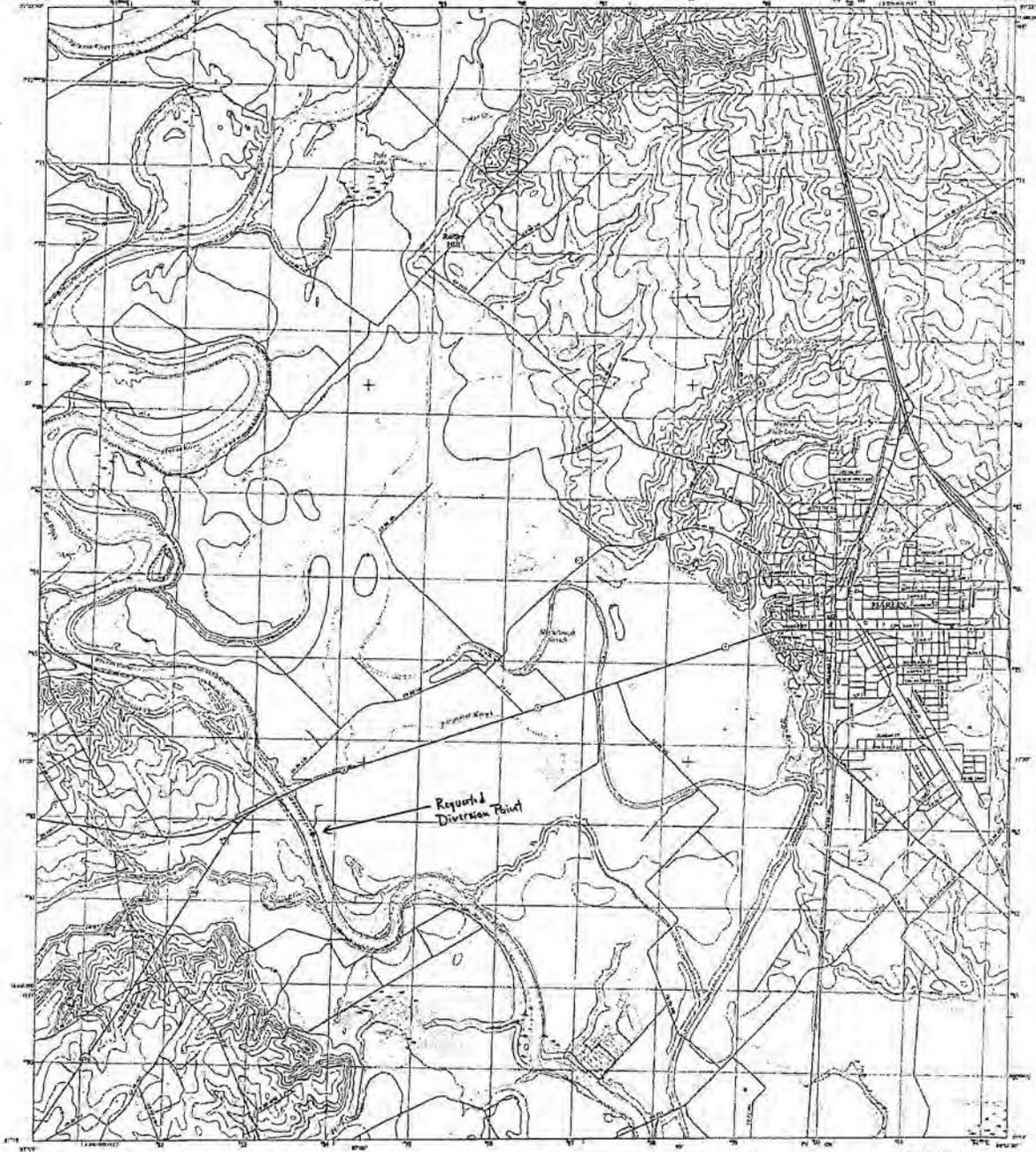
**EXHIBIT**  
 "A"

**USGS**  
 U.S. GEOLOGICAL SURVEY

U.S. DEPARTMENT OF THE INTERIOR  
 U.S. GEOLOGICAL SURVEY

The National Map  
**US Topo**

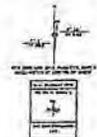
HARLIN QUADRANGLE  
 TEXAS-ALL CO.  
 7.5-MINUTE SERIES



Produced by the United States Geological Survey  
 Data derived from 1:250,000 scale  
 7.5-minute series of 1987 (P1882), including any  
 1:50,000 scale and 1:250,000 scale data, and any  
 1:50,000 scale data from the 1:250,000 scale series.

The map is not a legal document. It is provided for informational purposes only. It is not intended to be used for legal or other purposes. The map is provided as a service to the public and is not intended to be used for legal or other purposes.

Map Information:  
 Name: Harlin, TX  
 Scale: 1:24,000  
 Date: 2013  
 Author: USGS  
 Publisher: USGS  
 Distribution: Public Domain  
 Contact: USGS  
 Address: 1220 National Center, Reston, VA 20192



1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30

**MAP CLASSIFICATION**

Classification:  Unclassified  
 Authority:  USGS  
 Date:  2013  
 Version:  1.0  
 Status:  Final  
 Distribution:  Public Domain

**HARLIN, TX**  
 2013



Vol. 140 Page 128Warranty Deed  
With Vendor's Lien

2877

Date: November 25, 2002, to be effective on November 24, 2002

Grantor: DAVID MACK JAMESON, Individually and as Independent Executor of the Estate of MARTHA STASNEY JAMESON, Deceased; ANNE JAMESON MCCAUSLAND, formerly known as ANNE DOUGLAS JAMESON; JENNIFER LEE JAMESON; and DAVID MACK JAMESON, JR., each of whom owns, claims and occupies other property as our respective homesteads and conveys out of our respective separate property and separate estates.

Grantor's Mailing Address: 900 E. Worth, Grapevine,  
Tarrant County, Texas 76051

Grantee: BRENT A. NEUHAUS 1994 TRUST, dated April 11, 1994; AMY S. NEUHAUS 1994 TRUST, dated April 11, 1994; and RYAN S. NEUHAUS 1994 TRUST, dated April 11, 1994.

Grantee's Mailing Address: 1601 La Salle, Waco,  
McLennan County, Texas 76706

Consideration: THE SUM OF TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, including a note of even date executed by Grantee and payable to the order of TEXAS LAND BANK, FLCA, in the principal amount of THREE HUNDRED SEVENTY-THREE THOUSAND TWO HUNDRED AND 00/100 DOLLARS (\$373,200.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of TEXAS LAND BANK, FLCA and by a first-lien deed of trust of even date from Grantee to CHARLES P. GANT, Trustee.

## Property (including any improvements):

All of our undivided interest in 500 acres of land, more or less, in the T. J. Chambers Grant, Falls County, Texas, more fully described as Tract One in the attached Exhibit "A" and 167.311 acres of land, more or less, in the T. J. Chambers Grant, Falls County, Texas, more fully described as Tract Two in the attached Exhibit "B."

Reservations from Conveyance: As to the interest conveyed, for Grantor and Grantor's heirs, successors, and assigns forever, a reservation of an undivided one-fourth (1/4) of all oil, gas, and other minerals in and under and that may be produced from the Property. If the mineral estate is subject to existing production or an existing lease, the production, the lease, and the benefits from it are allocated in proportion to ownership in the mineral estate.

## Exceptions to Conveyance and Warranty:

1. Permit to Appropriate State Water from the Texas Water Commission to Leonard W. Stasney, et al, dated September 26, 1985, and recorded in Vol. 338, Page 559, Falls County Deed Records;
2. Easement conveyed by Nathan Levy, et al, to Southwestern Electric Service Co. by instrument dated August 4, 1961, and recorded in Vol. 249, Page 231, Falls County Deed Records;

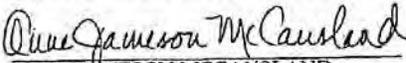
3. Easement conveyed by Lester Levy, et al, to the State of Texas by instrument dated June 8, 1938, and recorded in Vol. 172, Page 294, Falls County Deed Records;
4. Easement acquired by the City of Marlin in Cause No. 1817, Styled the City of Marlin v. Lester L. Levy, et al, in the County Court of Falls County, Texas;
5. An undivided one half (1/2) interest in oil, gas and other minerals reserved from Lester L. Levy, et al, to Fred Lohmeyer dated September 24, 1974 and recorded in Vol. 294, Page 569, Falls County Deed Records.

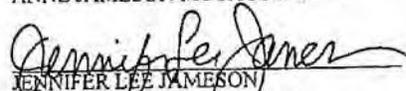
Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee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

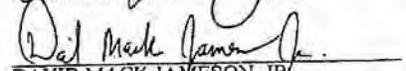
TEXAS LAND BANK, FLCA, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the property that is evidenced by the note described. The vendor's lien and superior title to the property are retained for the benefit of TEXAS LAND BANK, FLCA and are transferred to that party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

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

  
DAVID MACK JAMESON, Individually and  
as Independent Executor of the Estate of  
MARTHA STASNEY JAMESON, Deceased

  
ANNE JAMESON MCCAUSLAND

  
JENNIFER LEE JAMESON

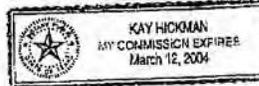
  
DAVID MACK JAMESON, JR.

STATE OF TEXAS

COUNTY OF Dallas

This instrument was acknowledged before me on the 20<sup>th</sup> of November, 2002 by DAVID MACK JAMESON, in the capacities therein stated and on behalf thereof.

Kay Hickman  
Notary Public in and for  
the State of Texas

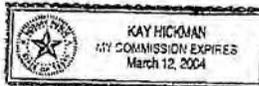


STATE OF TEXAS

COUNTY OF Dallas

This instrument was acknowledged before me on the 20<sup>th</sup> of November, 2002 by ANNE JAMESON MCCAUSLAND

Kay Hickman  
Notary Public in and for  
the State of Texas

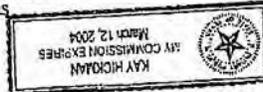


STATE OF TEXAS

COUNTY OF Dallas

This instrument was acknowledged before me on the 20<sup>th</sup> of November, 2002 by JENNIFER LEE JAMESON

Kay Hickman  
Notary Public in and for  
the State of Texas

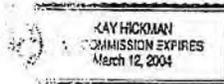


STATE OF TEXAS

COUNTY OF Dallas

This instrument was acknowledged before me on the 20<sup>th</sup> of November, 2002 by DAVID MACK JAMESON, JR.

Kay Hickman  
Notary Public in and for  
the State of Texas



Fieldnote description for a 500.00 acre tract of land lying situate and being in the T. J. Chambers Grant in Falls County, Texas, and being out of and a part of that certain 667.311 acre tract of land conveyed to W. W. Callan by deed recorded in Volume 295, page 577 of the Deed Records of Falls County, Texas. Said 500.00 acres being described by metes and bounds as follows:

BEGINNING at a point set in the south fence line of said Callan Tract, which point bears S 44° 47' W, 2,048.64 feet from the S.E. corner of said Callan Tract for the S.E. corner of this description;

THENCE S 44° 47' W, 3,308.52 feet and S 49° 06' 31" W, 104.14 feet to a point in said fence line for corner;

THENCE S 2° 26' 38" E, 1,244.15 feet to a point set in the northerly high bank of the Brazos River for corner;

THENCE with the high bank of said river with its meanders as follows: S 22° 48' W, 11.41 feet; S 57° 02' W, 396.0 feet; S 88° 00' W, 561.0 feet; N 55° 08' W, 375.0 feet; N 48° 00' W, 351.0 feet; N 25° 36' W, 1,086.7 feet; N 20° 30' W, 1,958.3 feet; N 17° 50' W, 752.8 feet; N 27° 42' W, 812.4 feet and N 32° 23' W, 971.84 feet to a point in the southerly right-of-way line of State Highway-7 for the N.W. corner of this description;

THENCE with said right-of-way line, N 57° 32' E, 481.0 feet and N 63° 15' E, 240.7 feet to a point at the beginning of a curve to the right;

THENCE around said curve to the right, R=5,670 feet for an arc distance of 869.13 feet to a point at the end of said curve;

THENCE continuing with said right-of-way line, N 72° 02' E, 1,897.71 feet to a point for the N.E. corner of this;

THENCE S 44° 48' E, 4,083.21 feet to the PLACE OF BEGINNING; containing within these metes and bounds 500.00 acres of land.

Exhibit "A"

Fieldnote description for a 167.311 acre tract of land lying situate and being in the T. J. Chambers Grant in Falls County, Texas, and being out of and a part of that certain 667.311 acre tract of land conveyed to W. W. Callan by deed recorded in Volume 295, page 577 of the Deed Records of Falls County, Texas. Said 167.311 acres being described by metes and bounds as follows:

BEGINNING at the S.E. corner of said Callan Tract for the S.E. corner of this description;

THENCE with the south line of said tract, S 44° 47' W, 2,048.64 feet to a point for the S.W. corner of this;

THENCE N 44° 48' W, 4,083.21 feet to a point set in the southerly right-of-way line of State Highway 7 for the N.W. corner of this;

THENCE with said right-of-way line, N 72° 02' E, 2,295.79 feet to the N.E. corner of said Callan Tract for the N.E. corner of this;

THENCE with the east line of said Callan Tract, S 44° 48' E, 3,032.00 feet to the PLACE OF BEGINNING; containing within these metes and bounds 167.311 acres of land.

Exhibit "B"

FILED	11/26/2002	AT	8:15 A	M
RECORDED	12/2/2002	AT	1:00 P	M
BY LINDA WATKINS		FRANCES BRASWELL, COUNTY CLERK FALLS COUNTY, TEXAS		

### Marshall Criteria

- a. Administrative Requirements and Fees. The attached application meets the administrative requirements for an amendment to a water right because it involves a change in the place of use of the water right, and it also involves a change in the diversion point of the water right. The application is a sworn application, and includes, among other things, a copy of the required GIS map, the completed water conservation plan, and all applicable fees.
- b. Beneficial Use. The proposed amendment meets the definition of a beneficial use because the water will be used for the irrigation of growing crops in an amount that economically necessary for a purpose authorized by Chapter 11 of the Texas Water Code.
- c. Public Welfare. The amendment is beneficial to the public welfare because it will allow for the irrigation of crops that are used in the production of food and clothing and because the water will be used in a manner that is designed to minimize waste of the water.
- d. Groundwater Effects Not applicable.
- e. State Water Plan. Applicant is located within Region G Planning Group. This application is not inconsistent with the 2021 Brazos G Regional Water Plan because there are no shortages projected for irrigation in Falls County through the planning period and no change in water supply is recommended.
- f. Waste Avoidance. Applicant has submitted a water conservation plan with the application for the proposed amendment that describes the manner in which Applicant will utilize water with maximum efficiency and minimal waste.
- g. Impacts on Water Rights or On-Stream Environment. Applicant is seeking to amend the water right to move the place of use and the diversion point to a place that is located downstream for its current place of use and diversion point. There will be no change in the rate of diversion or the amount of water diverted, so there should be no impact on downstream users.



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



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

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

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

**Contact Information**

Name: BRENT A. NEUHAUS 1994 TRUST; AMY S. NEUHAUS 1994 TRUST; RYAN S. NEUHAUS 1994 TRUST

Address: 7736 Central Park, Waco, Texas 76712

Telephone Number: (254)732-0542 Fax: (254)732-0898

Form Completed By: BRENT A. NEUHAUS

Title: Trustee

Signature: \_\_\_\_\_ Date: 02/\_\_\_\_/2021

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

**I. BACKGROUND DATA**

*A. Water Use*

1. Annual diversion appropriated or requested (in acre-feet): 150 acre-feet
2. In the table below, list the amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year.

January	February	March	April
			7.5
May	June	July	August
22.5	37.5	37.5	37.5
September	October	November	December
7.5			
<b>Total All Months</b>			

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

<i>Type of crop</i>	<i>Growing Season (Months)</i>	<i>Acres irrigated/year</i>
Cotton or Corn	March through October	600
<b>Total acres irrigated</b>		600

4. Are crops rotated seasonally or annually?     Yes                     No

If yes, please describe: Corn and Cotton rotation annually if market allows.

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

Weswood complex 0-8% slope .6" - 2" per hour  
 Ships Clay 0-8% slope .06" per hour  
 Yahola fine sandy loam 2"-6" per hour

*B. Irrigation system information*

1. Describe the existing irrigation method or system and associated equipment including pumps, flow rates, plans, and/or sketches of system the layout. Include the rate (in gallons per minute or cubic feet per second) that water is diverted from the source of

supply. If this WCP is submitted as part of a water right application, verify that the diversion volumes and rates are consistent with those in the application.

John Deere engine, Cornell 8H pump (2500 gal/min) with river screen suction and Valley pivots.

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

McCrometer MO308-1300 tested 101.0% accuracy (in-line flow meter)

McCrometer MO210-750 tested 99.7% accuracy (in-line flow meter)

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

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

a. 5-year goal:

Savings in acre-feet                      or system efficiency as a percentage 80%

b. 10-year goal:

Savings in acre-feet                      or system efficiency as a percentage 80%

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

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

Yes                       No

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

### C. Conservation practices

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

Valley Circle Pivots have replaced flood irrigation system.

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

Entire system shuts down in the event of loss of power, water pressure, or loss of traction at pivot.

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

Only irrigate when soil moisture is below adequate crop growing demands.

Only irrigate when wind is below 20 m.p.h. to minimize wind loss.

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

Utilize maximum weed control practices in order to conserve water and to reduce pressure on crops.

Complete annual soil work to enhance drainage from rain or pooling or irrigation water in order to increase soil intake.

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

Not applicable as the only water run-off is from rain.

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

The land has limited water supply available, so irrigation is only used when crop growth is critical.

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

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

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

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

# CERTIFIED TEST REPORT

CUSTOMER: BRIEN WATER WELLS  
MODEL NO: MO308-1300  
METER SERIAL NO: GP06-08-3360

## CONFIGURATION

METER INSIDE DIAMETER: 7.981  
METER OUTSIDE DIAMETER: 8.625  
TEST DATE: 4/6/2016  
TEST FACILITY: Volumetric  
IDEAL TEST CONSTANT: 3867

## CALIBRATION DATA

	<u>Tested TC</u>	<u>GPM</u>	<u>Accuracy</u>
1	3907	832	101.0

CERTIFIED BY: Paul Hobbs DATE: 4/7/2016

Calibration was performed on a gravimetric or volumetric test facility, traceable to the National Institute of Standards and Technology, USA. The estimated flow measurement uncertainty of the calibration facility is:  
Gravimetric +/- 0.15%      Volumetric +/- 0.5%

 **McCROMETER**  
**GREAT PLAINS**

**CERTIFIED TEST REPORT**

CUSTOMER: BRIEN WATER WELLS  
MODEL NO: MO310-750  
METER SERIAL NO: GP06-10-1366

**CONFIGURATION**

METER INSIDE DIAMETER: 10.02  
METER OUTSIDE DIAMETER: 10.75  
TEST DATE: 4/6/2016  
TEST FACILITY: Volumetric  
IDEAL TEST CONSTANT: 2237

**CALIBRATION DATA**

	<u>Tested TC</u>	<u>GPM</u>	<u>Accuracy</u>
1	2230	1086	99.7

TESTED BY: Paul Hobbs DATE: 4/7/2016

Test was performed on a gravimetric or volumetric test facility, traceable to the National Institute of Standards and Technology, USA. The estimated flow measurement uncertainty of the calibration facility is Volumetric  $\pm 0.5\%$