

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Jenna Rollins, Project Manager
Water Rights Permitting Team

DATE: May 3, 2022

SUBJECT: Santa Cruz Land & Cattle, Inc.
ADJ 944
CN601318611, RN101479566
Application No. 23-944B to Amend Certificate of Adjudication No. 23-944
Texas Water Code § 11.122, Not Requiring Notice
Rio Grande, Rio Grande Basin
Presidio County

The application was received on April 5, 2022. Fees were received on April 20, 2022 and additional information was received on April 27, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 3, 2022. Notice is not required, except to the record holder, pursuant to House Bill 1964 and Title 30 Texas Administrative Code § 295.158(c)(2)(C).

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

Jenna L. Rollins

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required YES NO

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 3, 2022

VIA-EMAIL

Ms. Caroline Runge
Santa Cruz Land & Cattle, Inc.
3232 Runge Ranch Road
Ft. McKavett, Texas 76841

RE: Santa Cruz Land & Cattle, Inc.
ADJ 944
CN601318611, RN101479566
Application No. 23-944B to Amend Certificate of Adjudication No. 23-944
Texas Water Code § 11.122, Not Requiring Notice
Rio Grande, Rio Grande Basin
Presidio County

Dear Ms. Runge:

This acknowledges receipt, on April 27, 2022, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on May 3, 2022. Staff will continue processing the application for consideration by the Executive Director.

If you have any questions concerning the application, please contact me via email at jenna.rollins@tceq.texas.gov or by phone at (512) 239-1845.

Sincerely,

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

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Jenna Rollins

From: Caroline Runge [REDACTED]
Sent: Wednesday, April 27, 2022 3:02 PM
To: Jenna Rollins
Subject: Re: Santa Cruz Land and Cattle, Inc. Application No. 23-944B
Attachments: TCEC- Santa Cruz WR 944- 4-27-2022.pdf

Dear Ms. Rollins,

Attached is my letter confirming the correct lat and long for the proposed diversion point for Santa Cruz Land and Cattle, Inc. WR 23-944.

I was pleased to meet you on the Zoom call last week and certainly appreciate the time you and the other staff members took to go over the application with me.

Best regards,
Caroline Runge

SANTA CRUZ LAND AND CATTLE, INC.
c/o Caroline Runge
3232 Runge Ranch Road
Fort McKavett, Texas 76841

April 27, 2022

Ms. Jenna Rollins, Project Manager
Texas Commission on Environmental Quality
Water Rights Permitting Team
Water Rights Permitting and Availability Section
P. O. Box 13087
Austin, TX 78711-3087

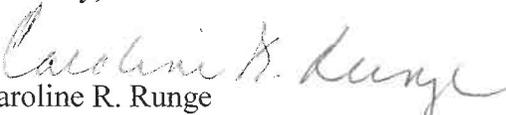
RE: Santa Cruz Land and Cattle, Inc.
ADJ 944
CN601318611, RN101479566
Application No. 23-944B to Amend Certificate of Adjudication No. 23-944
Rio Grande, Rio Grande Basin Presidio County

Dear Ms. Rollins:

I confirm that the correct latitude and longitude for the proposed diversion point for the above referenced water right are Latitude 29.552636°N, Longitude 104.391033°W.

Thank you for your attention to this application.

Sincerely,


Caroline R. Runge
Secretary

Jenna Rollins

From: Jenna Rollins
Sent: Monday, April 25, 2022 9:18 AM
To: [REDACTED]
Subject: Santa Cruz Land and Cattle, Inc. Application No. 23-944B
Attachments: Santa_Cruz_Land_and_Cattle_Inc_23-944B_RFI_Sent_4.25.22.pdf

Dear Ms. Runge,

Please see the attached request for information letter for the Santa Cruz Land and Cattle, Inc. application No. 23-944B and provide a response by May 25, 2022.

Thank you,
Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
512-239-1845

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

April 25, 2022

Ms. Caroline Runge
Santa Cruz Land and Cattle, Inc.
3232 Runge Ranch Road
Ft. McKavett, Texas 76841

VIA-EMAIL

RE: Santa Cruz Land and Cattle, Inc.
ADJ 944
CN601318611, RN101479566
Application No. 23-944B to Amend Certificate of Adjudication No. 23-944
Texas Water Code § 11.122, Not Requiring Notice
Rio Grande, Rio Grande Basin
Presidio County

Dear Ms. Runge:

This acknowledges receipt, on April 5, 2022, of the referenced application, and fees in the amount of \$112.50 (Receipt No. M216232, copy attached).

Before the application can be declared administratively complete, confirm the location of the diversion point. Staff notes the coordinates provided in the application are not consistent with the map provided and plot in Mexico. Based on the map, staff has calculated coordinates to be Latitude 29.552636°N, Longitude 104.391033°W.

Please provide the requested information by May 25, 2022 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact me via email at jenna.rollins@tceq.texas.gov or by telephone at (512) 239-1845.

Sincerely,

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

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



20-APR-22 03:51 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
TEMP/EMERG WTR USE PRMT ISSUE	EMG EMG TEMPORARY/EMERGENCY WTR USE PERMIT ISSUE	M216232 ADJ23944A RUNGE, CAROLINE R	1582 042022 VHERNAND	 N CK	BS00094260 D2802526	20-APR-22	-\$112.50
Total (Fee Code):							-\$112.50

RECEIVED

APR 22 2022

Water Availability Division

Jenna Rollins

Subject: Santa Cruz Land and Cattle, Inc. Application No. 23-944B
Location: Microsoft Teams Meeting

Start: Tue 4/12/2022 2:00 PM
End: Tue 4/12/2022 2:30 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Jenna Rollins
Required Attendees: Chris Kozlowski; John-Cody Stalsby; [REDACTED]
Optional Attendees: Brooke McGregor

Good morning,

This is a meeting with the applicant to discuss the Santa Cruz Land and Cattle, Inc. application No. 23-944B.

Best,
Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
512-239-1845

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

[Learn More](#) | [Meeting options](#)

**Texas Commission on Environmental Quality
TELEPHONE MEMO TO THE FILE**

Call to: Ms. Caroline Runge	Call from: Jenna Rollins
Date: 4/8/2022	Project No: 23-944B
<i>Information for File follows:</i> A phone call was made to the applicant to set up a meeting to discuss the submitted application.	
Signed: <i>Jenna L. Rollins</i>	Date: 4/8/22

Jenna Rollins

From: Jenna Rollins
Sent: Friday, April 8, 2022 9:20 AM
To: [REDACTED]
Subject: Santa Cruz Land and Cattle, Inc. Application No. 23-944B

Dear Ms. Runge,

We would like to schedule a brief meeting over Microsoft Teams to discuss the Santa Cruz Land and Cattle, Inc. application No. 23-944B. Please let me know a good day and time next week that you are available.

Thank you,
Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
512-239-1845

SANTA CRUZ LAND AND CATTLE, INC.
P. O. Box 411
Marfa, Texas 79843

27 March 2022

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

Re: Application for Amendment to Certificate of
Adjudication 23-944A
Santa Cruz Land and Cattle, Inc.
Upper Rio Grande River
Presidio County, Texas

Dear Sir:

I am submitting herewith an application to amend WR 23-944A to add an additional diversion point approximately 600 feet downstream of the authorized diversion point currently in use. No change is requested in purpose of use, place of use, number of acres to be irrigated, number of acre-feet to be diverted, or diversion rate.

Enclosed are:

- 1) Application for amendment to WR 23-944A, including the Administrative Information Report executed by Caroline R. Runge, Secretary of Santa Cruz Land and Cattle, Inc.
- 2) Administration Information Checklist.
- 3) Administration Information Report.
- 4) Copy of minutes of the corporation dated October 1, 2021 authorizing Caroline R. Runge to act on behalf of the company.
- 5) Technical Information Report
- 6) A copy of a portion of the Presidio, TX USGS topo map indicating the proposed diversion point.
- 7) Copy of the deed from Caroline R. Moore and Michael O'Connor conveying the land on which the proposed diversion point is located to Santa Cruz Land and Cattle Inc. The subject tract is described as Tract Four in "Exhibit A" to the deed, dated January 22, 1985 and filed for record in Volume 255, Page 524 of the Deed Records of Presidio County, Texas.

- 8) Copy of the Amendment to Certificate of Adjudication 23-944A, granted on January 26, 1988 and filed for record in Volume 1, Pages 112-114.
- 9) Three photographs taken from the proposed diversion point, looking across the Rio Grande River, and upstream and downstream.
- 10) A check in the amount of \$112.50 in payment of fees.

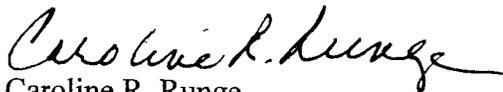
Please notify the project manager to whom this application is assigned that I am the contact person for this amendment and my contact information is:

3232 Runge Ranch Road
Fort McKavett, TX 76841
Telephone: 325-396-4995
Cell phone: 325-456-0649
e-mail: [REDACTED]

Please let me know if any additional information is needed, and direct all correspondence relating to the amendment to me at this address.

Thank you.

Sincerely



Caroline R. Runge
Secretary

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): Santa Cruz Land and Cattle, Inc

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

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

For Commission Use Only:

Proposed/Current Water Right Number: _____

Basin: _____ Watermaster area Y/N: _____

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

Indicate the number of Applicants/Co-Applicants 1
(Include a copy of this section for each Co-Applicant, if any)

What is the Full Legal Name of the individual or entity (applicant) applying for this permit?

Santa Cruz Land and Cattle, Inc

(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 : CN601318611 (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: Caroline R. Runge

Title: Secretary

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

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: Santa Cruz Land and Cattle

Mailing Address: P. O. Box 411

City: Marfa

State: TX

ZIP Code: 79853

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 checked="" type="checkbox"/> Corporation
<input type="checkbox"/> Trust	<input type="checkbox"/> Estate
<input type="checkbox"/> Federal Government	<input type="checkbox"/> State Government
<input type="checkbox"/> County Government	<input type="checkbox"/> City Government
<input type="checkbox"/> Other Government	<input type="checkbox"/> Other _____

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: 30008618552 SOS Charter (filing) Number: 7219950

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) 239-4691.**

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."

To add additional diversion point about 600 feet downstream of current authorized diversion point.

The requested diversion point is on the same tract of land as the current authorized diversion

point, and there is no change requested for purpose of use, number of acres to be irrigated,

amount of water to be diverted or diversion rate.

It is intended that the current diversion point will no longer be used, but regardless, the combined

diversion amount and rate for both points will not exceed the currently authorized amount or

rate.

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: Caroline Runge

Title: Secretary

Organization Name: Santa Cruz Land Cattle, Inc

Mailing Address: 3232 Runge Ranch Road

City: Ft. McKavett

State: TX

ZIP Code: 76841

Phone No.: 325-396-4995

Extension:

Fax No.:

E-mail Address: 

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4691, 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** Y

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

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Caroline R. Runge

Secretary

(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: Caroline R. Runge Date: 3/21/2022
(Use blue ink)

Subscribed and Sworn to before me by the said

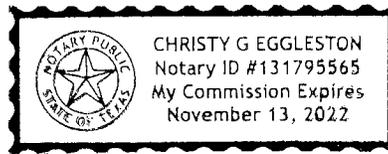
on this 21st day of March, 2022.

My commission expires on the 13th day of Nov., 2022.

Christy Eggleston
Notary Public

[SEAL]

Monard
County, Texas



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

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

This Report is required for applications for new or amended water rights. Based on the Applicant's responses below, Applicants are directed to submit additional Worksheets (provided herein). A completed Administrative Information Report is also required for each application.

Applicants are 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) 239-4691 to schedule a meeting. Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N N (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 N
- b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? Y / N N (If yes, indicate the Certificate or Permit number: _____)

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

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

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

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

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

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

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

This section should be completed if Applicant owns an existing water right and Applicant requests to amend the water right. ***If Applicant is not currently the Owner of Record in the TCEQ Records, Applicant must submit a Change of Ownership Application (TCEQ-10204) prior to submitting the amendment Application or provide consent from the current owner to make the requested amendment. See instructions page. 6.***

Water Right (Certificate or Permit) number you are requesting to amend: 23-944A

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

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

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

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

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

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

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

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

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

If yes, submit: Worksheet 3.0 - Diversion Point Information Worksheet (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)

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

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

- f. Other - Applicant requests to change any provision of an authorization not mentioned above? Y / N N *If yes, call the Water Availability Division at (512) 239-4691 to discuss.*

Additionally, all amendments require:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Worksheets and information:

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)
- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

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

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

To add additional diversion point approximately 600 feet downstream of authorized

diversion point currently in use. The requested diversion point is on the same tract of

land as the current point; no change is requested in purpose of use, number of

acres to be irrigated, amount of water to be diverted or diversion rate.

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

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

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

WORKSHEET 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** 21.9 cfs (cubic feet per second) or ⁹⁸⁵⁵ _____ gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N** **Y**
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 21.9 cfs or ⁹⁸⁵⁵ _____ gpm

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

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

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

Check one		Write: Existing or Proposed
X	Directly from stream	
	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** **N**

If yes, the drainage area is _____ sq. miles.

(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Upper Rio Grande
- b. Zip Code: 79843
- c. Location of point: In the tract of land opposite H.W. Block Original Survey No. 12, Abstract No. _____, Presidio County, Texas. and traverse it de Heaton Survey and west of above surveys (see attached deed) 75

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude 29.552372 °N, Longitude -104.39111 °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): GIS
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- 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 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

	Description	Amount (\$)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$) . <u>In Acre-Feet</u>	
	a. Less than 100	\$100.00
	b. 100 - 5,000	\$250.00
	c. 5,001 - 10,000	\$500.00
	d. 10,001 - 250,000	\$1,000.00
	e. More than 250,000	\$2,000.00
Recording Fee		\$25.00
Agriculture Use Fee	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
Use Fee	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
Recreational Storage Fee	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
Storage Fee	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4691.	
TOTAL		\$

2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
Filing Fee	Amendment: \$100	\$100.00
	OR Sever and Combine: \$100 x ___ of water rights to combine	
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$ 112.00

3. BED AND BANKS

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

MINUTES OF THE ANNUAL MEETING
OF THE BOARD OF DIRECTORS OF
SANTA CRUZ LAND AND CATTLE, INC.

October 1, 2021

The annual meeting of the Board of Directors of the Corporation was called to order at 3:15 p.m. at the offices of the Fowlkes Cattle Company at 1800 Golf Course Road, Marfa, Presidio County, Texas.

Directors present: Preston L. Fowlkes, Executor of the Estate of Michael O'Connor, Preston L. Fowlkes in his individual capacity, and Caroline R. Runge. W. Emlen Roosevelt was present by telephone.

Directors absent: none.

Emlen moved that review of the corporate financial records for the year be tabled as there were only a very few items, Caroline seconded, the motion passed.

Motion was made by Emlen, seconded by Caroline, that the following resolution be adopted:

RESOLVED, that Preston L. Fowlkes, President of the corporation, and Caroline R. Runge, Secretary of the corporation, are hereby authorized to execute, jointly or singly, all documents pertaining to the business of the company, including but not limited to contracts, deeds, deeds of trust, loan documents, contracts and contracts and agreements with the Federal and State agencies, documents relating to the Company's Certificate of Adjudication for water rights from the Rio Grande, including sale, lease, and purchase of said water rights, amendments to said Certificate of Adjudication, and documents required by the Texas Commission on Environmental Quality.

The motion to adopt the resolution passed unanimously

The next item of business was signatory authority on the company's bank account at Marfa National Bank. Motion was made by Preston, seconded by Emlen, that the following resolution be adopted:

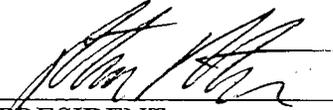
RESOLVED, that Preston L. Fowlkes and Caroline R. Runge are hereby authorized to endorse checks and orders for the payment of money on the company's bank account at the Marfa National Bank. Preston Fowlkes and Caroline Runge are further authorized to conduct all other bank business on behalf of the corporation, including but not limited to borrowing money and executing loan documents, trust agreements, leases, mortgages, conveyances of real estate and other property.

The motion to adopt the resolution passed unanimously

Following discussion, Caroline moved that consideration of the Lease Agreement be tabled until next year, when the directors will have a better idea of how operations under the new management will work. Preston seconded, the motion passed unanimously.

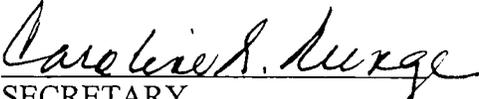
Following discussion, Preston moved that action on the Partition and Sale Agreement be tabled, Caroline seconded, the motion passed unanimously.

There being no further business to come before the board, Emlen moved that the meeting be adjourned, Preston seconded, the meeting was adjourned at 4:05 p.m.



PRESIDENT

ATTEST:



SECRETARY

WARRANTY DEED

THE STATE OF TEXAS §

87-85

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF PRESIDIO §

That we, CAROLINE R. MOORE, MICHAEL W. O'CONNOR and RONAL R. O'CONNOR, individually and d/b/a O'Connor Presidio Farms of the County of PResidio and State of Texas for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of which is hereby acknowledged, for which no lien either expressed or implied is retained or shall exist, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto SANTA CRUZ LAND & CATTLE, INC., P.O. Box 411, Marfa, Texas 79843 of the County of Presidio, State of Texas, all of the following described real property in Presidio County, Texas, to-wit:

See Exhibit A Attached Hereto And Made A Part Hereof, consisting of 5 pages.

This conveyance is made expressly subject to all valid and subsisting easements, restrictions, rights-of-way, conditions, exceptions, reservations and covenants of whatsoever nature of record, if any.

This conveyance is made subject to, and the Grantee herein does not assume the payment of, those certain indebtednesses described in and secured by two (2) deeds of Trust of record in Volume 205, Page 294 and Volume 216, Page 353 of the Deed of Trust Records of Presidio County, Texas.

And this conveyance is made subject to, and the Grantee herein does not assume the payment of that certain indebtedness described in and secured by three (3) Deeds of Trust from Michael W. O'Connor and Ronal R. O'Connor to Kenneth Larner, Trustee for the benefit of the Marfa National Bank, all dated January 8, 1985, and recorded in Volume 249 at pages 443, 449 and 455 of the Deed of Trust Records of Presidio County, Texas.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, its successors and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators to WARRANTY AND FOREVER DEFEND all and singular the said premises unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this 22nd day of January, 1985.

Caroline R. Moore
CAROLINE R. MOORE

Michael W. O'Connor
MICHAEL W. O'CONNOR

Ronal R. O'Connor
RONAL R. O'CONNOR

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Exhibit A

Attached to and a part of a Warranty Deed from
Caroline R. Moore, Michael W. O'Connor and Ronal R. O'Connor
dba O'Connor Brothers Farms to Santa Cruz Land And Cattle, Inc.

Being all that certain tract of land located in Survey 5, J.W. Spencer,
Original Grantee; Survey 12, H.W. Brooks Original Grantee; Survey 74, J.B.
Burgess, Original Grantee; and Survey 75, F.U. Leaton Original Grantee, all
in Presidio County, Texas; said land containing 180.46 acres, more or less,
and being more particularly described by metes and bounds as follows, to-wit:

TRACT ONE:

BEGINNING at the NW corner of Survey 74;
THENCE East 245.6 varas;
THENCE North 177.6 varas;
THENCE West 112.8 varas;
THENCE North 36.2 varas;
THENCE West 12 varas;
THENCE North 86.9 varas;
THENCE West 60 varas;
THENCE North 88 varas;
THENCE West 30 varas;
THENCE North 68 varas;
THENCE West 540 varas;
THENCE South 86 varas;
THENCE East 130 varas;
THENCE South 10 varas;
THENCE East 120 varas;
THENCE South 146.9 varas;
THENCE West 240 varas;
THENCE S. 2°20' W. 167.6 varas;
THENCE S. 43°18'E. 8.1 varas;
THENCE S. 0°20'E. 36 varas;
THENCE N. 88°7'W. 21.3 varas;
THENCE S. 6°58' W. 211.9 varas to the bank of the Rio Grande River;
THENCE S. 27°29' E. following the meanders of the river 300.0 varas;
THENCE East following the meanders of the river 27.3 varas;
THENCE South following the meanders of the river 320.0 varas;
THENCE East 530 varas;
THENCE N. 11°30' E. following the curve of the Railroad ROW 165 varas;
THENCE N. 20°35' E. following the curve of the Railroad ROW 172.2 varas;
THENCE N. 28°10' E. following the curve of the Railroad ROW 84 varas;
THENCE N. 11°40' W. 192 varas;
THENCE West 278.2 varas;
THENCE North 209.5 varas to the Place of Beginning.

TRACT TWO

BEGINNING at a point on the bank of the Rio Grande River 1523.9 feet S.
68°15' W. from the N.W. corner of Survey 74;
THENCE N. 5°35' E. 55 feet to the PLACE OF BEGINNING for this tract;
THENCE following the meanders of the river N. 55°44' W. a distance of
300 feet;
THENCE following the river N. 70°04'W. 265.0 feet;
THENCE following the river N. 85°16'W. 52.0 feet;
THENCE following the river S. 74°10'W. 535.0 feet;
THENCE following the river S. 71°17'W. 392.0 feet;
THENCE following the river N. 66°52'W. 220.0 feet;
THENCE following the river N. 42°18'W. 85.5 feet;
THENCE following the river N. 27°00'W. 899.6 feet;
THENCE N. 63°00' E. 27.0 feet;
THENCE East 1855.2 feet;
THENCE North 334.5 feet;
THENCE East 168.0 feet;
THENCE North 150.0 feet;
THENCE East 168.3 feet;
THENCE South 272.5 feet'
THENCE South 2°20'W. 465.5 feet;
THENCE South 43°18'E. 22.5 feet;
THENCE South 0°20'E. 100.0 feet;
THENCE North 88°07'W. 59.1 feet;
THENCE South 6°58'W. 488.6 feet to the Place of Beginning.



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TRACT THREE

All of Lots 4 and 9, Outblock 5, to the Town of Presidio, Presidio County, Texas;

BEGINNING at the Corner of Bridge and Lovett Streets;
THENCE along the South side of Bridge Street West 865 feet;
THENCE South 490 feet;
THENCE East 865 feet;
THENCE North along the West side of Lovett Street 490 feet to the Place of Beginning.

SAVE AND EXCEPT, 13.741 acres, more or less, being a parcel of land in an unsurveyed area located southerly from Presidio, Texas, in the Presidio Valley, and being more particularly described by metes and bounds as follows:

BEGINNING at a point for the northeast corner of H.W. Brooks Survey 12, said point is marked by a 5/8" rebar with an aluminum cap marked N.E. Cor. 12;
THENCE North $86^{\circ}52'42.1''$ West a distance of 4156.196 feet to the **POINT OF BEGINNING** of the parcel being described;
THENCE South $29^{\circ}51'03.5''$ East a distance of 299.703 feet to a point;
THENCE South $43^{\circ}53'28.3''$ East a distance of 522.430 feet to a point;
THENCE North $46^{\circ}06'31.7''$ East a distance of 10.000 feet to a point;
THENCE South $43^{\circ}53'28.3''$ East a distance of 88.570 feet to a point on the bank of the Rio Grande;
THENCE South $55^{\circ}18'00.0''$ West a distance of 136.200 feet along the bank of the Rio Grande to a point;
THENCE South $16^{\circ}56'42.6''$ West a distance of 170.444 feet along the bank of the Rio Grande to a point;
THENCE South $37^{\circ}05'00.0''$ West a distance of 128.300 feet along the bank of the Rio Grande to a point;
THENCE South $73^{\circ}35'00.0''$ West a distance of 158.500 feet along the bank of the Rio Grande to a point;
THENCE North $75^{\circ}04'00.0''$ West a distance of 163.000 feet along the bank of the Rio Grande to a point;
THENCE North $58^{\circ}03'00.0''$ West a distance of 210.500 feet along the bank of the Rio Grande to a point;
THENCE North $29^{\circ}56'00.0''$ West a distance of 249.900 feet along the bank of the Rio Grande to a point;
THENCE North $08^{\circ}10'53.1''$ West a distance of 370.436 feet along the bank of the Rio Grande to a point;
THENCE North $18^{\circ}58'35.5''$ West a distance of 151.583 feet along the bank of the Rio Grande to a point;
THENCE North $10^{\circ}58'39.4''$ East a distance of 94.509 feet to a point;
THENCE North $73^{\circ}04'25.7''$ East a distance of 372.000 feet to the **Point of Beginning** of the parcel herein described, containing 13.741 acres of ground, more or less

Together with that certain Water Certificate Number 23-944, dated February 12, 1925 and March 20, 1939, from Texas Waters Rights Commission to O'Connor Brothers Farms filed of Records at Vol. 211, Page 387 of the Deed Records of Presidio County, Texas.

TRACT FOUR

Being the description of a parcel of land opposite the H.W. Brooks Survey 12, Francisca U. De Leaton Survey 75, west of the above surveys and being the northern portion of Tract No. 2 transferred from Mexico to the United States of America by International Treaty signed November 23, 1970. This property being in Presidio County, Texas, is more particularly described by metes and bounds as follows:

BEGINNING at a point for the northeast corner of H.W. Brooks Survey 12 and northwest corner of J.B. Burgess Survey 74, said point is marked by a 5/8" rebar with an aluminum cap marked "N.E. Cor. Sur. 12";
THENCE S. $84^{\circ}42'44''$ W. a distance of 3587.13 feet to a point on the north right-of-way for the U.S. Levee opposite the U.S. Levee Station 297+29.44, said point being the west corner and **POINT OF BEGINNING** of this portion being described;
THENCE N. $60^{\circ}15'54''$ E. a distance of 97.01 feet to a point along the old river loop;
THENCE N. $82^{\circ}14'42''$ E. a distance of 148.52 feet to a point along the old river loop;
THENCE S. $87^{\circ}00'27''$ E. a distance of 124.48 feet to a point along the old river loop;
THENCE S. $65^{\circ}00'08''$ E. a distance of 162.69 feet to a point along the old river loop;

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THENCE S. 53°57'14" E. a distance of 206.26 feet to a point along the old river loop;
 THENCE S. 81°24'22" E. a distance of 206.69 feet to a point along the old river loop;
 THENCE N. 80°27'32" E. a distance of 218.57 feet to a point along the old river loop;
 THENCE N. 67°54'19" E. a distance of 247.26 feet to a point along the old river loop;
 THENCE N. 69°09'17" E. a distance of 208.52 feet to a point along the old river loop;
 THENCE N. 82°39'54" E. a distance of 143.41 feet to a point along the old river loop;
 THENCE S. 76°54'35" E. a distance of 191.95 feet to a point along the old river loop;
 THENCE S. 61°08'00" E. a distance of 197.09 feet to a point along the old river loop;
 THENCE S. 46°40'58" E. a distance of 131.89 feet to a point along the old river loop;
 THENCE S. 44°12'32" E. a distance of 179.52 feet to a point along the old river loop;
 THENCE S. 34°09'15" E. a distance of 163.08 feet to a point along the old river loop;
 THENCE S. 23°40'27" E. a distance of 211.44 feet to a point along the old river loop;
 THENCE S. 18°44'12" E. a distance of 177.23 feet to a point along the old river loop;
 THENCE S. 08°48'07" E. a distance of 208.50 feet to a point along the old river loop;
 THENCE S. 06°45'14" W. a distance of 235.31 feet to a point along the old river loop;
 THENCE S. 12°42'50" W. a distance of 114.61 feet to a point along the old river loop;
 THENCE S. 15°31'42" W. a distance of 297.75 feet to a point along the old river loop;
 THENCE S. 00°35'03" E. a distance of 231.70 feet to a point along the old river loop and being the southeast corner of this portion being described;
 THENCE N. 87°00'32" W. a distance of 133.60 feet to a point for corner in the southeast line of this portion being described;
 THENCE S. 59°46'49" W. a distance of 419.06 feet to a point in the north right-of-way for the U.S. and being the south corner of this portion being described;
 THENCE N. 41°13'11" W. a distance of 2590.28 feet along the north right-of-way for the U.S. to a point;
 THENCE S. 48°46'49" W. a distance of 50.00 feet to a point on the north right-of-way for the U.S. Levee;
 THENCE N. 41°13'11" W. a distance of 200.00 feet along the north right-of-way for the U.S. Levee to the **POINT OF BEGINNING** of this portion herein described, said portion containing 63.636 acres of ground, more or less, together with the authority and right to divert and use not to exceed 195 acre feet of water per annum from the Rio Grande to irrigate a maximum of 65 acres of land, being all of those water rights evidenced by those certain Certificates of Adjudication Nos. 887, 889-891, issued by the Texas Water Rights Commission on August 18, 1977, recorded in Vol. 211, Pages 330-4 of the Deed Records of Presidio County, Texas, which Certificates of Adjudication shall be submitted to the Texas Water Commission of the Texas Department of Water Resources to described the land to be irrigated and to described the point of diversion on the Rio Grande.

That portion of the above-described land lying within the old riverbed of the Rio Grande, consists of approximately 10.6 acres, is classified as "wet lands" as defined in Executive Order 11999 (May 24, 1977) and is therefore protected and prohibited from destruction or degradation.

Subject to a one percent or greater chance of flooding in any given year, as directed by Executive Order No. 11988, Floodplain Management (May 24, 1977).

SAVE AND EXCEPT the minerals under this tract are reserved by the State of Texas in that one certain deed dated January 29, 1976 from the State of Texas to the United States, recorded in Volume 203, Pages 57-59 of the Deed Records of Presidio County, Texas.

TRACT FIVE

BEING the description of a parcel of land opposite the Francisca U. De Leaton Survey 75, west of the above survey and being the southern portion of

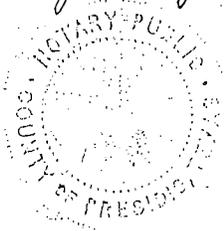


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Texas
THE STATE OF ~~MISSISSIPPI~~ §
COUNTY OF ~~LEFLORE~~ Presidio §

This instrument was acknowledged before me on the 22nd day of January, 1985 by CAROLINE R. MOORE.



Sandra A. Billingsley
Notary Public, in and for
~~LeFlore County, Mississippi~~ Presidio Texas

Sandra A. Billingsley
Printed Name of Notary

My Commission Expires: 8/6/88

THE STATE OF TEXAS §
COUNTY OF PRESIDIO §

This instrument was acknowledged before me on the 22nd day of January, 1985 by MICHAEL W. O'CONNOR.



Sandra A. Billingsley
Notary Public, in and for
Presidio County, Texas

Sandra A. Billingsley
Printed Name of Notary

My commission Expires: 8/6/88

THE STATE OF TEXAS §
COUNTY OF PRESIDIO §

This instrument was acknowledged before me on the 23rd day of January, 1985 by RONAL R. O'CONNOR.



Ruth Legate
Notary Public, in and for
Presidio County, Texas

Ruth Legate
Printed Name of Notary

My Commission Expires:
October 19, 1985

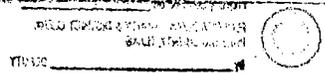
Grantee's Address:
Santa Cruz Land & Cattle, Inc.
P.O. Box 411
Marfa, Texas 79843



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FILED FOR RECORD ON THE 24 DAY OF JANUARY, A. D., 1985 AT 9:00 O'CLOCK AM.
AND RECORDED ON THE 25 DAY OF JANUARY, A. D., 1985 AT 9:10 O'CLOCK AM.
MONA LARA, COUNTY CLERK, PRESIDIO COUNTY, TEXAS. BY: [Signature] DEPUTY



WHEREAS, owner has requested that all of the certificates and water rights authorized thereunder listed above, owned by Santa Cruz Land & Cattle, Inc., in whole or in part, be combined under Certificate No. 23-944; and

WHEREAS, by Commission order dated February 4, 1988 those portions of water rights authorized under Certificate No. 23-888A, owned in part by Santa Cruz Land & Cattle, Inc., were combined along with water rights owned entirely by Santa Cruz Land & Cattle, Inc. under Certificate Nos. 23-887A, 23-889A, 23-890A, 23-891A and 23-944, under Certificate No. 23-944, to be so designated by this amendment; and

WHEREAS, certificate owner has further requested an amendment to Certificate No. 23-944, as combined, to state the authorized annual amount of water rights under the certificate to be the new combined quantity and to reflect the authorized diversion points for said water rights; 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. 23-944, as combined is issued to Santa Cruz Land & Cattle, Inc., subject to the following provisions:

1. USE

Certificate owner is authorized to divert and use not to exceed a total of 743 acre-feet of water per annum to irrigate a total of 231.428 acres of land out of a 63.636-acre tract, a 3.428-acre tract and a larger tract located in the J. W. Spenser Survey, Abstract No. 1720, the H. W. Brooks Survey, Abstract No. 7782, the J. B. Burgess Survey, Abstract No. 2505 and the F. U de Leaton Survey, Abstract No. 2486, as described in Certificate No. 23-944, in Presidio County, Texas.

2. DIVERSION

The authorized diversion points are as follows:

A. Point No. 1: On the left, or north, bank of the Rio Grande, S 70° W, 1160 feet from the northwest corner of the H. W. Brooks Survey No. 12, Abstract No. 7782;

B. Point No. 2: On the left, or north, bank of the Rio Grande, S 31°05' W, 1020 feet from the aforesaid survey corner; and

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C. Point No. 3: On the left, or north, bank of the Rio Grande, S 05°30' E, 1560 feet from said survey corner.

D. The maximum combined diversion rate shall not exceed 21.9 cfs (9855 gpm).

3. PRIORITY

The time priority of owner's right is February 12, 1925, as to 461 acre-feet of water per annum; March 30, 1930, as to 76 acre-feet of water per annum; and March 26, 1917, as to 206 acre-feet of water per annum.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate No. 23-944, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Rio Grande 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.

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: February 4, 1988

ATTEST:

Karen A. Phillips

Karen A. Phillips, Chief Clerk

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THE STATE OF TEXAS,
COUNTY OF PRESIDIO }

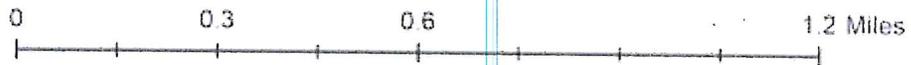
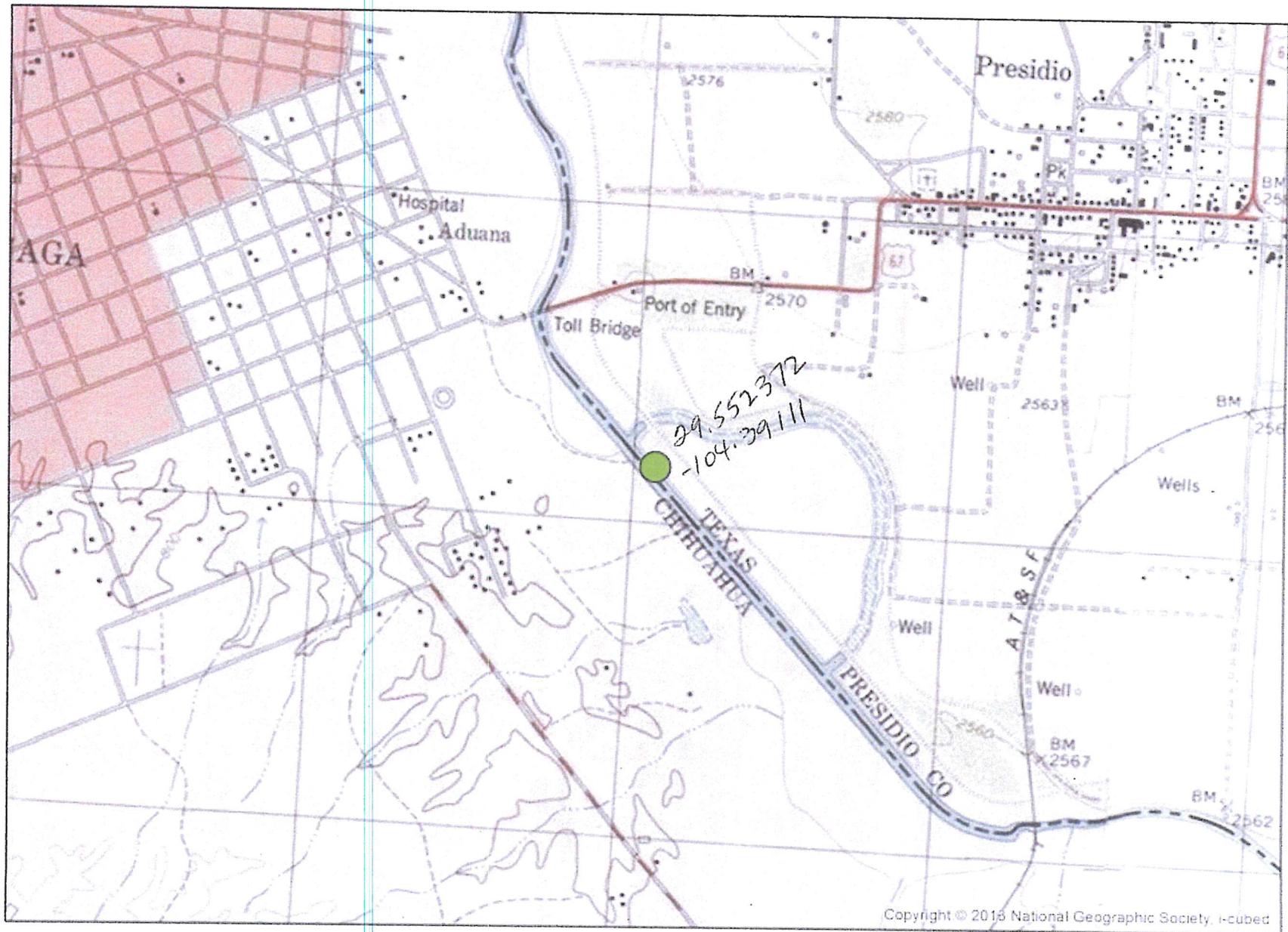
I, RAMONA LARA, Clerk of the County Court in and for said

County, do hereby certify that the foregoing Instrument of writing Amendment to Certificate of Adjudication with its certificate of authentication, was filed for Record in my office, the 10th day of February 19 88 at 2:00 o'clock P.M., and duly Recorded the 11th day of March 19 88 at 8:15 o'clock A.M., in Irrigation Permits Record of said County, in Vol. 1, Page 112-114.

Witness my hand and the seal of the County Court of said County, at office in Marfa, Texas, this the 11th day of March, 19 88.

By.....Deputy

RAMONA LARA *Ramona Lara*
Clerk, County Court, Presidio County, Texas



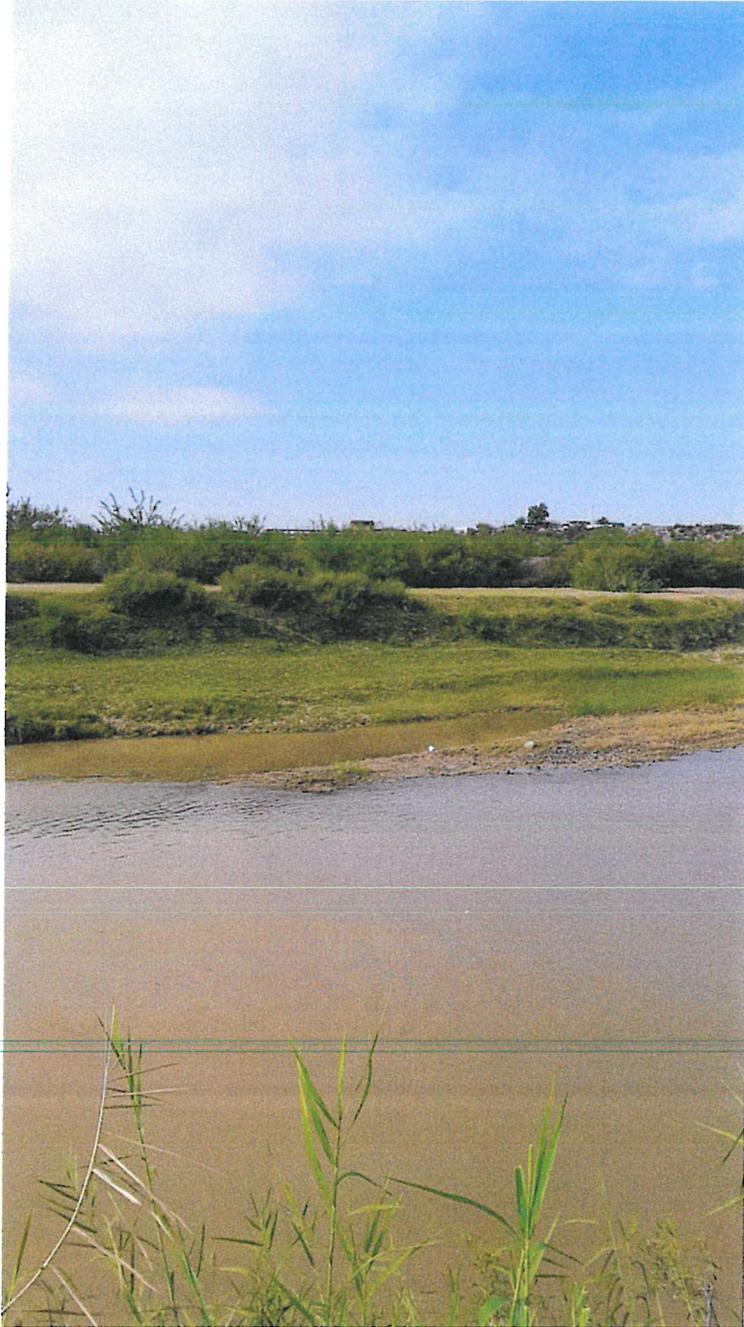
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Presidio County
Diversion Point
29.552372, -104.391111



SANTA CRUZ LAND AND CATTLE, INC
Presidio, Texas

Views of proposed diversion point



Looking West across Rio Grande River



Looking northwest upstream



Looking southeast downstream