

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Sam Sewell, Project Manager
Water Rights Permitting Team

DATE: April 27, 2020

SUBJECT: Estate of Henry William Finck
ADJ 2165
CN605736974, RN101589141
Application No. 19-2165C to Amend Certificate of Adjudication No. 19-2165
Texas Water Code § 11.122, Requiring Limited Mailed Notice
San Antonio River, San Antonio River Basin
Wilson and Karnes Counties

The application was received on January 6, 2020. Additional information and fees were received on March 23, and April 15, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on April 27, 2020. Notice is required to be mailed to interjacent water right holders of record in the San Antonio River Basin pursuant to Title 30 Texas Administrative Code § 295.158 (C)(2)(D)

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

Sam Sewell

Sam Sewell, 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

April 27, 2020

Mr. Gordon V. Parnes
21991 Loma VW E
San Antonio, TX 78259-1725

VIA-EMAIL

RE: Estate of Henry William Finck
ADJ 2165
CN605736974, RN101589141
Application No. 19-2165C to Amend Certificate of Adjudication No. 19-2165
Texas Water Code § 11.122, Requiring Limited Mailed Notice
San Antonio River, San Antonio River Basin
Wilson and Karnes Counties

Dear Mr. Parnes,

This acknowledges receipt, on March 23, and April 15, 2020, of additional information and fees in the amount of \$429.24 (Receipt No. M017249, enclosed).

The application was declared administratively complete and filed with the Office of the Chief Clerk on April 27, 2020. 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 sam.sewell@tceq.texas.gov or by phone at (512) 239-4008.

Sincerely,

Sam Sewell

Sam Sewell, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Enclosure



26-MAR-20 10:07 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	M017248	2676		BS00079619	26-MAR-20	-\$100.00
	WUP		032420	N	D0804317		
WATER USE PERMITS	WUP	VERSAD	KKOBANE	CK			
		DEVELOPMENT					
		LLC					
	WUP	M017249	139		BS00079619	26-MAR-20	-\$429.24
	WUP	ADJ2165	032420	N	D0804317		
WATER USE PERMITS	WUP	ESTATE OF	KKOBANE	CK			
		HENRY					
		WILLIAM					
		FINCK DECD					
		(THE)					
	WUP	M017250	2013		BS00079619	26-MAR-20	-\$17.64
	WUP	122822B	032420/ADT	N	D0804317		
WATER USE PERMITS	WUP	ARTESIAN	L PMT	CK			
		CATTLE &	KKOBANE				
		FARMING LLC					

Total (Fee Code): -\$546.88

Grand Total: -\$616.88

RECEIVED

MAR 30 2020

Water Availability Division

Re: Henry William Finck

Gordon Parnes [REDACTED]

Wed 4/15/2020 12:20 PM

To: Sam Sewell <Sam.Sewell@Tceq.Texas.Gov>

Sam,

Trent and your help with the Finck application this morning is appreciated.

As was discussed in the call, it is the applicant's intent that the mining water conservation plan, as shown on TCEQ-20840, pg 5, item 6, be deferred to the contract customer who Finck might lease or sell the rights to -- that lessee or grantee would be the water user. The Finck estate will not be the user of the mining rights and therefore can not provide a mining conservation plan.

If a mining contract customer is found for the permit then that water user will provide TCEQ with a mining conservation plan.

If further clarification is needed please let me know.

Thanks again for your assistance,
Gordon Parnes

From: Sam Sewell <Sam.Sewell@Tceq.Texas.Gov>**Sent:** Monday, April 13, 2020 4:46 PM**To:** [REDACTED]**Cc:** Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>**Subject:** Henry William Finck

Mr. Gordon Parnes,

Are you available for a call sometime this week to go over some questions in reference to your conservation plan?

Sincerely,

Sam Sewell



26-MAR-20 10:07 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	M017248	2676		BS00079619	26-MAR-20	-\$100.00
	WUP		032420	N	D0804317		
WATER USE PERMITS	WUP	VERSAD	KKOBANE	CK			
		DEVELOPMENT					
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	WUP	M017249	139		BS00079619	26-MAR-20	-\$429.24
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WATER USE PERMITS	WUP	ESTATE OF	KKOBANE	CK			
		HENRY					
		WILLIAM					
		FINCK DECD					
		(THE)					
	WUP	M017250	2013		BS00079619	26-MAR-20	-\$17.64
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		CATTLE &	KKOBANE				
		FARMING LLC					

Total (Fee Code): -\$546.88

Grand Total: -\$616.88

RECEIVED

MAR 30 2020

Water Availability Division

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

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

The state and regional water plans generally do not address every possible change

in individual water rights. The application is consistent with the 2016 Region L

Water Plan and the 2017 State Water Plan because there is nothing in the plans

that conflict with the application.

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

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

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":

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in individual water rights. The application is consistent with the 2016 Region L

Water Plan and the 2017 State Water Plan because there is nothing in the plans

that conflict with the application.

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

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

Gordon V. Parnes
21991 Loma View East
San Antonio, TX 78259
210-865-4980 cell

March 19, 2020

TCEQ
Sam Sewell, Project Manager Water Rights Permitting
Water Rights Permitting
P.O. Box 13087
Austin, TX 78711

RE: Estate of Henry William Finck
ADJ 2165
CN605736974, RN101589141
Application No. 19-2165C to Amend Certificate of Adjudication No. 19-2165
San Antonio River, San Antonio River Basin
Wilson and Karnes Counties

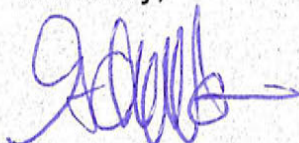
Mr. Sewell:

In response to your February 24, 2020 letter, please find the corrected pages and other requested items including:

Page 1 of 4, Form 10238
Page 4 of 23, Form 10214C
Page 5 of 5, Form 20840
Letters Testamentary
\$429.24 in fees

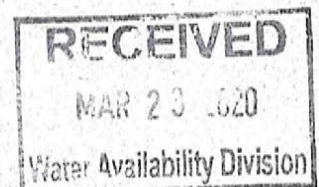
Thank you for your help throughout this application process.

Sincerely,



Gordon V. Parnes

Enclosures





Texas Commission on Environmental Quality
Water Availability Division
 MC-160, P.O. Box 13087 Austin, Texas 78711-3087
 Telephone (512) 239-4691, 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) 239-4691.

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: Click to add text GORDON V. PARNES
 Address: 21991 LOMA VIEW EAST
 Telephone Number: (210) 865-4980 Fax: ()
 Form Completed By: GORDON V. PARNES
 Title: AGENT
 Signature: [Signature] Date: 3/19/20

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.

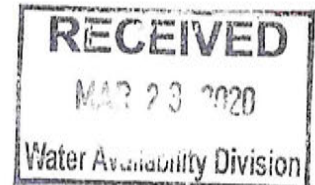
Water is currently not being used for agricultural purposes, and has not been for at least 15 years. We request deferment for providing a system inventory and water conservation plan. We also request that this be made a condition of a sale or lease of this permit.

I. BACKGROUND DATA

A. Water Use

1. Annual diversion appropriated or requested (in 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



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

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

The state and regional water plans generally do not address every possible change

in individual water rights. The application is consistent with the 2016 Region L

Water Plan and the 2017 State Water Plan because there is nothing in the plans

that conflict with the application.

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

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

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

- a. 5-year goal:
 - b. 10-year goal:
3. 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%.
 4. Provide a description of the leak-detection and repair, and water-loss accounting measures used.
 5. Describe the application of state-of-the-art equipment and/or process modifications used to improve water use efficiency.
 6. Describe any other water conservation practice, method, or technique which the user shows to be appropriate for achieving the stated goal or goals of the water conservation plan:

Water is currently not being used for agricultural purposes, and has not been for at least 15 years. We request deferment for providing a system inventory and water conservation plan. We also request that this be made a condition of a sale or lease of this permit.

III. 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.

BEXAR

No. 2018PC2567

In Probate Court
Bexar County, Texas
In Matters Probate

Estate of
HENRY WILLIAM FINCK, DECEASED

Letters Testamentary

The State of Texas, County of Bexar

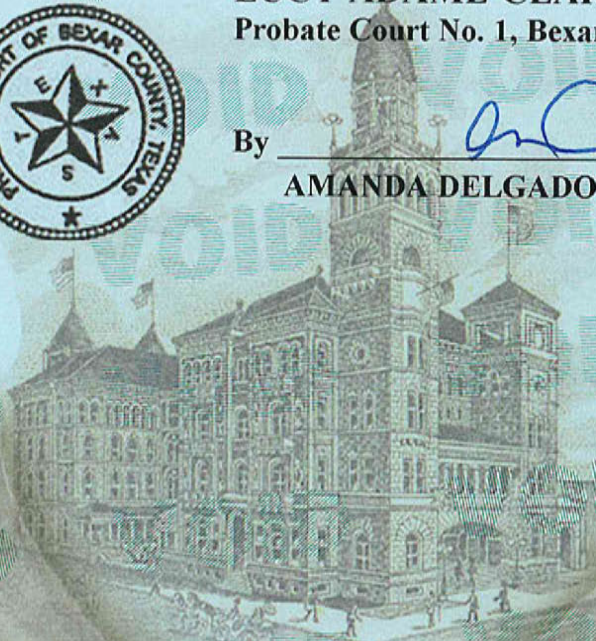
I, LUCY ADAME-CLARK, Clerk of the Probate Court of Bexar County, Texas, DO HEREBY CERTIFY, that the Last Will and Testament of the above named deceased has been admitted to Probate and on the 6th day of August A.D., 2018, DAVID EDWARD FINCK qualified according to law as INDEPENDENT EXECUTOR of the Estate of HENRY WILLIAM FINCK, DECEASED, and that said appointment is in full force and effect.

Given under my hand and seal of office at San Antonio, Texas, the 12th day of March A.D., 2020

LUCY ADAME-CLARK, CLERK
Probate Court No. 1, Bexar County, Texas



By  _____, Deputy
AMANDA DELGADO



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

February 24, 2020

Mr. Gordon V. Parnes
21991 Loma VW E
San Antonio, TX 78259-1725

CERTIFIED MAIL

9489 0090 0027 6009 6021 73

RE: Estate of Henry William Finck
ADJ 2165
CN605736974, RN101589141
Application No. 19-2165C to Amend Certificate of Adjudication No. 19-2165
Texas Water Code § 11.122, Requiring Limited Mailed Notice
San Antonio River, San Antonio River Basin
Wilson and Karnes Counties

Mr. Parnes,

This acknowledges receipt, on January 6, 2020, of the referenced application and partial fees in the amount of \$112.50 (Receipt No. M010169, enclosed).

Additional information and fees are required before the application can be declared administratively complete.

1. Provide a completed *System Inventory and Water Conservation Plan for Individually-Operated Irrigation Systems* for agricultural use (TCEQ - Form 10238) as referenced in Worksheet 6.0 *Water Conservation/Drought Contingency Plans*.
2. Provide information regarding how the application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan (Section 4.a. of the *Technical Information Report*). For examples, see page 15 of *Instructions for Completing the Water Right Permitting Application* (Form TCEQ-10214A-inst).
3. Provide additional information concerning the submitted water conservation plan for mining use to comply with Title 30 Texas Administrative Code (TAC) § 288.3 (TCEQ - Form 20840). Staff acknowledges that Applicant submitted a water conservation plan; however, no responses were included for pages 4 and 5. If the plan does not provide information for a requirement, include an explanation as to why that requirement is not applicable.
4. Provide documentation evidencing signature authority for David Finck on behalf of Estate of Henry William Finck, pursuant to 30 TAC § 295.14(4) which states:

If the applicant is an estate or guardianship, the application shall be signed by the duly appointed guardian or representative of the estate, and a current copy of the letters issued by the court shall be attached to the application.

Mr. Gordon V. Parnes
Application No. 19-2165C
February 24, 2020
Page 2 of 2

5. Remit fees in the amount of \$429.24 as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (Amendment)	\$	100.00
Recording Fee	\$	12.50
<u>Notice Fee (\$2.94 x 146 interjacent water right holders)</u>	\$	<u>429.24</u>
Total Fees	\$	541.74
<u>Fees Received</u>	\$	<u>112.50</u>
Total Fees Due	\$	429.24

Please provide the requested information and fees by March 25, 2020 or the application maybe returned pursuant to 30 TAC § 281.18.

If you have questions concerning this application, please contact me via email at Sam.Sewell@tceq.texas.gov or by phone at (512) 239-4008.

Sincerely,



Sam Sewell, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Enclosure

David E. Finck
8710 Cedarspur Dr.
Houston, TX 77055

RECEIVED

JAN 6 2020

Water Availability Division

David E. Finck
Direct Dial (713) 588-7019
Direct Fax (713) 588-7086
Email [REDACTED]

January 3, 2020

VIA US MAIL

TCEQ
Water Availability Division, MC-160
P.O. Box 13087
Austin, TX 78711-3087

Re: Application


Dear Intake Department:

Enclosed are one (1) original and six (6) copies of the following documentation:

- 1) TCEQ Water Rights Permitting Application;
- 2) Technical Information Report Water Rights Permitting; and
- 3) General Warranty Deed.

Also enclosed is Check No. 141 in the amount of \$112.50 Please let me know if you have any questions.

Very truly yours,



David E. Finck, Executor

DEF/lmh
Enclosures

**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): Estate of Henry William Finck, Deceased. David E. Finck, Executor

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

- Administrative Information Report**
- Additional Co-Applicant Information
- Additional Co-Applicant Signature Pages
- Written Evidence of Signature Authority
- Technical Information Report**
- USGS Map (or equivalent)
- Map Showing Project Details
- Original Photographs
- Water Availability Analysis
- Worksheet 1.0**
- Recorded Deeds for Irrigated Land
- Consent For Irrigation Land
- Worksheet 1.1**
- Addendum to Worksheet 1.1
- Worksheet 1.2**
- Addendum to Worksheet 1.2
- Worksheet 2.0**
- Additional W.S 2.0 for Each Reservoir
- Dam Safety Documents
- Notice(s) to Governing Bodies
- Recorded Deeds for Inundated Land
- Consent For Inundation Land

- Worksheet 3.0**
- Additional W.S 3.0 for each Point
- Recorded Deeds for Diversion Points
- Consent For Diversion Access
- Worksheet 4.0**
- TPDES Permit(s)
- WWTP Discharge Data
- 24-hour Pump Test
- Groundwater Well Permit
- Signed Water Supply Contract
- Worksheet 4.1**
- Worksheet 5.0**
- Addendum to Worksheet 5.0
- Worksheet 6.0**
- Water Conservation Plan(s)
- Drought Contingency Plan(s)
- Documentation of Adoption
- Worksheet 7.0**
- Accounting Plan
- Worksheet 8.0**
- Fees

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) 239-4691.**

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."

SEEKING AN AMENDMENT TO CERTIFICATION NO. 19-2165B, CHANGING THE USE TO

AGRICULTURE AND MINING, WITH DIVERSION REACH.

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

Indicate the number of Applicants/Co-Applicants 2
(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?

The Estate of Henry William Finck, Deceased. David E. Finck, Executor

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

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

You may search for your CN on the TCEQ website at

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

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

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

First/Last Name: David E. Finck

Title: Independent Executor

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: David E. Finck

Mailing Address: 8710 Cedarspur Drive

City: Houston

State: TX

ZIP Code: 77055

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: Gordon V. Parnes

Title: Agent for the Finck Estate

Organization Name:

Mailing Address: 21991 Loma View East

City: San Antonio

State: TX

ZIP Code: 78259

Phone No.: 210-865-4980

Extension:

Fax No.:

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:

Title:

Organization Name:

Mailing Address:

City:

State:

ZIP Code:

Phone No.:

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**

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**

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, David Finck, Executor
(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: 12-30-2019

(Use blue ink)

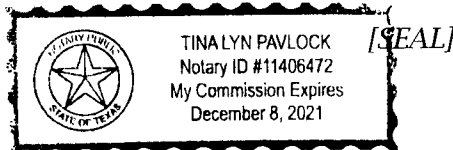
Subscribed and Sworn to before me by the said

on this 31st day of December, 2019.

My commission expires on the 8th day of December, 2021.

Notary Public

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 Y (If yes, date : 11-14-19).

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: 19-2165B

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 / NN**

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

c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? **Y / N Y**

If yes, submit:

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

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

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

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).**

(Not Applicable)

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":

This application for a change of use is not consistent with the State and Regional

Water Plans.

- 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**

(Not Applicable)

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:

1. 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**
120	AGRICULTURE	AGRICULTURE AND MINING	WILSON COUNTY	WILSON COUNTY KARNES COUNTY AND WITHIN THE SAN ANTONIO RIVER BASIN

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- i) Applicant proposes to irrigate a total of _____ 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) describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds. If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other legal right for Applicant to use the land described.

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

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

(Not Applicable)

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);

(Not Applicable)

- 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.

(Not Applicable)

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:

- 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.

(Not Applicable)

- 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.

(Not Applicable)

WORKSHEET 2.0 Impoundment/Dam Information

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

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

1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: _____
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: _____.
- c. The impoundment is on-channel _____ or off-channel _____ (mark one)
 1. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4691? Y / N
 2. 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

(Not Applicable)

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) 239-4691).

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** 2.5 cfs (cubic feet per second) or 1,100 gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / N N**
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches 2.5 cfs or 1,100 gpm*
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / N N**

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

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

Check one		Write: Existing or Proposed
<input checked="" type="checkbox"/>	Directly from stream	PROPOSED
	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): SAN ANTONIO RIVER - UPSTREAM LIMIT OF DIVERSION REACH
- b. Zip Code: 78114
- c. Location of point: In the F. FLORES Original Survey No. 18, Abstract No. 10, WILSON County, Texas.

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

- d. Point is at:
Latitude 29.215031 °N, Longitude -98.262366 °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): GLO LAND/LEASE MAP VIEWER AND TCEQ MAP VIEWER
- 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.

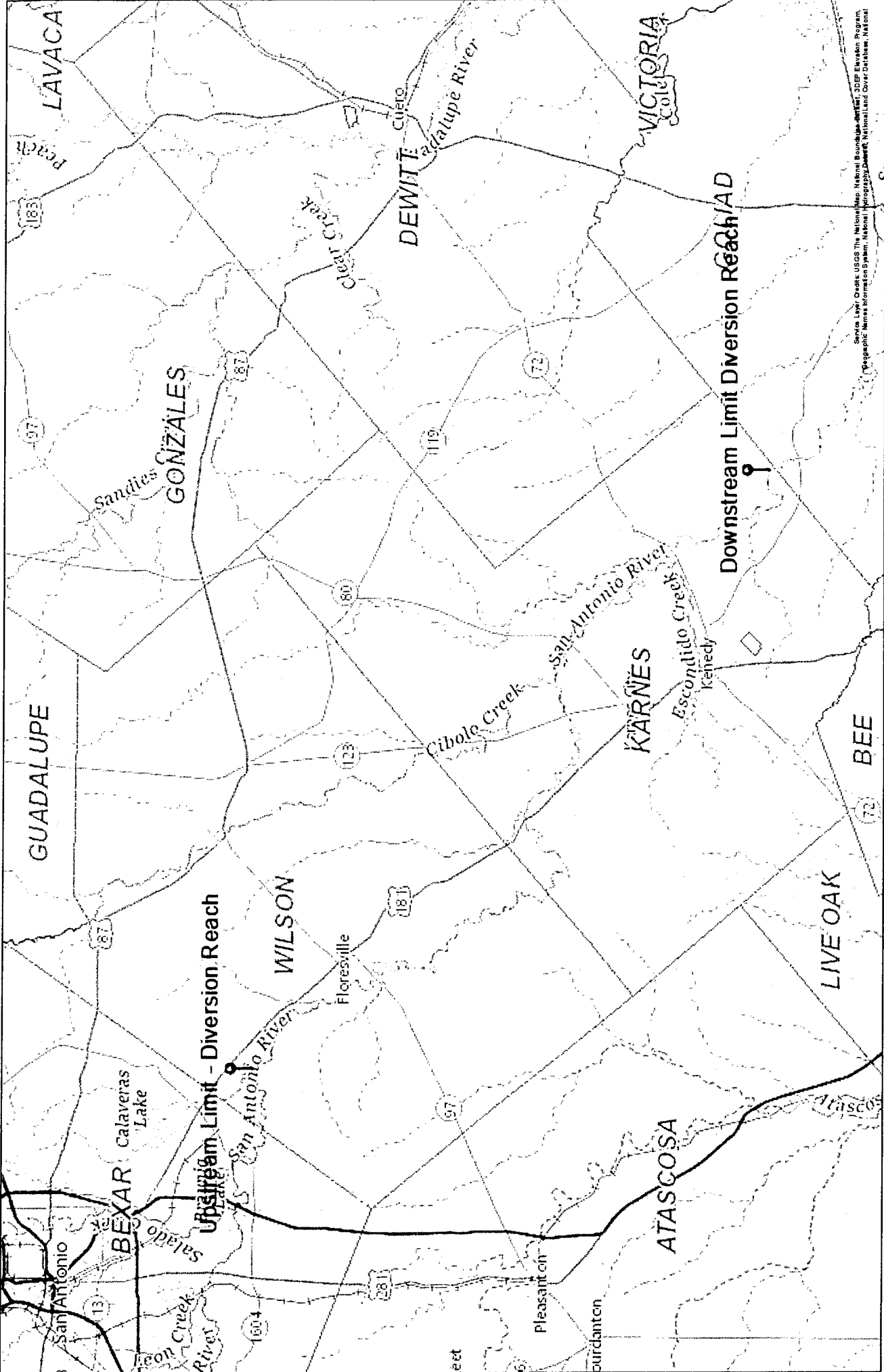
2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): SAN ANTONIO RIVER - DOWNSTREAM LIMIT OF DIVERSION REACH
- b. Zip Code: 78119
- c. Location of point: In the J.T. GRIFFIN Original Survey No. _____, Abstract No. 414, KARNES County, Texas.

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

- d. Point is at:
Latitude 28.757199°N, Longitude -97.653913°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): GLO LAND/LEASE MAP VIEWER AND TCEQ MAP VIEWER
- 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.



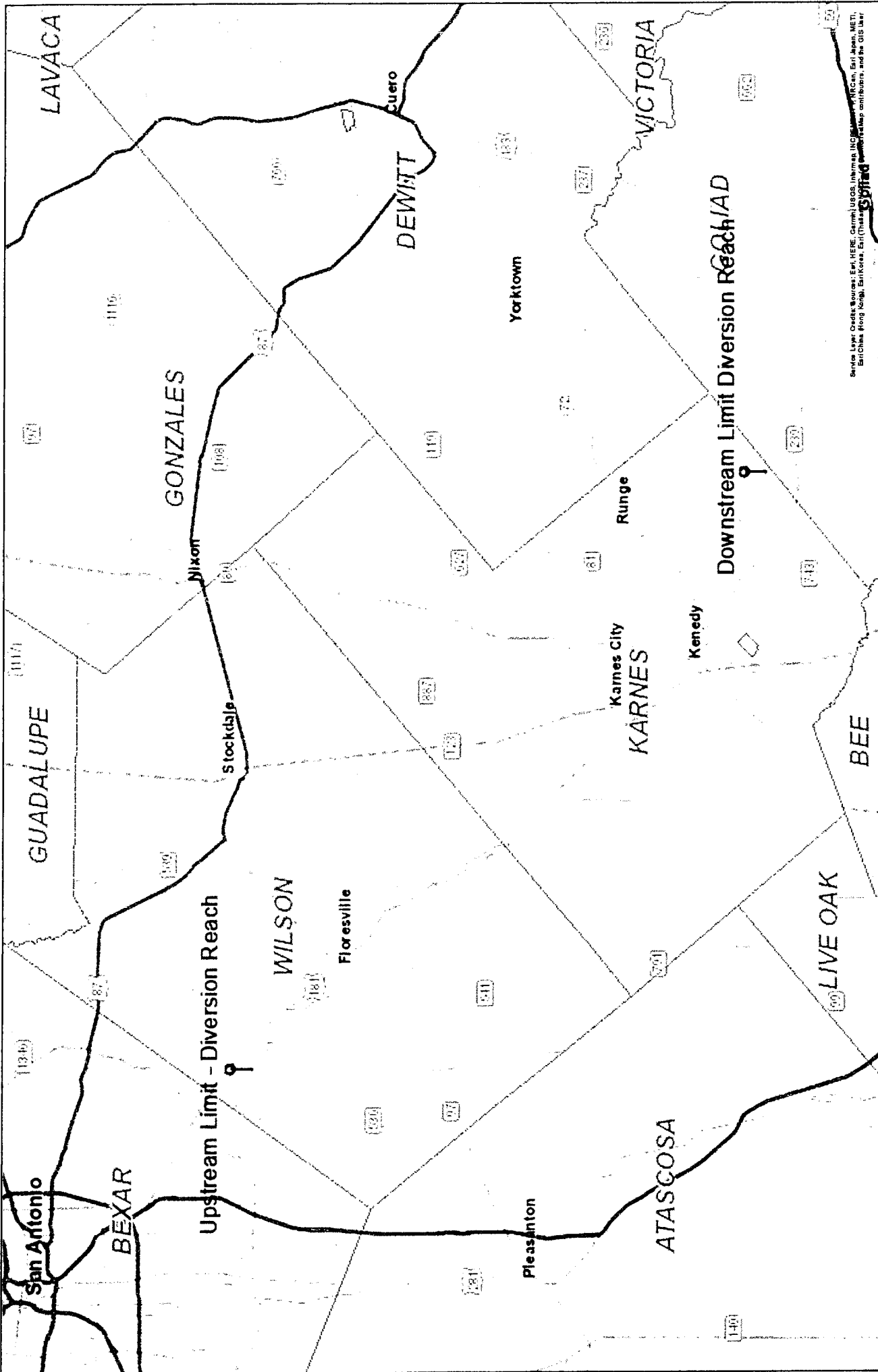
Service Layer Credits: USGS The National Map, National Boundary Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National

GLO Land/Lease Mapping Viewer

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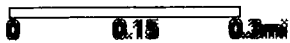




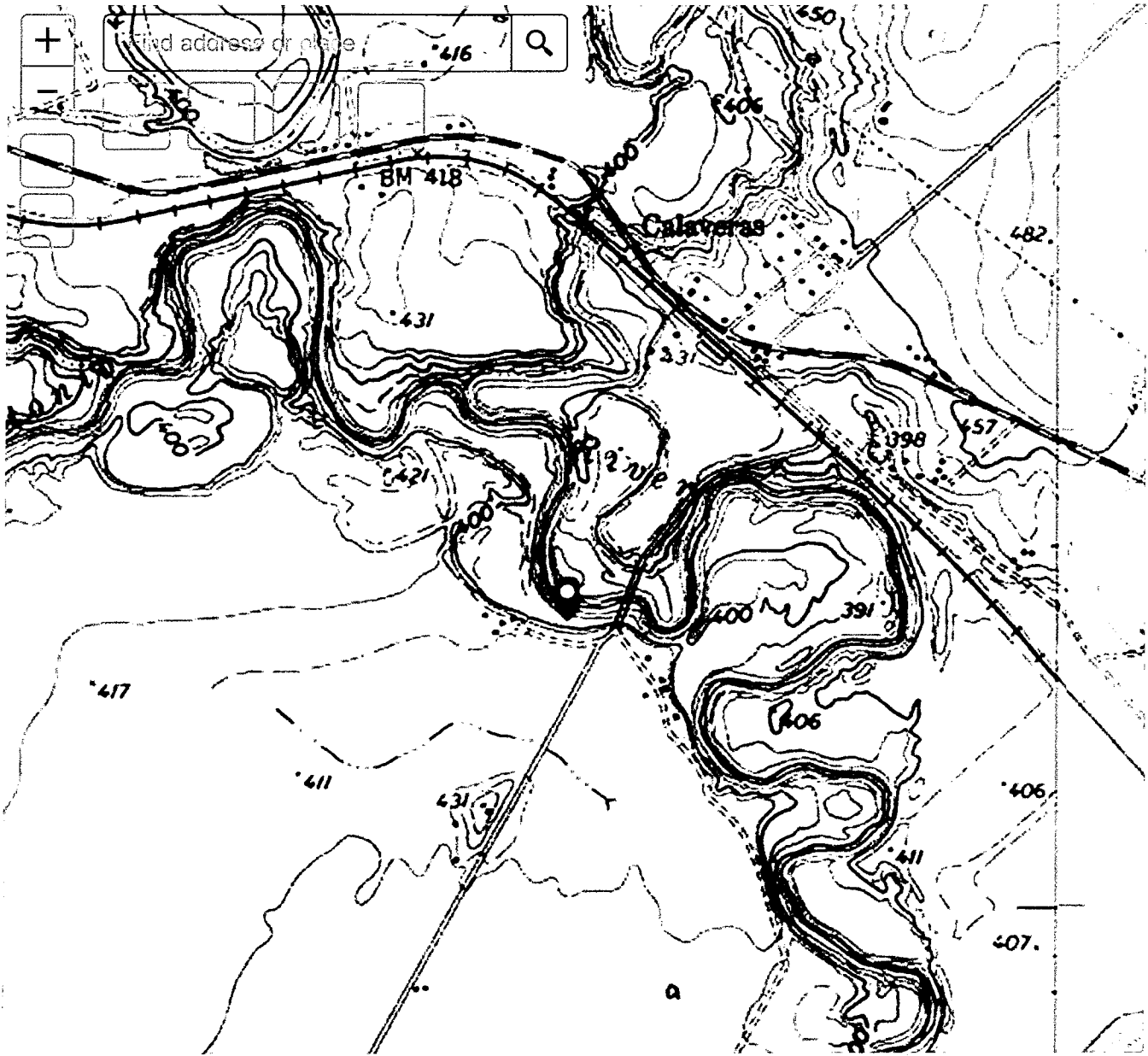
UPSTREAM LIMIT OF DIVERSION REACH

Latitude
29.215031

Longitude
-98.262366



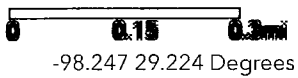
-98.250 29.212 Degrees

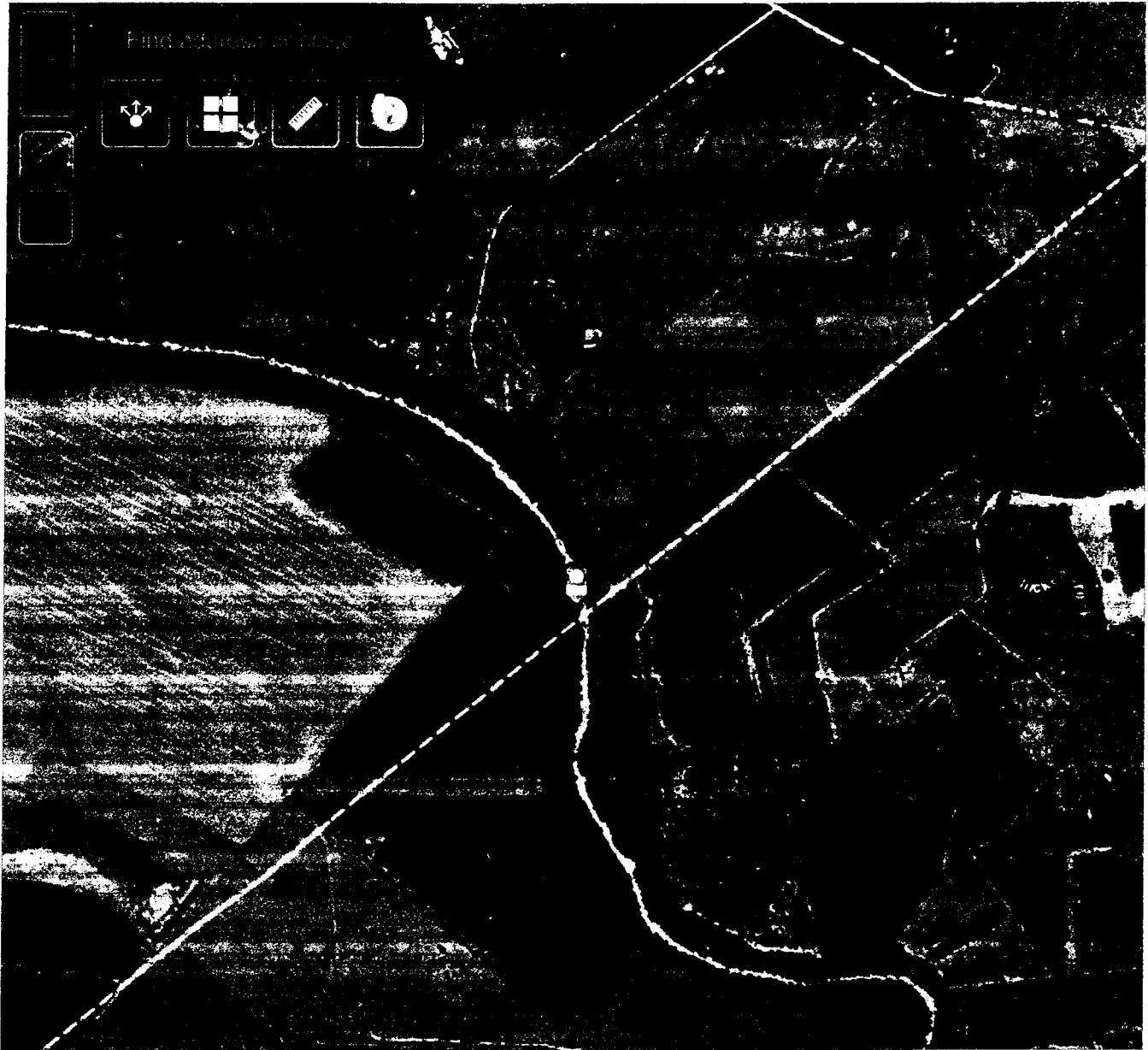


UPSTREAM LIMIT OF DIVERSION REACH

Latitude
29.215031

Longitude
-98.262366

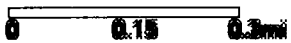




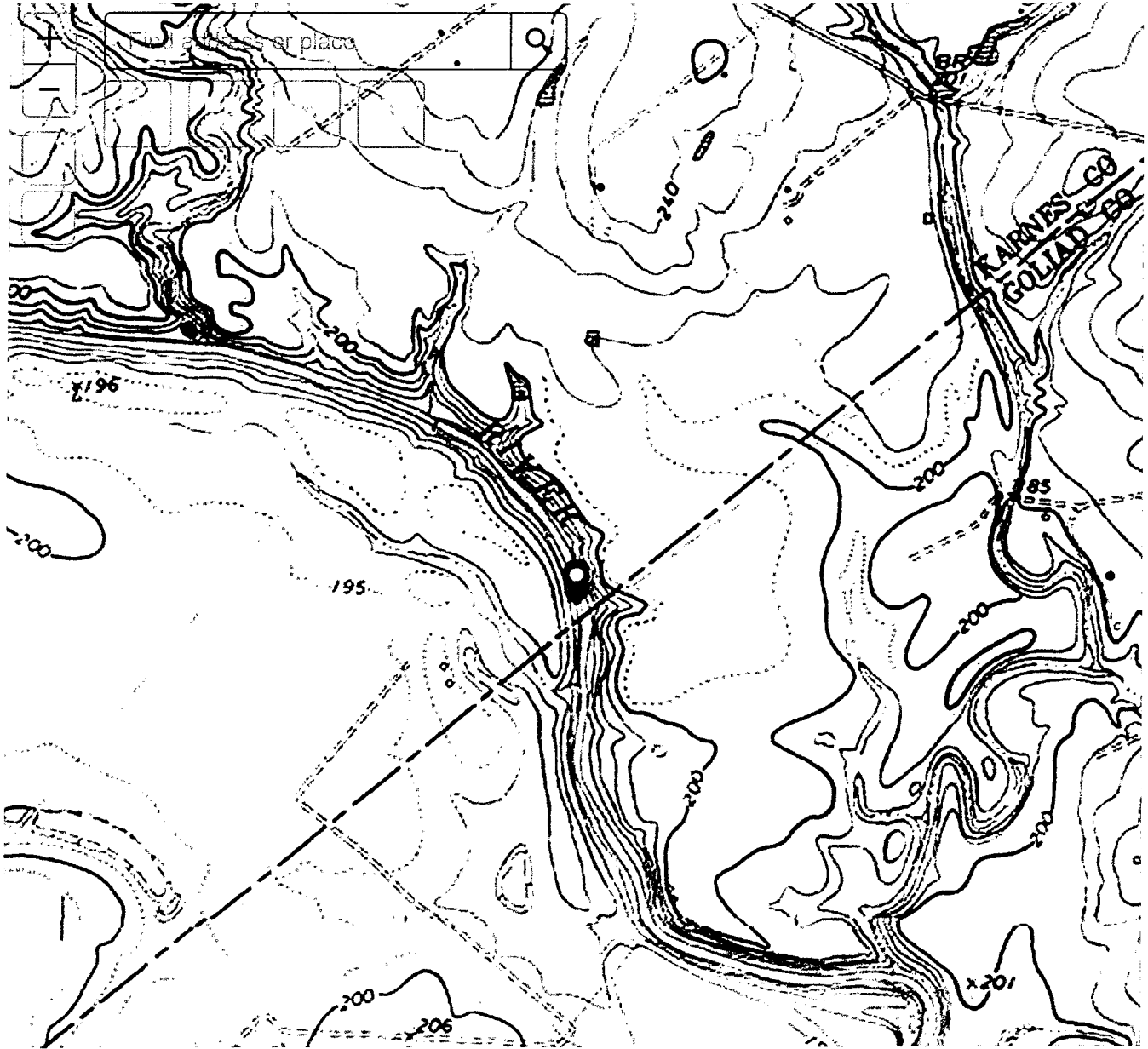
DOWNSTREAM LIMIT OF DIVERSION REACH

Latitude
28.757199

Longitude
-97.653913



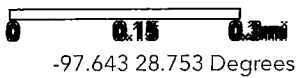
-97.643 28.761 Degrees



DOWNSTREAM LIMIT OF DIVERSION REACH

Latitude
28.757199

Longitude
-97.653913



(Not Applicable)

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 _____

(Not Applicable)

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

This worksheet is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. **Instructions, Page 28.**

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

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

Other, specify: _____

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: _____

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).
3. 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.

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

For all bed and banks applications:

- a. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).

- b. 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.

If the alternate source is treated return flows, provide the TPDES permit number _____

If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:

- a. 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.

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

Addendum to Worksheet 5.0 Upstream Limit of Diversion Reach

1. Photographs of the Upstream Diversion Point:



Upstream Diversion Point on the west/right bank of the San Antonio river



View of the river bottom near the diversion point – west bank of the river



Looking west across the river near the diversion point



View of the river bottom - looking northwest from the FM 775 bridge

2. The applicant will take measures to avoid impingement and entrainment of aquatic organisms by installing screens on the suction pipe.
3. Not applicable.

WORKSHEET 5.0

ENVIRONMENTAL INFORMATION

This worksheet is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for: requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. **Instructions, Page 28.**

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

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

Other, specify: _____

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: _____

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).
3. 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.

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

For all bed and banks applications:

- a. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).

Addendum to Worksheet 5.0
Downstream Limit of Diversion Reach

1. Photographs of the Downstream Diversion Point: Not Applicable – Currently no access to the diversion point by the Applicant.
2. The applicant will take measures to avoid impingement and entrainment of aquatic organisms by installing screens on the suction pipe.
3. Not applicable.

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 512-239-4691, or e-mail wras@tceq.texas.gov. The model plans can also be downloaded from the TCEQ webpage. Please use the most up-to-date plan documents available on the webpage.

1. Water Conservation Plans

- a. The following applications must include a completed Water Conservation Plan (30 TAC § 295.9) for each use specified in 30 TAC, Chapter 288 (municipal, industrial or mining, agriculture - including irrigation, wholesale):
1. Request for a new appropriation or use of State Water.
 2. Request to amend water right to increase appropriation of State Water.
 3. Request to amend water right to extend a term.
 4. Request to amend water right to change a place of use.
**does not apply to a request to expand irrigation acreage to adjacent tracts.*
 5. Request to amend water right to change the purpose of use.
**applicant need only address new uses.*
 6. Request for bed and banks under TWC § 11.042(c), when the source water is State Water
**including return flows, contract water, or other State Water.*
- b. If Applicant is requesting any authorization in section (1)(a) above, indicate each use for which Applicant is submitting a Water Conservation Plan as an attachment:
1. ____ Municipal Use. See 30 TAC § 288.2. **
 2. Industrial or Mining Use. See 30 TAC § 288.3.
 3. ____ Agricultural Use, including irrigation. See 30 TAC § 288.4.
 4. ____ Wholesale Water Suppliers. See 30 TAC § 288.5. **

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

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

(Not Applicable)

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

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

2. Drought Contingency Plans

- a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above - indicate each that applies:
 - 1. ____Municipal Uses by public water suppliers. See 30 TAC § 288.20.
 - 2. ____Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
 - 3. ____Wholesale Water Suppliers. See 30 TAC § 288.22.

- b. If Applicant must submit a plan under section 2(a) above, Applicant has also submitted documentation of adoption of drought contingency plan (*ordinance, resolution, or tariff, etc. See 30 TAC § 288.30*) **Y / N**



Texas Commission on Environmental Quality

Water Availability Division

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

Telephone (512) 239-4691, FAX (512) 239-2214

Mining Water Conservation Plan

This form is provided to assist entities in developing a water conservation plan for mining water use. 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) 239-4691.

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: Gordon V. Parnes

Address: 21991 Loma View East, San Antonio, TX 78259

Telephone Number: (210) 865 - 4980 Fax: ()

Form Completed By: Gordon V. Parnes

Title: _____

Signature: _____ Date: 11/22/19

A water conservation plan for mining use must include the following requirements (as detailed in 30 TAC Section 288.3). 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):

120

2. Maximum diversion rate (cfs):

2.5

B. Water Sources

1. Please indicate the maximum or average annual amounts of water currently used and anticipated to be used (in acre-feet) for mining purposes:

<i>Source</i>	<i>Water Right No.(s)</i>	<i>Current Use</i>	<i>Anticipated Use</i>
Surface Water	19-2165B	0	120 a.f.
Groundwater			
Purchased			
Total			

2. How was the surface water data and/or groundwater data provided in B(1) obtained?

Master meter ; Customer meter ; Estimated ; Other Permit

3. Was purchased water raw or treated?

If both, % raw ; % treated ; and Supplier(s)

C. Mining Information

1. Major product(s) or service(s) produced by applicant:

2. North American Industry Classification System (NAICS):

II. WATER USE AND CONSERVATION PRACTICES

A. Water Use in Mining Processes

<i>Mining Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Hydraulic Fracturing		100			120
Drilling					
Washing Sand/gravel					
Dust Control					
Oil Field Repressuring					

Other _____

<i>Facility Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
---------------------	----------------------	------------------------	-----------------------	------------------------	-------------------------------

Pond(s) _____

Sanitary & drinking water _____

Irrigation & dust control _____

Other _____

1. Was fresh water recirculated at this facility? Yes No

2. Provide a detailed description of how the water will be utilized in the mining process.

Water will be utilized in the drilling and fracking of oil/gas wells.

3. Estimate the quantity of water consumed in production and mining processes and is therefore unavailable for reuse, discharge, or other means of disposal.

120 a.f.

4. Monthly water consumption for previous year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Consumption</i>
January	_____	_____	_____
February	_____	_____	_____
March	_____	_____	_____
April	_____	_____	_____
May	_____	_____	_____
June	_____	_____	_____
July	_____	_____	_____
August	_____	_____	_____

September	_____	_____	_____
October	_____	_____	_____
November	_____	_____	_____
December	_____	_____	_____
Totals	_____	_____	_____

5. Projected monthly water consumption for next year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Consumption</i>
January	_____	_____	_____
February	_____	_____	_____
March	_____	_____	_____
April	_____	_____	_____
May	_____	_____	_____
June	_____	_____	_____
July	_____	_____	_____
August	_____	_____	_____
September	_____	_____	_____
October	_____	_____	_____
November	_____	_____	_____
December	_____	_____	_____
Totals	_____	_____	_____

B. Specific and Quantified Conservation Goal

Water conservation goals for the mining sector are generally established either for (1) the amount of water recycled, (2) the amount of water reused, or (3) the amount of water not lost or consumed, and therefore is available for return flow.

1. Water conservation goal (water use efficiency measure)

Type of goal(s):

% reused water

% of water not consumed and therefore returned

Other (specify)

2. Provide specific, quantified 5-year and 10-year targets for water savings and the basis for development of such goals for this water use/facility.

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

- a. 5-year goal:
 - b. 10-year goal:
3. 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%.
 4. Provide a description of the leak-detection and repair, and water-loss accounting measures used.
 5. Describe the application of state-of-the-art equipment and/or process modifications used to improve water use efficiency.
 6. Describe any other water conservation practice, method, or technique which the user shows to be appropriate for achieving the stated goal or goals of the water conservation plan:

III. 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.

(Not Applicable)

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 512-239-4691 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 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 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.	
TOTAL INCLUDED		\$ \$112.50

3. BED AND BANKS

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

81984
GENERAL WARRANTY DEED

Date: May 19, 1999

Grantor: ROGERS/WISEMAN RANCH, LTD., a Texas Limited Partnership, acting by and through its general partner ROGERS/WISEMAN OPERATING COMPANY, L.L.C., a Texas Limited Liability Company, acting by and through CHARLES R. WISEMAN, its Manager

Grantor's Mailing Address:
3023 Ironstone Court
San Antonio, Bexar County, Texas 78230

Grantee: H. W. FINCK

Grantee's Mailing Address:
P.O. Box 831007
San Antonio, Bexar County, Texas 78283

Consideration:

TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is acknowledged by Grantor.

Property:

117.62 acres of land within the Francisco Flores Grant, Survey No. 18 (A-10) in Wilson County, Texas; being the residue of the land described in a conveyance from Eldon W. Feldtman, et al, to Ed Wiseman of record in Volume 455, Page 502, Deed Records of Wilson County, Texas and being more particularly described as follows:

BEGINNING at the intersection of the northwest R.O.W. of F.M. Hwy. No. 775 and the southerly bank of the San Antonio River for the northeasterly corner of this tract.

THENCE with the northwest R.O.W. of F.M. Hwy. No. 775,
S 21-16-44 W, distance of 352.87 feet to a set 1/2 inch iron pin;
S 29-15-44 W, distance of 1105.38 feet to a R.O.W. monument;
S 33-04-44 W, distance of 300.67 feet to a set 1/2 inch iron pin;
S 29-15-40 W, distance of 299.83 feet to a found R.O.W. monument;
S 26-02-17 W, distance of 74.92 feet to a found R.O.W. monument for a southeasterly corner of this tract and the northeasterly corner of the Richard R. Morales land described in Volume 563, Page 814, Wilson County Deed Records.

THENCE N 45-11-07 W, with the common line of the Morales land and of this tract, 276.11 feet to a corner post for a common corner of said lands.

THENCE with the lower easterly line of this tract and westerly line of the Morales land; the Velia Lazovitch land described in Volume 695, Page 386 and the Theresa M. Garcia land described in Volume 618, Page 803, Wilson County Deed Records,
S 29-19-23 W, distance of 543.77 feet to a corner post;
S 29-37-19 W, distance of 3003.17 feet to a corner post;
N 60-09-20 W, distance of 278.05 feet to a corner post;
S 29-33-10 W, distance of 2435.95 feet to a corner post for a southeasterly corner of this tract and the northeasterly corner of the Josefa Aleman land described in Volume 242, Page 288, Wilson County Deed Records.

THENCE N 57-07-05 W, with the common line of the Aleman land and of this tract, 316.44 feet to a set 1/2 inch iron pin for a southwesterly corner of this tract and a southeasterly corner of the Theresa M. Garcia land described in Volume 618, Page 803, Wilson County Deed Records.

THENCE with the common line of the Garcia land and of this tract, generally along fence,

N 29-22-52 E, distance of 204.71 feet to a corner post;
N 69-19-45 W, distance of 230.03 feet to a corner post;
N 29-40-24 E, distance of 841.07 feet to an angle point;
N 29-24-42 E, distance of 1054.24 feet to an angle point;
N 29-20-22 E, distance of 826.44 feet to an angle point;
N 29-36-32 E, distance of 1143.38 feet to a found iron pin;
N 29-42-42 E, distance of 1152.27 feet to a found iron pin;
N 29-43-21 E, distance of 478.30 feet to a found iron pipe for a northwesterly corner of this tract and the southwesterly corner of the W. D. Cox land described in Volume 362, Page 431, Wilson County Deed Records.

THENCE S 58-41-00 E, (record bearing-Volume 455, Page 502) with the common line of the Cox land and of this tract, 543.91 feet to a found iron pipe for a common corner of said lands.

THENCE N 29-34-50 E, continuing with said common line, 1948.70 feet to a corner post for an angle point.

THENCE N 28-53-15 E, continuing with said common line, 347.51 feet to the southerly bank of the San Antonio River for the upper northwesterly corner of this tract.

THENCE with the meanders of the San Antonio River;
S 53-53-27 E, distance of 46.58 feet;
S 31-38-01 E, distance of 68.50 feet;
S 46-05-25 E, distance of 45.39 feet;
S 65-03-50 E, distance of 53.83 feet;
S 76-53-50 E, distance of 128.35 feet;
S 82-34-25 E, distance of 149.73 feet;
N 82-58-41 E, distance of 46.73 feet to the Point OF BEGINNING.

Said 117.62 acre tract also being the residue of that certain 119.66 acre tract described in Special Warranty Deed dated June 30, 1998, from Charles R. Wiseman and Mary Ann Wiseman Simpson, Co-Trustees of the Ed M. Wiseman Marital Trust, to Rogers/Wiseman Ranch, Ltd., of record in Vol. 974, Page 528, Official Public Records of Wilson County, Texas.

FURTHER, Grantor hereby, GRANTS, SELLS, and CONVEYS unto Grantee, all of Grantor's right, title and interest in that certain Certificate of Adjudication number 19-2165, dated May 20, 1974, of record in Vol. 1, Page 240, Water Permits Records of Wilson County, Texas, as amended by Amendment to Certificate of Adjudication number 19-2165A, dated April 30, 1985, of record in Vol. 1, Page 252, Water Permits Records of Wilson County, Texas, as amended by Amendment to Certificate of Adjudication number 19-2165B, dated March 20, 1991, of record in Vol. 2, Page 13, Water Permits Records of Wilson County, Texas.

Reservations from and Exceptions to Conveyance and Warranty:

Right-of-Way Agreement to Continental Telephone Company dated July 28, 1975, of record in Vol. 480, Page 827, Official Public Records of Wilson County, Texas.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, GRANTS, SELLS, and CONVEYS to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors and administrators forever. Grantor binds Grantor and Grantor's heirs, executors and administrators to warrant and forever defend all and singular the

property to Grantee and Grantee's heirs, executors and administrators, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

When this Deed is executed by more than one person, or when the Grantor and/or Grantee is more than one person, the instrument shall read as though pertinent verbs, nouns and pronouns were changed correspondingly, and when executed by or to a legal entity other than a natural person, the words "heirs, executors and administrators" or "heirs and assigns" shall be construed to mean "successors and assigns." Reference to any gender shall include either gender and in the case of a legal entity other than a natural person, shall include the neuter gender, all as the case may be.

Taxes for the year 1998 having been paid, and a proper proration of the taxes for the year 1999 having been made, taxes for the year 1999 and all subsequent years are herein assumed by Grantee.

ROGERS/WISEMAN RANCH, LTD., a Texas Limited Partnership

BY: ROGERS/WISEMAN OPERATING COMPANY, LLC, a Texas Limited Liability Company, its General Partner

BY: Charles R. Wiseman
CHARLES R. WISEMAN, Manager

THE STATE OF TEXAS §
COUNTY OF WILSON §

This instrument was acknowledged before me on the 21st day of May, 1999, by CHARLES R. WISEMAN, Manager of ROGERS/WISEMAN OPERATING COMPANY, LLC, General Partner of ROGERS/WISEMAN RANCH, LTD., a Texas Limited Partnership.



Gary W. Shank
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

✓ MR. H. W. FINCK
P.O. Box 831007
San Antonio, Texas 78283

FILED
For record in my office 81984
21 day of May 19 99
at 3:45 o'clock PM
EVA S. MARTINEZ, County Clerk
Wilson County, Texas #1300
By Dawn D. Howell Deputy
J: BJK

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF WILSON
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED in Official Public Records
VOL 999 PAGE 719-719
OF WILSON COUNTY, TEXAS ON

MAY 21 1999



Eva S. Martinez
COUNTY CLERK
WILSON COUNTY, TEXAS

State of Texas
County of Wilson

S3337

VLB Account #: 775-153618

WARRANTY DEED

GRANTOR: H.W. Finck not joined herein by my spouse as I own, occupy and claim other property as my homestead, of San Antonio, Texas.

GRANTEE: Veterans Land Board of the State of Texas, whose address is 1700 N. Congress Avenue, Austin, Travis County, Texas 78701

CONSIDERATION: FORTY THOUSAND FOUR HUNDRED FIFTY AND 00/100 DOLLARS*** (\$40,450.00) CASH

PROPERTY DESCRIPTION:

16.18 acres of land being within the Francisco Flores Survey No. 18, A-10, Wilson County, Texas; being part of a 117.62 acre tract of land described in a conveyance to H.W. Finck of records in Volume 999, Page 717, Official Public Records of Wilson County, Texas.

Said tract of land is more particularly described in Exhibit "A" which is attached hereto and made a part hereof for all purposes.

Grantor hereby expressly reserves from this conveyance, for himself, his successors and assigns, a non-exclusive 30 foot Wide Access and Water Line Easement for purposes of ingress and egress and such other uses, including but not limited to the construction of utility lines, which are consistent with the use of a right of way, a 15 foot wide Water Line Easement, and a 1.00 acre Water Diversion Easement. These easements are more particularly described in Exhibit "B" which is attached hereto and made a part hereof for all purposes. Grantee, his heirs and assigns, shall have the non-exclusive right to use any portion that lies within the tract conveyed herein.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

All presently recorded valid easements, rights-of-way, restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the property.

Grantor reserves for himself, his heirs, executors and assigns (hereinafter referred to as "Grantor"), all of Grantor's right, title and interest in that certain Certificate of Adjudication number 19-2165, dated May 20, 1974, of record in Vol. 1, p. 240, Water Permits Records of Wilson County, Texas, as amended by Amendment to Certificate of Adjudication number 19-2165A, dated April 30, 1985, of record in Vol. 1, p. 252, Water Permits Records of Wilson County, Texas, as amended by Amendment to Certificate of Adjudication number 19-2165B, dated March 20, 1991, of record in Vol. 2, p. 13, Water Permits Records of Wilson County, Texas.

Grantor, for the stated consideration, grants, sells and conveys to Grantee the property, together with all and singular the rights and

appurtenances thereto in anywise belonging, TO HAVE AND TO HOLD the above described premises, unto the said VETERANS LAND BOARD OF THE STATE OF TEXAS, its successors and assigns forever; and I do hereby bind myself, my heirs, executors, administrators, successors and assigns to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said VETERANS LAND BOARD OF THE STATE OF TEXAS, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, subject to the reservations from and exceptions to conveyance and warranty.

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

EXECUTED THIS 26 day of July, 1999.



H.W. Finck

SINGLE ACKNOWLEDGEMENT

STATE OF Texas
COUNTY OF Brewer

This instrument was acknowledged before me on July 26, 1999 by H.W. Finck.




Notary Public in and for the State of Texas

My Commission Expires: 10/1/2000

STATE OF TEXAS
COUNTY OF WILSON

April 30, 1999

BEING 16.18 acres of land within the Francisco Flores Survey No. 18, A-10, Wilson County, Texas; being part of a 117.62 acre tract of land described in a conveyance to H. W. Finck of record in Volume 999, Page 717, Official Public Records of Wilson County, Texas and being more particularly described as follows:

BEGINNING at a set 1/2 inch iron pin at the intersection of the northwest R.O.W. of F.M. Hwy. No. 775 and the southerly bank of the San Antonio River for the northeasterly corner of the 117.62 acre parent tract and of this tract.

THENCE with the northwest R.O.W. of F. M. Hwy No. 775, S 21-16-44 W, distance of 352.87 feet to a set 1/2 inch iron pin and S 29-15-44 W, (record bearing-Volume 999, Page 717) distance of 1016.53 feet to a set 1/2 inch iron pin for the southeasterly corner of this tract.

THENCE N 60-44-16 W, across the Finck land, 555.46 feet to a set 1/2 inch iron pin for the southwesterly corner of this tract on the northwesterly line of the Finck land and the southeast line of the W. D. Cox land described in Volume 362, Page 431, Wilson County Deed Records.

THENCE N 29-34-50 E, with the common line of the Cox and Finck lands, 945.71 feet to a set 1/2 inch iron pin for an angle point.

THENCE N 28-53-15 E, continuing with said common line, 347.51 feet to a set 1/2 inch iron pin on the southerly bank of the San Antonio River for the northwesterly corner of the 117.62 acre parent tract and of this tract.

THENCE with the meanders of the southerly bank of the San Antonio River,
S 53-53-27 E, distance of 46.58 feet;
S 31-38-01 E, distance of 68.50 feet;
S 46-05-25 E, distance of 45.39 feet;
S 65-03-50 E, distance of 53.83 feet;
S 76-53-50 E, distance of 128.35 feet;
S 82-34-25 E, distance of 149.73 feet;
N 82-58-41 E, distance of 46.73 feet to the POINT OF BEGINNING containing 16.18 acres of land.

THE above description was prepared from an on the ground survey made under my supervision on April 5, 1999.

PORTIONS OF THIS DOCUMENT MAY
NOT BE LEGIBLE/REPRODUCIBLE
WHEN RECEIVED FOR RECORDING



Norman L. Pollok
Norman L. Pollok,
R.P.L.S. No. 4031

ref: Wiseman
04309901

F.'S. COMBUST FOR 16.18 AC.
ENGL. *[Signature]* DATE 4-30-99

EXHIBIT A

May 3, 1999

BEING a 30 foot wide Access Easement and Water Line Easement within the Francisco Flores Grant, Survey No. 18, A-10, Wilson County, Texas; being across the 117.62 acre tract described in a conveyance to H. W. Finck of record in Volume 999, Page 717, Official Public Records of Wilson County, Texas and across the 16.18 acre tract surveyed this day out of the 117.62 acre tract and being more particularly described as follows:

BEGINNING at the northeast corner of this 30 foot wide easement on the westerly R.O.W. of F.M. Hwy. 775 and being S 21-16-44 W, distance of 191.31 feet from a set 1/2 inch iron pin at the northeast corner of the 16.18 acre tract surveyed this day.

THENCE: S 21-16-44 W, (record bearing-Volume 999, Page 717) with said Hwy. R.O.W., 30.75 feet to the southeast corner of this easement.

THENCE N 81-22-12 W, across the 16.18 acre parent tract, 568.66 feet to the southwest corner of this easement on the westerly line of the 16.18 acre tract.

THENCE N 28-53-15 E, with the westerly line of the 16.18 acre tract, 31.98 feet to the northeast corner of this easement.

THENCE S 81-22-12 E, across the 16.18 acre parent tract, 564.31 feet to the POINT OF BEGINNING.

THE ABOVE description was prepared from an on the ground survey made under my supervision on April 5, 1999.



Norman L. Pollok
Norman L. Pollok,
R.P.L.S. No. 4031

THE COMMISSIONER FOR ~~the State~~ ^{the State} ~~of Texas~~
ENGR. *[Signature]*

ref: Wiseman
05039902

EXHIBIT B
Fig 1

STATE OF TEXAS
COUNTY OF WILSON

VLB ACCT. No. 153618

May 3, 1999

BEING a 15 foot wide Water Line Easement within the Francisco Flores Grant, Survey No. 18, A-10, Wilson County, Texas; being across part of the 117.62 acre tract described in a conveyance to H. W. Finck of record in Volume 999, Page 717, Wilson County Official Public Records and across part of the 16.18 acre tract surveyed this day out of the 117.62 acre tract and being more particularly described as follows:

BEGINNING at a set 1/2 inch iron pin on the westerly R.O.W. of F.M. Hwy. 775 for the southeast corner of the 16.18 acre parent tract and of this easement.

THENCE N 60-44-16 W, with the south line of the 16.18 acre parent tract, 15.00 feet to the southwest corner of this easement.

THENCE into the 16.18 acre parent tract, N 29-15-44 E, distance of 1015.48 feet and N 21-16-44 E, distance of 126.40 feet to the northwest corner of this easement being on the south line of a 30 foot wide Access Easement and Water Line Easement.

THENCE S 81-22-12 E, with the common line of the 30 foot Access Easement and Water Line Easement and of this easement, 15.37 feet to the northeast corner of this easement on the westerly R.O.W. of F.M. Hwy. 775.

THENCE with said Hwy. R.O.W., S 21-16-44 W, distance of 130.81 feet and S 29-15-44 W, (record bearing-Volume 999, Page 717) distance of 1016.53 feet to the POINT OF BEGINNING.

THE ABOVE description was prepared from an on the ground survey made under my supervision on April 5, 1999.



Norman L. Pollok
Norman L. Pollok,
R.P.L.S. No. 4031

ref: Wiseman
05039901

IT IS CORRECT FOR 15' wide Water Line Easement
INGR. *[Signature]* DATE 4-18-99

EXHIBIT B
Page 2

STATE OF TEXAS
COUNTY OF WILSON

May J. 1999

BEING a 1.00 acre Water Diversion Easement within the Francisco Flores Grant, Survey No. 18, A-10, Wilson County, Texas, being part of the 117.62 acre tract of land described in a conveyance to H. W. Finck of record in Volume 999, Page 717, Official Public Records of Wilson County, Texas and part of 16.18 acre tract surveyed this day out of the 117.62 acre tract and being more particularly described as follows:

BEGINNING at a set 1/2 inch iron pin at the intersection of the northwest line of the 16.18 acre tract and the southerly bank of the San Antonio River for the northwest corner of the 16.18 acre parent tract and of this easement.

THENCE with the meanders of the southerly bank of the San Antonio River,


S 53-53-27 E, distance of 46.58 feet;
S 31-38-01 E, distance of 68.50 feet;
S 46-05-25 E, distance of 45.39 feet to the northeast corner of this easement.

THENCE S 17-55-30 W, into the 16.18 acre parent tract, 198.65 feet to the southeast corner of this easement on the northerly R.O.W. line of a 30 foot Access Easement and Water Line Easement.

THENCE N 81-22-12 W, with the common line of said 30 foot easement and of this 1.00 acre easement, 199.81 feet to the westerly line of the 16.18 acre tract for the southwest corner of this easement.

THENCE N 28-53-15 E, (record bearing-Volume 999, Page 717) with the west line of the 16.18 acre parent tract, 315.54 feet to the POINT OF BEGINNING containing 1.00 acre of land.

THE ABOVE description was prepared from an on the ground survey made under my supervision on April 5, 1999.


Norman L. Pollock,
R.P.L.S. No. 4031



ref: Wiseman
05039903

THIS CORRECT FOR 1.00 ACRES Water Diversion Easement
ENGR. [Signature] DATE 5-3-99

EXHIBIT B
Page 3

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS UNLAWFUL AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF WILSON

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED in Official Public Records VOL 1005 PAGE 695 OF WILSON COUNTY, TEXAS ON

FILED 10:33:37
For record in my office July 26 1999
at 3:50 o'clock P.M.
LVA S. MARTINEZ, County Clerk
Wilson County, Texas
by *Leticia Reed* Deputy
F: BSK
L: VLB



JUL 26 1999
LVA S. Martinez
COUNTY CLERK
WILSON COUNTY, TEXAS

GF# 9913419

85719

WARRANTY DEED

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

THAT, H. W. FINCK, not joined herein by my spouse as I own, occupy and claim other property as my homestead, of San Antonio, Bexar County, Texas, hereinafter called Grantor (whether one or more), for and in consideration of the sum of TEN AND NO/100 DOLLARS and other good and valuable considerations to Grantor in hand paid by EDWARD P. ALBERT and wife, ROSEMARY ALBERT, hereinafter called Grantee (whether one or more), the receipt of which is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee, whose mailing address is as hereinafter set forth, the following described real estate, together with all improvements thereon, situated in Wilson County, Texas, being more particularly described as follows, to-wit:

BEING 117.62 acres of land within the Francisco Flores Survey No. 18, A-10, Wilson County, Texas; being the residue of the land described in a conveyance from Eldon W. Feldtman, et al to Ed Wiseman of record in Volume 455, Page 502, Deed Records of Wilson County, Texas and being more particularly described in the Exhibit "A" attached hereto and made a part hereof. And being that same property described in a Deed to H. W. Finck, filed for record at Vol. 999, Page 717 of the Official Public Records of Wilson County, Texas.

LESS, SAVE AND EXCEPT 16.18 acres of land within the Francisco Flores Survey No. 18, A-10, Wilson County, Texas; being part of a 117.62 acre tract of land described in a conveyance to H. W. Finck of record in Volume 999, Page 717, Official Public Records of Wilson County, Texas, and being more particularly described in the Exhibit "B" attached hereto and made a part hereof.

Said 16.18 acres was heretofore conveyed to The Veterans Land Board of the State of Texas by deed dated July 26, 1999, recorded in Volume 1005, Page 689, Official Public Records of Wilson County, Texas, and in said deed Grantor reserved unto himself an easement, which easement is being retained by Grantor herein and is not included in this conveyance.

SAVE AND EXCEPT Grantor does hereby reserve, set aside and retain all of Grantor's right, title and interest in all water rights associated with the real property which include, but are not limited to, the following to-wit:

Any and all rights of every kind and description to make beneficial use for any purpose of state water flowing in, upon, across, under, above or in any stream, river, channel, lake, canal or ditch to which the real property is riparian, particularly including the water courses known as the San Antonio River, whether by virtue of any right based upon prescriptive claim, long use, the fact such land is riparian, or upon appropriations made and, in particular, without intending to in anyway limit the general transfer hereby made, all rights now owned, permitted, certificated, and/or adjudicated to Grantor under the following:

- 1) All rights of any kind and nature that the Grantor may have by virtue of or related to Grantor's ownership, or Grantor's predecessor in title's ownership, of all or part of the real property or otherwise, to take water from the San Antonio River or its tributaries, by virtue of, under and as certificated, permitted and/or evidenced by Certificate of Adjudication dated July 29, 1982, executed by the Texas Water Commission to Ed Wiseman, filed for record at Vol. 1, Page 240 and as amended by Vol. 1, Page 252 and

- 2) All rights of impoundment under the above.
- 3) All right, title or interest of any kind or description to make beneficial use for any purpose of said Grantor's water rights described above, whether based on Certificates of Adjudication or on any prescriptive claim, long use, historical use or appropriations made, including any and all rights of Grantor arising or existing by virtue of any rule or regulation, policy, statute, court decision or court adjudication of the United States of America, the State of Texas and/or any other governmental unit, under common law and/or under the judgment of any court appurtenant to or connected with Grantor's water rights;

together with all of Grantor's rights, benefits and privileges thereunder, and together with any certificates, deeds, permits or easements existing in connection therewith.

Ronda
11/10/99
 TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereunto in anywise belonging, unto the said Grantee, Grantee's heirs, successors and/or assigns forever. And Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, successors and/or assigns TO WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee herein, Grantee's heirs, successors and/or assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under me, but not otherwise.

This conveyance is made subject to any and all restrictions, easements, setback lines, covenants, conditions and reservations, of record affecting the property herein conveyed.

EXECUTED on this the 10th day of November, 1999.

H. W. Finck

 H. W. FINCK

(ACKNOWLEDGEMENT)

STATE OF TEXAS §
 COUNTY OF WILSON §

This instrument was ACKNOWLEDGED before me, on this the 10th day of November, 1999, by H. W. FINCK.



Maria Ann Mack-Evans

 Notary Public, State of Texas

GRANTEE'S MAILING ADDRESS:
AFTER RECORDING RETURN TO
GRANTEE AT:

✓ MR. AND MRS. EDWARD P. ALBERT
 9500 DILEEN
 SAN ANTONIO, TX 78263

PREPARED IN THE OFFICE OF:
 WEST & WEST ATTORNEYS, P.C.
 2929 Mossrock, Suite 204
 San Antonio, Texas 78230

STATE OF TEXAS
COUNTY OF WILSON

April 26, 1999

BEING 117.62 acres of land within the Francisco Flores Survey No. 18, A-10, Wilson County, Texas; being the residue of the land described in a conveyance from Eldon W. Feldtman, et al, to Ed Wiseman of record in Volume 455, Page 502, Deed Records of Wilson County, Texas and being more particularly described as follows:

BEGINNING at the intersection of the northwest R.O.W. of F.M. Hwy. No. 775 and the southerly bank of the San Antonio River for the northeasterly corner of this tract.

THENCE with the northwest R.O.W. of F.M. Hwy. No. 775,
S 21-16-44 W, distance of 352.87 feet to a set 1/2 inch iron pin;
S 29-15-44 W, distance of 1105.38 feet to a R.O.W. monument;
S 33-04-44 W, distance of 300.67 feet to a set 1/2 inch iron pin;
S 29-15-40 W, distance of 299.83 feet to a found R.O.W. monument;
S 26-02-17 W, distance of 74.92 feet to a found R.O.W. monument
for a southeasterly corner of this tract and the northeasterly
corner of the Richard R. Morales land described in Volume 563,
Page 814, Wilson County Deed Records.

THENCE N 45-11-07 W, with the common line of the Morales land and
of this tract, 276.11 feet to a corner post for a common corner
of said lands.

THENCE with the lower easterly line of this tract and westerly
line of the Morales land; the Velia Lazovitch land described in
Volume 695, Page 386 and the Theresa M. Garcia land described in
Volume 618, Page 803, Wilson County Deed Records,
S 29-19-23 W, distance of 543.77 feet to a corner post;
S 29-37-19 W, distance of 3003.17 feet to a corner post;
N 60-09-20 W, distance of 278.05 feet to a corner post;
S 29-33-10 W, distance of 2435.95 feet to a corner post for a
southeasterly corner of this tract and the northeasterly corner
of the Josefa Aleman land described in Volume 242, Page 288,
Wilson County Deed Records.

THENCE N 57-07-05 W, with the common line of the Aleman land and
of this tract, 316.44 feet to a set 1/2 inch iron pin for a
southwesterly corner of this tract and a southeasterly corner of
the Theresa M. Garcia land described in Volume 618, Page 803,
Wilson County Deed Records.

THENCE with the common line of the Garcia land and of this tract,
generally along fence,

N 29-22-52 E, distance of 204.71 feet to a corner post;
N 69-19-45 W, distance of 230.03 feet to a corner post;
N 29-40-24 E, distance of 841.07 feet to an angle point;
N 29-24-42 E, distance of 1054.24 feet to an angle point;
N 29-20-22 E, distance of 826.44 feet to an angle point;
N 29-36-32 E, distance of 1143.38 feet to a found iron pin;
N 29-42-42 E, distance of 1152.27 feet to a found iron pin;
N 29-43-21 E, distance of 478.30 feet to a found iron pipe for a
northwesterly corner of this tract and the southwestly corner
of the W. D. Cox land described in Volume 362, Page 431, Wilson
County Deed Records.

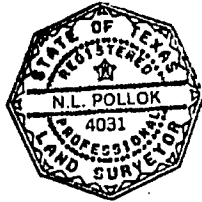
THENCE S 58-41-00 E, (record bearing-Volume 455, Page 502) with
the common line of the Cox land and of this tract, 543.91 feet to
a found iron pipe for a common corner of said lands.

THENCE N 29-34-50 E, continuing with said common line, 1948.70
feet to a corner post for an angle point.

THENCE N 28-53-15 E, continuing with said common line, 347.51
feet to the southerly bank of the San Antonio River for the upper
northwesterly corner of this tract.

Page 2--117.62 Acres

THENCE with the meanders of the San Antonio River;
S 53-53-27 E, distance of 46.58 feet;
S 31-38-01 E, distance of 68.50 feet;
S 46-05-25 E, distance of 45.39 feet;
S 65-03-50 E, distance of 53.83 feet;
S 76-53-50 E, distance of 128.35 feet;
S 82-34-25 E, distance of 149.73 feet;
N 82-58-41 E, distance of 46.73 feet to the Point OF BEGINNING
containing 117.62 acres of land, more or less.




Norman L. Pollok, R.P.L.S.

ref; Wiseman
04269902

STATE OF TEXAS
COUNTY OF WILSON

April 30, 1999

BEING 16.18 acres of land within the Francisco Flores Survey No. 18, A-10, Wilson County, Texas; being part of a 117.62 acre tract of land described in a conveyance to H. W. Finck of record in Volume 999, Page 717, Official Public Records of Wilson County, Texas and being more particularly described as follows:

BEGINNING at a set 1/2 inch iron pin at the intersection of the northwest R.O.W. of F.M. Hwy. No. 775 and the southerly bank of the San Antonio River for the northeasterly corner of the 117.62 acre parent tract and of this tract.

THENCE with the northwest R.O.W. of F. M. Hwy No. 775, S 21-16-44 W, distance of 352.87 feet to a set 1/2 inch iron pin and S 29-15-44 W, (record bearing-Volume 999, Page 717) distance of 1016.53 feet to a set 1/2 inch iron pin for the southeasterly corner of this tract.

THENCE N 60-44-16 W, across the Finck land, 555.46 feet to a set 1/2 inch iron pin for the southwesterly corner of this tract on the northwesterly line of the Finck land and the southeast line of the W. D. Cox land described in Volume 362, Page 431, Wilson County Deed Records.

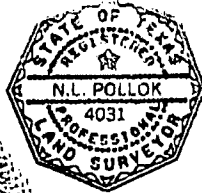
THENCE N 29-34-50 E, with the common line of the Cox and Finck lands, 945.71 feet to a set 1/2 inch iron pin for an angle point.

THENCE N 28-53-15 E, continuing with said common line, 347.51 feet to a set 1/2 inch iron pin on the southerly bank of the San Antonio River for the northwesterly corner of the 117.62 acre parent tract and of this tract.

THENCE with the meanders of the southerly bank of the San Antonio River,

S 53-53-27 E, distance of 46.58 feet;
S 31-38-01 E, distance of 68.50 feet;
S 46-05-25 E, distance of 45.39 feet;
S 65-03-50 E, distance of 53.83 feet;
S 76-53-50 E, distance of 128.35 feet;
S 82-34-25 E, distance of 149.73 feet;
N 82-58-41 E, distance of 46.73 feet to the POINT OF BEGINNING containing 16.18 acres of land.

THE above description was prepared from an on the ground survey made under my supervision on April 5, 1999.



Norman L. Pollok

Norman L. Pollok,
R.P.L.S. No. 4031

FILED 85719
For record in my office
10 day of Nov 19 99
at 3:40 o'clock P.M.
EVA S. MARTINEZ, County Clerk
Wilson County, Texas
By *[Signature]* Deputy
F: MGT

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW, THE STATE OF TEXAS
COUNTY OF WILSON
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped herein by me, and was duly RECORDED in Official Public Records VOL 1016 PAGE 221 OF WILSON COUNTY, TEXAS ON

ref: Wiseman
04309901

NOV 10 1999



Eva S. Martinez
COUNTY CLERK
WILSON COUNTY, TEXAS

EXHIBIT "B"
Page 1 of 1