

# TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader  
Water Rights Permitting Team

FROM: Sarah Henderson, Project Manager  
Water Rights Permitting Team

DATE: April 20, 2021

SUBJECT: Wright Double J Ranch Inc.  
ADJ 2942  
CN603676263, RN103927430  
Application No. 12-2942A to Amend Certificate of Adjudication No. 12-2942  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Leon River, Brazos River Basin  
Bell County

The application and fees were received on February 2, 2021. Additional information and fees were received March 23, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on April 20, 2021. Mailed notice to the co-owner of record is required pursuant to Title 30 Texas Administrative Code § 295.158(c)(2)(B).

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

*Sarah E Henderson*

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Sarah Henderson, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

OCC Mailed Notice Required    **X** YES    ☐ NO



# TCEQ Interoffice Memorandum

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**From:** Sarah Henderson  
Water Rights Permitting Team

**Date:** April 20, 2021

**Subject:** Wright Double J Ranch Inc.  
Application No. 12-2942A to Amend Certificate of Adjudication  
No. 12-2942  
Leon River, Brazos River Basin  
Bell County

On June 9, 2006, the Texas Supreme Court issued an opinion in the case of *Marshall v Uncertain*.<sup>1</sup> The Supreme Court in that opinion considered the Commission's practices regarding notice and hearing for applications to amend a water right under Texas Water Code (TWC) §11.122(b). The Court held that it could not determine under the record in that case whether notice and a hearing would be required. The Court remanded the case to the Commission.

The court in *Marshall* held that when reviewing the type of notice required for an amendment to a water right, the Commission must determine whether there could be an adverse impact from the application on other water rights or the environment beyond or irrespective of the full use assumption, explained below. The court also held that the Commission must determine if the application could have an adverse impact on the public interest criteria: beneficial use, public welfare, groundwater effects, consistency with the state and regional water plan, compliance with administrative requirements, and conservation.

The types of amendments that come within the *Marshall* decision are those 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. These amendments include changes in use, changes in place of use, or non-substantive changes in a water right.

The purpose of this memo is to discuss the public notice that should be given in the above referenced application by Wright Double J Ranch Inc. in light of agency rules and the Court's decision in the case of *Marshall*.

## Current Permit and Application for Amendment

Certificate of Adjudication No. 12-2942 was issued to Pyle Brothers, Inc. and authorizes the diversion and use of not to exceed 200 acre-feet of water per year from five points on the Leon River, Brazos River Basin, at a maximum combined diversion rate of 2.23 cfs (1,000 gpm), for agricultural purposes to irrigate 300 acres of land out of 389.5 acres in Bell County. The time priority of the right is December 31, 1915.

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<sup>1</sup> City of Marshall et. al. v. City of Uncertain et. al., No. 03-1111 (Tx. June 9, 2006).

Wright Double J Ranch Inc. (Owner/Applicant) acquired a portion of Certificate of Adjudication No. 12-2942A authorizing diversion and use of not to exceed 194.865 acre-feet of water per year for agricultural purposes to irrigate 292.298 acres out of 339.5 acres in Bell County.

Applicant seeks to amend its portion of Certificate of Adjudication No. 12-2942 to add wildlife management as a purpose of use, to add a place of use for agricultural purposes to irrigate 292.3 acres of land out of a larger 496.47-acre tract in Bell County and to add an off-channel reservoir complex to store the diverted water.

### **Rules Related to Notice**

#### *Addition of a Purpose of Use*

The Commission has rules concerning what notice is required for applications to amend a water right in 30 TAC §295.158. Under 30 TAC §295.158(c)(2)(A), no notice is required, except to the record holder, if no additional consumptive use is contemplated, and there is no change to a pattern of use explicitly required by the water right. This application falls under that rule and does not require notice except to the record holder.

#### *Adding a Place of Use*

Under 30 TAC §295.158(c)(2)(B), no notice is required, except to the record holder, to change a place of use if the new place of use is located in the same river basin as the original place of use. This application falls under that rule and does not require notice except to the record holder.

In this application, there is one additional owner of Certificate of Adjudication No. 12-2942, therefore, notice will be provided to that co-owner.

#### *Storage in an Off-Channel Reservoir Complex*

The Commission has rules concerning what notice is required for applications to amend a water right in 30 Texas Administrative Code (TAC) §295.158. There are no rules that specifically provide notice for the storage in an off-channel reservoir complex. Under 30 TAC §295.158(c)(1), no notice is required if no additional consumptive use is contemplated, no increase in diversion rate or period will be granted, and in the judgment of the Commission there is no potential for harming another water right. This application falls under that rule and does not require notice for the reasons set out below.

The notice recommendation for the Applicant's request to authorize storage of authorized water in an off-channel reservoir complex will be discussed below.

### **Texas Water Code**

This application for an amendment to an existing water right is governed by TWC § 11.122. TWC §11.122(a) requires a water right holder, except as discussed above, to

obtain a water right amendment if the holder is going to change the place of use, purpose of use, point of diversion, rate of diversion, or “otherwise alter a water right.”

TWC §11.122(b) sets out the scope of the Commission’s authority in reviewing applications to amend a water right. Staff notes that the Applicant is not asking for either an increase in the amount of water authorized for diversion, or an increase in the rate of diversion. With that understanding of the application, it then becomes a duty of the Commission to approve the application *“if the requested change will not cause adverse impact on other water right holders or the environment on the stream of greater magnitude than under circumstances in which the permit . . . that is sought to be amended was fully exercised according to its terms and conditions as they existed before the requested amendment,”* and the application meets, *“all other applicable requirements,”* of Chapter 11 of the Texas Water Code. The clause that requires the Commission to compare the requested amendment to the existing permit as if the existing permit was fully exercised is often referred to as the “full use assumption.”

### **Adverse Impact on Water Right Holders and the Environment**

Under the *City of Marshall* opinion, the Commission must evaluate whether an amendment can adversely impact other water rights or the environment both under and beyond the full use assumption.

Under the full use assumption, adding storage in an off-channel reservoir complex can have no greater impact on other water right holders or the environment than the impacts to those interests under the existing Certificate because adding storage in an off-channel reservoir complex will not increase the amount of water authorized for diversion by the Certificate. Both before and after the amendment, the maximum amount of water diverted (194.865 acre-feet of water per year) will be the same. The Applicant, under the existing Certificate and the proposed amended Certificate, could take all of that water in the first part of the year, or take all of that water in later parts of the year, subject to a maximum combined diversion rate of 2.23 cfs (1,000 gpm). In other words, there are no special conditions in the Certificate that restrict the water right holder to a particular pattern of use, or that spreads out the diversion of the 194.865 acre-feet of water to specific amounts over the course of the year. Because there is no specific pattern of use in the Certificate, the full use assumption requires the Commission to consider the existing Certificate and the proposed amended Certificate as potentially exercised under all lawful patterns of use.

It makes no difference to other water right holders or the environment, whether the water right holder is diverting its 194.865 acre-feet for agricultural purposes for storage in an off-channel reservoir complex. The effect on streamflow, and therefore water available for downstream water right holders or the downstream aquatic environment will be the same: there will be 194.865 acre-feet of water per year less after the diversion. Therefore, with the full use assumption, the proposed addition of storage in an off-channel reservoir complex does not cause adverse impact to other water right holders or the environment.

The Executive Director has determined that there are no impacts to water rights or the environment beyond the full use assumption. This amendment is to add storage in an off-channel reservoir complex for the authorized water. This application does not change a non-consumptive use to a consumptive use. Also, there is no specific pattern of use required in the existing Certificate that will be changed. Unless the existing Certificate requires a specific pattern of use, the Executive Director has determined that this is not a proper factor to consider on notice because patterns of use change due to weather, time of use, and needs of the Applicant.

Another issue is whether the Executive Director should consider the Applicant's use of all of the water authorized in the existing water right. The Executive Director has determined that this is not a proper factor to consider because it would discourage conservation and future water planning.

### **Other Applicable Requirements**

Under TWC §11.122(b) the proposed amendment must also satisfy all other applicable requirements of TWC Chapter 11. The Supreme Court in the *Marshall* case itemized those other requirements, which are discussed below.

### ***Administrative Requirements***

Staff reviewed the application and has found that it meets all administrative requirements of TWC Chapter 11. The application was declared administratively complete and filed with the Office of the Chief Clerk on April 20, 2021.

### ***Beneficial Use***

Proposed appropriations of state water must be for a beneficial use. Beneficial use is defined in TWC §11.002(4) as “the use of the amount of water which is economically necessary for a purpose authorized by this chapter, when reasonable intelligence and reasonable diligence are used in applying the water to that purpose and shall include conserved water.” The authorized use in the Certificate is agricultural which is recognized as a beneficial use by TWC §11.023(a)(2) and was already found to be a beneficial use when the Commission issued the Certificate. The request to add storage in an off-channel reservoir complex does not change the authorized use in the Certificate.

One question to consider is whether the Applicant should only be allowed to add storage in an off-channel reservoir complex for water that is being used. The Executive Director has determined that limiting the authorization to store diverted water in an off-channel reservoir complex to the amount of water currently being used is inappropriate. The fact that the Applicant may not be using all of their appropriated water does not mean that there has not been or will not be a beneficial use for the water. In addition, this factor would discourage conservation and future water planning.

The Executive Director is aware of no other facts that would make adding storage in an off-channel reservoir complex non-beneficial.

### ***Detriment to Public Welfare***

A proposed appropriation of state water must not be detrimental to the public welfare. No definition of “detriment to public welfare” is provided in the law. Therefore, the Commission has wide discretion in determining benefits or detriments to the public welfare. The Applicant seeks to add storage in an off-channel reservoir complex. There are no specific facts known to the Executive Director that would indicate that this is detrimental to the public welfare.

The Executive Director has determined that limiting the authorization to store diverted water in an off-channel reservoir complex to the amount of water currently being used is inappropriate for the reasons stated above.

The Executive Director’s opinion is that nothing in the application raises an issue on detriment to the public welfare by granting this application.

### ***Groundwater Effects***

A proposed appropriation of state water must consider effects of the proposed permit on groundwater or groundwater recharge. The Commission’s Water Availability Model (WAM) is used to evaluate the availability of unappropriated water for new appropriations and takes into account both contribution to river flow caused by groundwater coming to the surface in the river (springs) and decreases in river flow caused by the river flowing over recharge features and losing surface water to groundwater recharge. The WAM contains channel loss factors that account for the gain or loss of river flow. These channel loss factors were developed by the expert engineering contractors hired by the Commission to develop the WAMs.

The Brazos WAM includes the Leon River at which the diversion under this Certificate occurs. The Water Availability Model for the Brazos River Basin does not include channel loss factors in the Leon River at the Applicant’s location.<sup>2</sup>

Concerning use of the Texas Water Development Board Groundwater Availability Models (GAMs) and information from the University of Texas, Bureau of Economic Geology (BEG) to assess groundwater impact from the proposed amendment, predictive simulations using the GAMs do not account for streamflow changes associated with permitted surface water withdrawals or return flows. GAMs were not originally designed to address groundwater-surface water interaction and there are issues with using these models for that purpose.<sup>3</sup> The GAMs are regional in nature and

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<sup>2</sup> Water Availability Modeling for the Brazos/San-Jacinto Coastal Basin. Prepared by HDR Engineering Inc. for the Texas Natural Resource Conservation Commission. December 2001.

<sup>3</sup> Bureau of Economic Geology. 2005. Groundwater-Surface Water Interactions in Texas. August 2005.

are not able to simulate groundwater-surface water interaction in detail.<sup>4</sup> The BEG provides information about aquifer recharge rates.<sup>5</sup>

Both the WAMs and the GAMs have issues related to quantifying groundwater-surface water interaction; however, the WAMs were developed as a tool for surface water permitting. In general, recharge rates, where quantified, are applicable to aquifers or portions of aquifers. As such they do not provide sufficient detail to determine interaction between surface and groundwater at discrete points. Therefore, the ED concludes that neither the GAMs nor aquifer recharge rates should be used to assess groundwater/surface water interaction for water right applications.

Concerning information available from groundwater conservation districts and the Regional Water Plan, the application is located in the Clearwater Underground Water Conservation District<sup>6</sup>, and the Region G Regional Water Planning Area.<sup>7</sup> The Clearwater UWCD District Management Plan<sup>8</sup> discussed groundwater and groundwater recharge but did not contain specific information at the application location. The Region G Water Plan did not contain information about groundwater and groundwater recharge at the application location.<sup>9</sup>

The amount of water diverted by the Applicant will be the same (194.865 acre-feet per year) whether that water is drawn from the Leon River for use at the existing place of use or for storage in an off-channel reservoir complex. Thus, the diversion of the full authorized volume of water for storage in the off-channel reservoir complex will have no greater impact on groundwater resources or groundwater recharge than the diversion of the full authorized volume of water for use at the existing place of use. Therefore, the Executive Director concludes that there is no potential groundwater issue involved with this application.

### ***Consistency with Regional and State Plans***

Pursuant to TWC §11.134 (b)(3)(E), water right applications are only granted if the application addresses a water supply need in a manner that is consistent with the state water plan and the relevant regional water plan, unless the Commission determines that conditions warrant a waiver of this requirement. The purpose of the state and regional water plans is to assess the likely future use of water and to develop strategies for meeting water supply shortfalls. The state and regional water plans generally do not address every possible change in individual water rights. The Executive Director concludes that the requested amendment is consistent with the

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<sup>4</sup> Mace, R., Austin, B. Angle, E. and R. Batchelder. 2007. Surface Water and Ground Water Together Again. Paper presented at State Bar of Texas 8th Annual Changing Face of Water Rights in Texas. San Antonio, Texas.

<sup>5</sup> Scanlon, B., Dutton, A. and M. Sophocleous. 2002. Groundwater Recharge in Texas. Water Research Fund Grant Contract No. 2000-483-340.

<sup>6</sup> <http://www.tceq.texas.gov/assets/public/permitting/watersupply/groundwater/maps/gcdmap.pdf>

<sup>7</sup> <http://www.twdb.texas.gov/waterplanning/rwp/regions/g/index.asp>

<sup>8</sup> [https://www.twdb.texas.gov/groundwater/docs/GCD/cuwcd/cuwcd\\_mgmt\\_plan2005.pdf](https://www.twdb.texas.gov/groundwater/docs/GCD/cuwcd/cuwcd_mgmt_plan2005.pdf)

<sup>9</sup> 2016 Brazos G Regional Water Plan. Prepared by Region G Water Planning Group and others for the Texas Water Development Board. December, 2015.

relevant regional water plan and the state water plan because there is nothing in the state and regional water plans that conflict with issuing this amendment.

### ***Avoidance of Waste and Achievement of Water Conservation***

The Commission has adopted rules in 30 TAC §295.9(4) that specify which applications to amend existing water rights require the submittal of water conservation plans. The Applicant is requesting to change the place of use to irrigate tracts of land adjacent to the existing authorization and are not increasing the amount of the appropriation. Pursuant to 30 TAC §295.9(4)(C), an application requesting to change the place of use to expand the amount of acreage to be irrigated to an adjacent tract of land does not require the submittal of a water conservation plan.

### **Conclusion**

The Applicant's request to add storage in an off-channel reservoir complex requires no notice pursuant to Commission rules. The request does not seek to increase either the amount of water diverted or the rate of diversion. Under the full use assumption, the request to add storage in an off-channel reservoir complex will not have an adverse impact on other water right holders and the environment, and there are no negative impacts to other water rights and the environment beyond the full use assumption. Adding storage in an off-channel reservoir complex does not raise any issues of beneficial use, detriment to the public welfare, groundwater effects, consistency with the state and regional water plans, compliance with administrative requirements, or avoidance of waste and achievement of water conservation. As such, Commission rules, statutes, and case law allow the request for adding storage in an off-channel reservoir complex to be processed with no notice.

The Applicant's request to add a purpose and place of use requires mailed notice to the co-owner of Certificate of Adjudication No. 12-2942 pursuant to Commission rules. Therefore, mailed notice will be provided to the co-owner of record for this application.

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 20, 2021

Mr. James Wright  
Wright Double J Ranch  
8591 Witter Lane  
Temple, Texas 76502

**VIA EMAIL**

RE: Wright Double J Ranch Inc.  
ADJ 2942  
CN603676263, RN103927430  
Application No. 12-2942A to Amend Certificate of Adjudication No. 12-2942  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Leon River, Brazos River Basin  
Bell County

Dear Mr. Wright:

This acknowledges receipt, on March 23, 2021, of additional information and fees in the amount of \$0.94 (Receipt No. M115181, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on April 20, 2021. 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 this matter please contact me via email at [sarah.henderson@tceq.texas.gov](mailto:sarah.henderson@tceq.texas.gov) or by telephone at (512) 239-2535.

Sincerely,

*Sarah E Henderson*

Sarah Henderson, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment





TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

RECEIVED  
MAR 25 2021  
Water Availability Division

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



PAY TO THE ORDER  
OF STATE COMPTROLLER  
TCEQ

115181 R 23 25

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 19, 2021

Mr. James Wright  
Wright Double J Ranch  
8591 Witter Lane  
Temple, Texas 76502

VIA EMAIL

RE: Wright Double J Ranch Inc.  
ADJ 2942  
CN603676263, RN103927430  
Application No. 12-2942A to Amend Certificate of Adjudication No. 12-2942  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Leon River, Brazos River Basin  
Bell County

Dear Mr. Wright:

This acknowledges receipt, on February 2, 2021, of the referenced application and fees in the amount of \$112.00 (Receipt No. M111781, copy attached).

Before the application can be declared administratively complete, additional information and fees are required.

1. Confirm that the application is consistent with the 2021 Region G Water Plan and the 2017 State Water Plan because there is nothing in the plans that conflict with this application.
2. Remit fees in the amount of **\$ 0.94** as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (Amendment)	\$ 100.00
Recording Fee	\$ 12.50
Notice Fee (1 co-owner x \$ 0.94)	\$ 0.94
Total Fees	\$ 113.44
<u>Fees Received</u>	<u>\$ 112.50</u>
<b>Fees Due</b>	<b>\$ 0.94</b>

Please provide the requested information and fees by April 19, 2021 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

Wright Double J Ranch Inc.  
Application No. 12-2942A  
March 19, 2021  
Page 2 of 2

If you have any questions concerning this matter please contact me via email at [sarah.henderson@tceq.texas.gov](mailto:sarah.henderson@tceq.texas.gov) or by telephone at (512) 239-2535.

Sincerely,

*Sarah Henderson*

Sarah Henderson, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment



02-FEB-21 03:41 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP	M111781	1854		BS00085580	02-FEB-21	-\$112.50
	WUP		020221	N	D1802357		
	WATER USE PERMITS	WRIGHT	RHDAVIS	CK			
		DOUBLE J					
		RANCH					
Total (Fee Code):							-\$112.50

RECEIVED  
FEB 03 2021  
Water Availability Division

March 21, 2021

Texas Commission on Environmental Quality

P.O. Box 13087

Austin, Texas 78711-3087

Attn: Sarah Henderson

RE: Wright Double J Ranch Inc. ADJ 2942 CN 603676263,  
RN103927430 Application No. 12-2942A to Amend Certificate of  
Adjudication No. 12-2942 Leon River, Brazos River Basin Bell County

Dear Mrs. Henderson:

Attached please find a check from Wright Double J Ranch Inc. for  
\$0.94.

I will also confirm that the application is consistent with the 2021  
Region G Water Plan and the 2017 State Water Plan because there is  
nothing in the plans that conflict with this application.

Best Regards,

A handwritten signature in black ink, appearing to read 'James Wright', written over the printed name.

James Wright

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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8591 Witter Lane  
Temple, Texas 76502

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Bell County

Dear Mr. Wright:

This acknowledges receipt, on February 2, 2021, of the referenced application and fees in the amount of \$112.00 (Receipt No. M111781, copy attached).

Before the application can be declared administratively complete, additional information and fees are required.

1. Confirm that the application is consistent with the 2021 Region G Water Plan and the 2017 State Water Plan because there is nothing in the plans that conflict with this application.
2. Remit fees in the amount of **\$ 0.94** as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

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Recording Fee	\$ 12.50
<u>Notice Fee (1 co-owner x \$ 0.94)</u>	<u>\$ 0.94</u>
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Wright Double J Ranch Inc.  
Application No. 12-2942A  
March 19, 2021  
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Sincerely,

*Sarah E Henderson*

Sarah Henderson, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

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		DOUBLE J					
		RANCH					
						Total (Fee Code):	-\$112.50

RECEIVED  
FEB 03 2021  
Water Availability Division

# 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): Wright Double J Ranch, Inc.

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

Y/N

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

Y/N

N **Worksheet 3.0**  
N Additional W.S 3.0 for each Point  
N Recorded Deeds for Diversion Points  
N Consent For Diversion Access  
N **Worksheet 4.0**  
N TPDES Permit(s)  
N WWTP Discharge Data  
N 24-hour Pump Test  
N Groundwater Well Permit  
N Signed Water Supply Contract  
N **Worksheet 4.1**  
N **Worksheet 5.0**  
N Addendum to Worksheet 5.0  
N **Worksheet 6.0**  
N Water Conservation Plan(s)  
N Drought Contingency Plan(s)  
N Documentation of Adoption  
N **Worksheet 7.0**  
N Accounting Plan  
Y **Worksheet 8.0**  
       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) 239-4600.**

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

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

- ☐ New Appropriation of State Water  
☒ Amendment to a Water Right \*  
☐ Bed and Banks

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

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

See attached memorandum with summary of request.

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

### a. Applicant

Indicate the number of Applicants/Co-Applicants <sup>1</sup> \_\_\_\_\_  
(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?  
**Wright Double J Ranch, Inc.**

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

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?  
You may search for your CN on the TCEQ website at  
<http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN : **603676263** \_\_\_\_\_ ( 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: **James Wright**

Title: **President**

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: **Wright Double J Ranch, Inc.**

Mailing Address: **8591 Witter Lane**

City: **Temple**

State: **Texas**

ZIP Code: **776502**

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: **30117473954** SOS Charter (filing) Number: **0133169600**



### 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: James Wright

Title: President, Wright Double J<sup>5</sup>

Organization Name: Wright Double J Ranch, Inc.

Mailing Address: 8591 Witter Lane

City: Temple

State: TX

ZIP Code: 76502

Phone No.: 325-348-8300

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) 239-4600, prior to submitting your application.

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

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

Account number:

Amount past due:

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

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

Enforcement order number:

Amount past due:

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

Is the Applicant or Co-Applicant in good standing with the Comptroller? **Yes / No** **Yes**

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

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



## 6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

James Wright President

I, \_\_\_\_\_  
(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: \_\_\_\_\_

(Use blue ink)

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

Subscribed and Sworn to before me by the said \_\_\_\_\_

on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public



County, Texas

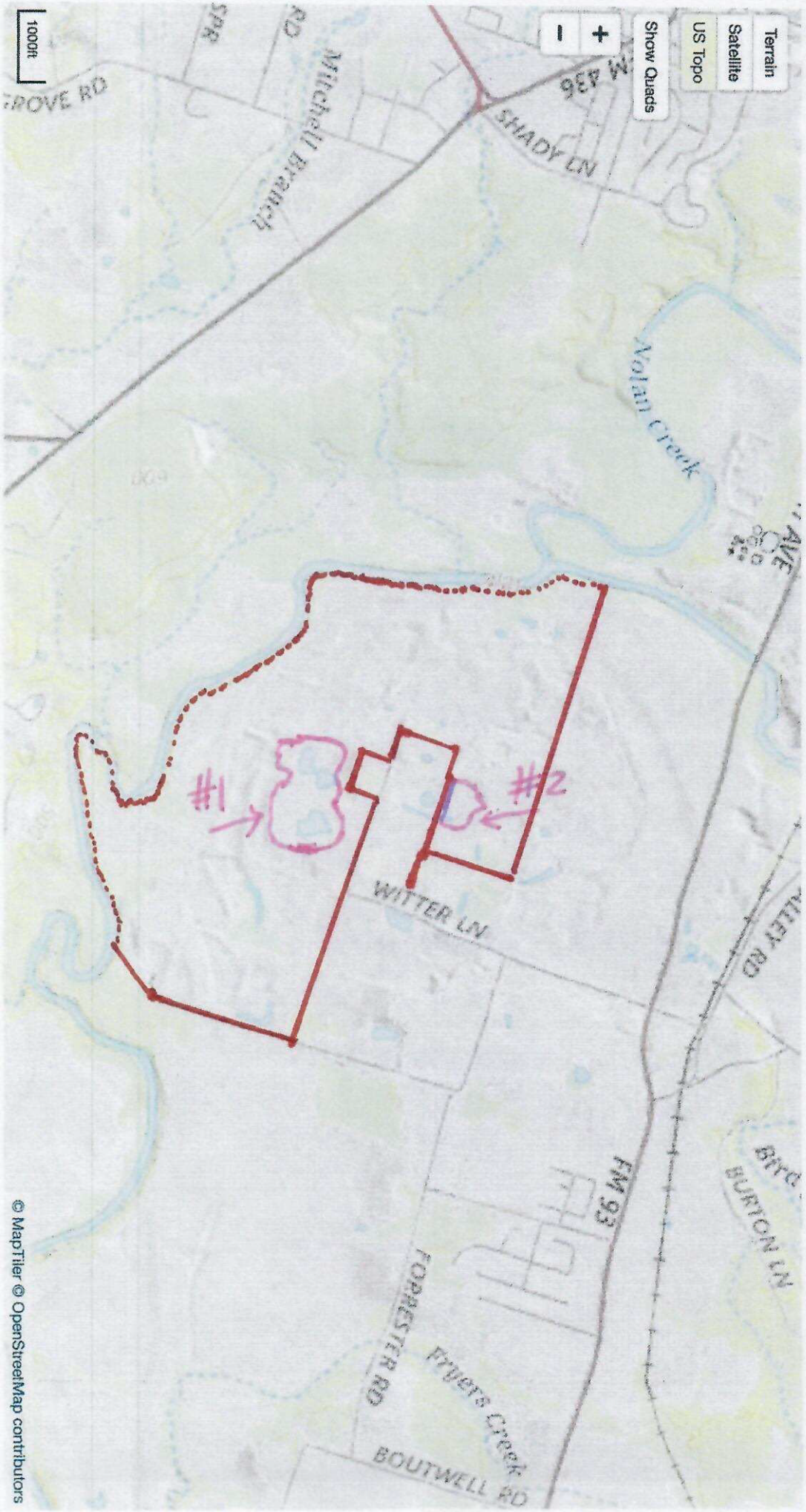
***If the Application includes Co-Applicants, each Applicant and Co-Applicant must submit an original, separate signature page***



**Addendum Worksheet**  
**Amendments Place of Use and Reservoir Locations**

2. ii) Location of land to be irrigated: In the Margaret Frazier \_\_Original Survey No. \_\_\_\_\_, Abstract No. 309.
3. ii) Location of land to be irrigated: In the \_\_\_\_William Frazier\_\_Original Survey No. \_\_\_\_\_, Abstract No. 310.







**TO:** Texas Commission on Environmental Quality  
Office of Water  
Water Availability Division

**FROM:** Wright Double J Ranch  
RSAH2O, LLC

**DATE:** January 27, 2021

**RE:** Worksheet 1.2 Marshall Criteria  
Marshall Criteria Supplemental Information  
Application by Wright Double J Ranch  
Amendment to Certificate of Adjudication 12-2942

Applicant, Wright Double J Ranch, is the part owner of Certificate of Adjudication 12-2942 (Adj. 12-2942). Applicant requests to amend Adj. 12-2942 to add wildlife management as a purpose of use. Additionally, applicant requests authorization to use the water authorized within a 496.47 acre-tract.

The application meets the administrative requirements for an amendment to a water use certificate of adjudication pursuant to TWC Chapter 11 and Title 30 Texas Administrative Code (TAC) Chapters 281, 295, and 297. An amendment application includes a sworn application, appropriate deeds, maps, and fees.

The proposed amendment is a beneficial use of the water as defined in TWC § 11.002 and listed in TWC § 11.023. The proposed additional use of the water is for wildlife management.

The proposed changes requested by this amendment are not adverse or detrimental to the public welfare or to any existing water right holders. The diversion point locations are not changing.

Since the diversion locations are not changing, the proposed amendment will have no additional effects on groundwater or groundwater recharge.

Applicant is located in the Region G TWDB Regional Planning Group. The application is consistent with the current State Water Plan which supports agriculture (wildlife management/irrigation). There is nothing in the application that is in conflict with the State Water Plan.

Applicant will use reasonable diligence to avoid waste and achieve water conservation as defined in TWC § 11.002 by monitoring the water delivery and distribution system to ensure leakage and waste of water is minimized.



The diversion points authorized by the certificate of adjudication are not changing; thus, the proposed amendment will not additionally impact other water right holders or the on-stream environment beyond the current authorized amount of diversion.



RESOLUTION  
OF  
**WRIGHT DOUBLE J RANCH, INC.,**  
a Texas Corporation ("Corporation")

JAMES R. WRIGHT, being the sole director of the Corporation now governed under the Texas Business Organizations Code, does by this writing consent to take the following action and adopt the following resolutions:

RESOLVED, the Corporation is validly existing and in good standing with the office of the Texas Comptroller.

RESOLVED, that **JAMES R. WRIGHT**, in his capacity as President, of the Corporation, acting on behalf of the Corporation, thereby binding the Corporation, be and is hereby authorized and directed to do the following:

1. **GENERAL BORROWING:** Borrow from such banks, trust companies, savings institutions, individuals, or others, as in his judgment is necessary, for such a period of time and upon such terms and rate of interest as may to him at his discretion, seem advisable and to execute notes and payment of the amount so borrowed. Any such notes may be signed by him and he is hereby authorized to execute such mortgages, mechanic's liens, deeds of trust, security agreements, financing statements or such other security instruments as may in his judgment be necessary in connection with such transactions. Furthermore, he is authorized to execute any renewals, extensions and modifications of such notes.
2. **TO SELL:** Sell real or personal property upon such terms as may to him, at his discretion, seem advisable, and he is hereby authorized to execute any and all of those certain contracts, deeds, and other relative papers pertaining to the sale of real or personal property, upon such terms and conditions as to him, in his discretion, are advisable and reasonable and as may be set forth in any future contracts executed by him and any prospective buyer. Such contracts, deeds, and any relative instruments pertaining to the sale of real or personal property may be signed by him and he is hereby authorized to execute such contracts, deeds, or other relative instruments as, in his judgment, may be necessary in connection with such transaction.
3. **TO PURCHASE:** Purchase real or personal property upon such terms as may to him, at his discretion, seem advisable, and he is hereby authorized to execute any and all of those certain relative papers pertaining to the purchase of property, upon such terms and conditions as to him, in his discretion, are advisable and reasonable and as may be set forth in future contracts executed by and between any third party, as Seller, and him on behalf of the Buyer. Such relative instruments pertaining to the purchase of certain real or personal property may be signed by him as, in his judgment, may be necessary in connection with such transaction.



4. CONSTRUCT IMPROVEMENTS: Execute any and all of those certain construction contracts, mechanic's lien contracts, construction loan agreements and other relative papers pertaining to the construction of certain improvements, upon such terms and conditions as to him, in his discretion, are advisable and reasonable and as may be set forth in such mechanic's lien documents executed by him; the third party; and, if applicable, the third party's lender. Such construction contracts, mechanic's lien documents, and any relative instruments pertaining to the construction of certain improvements may be signed by him as such construction contracts, mechanic's lien documents, or other relative instruments as, in his judgment, may be necessary in connection with such transaction. In addition, he is hereby authorized and directed to obtain all bids, permits, and perform such other actions necessary in connection with the construction of certain improvements.
5. BANK & BROKERAGE ACCOUNTS: Transact, oversee and initiate any and all banking and brokerage matters, including but not limited to the opening of bank and brokerage accounts, the execution of any signature cards, the enrollment of any online services offered by bank and brokerage firms, making all deposits or withdrawals, and any other matter related to bank and brokerage matters and accounts.
6. DAY TO DAY OPERATIONS: To transact any and all day-to-day business matters that may, in **his** discretion, be necessary to operate the day-to-day activities and operations.
7. OTHER ACTION: To take such other action to execute and deliver such additional instruments as are necessary or proper in order to effectively perform all of the foregoing resolutions.

RESOLVED, that the Corporation consents to the foregoing resolutions.

I direct that this consent be filed with the minutes of the proceedings of the Directors of the Corporation.

This consent is executed pursuant to of the Texas Business Organizations Code which authorizes the taking of action by the Directors by unanimous written consent without a meeting.

This unanimous written consent may be executed in one or more counterparts, all of which together shall be one and the same instrument.

Dated: September 4, 2020.

  
\_\_\_\_\_  
JAMES R. WRIGHT, Director

RESOLUTION – WRIGHT DOUBLE J RANCH, INC.



ACKNOWLEDGMENT

STATE OF TEXAS  
COUNTY OF Coll

This instrument was acknowledged before me on September 4, 2020, by JAMES R. WRIGHT, in his capacity as Director of WRIGHT DOUBLE J RANCH, INC., a Texas corporation, on behalf of said corporation.



Rene Murray  
NOTARY PUBLIC

PREPARED IN THE LAW OFFICE OF:  
BAIRD, CREWS, SCHILLER & WHITAKER, P. C.  
ATTN: THOMAS C. BAIRD / crm  
15 North Main Street  
Temple, Texas 76501  
[REDACTED]

RESOLUTION - WRIGHT DOUBLE J RANCH, INC.

157892/51373





Date: January 27, 2021

To: TCEQ, Water Rights Permitting

From: Carlos Rubinstein  
Herman R. Settemeyer, P. E.  
RSAH2O, LLC

Subject: Wright Double J Ranch, Inc  
Water Right Permit Amendment Application  
Certificate of Adjudication 12-2942  
Bell County, Texas  
Summary of Request

Wright Double J Ranch, Inc is the part owner of Certificate of Adjudicate 12-2942 (Certificate). Certificate authorizes the diversion of 200 acre-feet of water from the Leon River to irrigate 300 acres of land out of two adjacent tracts of land totaling 389.5 acres in Bell County. Wright Double J Ranch, Inc owns 194.865 acre-feet of the 200 acre-feet authorized by the Certificate. Diversion is authorized from five diversion points on the Leon River in the Stephen Frazier Survey, Abstract 329 and Margaret Frazier Survey, Abstract 309 in Bell County at a maximum rate of 2.23cfs (1000 gpm).

Wright Double J Ranch, Inc. proposes to amend the Certificate to add additional adjacent lands. The complete area requested to be irrigated is described by an attached deed totally 496.47 acres. Additionally, applicant requests authorization to use all or a portion of the water authorized for irrigation for wildlife management purposes (agriculture). Applicant proposes to divert authorized water into an off-channel reservoir complex. The ponds are depicted on the attached map and have a total maximum capacity of 87 acre-feet and a total maximum surface area of 29 acres. The ponds can be seen on the attached topographic map.

Additionally, Wright Double J Ranch, Inc. requests authorization to divert water authorized from the Leon River into two of the off-channel reservoirs depicted as Reservoirs No. 1 and 2 shown of the attached map for subsequent diversion for irrigation purposes.



The application does not request any increase in the water diverted, any increase in the acreage to be irrigated, any increase in the diversion rate, or any change in the diversion point locations. Additionally, there are no intervening diversion points on property across the Leon River. Thus, there will be no impact on other diversion points. Water diverted from the Leon River will not extend to points outside of the current diversion area authorized, nor will it impact any other diversion points.



# 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 **Yes** (If yes, date : 1-26-21).

### 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 **No**
- 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 **No** (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?* **No** Y / N

- c. Applicant requests to extend an existing Term authorization or to make the right permanent? Y / N **No** (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: Adj 12-2942

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? **Y / N No** (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 No**

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

- b. Applicant requests to amend existing Term authorization to extend the term or make the water right permanent (remove conditions restricting water right to a term of years)? **Y / N No**

***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 Yes**  
***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 No**

***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 Yes**

***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 No** ***If yes, call the Water Availability Division at (512) 239-4691 to discuss.***  
***Additionally, all amendments require:***

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



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

- a. Pursuant to contract, Applicant requests authorization to convey, stored or conserved water to the place of use or diversion point of purchaser(s) using the bed and banks of a watercourse? TWC § 11.042(a). Y/N **No**

*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 **No**

*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 **No**

*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 **No**

*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 **No**

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

*Worksheets and information:*

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



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

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

Applicant proposes to amend 12-2942 to divert a portion or all of the water authorized fr

reservoirs originally constructed for a gravel operation in the 1950's for irrigation/wildlife

Wildlife management/irrigation (agriculture) is a beneficial use as prescribed and define

- b. Did the Applicant perform its own Water Availability Analysis? Y / N No

*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 Yes



# 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**
194.865	Irrigation	Irrigation/Wildlife Management	Bell County	Bell County

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- Applicant proposes to irrigate a total of 292.3 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 496.47 acres in Bell County, TX.
  - Location of land to be irrigated: In the Stephen Frazier Original Survey No. 329, Abstract No. 329.  
***A copy of the deed(s) describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds. If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other legal right for Applicant to use the land described.***  
***Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.***
- c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
- d. See Worksheet 1.2, Marshall Criteria, and submit if required.
- e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.



# WORKSHEET 1.1

## INTERBASIN TRANSFERS, TWC § 11.085

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

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

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

- N/A
- Provide the Basin of Origin. \_\_\_\_\_
  - Provide the quantity of water to be transferred (acre-feet). \_\_\_\_\_
  - 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:

- 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
- The proposed transfer is from a basin to an adjoining coastal basin? Y/N
- 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
- 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":

- the contract price of the water to be transferred (if applicable) (also include a copy of the contract or adopted rate for contract water);
- 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;
- the cost of diverting, conveying, distributing, and supplying the water to, and treating the water for, the proposed users (example - expert plans and/or reports documents may be provided to show the cost);



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



## WORKSHEET 1.2

### NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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



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



## WORKSHEET 2.0

### Impoundment/Dam Information

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

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

#### 1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: Reservoir Complex
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 87.
- c. The impoundment is on-channel \_\_\_\_\_ or off-channel x \_\_\_\_\_ (mark one)
  1. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4691? Y / N No
  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 N/A
- d. Is the impoundment structure already constructed? Y / N Yes
  - i. For already constructed **on-channel** structures:
    1. Date of Construction: Approximately 1950's
    2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N No
      - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N No
      - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N NO
    3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N No
      - 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 N/A
    2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
      - a. No additional dam safety documents required with the Application. Y / N \_\_\_\_\_
      - b. Plans (with engineer's seal) for the structure required. Y / N \_\_\_\_\_
      - c. Engineer's signed and sealed hazard classification required. Y / N \_\_\_\_\_
      - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N \_\_\_\_\_



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

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: N/A.
2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option. Applicant has calculated the drainage area. **Y/N**  
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): N/A
- b. Zip Code: 776502
- c. In the Stephen Frazier Original Survey No. \_\_\_\_\_, Abstract No. 329, Bell 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 31.014281°N, Longitude -97.254149°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): Google Earth
- dii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. **Y / N** Yes



## 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. N/A Diversion Point No.
  2. N/A Upstream Limit of Diversion Reach No.
  3. N/A Downstream Limit of Diversion Reach No.
- b. Maximum Rate of Diversion for **this new point** \_\_\_\_\_ cfs (cubic feet per second) or \_\_\_\_\_ gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / N**  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches \_\_\_\_\_ cfs or \_\_\_\_\_ gpm*
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / N**

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

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

Check one		Write: Existing or Proposed
	Directly from stream	
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

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

Applicant has calculated the drainage area. **Y / N**

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): N/A
- b. Zip Code: \_\_\_\_\_
- c. Location of point: 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 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 \_\_\_\_\_°N, Longitude \_\_\_\_\_°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): \_\_\_\_\_
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.



## WORKSHEET 4.0

### DISCHARGE INFORMATION

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

- a. The purpose of use for the water being discharged will be N/A.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses \_\_\_\_\_% 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/gwdbrrpt.asp>. Additionally, provide well numbers or identifiers\_\_\_\_\_.
  3. Indicate how the groundwater will be conveyed to the stream or reservoir.
  4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.
- ci. Is the source of the water being discharged a surface water supply contract? **Y / N**  
If yes, provide the signed contract(s).
- cii. Identify any other source of the water\_\_\_\_\_



## WORKSHEET 4.1 DISCHARGE POINT INFORMATION

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

**Instructions, Page 27.**

**For water discharged at this location provide:**

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

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



## WORKSHEET 5.0

### ENVIRONMENTAL INFORMATION

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: \_\_\_\_\_

☐ Other, specify: \_\_\_\_\_

b. Flow characteristics

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

☐ Intermittent - dry for at least one week during most years

☐ Intermittent with Perennial Pools - enduring pools

☐ Perennial - normally flowing

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

☐ USGS flow records

☐ Historical observation by adjacent landowners

☐ Personal observation

☐ Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

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



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

#### d. Waterbody Recreational Uses

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

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

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

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



## 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](mailto:wras@tceq.texas.gov). The model plans can also be downloaded from the TCEQ webpage. **Please use the most up-to-date plan documents available on the webpage.***

#### 1. Water Conservation Plans

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

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

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

1. \_\_\_\_Municipal Use. See 30 TAC § 288.2. \*\*
2. \_\_\_\_Industrial or Mining Use. See 30 TAC § 288.3.
3. \_\_\_\_Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. \_\_\_\_Wholesale Water Suppliers. See 30 TAC § 288.5. \*\*

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

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



appropriation; and evaluates any other feasible alternative to new water development.  
See 30 TAC § 288.7.  
Applicant has included this information in each applicable plan? **Y / N**

## **2. Drought Contingency Plans**

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



## WORKSHEET 7.0

### ACCOUNTING PLAN INFORMATION WORKSHEET

The following information provides guidance on when an Accounting Plan may be required for certain applications and if so, what information should be provided. An accounting plan can either be very simple such as keeping records of gage flows, discharges, and diversions; or, more complex depending on the requests in the application. Contact the Surface Water Availability Team at 512-239-4691 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 (\$)
<b>Filing Fee</b>	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under <b>Amount (\$)</b> .  <u>In Acre-Feet</u> a. Less than 100 \$100.00 b. 100 - 5,000 \$250.00 c. 5,001 - 10,000 \$500.00 d. 10,001 - 250,000 \$1,000.00 e. More than 250,000 \$2,000.00	
<b>Recording Fee</b>		\$25.00
<b>Agriculture Use Fee</b>	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
<b>Use Fee</b>	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
<b>Recreational Storage Fee</b>	<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.	
<b>Storage Fee</b>	<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.	
<b>Mailed Notice</b>	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4691.	
<b>TOTAL</b>		<b>\$</b>

### 2. AMENDMENT OR SEVER AND COMBINE

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

### 3. BED AND BANKS

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



After Recording, Return To:  
Centraland Title Company  
P.O. Box 2125  
Temple, Texas 76503

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

**SPECIAL WARRANTY DEED**

Effective Date: April 18, 2018

Grantor: VB CONNECTED, LTD., a Texas limited partnership

Grantor's Mailing Address: 15 North Main Street; Temple, Texas 76501  
(Bell County)

Grantee: :: WRIGHT DOUBLE J RANCH, INC., a Texas corporation

Grantee's Mailing Address: P. O. Box 1020; Coleman, Texas 76834  
(Coleman County)

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration paid to Grantor by Grantee, and for which no lien, either express or implied, is retained.

**Property:**

Tract 1: Being 496.47 acres of land, more or less, situated in the Stephen Frazier Survey, Abstract No. 329, the William Frazier Survey, Abstract No. 310 and the Margaret M. Frazier Survey, Abstract No. 309, Bell County, Texas, being more particularly described in metes and bounds in filed notes in Exhibit "A" attached hereto and incorporated herein;

Tract 2: Being a non-exclusive passage easement out of the Stephen Frazier Survey, Abstract #329, Bell County, Texas, as described in Volume 3179, Page 131, Official Public Records of Real Property of Bell County, Texas.

Tract 3: Being a thirty foot (30') wide passage easement out of the Margaret M. Frazier Survey, Abstract #309, Bell County, Texas, as described in Volume 2965, Page 183, Official Public Records of Real Property of Bell County, Texas.

TOGETHER WITH, without covenant or warranty express or implied (whether under Section 5.023 of the Texas Property Code or otherwise) all right, title and interest, if any, of Grantor as owner of the Property, but not as owner of any other property, in and to:

(i) any and all appurtenances belonging or appertaining thereto; (ii) any and all improvements located thereon; (iii) any and all appurtenant easements or rights of way affecting said real property and any of Grantor's rights to use same; (iv) any and all rights of ingress and egress to and from said real property

SPECIAL WARRANTY DEED

157892 / 56888 GF # C1881201

Centraland Title Company  
Document 2 of 2  
File # 01581201  
\$ 51.00



and any of Grantor's rights to use same; (v) any and all rights and interests of Grantor in and to any leases covering all or any portion of said real property; (vi) any and all rights to the present or future use of wastewater, wastewater capacity, drainage, water or other utility facilities to the extent same pertain to or benefit said real property or the improvements located thereon, including without limitation, all reservations of or commitments or letters covering any such use in the future, whether now owned or hereafter acquired; and (vii) all right, title, and interest of Grantor, if any, in and to (a) any and all roads, streets, alleys and ways (open or proposed) affecting, crossing, fronting or bounding said real property, including any awards made or to be made relating thereto including, without limitation, any unpaid awards or damages payable by reason of damages thereto or by reason of a widening of or changing of the grade with respect to same, (b) any and all strips, gores or pieces of property abutting, bounding or which are adjacent or contiguous to said real property (whether owned or claimed by deed, limitations or otherwise), (c) any and all air rights relating to said real property, and (d) any and all reversionary interests in and to said real property.

(Said real property described above, together with any and all of the related improvements, appurtenances, rights and interests referenced above are herein collectively referred to as the "Property").

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty: Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken, if any; all easements, rights-of-way, restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property, but only to the extent that any of the foregoing are validly existing and shown of record in the hereinabove mentioned county and state; all zoning laws, regulations and ordinances of applicable governmental authorities, but only to the extent that they are still in effect and relate to the Property; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or protrusions or overlapping of improvements; taxes for the current year, which Grantee assumes and agrees to pay.

Grantor, for the Consideration and subject to the Reservations from Conveyance 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 way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through or under Grantor but not otherwise, except as to the Reservations from Conveyance and Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural. Grantor includes Grantor's heirs, successors, and assignees, and Grantee includes Grantee's heirs, successors, and assignees.

Grantee is purchasing the Property through a tax-deferred like-kind exchange in accordance with the provisions of Section 1031 of the Internal Revenue Code, as amended.

**By acceptance of this deed, Grantor and Grantee acknowledge that Baird, Crews, Schiller & Whitaker, P.C. ("BCSW") (1) has not ordered or examined title to the Property, (2) has made no other independent investigation of the title to the Property but has prepared this deed based on information and documents furnished to BCSW, and (3) makes no representation or warranty, express or implied, regarding the Property or the validity or quality of its title.**

This deed is executed by a party as of the date of his/her/its respective Acknowledgment but to be effective as of the Effective Date.

SPECIAL WARRANTY DEED

157892 / 56888 GF # C1881201

2



VB CONNECTED, LTD., a Texas limited partnership

By: VB MANAGEMENT, L.C., a Texas limited liability company, General Partner

By: THOMAS C. BAIRD Manager

(Acknowledgment)

STATE OF TEXAS  
COUNTY OF BELL

This instrument was acknowledged before me on April 16, 2018, by THOMAS C. BAIRD, in his capacity as Manager of VB MANAGEMENT, L.C., a Texas limited liability company, in its capacity as General Partner of VB CONNECTED, LTD., a Texas limited partnership, on behalf of said limited liability company and said limited partnership.

John J. Harriman  
Notary Public, State of Texas



Prepared in the law offices of:  
Baird, Crews, Schiller & Whitaker, P.C.  
Attn: THOMAS C. BAIRD / pls / crm  
15 North Main Street  
Temple, Texas 76501

SPECIAL WARRANTY DEED

157892 / 56888 GF # C1881201



## EXHIBIT "A"

1

**FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.**

March 23, 2018

Surveyor's Field Notes for:

**496.47 ACRES**, situated in the Stephen Frazier Survey, Abstract No. 329, the Margaret Frazier Survey, Abstract No. 309 and the William Frazier Survey, Abstract No. 310, Bell County, Texas, being a portion of a called 446.704 acre tract of land (Save and Except a called 2 acre tract and a called 50.0 acre tract), all of a called 60.0 acre tract of land conveyed to V B Connected, a Texas limited partnership, in Volume 3556, Page 263, Official Public Records of Real Property, Bell County, Texas, and all of a called 50.0 acre tract of land, conveyed to V B Connected, a Texas limited partnership, in Document No. 2006-00009851, Official Public Records of Bell County, Texas, and being more particularly described as follows:

**BEGINNING** at a 2" wood fence post found on the south line of a called 263.77 acre tract of land conveyed to Nichols Acres LLC in Volume 4231, Page 337, Official Public Records of Bell County, Texas, being the northeast corner of said 50.0 acre tract, the northeast corner of said 446.704 acre tract and being the northwest corner of a called 37.87 acre tract of land conveyed to James R. Lucksinger and wife, Christi Lynn Lucksinger in Volume 3084, Page 720, Official Public Records of Bell County, Texas, for the most northerly, northeast corner of this tract of land;

**THENCE** in a southerly direction, with the east line of said 50.0 acre tract, and an east line of said 446.704 acre tract (*Deed S. 20° 21' 28" W., 1303.86 feet*), same being the west line of said 37.87 acre tract and the west line of a called 5.000 acre tract of land conveyed to John Adam Lucksinger et ux Jessica D. Lucksinger in Volume 6132, Page 260, Official Public Records of Bell County, Texas, **S. 17° 42' 24" W., 1303.50 feet**, to a 6" wood fence post found, being the southeast corner of said 50.0 acre tract, same being an ell corner of said 446.704 acre tract and the northeast corner of a called 24.29 acre tract of land conveyed to H. A. Johnson and Cynthia A. Johnson in Volume 2936, Page 45, Official Public Records of Bell County, Texas, for an ell corner of this tract of land;

**THENCE** in a westerly direction, with the south line of said 50.0 acre tract and an interior line of said 446.704 acre tract (*Deed N. 69° 40' 10" W., 1236.91 feet*), same being the north line of said 24.29 acre tract, **N. 72° 18' 44" W., 1236.91 feet**, to a 2" metal pipe found, being a corner of said 50.0 acre tract and said 446.704 acre tract, same being the northwest corner of said 24.29 acre tract and being the northeast corner of a called 5.00 acre tract of land conveyed to Teri R. Worley in Volume 5468, Page 654, Official Public Records of Bell County, Texas, for a corner of this tract of land;

**THENCE** continuing in a westerly direction and with the south line of said 50.0 acre tract, same being an interior line of said 446.704 acre tract (*Deed N. 69° 34' 29" W.,*



255.09 feet), same being the north line of said 5.00 acre tract, N. 72° 03' 42" W., 256.74 feet, to a fence post found, being an ell corner of said 446.704 acre tract, same being the northwest corner of said 5.00 acre tract, for an ell corner of this tract of land;

THENCE in a southerly direction, with an interior line of said 446.704 acre tract (*Deed* S. 20° 21' 54" W.), same being the west line of said 5.00 acre tract, S. 17° 28' 59" W., 242.18 feet, to a ¾" metal pipe found, being the northeast corner of a called 2.0 acre tract of land conveyed to Elizabeth Kathleen Adams in Document No. 2010-00006512, Official Public Records of Real Property, Bell County, Texas, for an ell corner of this tract of land;

THENCE in a westerly direction, with the north line of said 2.0 acre tract (*Deed* N. 67° 30' 30" W., 357.21 feet), to a N. 70° 02' 04" W., 356.69 feet, to a fence post found, being the northwest corner of said 2.0 acre tract, for an ell corner of this tract of land;

THENCE in a southerly direction, with the west line of said 2.0 acre tract (*Deed* S. 20° 21' 54" W., 244.06 feet), S. 17° 43' 24" W., 244.20 feet, to a fence post found, being the southwest corner of said 2.0 acre tract, same being the northwest corner of a called 3.228 acre tract of land conveyed to Shaun Edward Drake in Volume 4513, Page 652, Official Public Records of Bell County, Texas and being an ell corner of said 446.704 acre tract, for a corner of this tract of land;

THENCE continuing in a southerly direction, with an interior line of said 446.704 acre tract (*Deed* S. 20° 27' 29" W., 401.15 feet), same being the west line of said 3.228 acre tract, S. 17° 52' 07" W., 401.01 feet, to a ½" iron rod found, called to be on the north right of way of Witter Lane, being a corner of said 446.704 acre tract, same being the southwest corner of said 3.228 acre tract, for a corner of this tract of land;

THENCE continuing in a southerly direction, with an interior line of said 446.704 acre tract (*Deed* S. 21° 00' 35" W., 23.07 feet), S. 15° 09' 29" W., 22.08 feet, to a steel fence post found on the occupied south right of way of Witter Lane, being an ell corner of said 446.704 acre tract, for an ell corner of this tract of land;

THENCE in an easterly direction, with an interior line of said 446.704 acre tract (*Deed* S. 69° 57' 11" E., 708.82 feet), same being the occupied south right of way of Witter Lane, S. 72° 28' 44" E., 707.36 feet, to a ½" iron rod found, being an ell corner of said 446.704 acre tract, same being the northwest corner of a called 10.00 acre tract of land conveyed to Justin L. Regner and Alexa B. Regner in Document No. 2013-00051850, Official Public Records of Bell County, Texas, for an ell corner of this tract of land;

THENCE in a southerly direction, with an interior line of said 446.704 acre tract (*Deed* S. 17° 46' 07" W., 502.46 feet), same being the west line of said 10.00 acre tract, S. 15° 07' 52" W., 502.36 feet, to a ½" iron rod found, being an ell corner of said 446.704 acre tract, same being the southwest corner of said 10.00 acre tract, for an ell corner of this tract of land;



**THENCE** in an easterly direction, with an interior line of said 446.704 acre tract (*Deed S. 69° 42' 49" E., 873.21 feet*), same being the south line of said 10.00 acre tract, **S. 72° 20' 08" E., 873.13 feet**, to a ½" iron rod found, being an ell corner of said 446.704 acre tract, same being the southeast corner of said 10.00 acre tract, for an ell corner of this tract of land;

**THENCE** in a northerly direction, with an interior line of said 446.704 acre tract (*Deed N. 17° 46' 07" E., 497.55 feet*), same being the east line of said 10.00 acre tract, **N. 15° 08' 04" E., 497.93 feet**, to a ½" iron rod found on the occupied south right of way of Witter Lane, being an ell corner of said 446.704 acre tract, same being the northeast corner of said 10.00 acre tract, for an ell corner of this tract of land;

**THENCE** in an easterly direction, with an interior line of said 446.704 acre tract (*Deed S. 69° 43' 47" E., 1028.29 feet*), same being the occupied south right of way of Witter Lane, **S. 72° 18' 39" E., 1041.38 feet**, to a 3/8" iron rod found at the intersection of the south and east right of way lines of Witter Lane, being an ell corner of said 446.704 acre tract, for an ell corner of this tract of land;

**THENCE** in a northerly direction, with an interior line of said 446.704 acre tract (*Deed S. 17° 16' 51" W., 43.91 feet*), same being the occupied east right of way of Witter Lane, **N. 14° 25' 19" E., 44.03 feet**, to a ½" iron rod found, being an ell corner of said 446.704 acre tract, same being the southeast corner of a called 29.803 acre tract of land conveyed to Hubert A. Johnson and wife, Cynthia A. Johnson in Volume 3112, Page 726, Official Public Records of Bell County, Texas, for an ell corner of this tract of land;

**THENCE** in an easterly direction, with a north line of said 446.704 acre tract (*Deed S. 70° 12' 26" E., 1094.14 feet*), same being the south line of said 29.803 acre tract, **S. 72° 45' 36" E., 1094.92 feet**, to a fence post found on the west line of a called 22.80 acre tract of land conveyed to H. A. Johnson in Volume 941, Page 97, Deed Records of Bell County, Texas, being the most easterly, northeast corner of said 446.704 acre tract, same being the southwest corner of said 29.803 acre tract, for the most easterly, northeast corner of this tract of land;

**THENCE** in a southerly direction as fenced, with the west line of said 22.80 acre tract, the east line of said 446.704 acre tract (*Deed S. 19° 00' 29" W., 1664.64 feet*), the east line of said 60.0 acre tract (*Deed S. 19° 00' 00" W., 1383.56 feet*), same being the west line of a called 93.788 acre tract of land conveyed to Cloud Construction Co., Inc. in Volume 1888, Page 874, Deed Records of Bell County, Texas, the following six (6) courses and distances:

- 1) **S. 16° 05' 42" W., 394.65 feet**, to a fence post, for a corner of this tract of land;
- 2) **S. 16° 21' 59" W., 1059.65 feet**, to a fence post, for a corner of this tract of land;
- 3) **S. 16° 31' 12" W., 657.98 feet**, to a fence post, for a corner of this tract of land;
- 4) **S. 16° 47' 35" W., 402.24 feet**, to a fence post, for a corner of this tract of land;
- 5) **S. 16° 06' 25" W., 229.23 feet**, to a fence post, for a corner of this tract of land;



- 6) **S. 16° 12' 13" W., 304.48 feet**, to a calculated point on the bank of the Leon River, being the southeast corner of said 60.0 acre tract, for the southeast corner of his tract of land;

**THENCE** along the bank of Leon River with its meanders, same being the southerly and westerly lines of said 60.0 acre tract and said 446.704 acre tract, the following eighty (80) courses and distances:

- 1) **S. 68° 59' 55" W., 61.29 feet**, to a calculated point, for a corner of this tract of land;
- 2) **S. 48° 03' 41" W., 102.93 feet**, to a calculated point, for a corner of this tract of land;
- 3) **S. 66° 29' 54" W., 120.25 feet**, to a calculated point, for a corner of this tract of land;
- 4) **S. 49° 07' 26" W., 88.39 feet**, to a calculated point, for a corner of this tract of land;
- 5) **S. 69° 11' 26" W., 155.17 feet**, to a calculated point, for a corner of this tract of land;
- 6) **N. 88° 10' 17" W., 80.77 feet**, to a calculated point, for a corner of this tract of land;
- 7) **S. 61° 57' 31" W., 97.35 feet**, to a calculated point, for a corner of this tract of land;
- 8) **N. 59° 27' 20" W., 67.18 feet**, to a calculated point, for a corner of this tract of land;
- 9) **S. 78° 44' 07" W., 327.22 feet**, to a calculated point, for a corner of this tract of land;
- 10) **N. 89° 43' 31" W., 187.88 feet**, to a calculated point, for a corner of this tract of land;
- 11) **S. 67° 15' 13" W., 270.50 feet**, to a calculated point, for a corner of this tract of land;
- 12) **S. 77° 42' 57" W., 322.36 feet**, to a calculated point, for a corner of this tract of land;
- 13) **S. 69° 41' 18" W., 107.66 feet**, to a calculated point, for a corner of this tract of land;
- 14) **N. 85° 43' 45" W., 271.91 feet**, to a calculated point, for a corner of this tract of land;
- 15) **N. 32° 04' 18" W., 73.95 feet**, to a calculated point, for a corner of this tract of land;
- 16) **N. 04° 55' 23" W., 44.12 feet**, to a calculated point, for a corner of this tract of land;
- 17) **N. 61° 53' 28" E., 133.99 feet**, to a calculated point, for a corner of this tract of land;
- 18) **N. 68° 34' 22" E., 162.99 feet**, to a calculated point, for a corner of this tract of land;
- 19) **S. 77° 29' 40" E., 106.46 feet**, to a calculated point, for a corner of this tract of land;



- 20) S. 61° 54' 25" E., 92.38 feet, to a calculated point, for a corner of this tract of land;
- 21) N. 84° 59' 50" E., 45.70 feet, to a calculated point, for a corner of this tract of land;
- 22) N. 68° 44' 48" E., 58.00 feet, to a calculated point, for a corner of this tract of land;
- 23) N. 75° 47' 14" E., 229.53 feet, to a calculated point, for a corner of this tract of land;
- 24) N. 52° 36' 56" E., 75.87 feet, to a calculated point, for a corner of this tract of land;
- 25) N. 28° 21' 41" E., 82.01 feet, to a calculated point, for a corner of this tract of land;
- 26) N. 05° 50' 47" W., 75.81 feet, to a calculated point, for a corner of this tract of land;
- 27) N. 12° 08' 12" E., 92.47 feet, to a calculated point, for a corner of this tract of land;
- 28) N. 19° 25' 32" W., 63.55 feet, to a calculated point, for a corner of this tract of land;
- 29) N. 00° 05' 59" E., 72.43 feet, to a calculated point, for a corner of this tract of land;
- 30) N. 22° 37' 51" W., 113.35 feet, to a calculated point, for a corner of this tract of land;
- 31) N. 05° 53' 42" W., 43.66 feet, to a calculated point, for a corner of this tract of land;
- 32) N. 34° 39' 23" W., 60.58 feet, to a calculated point, for a corner of this tract of land;
- 33) N. 13° 04' 40" W., 103.59 feet, to a calculated point, for a corner of this tract of land;
- 34) N. 30° 45' 48" W., 109.43 feet, to a calculated point, for a corner of this tract of land;
- 35) N. 52° 13' 49" W., 90.95 feet, to a calculated point, for a corner of this tract of land;
- 36) N. 60° 41' 16" W., 116.11 feet, to a calculated point, for a corner of this tract of land;
- 37) N. 83° 23' 20" W., 101.49 feet, to a calculated point, for a corner of this tract of land;
- 38) N. 88° 43' 42" W., 93.77 feet, to a calculated point, for a corner of this tract of land;
- 39) N. 59° 55' 40" W., 100.22 feet, to a calculated point, for a corner of this tract of land;
- 40) S. 80° 17' 01" W., 45.77 feet, to a calculated point, for a corner of this tract of land;
- 41) N. 55° 51' 13" W., 64.93 feet, to a calculated point, for a corner of this tract of land;
- 42) S. 84° 44' 29" W., 40.72 feet, to a calculated point, for a corner of this tract of land;



- 43) N. 72° 11' 08" W., 192.45 feet, to a calculated point, for a corner of this tract of land;
- 44) S. 83° 21' 55" W., 99.55 feet, to a calculated point, for a corner of this tract of land;
- 45) N. 69° 28' 19" W., 241.53 feet, to a calculated point, for a corner of this tract of land;
- 46) N. 54° 36' 13" W., 221.00 feet, to a calculated point, for a corner of this tract of land;
- 47) N. 23° 59' 44" W., 38.25 feet, to a calculated point, for a corner of this tract of land;
- 48) N. 46° 03' 09" W., 111.31 feet, to a calculated point, for a corner of this tract of land;
- 49) N. 35° 06' 20" W., 183.92 feet, to a calculated point, for a corner of this tract of land;
- 50) N. 28° 23' 00" W., 161.98 feet, to a calculated point, for a corner of this tract of land;
- 51) N. 15° 55' 26" W., 142.15 feet, to a calculated point, for a corner of this tract of land;
- 52) N. 28° 16' 22" W., 240.85 feet, to a calculated point, for a corner of this tract of land;
- 53) N. 54° 45' 24" W., 69.22 feet, to a calculated point, for a corner of this tract of land;
- 54) N. 38° 51' 42" W., 107.75 feet, to a calculated point, for a corner of this tract of land;
- 55) N. 30° 09' 21" W., 265.13 feet, to a calculated point, for a corner of this tract of land;
- 56) N. 39° 56' 51" W., 391.57 feet, to a calculated point, for a corner of this tract of land;
- 57) N. 27° 27' 08" W., 116.60 feet, to a calculated point, for a corner of this tract of land;
- 58) N. 57° 33' 53" W., 226.14 feet, to a calculated point, for a corner of this tract of land;
- 59) N. 77° 46' 19" W., 211.54 feet, to a calculated point, for a corner of this tract of land;
- 60) S. 87° 34' 58" W., 227.38 feet, to a calculated point, for a corner of this tract of land;
- 61) N. 74° 48' 44" W., 184.08 feet, to a calculated point, for a corner of this tract of land;
- 62) N. 35° 30' 23" W., 128.96 feet, to a calculated point, for a corner of this tract of land;
- 63) N. 18° 40' 24" W., 157.90 feet, to a calculated point, for a corner of this tract of land;
- 64) N. 03° 00' 03" W., 157.91 feet, to a calculated point, for a corner of this tract of land;
- 65) N. 10° 57' 35" E., 255.88 feet, to a calculated point, for a corner of this tract of land;



- 66) N. 11° 46' 01" W., 112.26 feet, to a calculated point, for a corner of this tract of land;
- 67) N. 02° 42' 47" E., 156.18 feet, to a calculated point, for a corner of this tract of land;
- 68) N. 19° 20' 43" E., 67.82 feet, to a calculated point, for a corner of this tract of land;
- 69) N. 08° 22' 09" E., 58.11 feet, to a calculated point, for a corner of this tract of land;
- 70) N. 05° 40' 32" W., 73.01 feet, to a calculated point, for a corner of this tract of land;
- 71) N. 05° 02' 01" E., 119.45 feet, to a calculated point, for a corner of this tract of land;
- 72) N. 17° 33' 06" E., 71.63 feet, to a calculated point, for a corner of this tract of land;
- 73) N. 35° 29' 18" E., 47.67 feet, to a calculated point, for a corner of this tract of land;
- 74) N. 01° 40' 20" E., 357.51 feet, to a calculated point, for a corner of this tract of land;
- 75) N. 09° 04' 52" W., 193.02 feet, to a calculated point, for a corner of this tract of land;
- 76) N. 04° 55' 28" W., 571.60 feet, to a calculated point, for a corner of this tract of land;
- 77) N. 23° 25' 12" E., 161.66 feet, to a calculated point, for a corner of this tract of land;
- 78) N. 09° 15' 48" E., 338.37 feet, to a calculated point, for a corner of this tract of land;
- 79) N. 26° 08' 02" W., 529.41 feet, to a calculated point, for a corner of this tract of land, to a 20" Elm tree, for a corner of this tract of land;
- 80) N. 16° 01' 02" E., 677.35 feet (*Deed N. 18° 40' 54" E., 679.78 feet*), to a 24" Elm tree, being the northwest corner of said 446.704 acre tract, same being the occupied southwest corner of said 263.77 acre tract, for the northwest corner of this tract of land;

THENCE in an easterly direction, with the north line of said 446.704 acre tract and the north line of said 50.0 acre tract, same being the south line of said 263.77 acre tract, the following seven courses and distances:

- 1) S. 73° 46' 17" E., 1738.92 feet (*Deed S. 71° 03' 37" E., 1737.64 feet*), to a fence post, for a corner of this tract of land;
- 2) S. 76° 58' 59" E., 27.48 feet (*Deed S. 74° 25' 05" E., 28.01 feet*), to a fence post, for a corner of this tract of land;
- 3) S. 64° 17' 01" E., 28.61 feet (*Deed S. 61° 40' 51" E., 28.76 feet*), to a fence post, for a corner of this tract of land;
- 4) S. 72° 50' 22" E., 482.29 feet (*Deed S. 70° 10' 19" E., 482.28 feet*), to a 5/8" iron rod with "ALL COUNTY" cap found, for a corner of this tract of land;
- 5) S. 73° 57' 27" E., 447.00 feet (*Deed S. 71° 21' 13" E., 447.09 feet*), to a 5/8" iron rod with "ALL COUNTY" cap found, for a corner of this tract of land;



- 6) S. 74° 05' 37" E., 1655.28 feet (Deed S. 71° 28' 27" E., 1655.81 feet), to a 5/8" iron rod with "ALL COUNTY" cap found, for a corner of this tract of land;
- 7) S. 70° 12' 44" E., 92.85 feet (Deed S. 67° 39' 06" E., 92.79 feet), to the POINT OF BEGINNING and containing 496.47 Acres of Land.

Horizontal datum based upon the Texas State Plane Coordinate System, Central Zone, NAD 83, as per GPS observations utilizing the Western Data System Network. Scale factor 1.00013625565725 based on 5/8" Iron rod with "ALL COUNTY" cap found.

N: 10,352,638.81 E: 3,208,020.05

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

This metes and bounds description to accompany a Surveyors Sketch of the herein described 496.47 Acre tract.

Surveyed March 15, 2018

**ALL COUNTY SURVEYING, INC.**  
**1-800-749-PLAT**

**Tx. Firm Lic. No. 10023600**

server/projects/pro180000/180200/180220/180220.doc



A handwritten signature in black ink, appearing to read "Charles C. Lucko".

Charles C. Lucko  
Registered Professional Land Surveyor  
Registration No. 4636



\*\*\*\* Electronically Filed Document \*\*\*\*

**Bell County, Tx  
Shelley Coston  
County Clerk**

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Document Number: 2018-15640

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Recorded At: 09:57:03 am  
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Recording Fee: \$51.00

**Parties:**

Direct- VB CONNECTED LTD  
Indirect- WRIGHT DOUBLE J RANCH INC

Receipt Number: 333052  
Processed By: Mayte Ramirez

(Parties listed above are for Clerks reference only)

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\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

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.

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I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Real Property Records in Bell County, Texas

Shelley Coston  
Bell County Clerk

A handwritten signature in cursive script that reads "Shelley Coston".