

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): Buckhorn Lake Resort, LLC

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

RECEIVED
MAY 30 2024

Water Availability Division

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 Irrigated Land

N **Worksheet 1.1**

N Addendum to Worksheet 1.1

Y **Worksheet 1.2**

Y **Worksheet 2.0**

Y Additional W.S. 2.0 for Each Reservoir

N Dam Safety Documents

N Notice(s) to Governing Bodies

Y Recorded Deeds for Inundated Land

N Consent for Inundated Land

Y/N

Y **Worksheet 3.0**

Y Additional W.S. 3.0 for each Point

Y Recorded Deeds for Diversion Points

N Consent for Diversion Access

N **Worksheet 4.0**

N TPDES Permit(s)

N WWTP Discharge Data

N Groundwater Well Permit

N Signed Water Supply Contract

N **Worksheet 4.1**

Y **Worksheet 5.0**

Y Addendum to Worksheet 5.0

Y **Worksheet 6.0**

N Water Conservation Plan(s)

N Drought Contingency Plan(s)

N Documentation of Adoption

Y **Worksheet 7.0**

N Accounting Plan

Y **Worksheet 8.0**

Y Fees

Y Public Involvement Plan

ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

☐ New Appropriation of State Water

☒ Amendment to a Water Right *

☐ Bed and Banks

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

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

Please see Addendum 1_Summary of Application.

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

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

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

Buckhorn Lake Resort, LLC

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

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

You may search for your CN on the TCEQ website at

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

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

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

First/Last Name: Dee Christiansen

Title: Manager

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

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: Buckhorn Lake Resort, LLC

Mailing Address: 2885 Goat Creek Road

City: Kerrville State: TX ZIP Code: _____

Indicate an X next to the type of Applicant:

___ Individual ___ Sole Proprietorship-D.B.A.

___ Partnership ☒ Corporation

___ Trust ___ Estate

___ Federal Government ___ State Government

___ County Government ___ City Government

___ Other Government ___ Other _____

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: 17429375912 SOS Charter (filing) Number: _____

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

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

First and Last Name: Ben Mathews

Title: Attorney

Organization Name: Mathews & Freeland, LLP

Mailing Address: 123 N. Seguin Avenue, Suite 204

City: New Braunfels State: TX ZIP Code: 78130

Phone Number: 512-404-7800

Fax Number:

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 Number: _____

Fax Number: _____

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** X

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** X

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

Enforcement order number: _____ Amount past due: _____

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

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

- c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use – if required. See TWC §16.012(m) and 30 TAC § 297.41(a)(5). Applicants should check survey status on the TWDB website prior to filing:

https://www3.twdb.texas.gov/apps/reports/WU/SurveyStatus_PriorThreeYears

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Dee Christiansen

Manager

(Typed or printed name)

(Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under Title 30 Texas Administrative Code §295.14 to sign and submit this document and I have submitted written evidence of my signature authority.

Signature: [Signature]

(Use blue ink)

Date: 5/20/24

Subscribed and Sworn to before me by the said

on this 30th day of MAY, 2024.

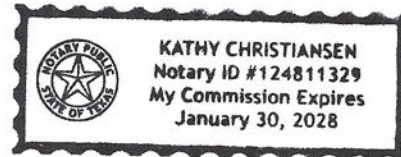
My commission expires on the 30th day of JANUARY, 2028.

Notary Public

[Signature]

[SEAL]

KEDK
County, Texas



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

Addendum 1.0- Summary of Application
Buckhorn Lake Resort Application to Amend COA 18-2018

A. Statutory Authority for Application

This Application is submitted in accordance with Texas Water Code §11.122(b) and 30 Texas Administrative Code § 295.1 *et seq.* to amend Certificate of Adjudication 18-2018. Applicant, Buckhorn Lake Resort, LLC (Buckhorn), has contracted to lease a quantity of water authorized under COA 18-2018 from Lee Anthony Mosty (Mosty), the Owner of Record of COA 18-2018, sufficient to meet Applicant's intended uses in Kerr County, Texas. Included with this *Addendum 1.0- Summary of Application* is a fully-executed copy of the Contract for Lease of Surface Water Right, specifically Section F(2), which provides consent from Mosty for Buckhorn to file this Application for approval of the requested amendment to COA 18-2018.

B. Summary of Existing Water Right

COA 18-2018, as currently amended, authorizes Lee Anthony Mosty to divert and use 154 acre-feet of water per year from the Guadalupe River, Guadalupe River Basin for agricultural purposes to irrigate 94 acres of land in Kerr County.

C. Specific Amendments Requested Through This Application

Buckhorn requests an amendment to COA 18-2018 to maintain four (4) existing on-channel dams and reservoirs with a combined capacity of 13.63 acre-feet for recreation purposes: two (2) existing reservoirs located on an unnamed tributary of Goat Creek, and two (2) existing reservoirs located on Goat Creek, a tributary of the Guadalupe River, Guadalupe River Basin, in Kerr County, Texas. The dams and reservoirs are all located within the C&M R.R. Co. Survey No. 1435, Abstract No. 735. Buckhorn proposes to maintain all four reservoirs with water from COA 18-2018 pursuant to a Surface Water Right Lease Agreement.

The quantity of water requested in the *Technical Information Report, Worksheet 1.0*, Section 2.a is indicated as "13.63* acre-feet *See Addendum 1.0- Summary of Application.*" As agreed at the pre-application meeting, during TCEQ's technical review, the quantity of water needed to support permitting the existing reservoir complex will be determined, and that quantity of water is the amount for which Buckhorn will seek to amend COA 18-2018. The contract between Buckhorn and Mosty makes available for lease the entire 154 acre-feet of COA 18-2018. Only the quantity of water needed to support permitting the existing reservoirs and requested diversions will be sought through this Application—the remainder of COA 18-2018 will not be amended.

The amendments requested through this Application do not contemplate an additional consumptive use of state water or an increased rate or period of diversion. The requested amendments seek to add two new diversion points located on the Buckhorn property, a new place of use, purpose of use, and permitting of a reservoir complex consisting of the four existing impoundments. The impoundments are each on-channel and have been in place since as early as 1950.

Buckhorn requests the following specific amendments to COA 18-2018:

1. Add one (1) new diversion point from the perimeter of Reservoir 2, using a point on the centerline of the dam for Reservoir 2 at latitude 30.120811° N, longitude -99.200645° W at the location shown on the map attached to *Addendum to Worksheet 3.0*.
2. Add one (1) new diversion point from the perimeter of Reservoir 4, using a point on the centerline of the dam for Reservoir 4 at latitude 30.118783° N, longitude -99.201461° W at the location shown on the map attached to *Addendum to Worksheet 3.0*.
3. Add a new authorized place of use on the Buckhorn property for recreation purposes only, allowing the amount of water needed as determined during TCEQ's technical review to be used on Buckhorn's 64.48 acres described in the deed attached to *Addendum to Worksheet 3.0*. Both the existing place of use and new place of use are located in Kerr County.
4. Change the authorized purpose of use of only the quantity of acre-feet of COA 18-2018 that is being amended from irrigation to recreation, allowing the water diverted at the new diversion points to be used for recreation purposes, a beneficial use as defined by 30 TAC § 297.42(a)(7). Buckhorn will not use its amended portion of the water right for irrigation. Buckhorn is also not requesting a change to the underlying authorization.
5. Add an authorization for the four existing dams and reservoirs, described as follows:
 - a. Reservoir 1 has a surface area of 0.192 acres and a normal capacity of 0.766 acre-feet. A point on the centerline of the dam is located at latitude 30.121391° N, longitude -99.198172° W. The dam for Reservoir 1 was constructed in 1950.
 - b. Reservoir 2 has a surface area of 1.344 acres and a normal capacity of 4.703 acre-feet. A point on the centerline of the dam is located at latitude 30.120811° N, longitude -99.200645° W. The dam for Reservoir 2 was constructed in 1960.
 - c. Reservoir 3 has a surface area of 0.846 acres and a normal capacity of 2.96 acre-feet. A point on the centerline of the dam is located at latitude 30.120909° N, longitude -99.199218° W. The dam for Reservoir 3 was constructed in 2000.
 - d. Reservoir 4 has a surface area of 1.30 acres and a normal capacity of 5.20 acre-feet. A point on the centerline of the dam is located at latitude 30.118783° N, longitude -99.201461° W. The dam for Reservoir 4 was constructed in 1999.

D. Signature Authority

This addendum also provides the following supplemental materials requested by the Administrative Information Report:

2(a): Written evidence to meet the signatory requirements in 30 TAC § 295.14.

CONTRACT FOR LEASE OF SURFACE WATER RIGHT

This contract for lease of a surface water right is between Lessor and Lessee as identified below and is effective on the date of the last of the signatures by Lessor and Lessee as parties to this contract (Contract Effective Date).

Lessor: **Lee Anthony Mosty**
Address: 1500 Park Grove Drive, Irving, TX 75060-4706
Phone: 817-312-6046
Email: [REDACTED]
Type of Entity: Individual

Lessee: **Buckhorn Lake Resort, LLC**
Dec Christiansen, Manager
Address: 2885 Goat Creek Road, Kerrville, TX 78028
Phone: 830-370-7641
Email: [REDACTED]
Type of Entity: Limited Liability Company

With Copy to: Benjamin Mathews
Mathews & Freeland LLP
8140 North Mopac Expy, Suite 4-240
Austin, TX 78759

Water Authority: Texas Commission on Environmental Quality (TCEQ)

Lessor's Permit/Certificate of Adjudication No.: COA 18-2018, as amended (the Water Right)

Lessee's Intended Use of Water Right: Recreational use including maintenance of on-channel reservoir complex located at Buckhorn Lake Resort, located on Goat Creek, a tributary of the Guadalupe River in the Guadalupe River Basin, generally located at Latitude 30.118801 degrees North, Longitude -99.201528 degrees West (Lessee's Intended Use).

Lease of Surface Water Right: Lessor shall lease to Lessee 50 acre-feet (the Leased Water Right) of the Water Right more particularly described as Certificate of Adjudication No. 18-2018, as amended, most recently issued March 9, 2018 by TCEQ as COA 18-2018C to Lee Anthony Mosty, granting the right to divert and use 154 acre-feet of water per year from the Guadalupe River, Guadalupe River Basin for agricultural purposes to irrigate 94 acres of land out of a 117.122-acre tract located in the George Harbour Survey 39, Abstract No. 194, in Kerr County, Texas (the Appurtenant Land).

Concurrent with execution of this contract, Lessor and Lessee hereby execute the Surface Water Right Lease Agreement as exists herein as Exhibit B.

The Water Right is currently appurtenant to the Appurtenant Land, but shall be amended to add an additional place of use, purpose of use, point of diversion, and storage from those identified in the

Water Right only for the amount of water that comprises the Leased Water Right for Lessee's Intended Use.

Earnest Money: [REDACTED]

Independent Consideration for First Option Period: [REDACTED] of the Earnest Money constitutes independent consideration given for Lessee's right to terminate during the First Option Period under Paragraph E(3). This independent consideration will be applied to the Lease Payment in accordance with the Surface Water Right Lease Agreement, but will not be returned to Lessee if Lessee terminates this contract during the First Option Period.

Independent Consideration for Second Option Period: [REDACTED] of the Earnest Money constitutes independent consideration given for Lessee's right to terminate during the Second Option Period under Paragraph G(3). This independent consideration will be applied to the Lease Payment in accordance with the Surface Water Right Lease Agreement, but will not be returned to Lessee if Lessee terminates this contract during the Second Option Period.

Escrow Officer: Richard Mosty, Mosty Law Firm

Lessor and Lessee hereby acknowledge that Escrow Officer has a lawyer-client relationship with Lessee. Escrow Officer's duties will include holding and disbursing funds, and communicating with all Parties involved with this transaction. Simultaneous representation of parties where the potential for conflict exists is permitted as long as two conditions are met. The lawyer must conclude that the representation of each individual client will not be materially affected. The Escrow Officer has made this conclusion. Second, each potentially affected client must consent to representation. By initialing below, Lessor and Lessee each consent to Richard Mosty, Mosty Law Firm, serving as Escrow Officer.

Lessor Initial: [Signature] **Lessee Initial:** [Signature]

County for Performance: Kerr

A. DEADLINES AND OTHER DATES

1. Contract Effective Date: the date of the last of the signatures by Lessor and Lessee as parties to this contract
2. Execution of Surface Water Right Lease Agreement: on or before Contract Effective Date
3. End of First Option Period: 30 days after Contract Effective Date
4. Earnest Money Deadline: 3 business days after Contract Effective Date
5. TCEQ Pre-Application Meeting: 14 days after Contract Effective Date (pending TCEQ availability)
6. Execution of Acre-Foot Amendment to Surface Water Right Lease Agreement, if necessary: 3 business days after TCEQ Pre-Application Meeting or TCEQ notification

7. Water Right Amendment Application Submittal: 30 days after last TCEQ Pre-Application Meeting
8. End of Second Option Period: 10 days after the last deadline provided in TCEQ's Public Notice
9. Issuance of TCEQ Amendment to COA 18-2018 for Lessee's Intended Use: 365 days from Water Right Amendment Application Submittal (this deadline amendable by mutual agreement between Lessor and Lessee)
10. Lease Agreement Effective Date: 1 business day after receipt of Issuance of TCEQ Amendment to COA 18-2018 for Lessee's Intended Use

B. EXHIBITS

The following are attached to and are a part of this contract:

Exhibit A—Certificate of Adjudication 18-2018, as amended

Exhibit B—Surface Water Right Lease Agreement

Exhibit C—Release of Earnest Money

C. LEASE OF WATER RIGHT

The parties acknowledge that the essence of this transaction is that the TCEQ approve an amendment to the Water Right to add an additional place(s) of use, purpose(s) of use, and point(s) of diversion only for the Leased Water Right sufficient to satisfy Lessee's Intended Use. The parties therefore agree that subject to necessary proceedings before and approval of the TCEQ, Lessor agrees to lease to Lessee the Leased Water Right under the terms of the Surface Water Right Lease Agreement. The promises by Lessor and Lessee stated in this contract are additional consideration for the execution of this contract.

The parties acknowledge that the Surface Water Right Lease Agreement shall not become effective or enforceable unless and until TCEQ issues an Amendment to COA 18-2018 sufficient to meet Lessee's Intended Use, in Lessee's sole discretion.

The parties expressly acknowledge that although this contract contemplates the amount of the Leased Water Right as 50 acre-feet, the actual number of acre-feet that will be leased under the Surface Water Right Lease Agreement shall be the amount required for Lessee's Intended Use, as determined by the TCEQ prior to Water Right Application Submittal. If said amount shall differ from 50 acre-feet, the parties hereby agree to execute an amendment to this contract and the Surface Water Right Lease Agreement using the number of acre-feet provided by TCEQ. Such Acre-Foot Amendment to the Surface Water Right Lease Agreement, if necessary, shall be executed by both parties within 3 business days after notification from TCEQ.

Lessor Initial: *LM* Lessee Initial: *WCE*

The parties further acknowledge that Lessee is leasing the Leased Water Right of Lessor as a right separate and apart from the Appurtenant Land and that no interest in such land is intended to be leased, sold, transferred, or conveyed to Lessee.

D. REPRESENTATIONS

1. Lessor's Representations to Lessee

Lessor represents to Lessee that the following are true and correct as of the Contract Effective Date and will be true and correct upon the Lease Agreement Effective Date:

- a. *Authority.* Lessor is an individual residing in the State of Texas with full power and authority to lease the Water Right to Lessee. This contract is, and all documents required by this contract to be executed and delivered to Lessee will be, duly authorized, executed, and delivered by Lessor or Lessor's duly-authorized agent.
- b. Lessor is the sole owner of Certificate of Adjudication No. 18-2018, as amended.
- c. Lessor is co-trustee of the Mosty Living Trust, together with Donna Marie Mosty. As evidenced in Volume 20-07651 of the Official Public Records of Kerr County, the Mosty Living Trust is the sole owner of the Appurtenant Land, a tract located in the George W. Harbour Survey 39, Abstract 194, Kerr County, Texas, said tract being described as follows:
BEGINNING at the lower corner of Survey 39 on the North bank of the Guadalupe River;
THENCE North, 4083.30 feet;
THENCE West, 1870.0 feet;
THENCE South, 2352.49 feet to a point in the middle of a branch of the Western boundary of Survey 39;
THENCE with the meanders of the branch as follows: S 73-3/4°E, 969 feet; S 19-1/2°E, 913.75 feet; S 3-1/4°E, 111.1 feet to its mouth
THENCE along the North bank of the Guadalupe River to the place of beginning, containing 117.122 acres of land, more or less (the Appurtenant Land).
- d. The Appurtenant Land is also known as Kerr County Property ID No. 14864.
- e. Lessor has the sole power and authority, or will cause his co-trustee of the Appurtenant Land to exercise her power and authority, to provide consent to enter into the Surface Water Right Lease Agreement, including executing documents, if any, required by the Texas Commission on Environmental Quality or other authority.
- f. *Litigation.* Lessor has not received written notice and has no actual knowledge of any litigation pending or threatened against Lessor, the Water Right, or the Appurtenant Land that might affect the Water Right, Leased Water Right, or Lessor's ability to perform his obligations under this contract.
- g. *Violation of Laws.* Lessor has not received written notice of violation of any law, ordinance, regulation, or requirements affecting the Water Right, Leased Water Right, or Lessee's Intended Use of the Water Right.

- h. *Licenses, Permits, and Approvals.* Lessor has not received written notice that any license, permit, or approval necessary to use the Water Right in the manner in which it is currently used has expired or will not be renewed on expiration or that any material condition will be imposed in order to obtain its renewal.
- i. *No Other Obligation to Sell or Lease the Water Right or Restriction against Leasing the Water Right.* Lessor has not obligated himself to sell or lease the Water Right to any party other than Lessee. Lessor's performance of this contract will not cause a breach of any other agreement or obligation to which Lessor is a party or to which he is bound.
- j. *Good Title.* To the best of Lessor's knowledge, Lessor has good and indefeasible fee simple title to the Water Right, free and clear of all mortgages, liens, licenses, encumbrances, leases, tenancies, security interests, covenants, conditions, restrictions, rights-of-way, easements, judgments, and other matters affecting title.
- k. *No Bills or Claims.* There are no unpaid bills or claims in connection with any repair or work performed or material furnished or otherwise relating to the Water Right for the benefit of Lessor as of the Contract Effective Date, and all bills attributable to or affecting the Water Right Leased Water Right will be timely and fully paid by Lessor in full before the Lease Agreement Effective Date.
- l. *No Adverse Matters.* To Lessor's knowledge, there is no (i) change contemplated in any applicable laws, ordinances, or restrictions, including the rules of any authority; (ii) judicial or administrative action threatened or pending against the Water Right, Appurtenant Land, or Lessor; (iv) natural or artificial conditions relating to the Water Right that would have a material adverse effect on the Water Right.
- m. *Compliance with Laws.* To Lessor's knowledge, Lessor has at all times complied with and operated in compliance with all applicable federal, state, and local laws, regulations, and ordinances regarding the Water Right, including rules of any applicable authority. Lessor will promptly notify Lessee of any noncompliance notice received by Lessor.
- n. *Severance of Water Right.* The Water Right from which Lessor herein agrees to lease the Leased Water Right is appurtenant to land in Kerr County, Texas; and such Water Right has not heretofore been severed from the land.

2. Lessee's Representations to Lessor

Lessee represents to Lessor that the following are true and correct as of the Contract Effective Date and will be true and correct on the Lease Agreement Effective Date:

- a. *Authority.* Lessee is a limited liability company duly organized, validly existing, and in good standing under the laws of the state of Texas with authority to perform its obligations under this contract. This contract is binding on Lessee. This contract is, and all documents required by this contract to be executed and delivered to Lessor at closing will be, duly authorized, executed, and delivered by Lessee.

E. FIRST OPTION PERIOD

1. *Title Search; Regulatory Due Diligence.* Lessee may conduct a title search of appropriate records or reports stating the condition of the title to the Water Right and the Appurtenant Land or perform other regulatory due diligence.
2. *End of First Option Period.* The First Option Period shall end 30 (thirty) days after the Contract Effective Date.
3. *Lessee's Right to Terminate.* Lessee may terminate this contract for any reason by notifying Lessor in writing before the end of the First Option Period.

F. APPLICATION FOR TCEQ APPROVAL; COOPERATION; CONDITION OF WATER RIGHT UNTIL LEASE AGREEMENT EFFECTIVE DATE

1. *Conditional Lease.* By the deadline stated in paragraph A(2), Lessor and Lessee will each execute and deliver to the other a Surface Water Right Lease Agreement (in form and substance acceptable to the parties and TCEQ).
2. *Application for TCEQ Approval.* Lessor hereby authorizes Lessee to file an application with the TCEQ and all other required governmental authorities for approval of an amendment of Certificate of Adjudication No. 18-2018 to utilize the Leased Water Right sufficient to meet Lessee's Intended Use, in Lessee's sole discretion (Water Right Amendment Application). Lessee must file the Water Right Amendment Application by the deadline stated in Paragraph A(7). Lessee will bear the expenses of the application, including the expenses of any public hearings or proceedings before the TCEQ and all other required authorities, and any required filing and recording fees; provided, however, that expenses required to be incurred by Lessee are limited to those incurred to place Lessee in a position to accept the transfer of the Leased Water Right. Lessee will initiate and pursue TCEQ approval, and Lessor will cooperate with Lessee to secure Issuance of TCEQ Amendment to COA 18-2018 for Lessee's Intended Use, including providing documents as may be required to lease the Leased Water Rights, and to pursue approval proceedings.
3. *Maintenance and Use.* Until the earlier of the termination of this contract or the Lease Agreement Effective Date, Lessor will (a) maintain the Water Right as it exists on the Contract Effective Date, except to the extent otherwise required by any governmental or water authority; (b) use the Water Right in the same manner as it was used on the Contract Effective Date; and (c) comply with all contracts and governmental regulations affecting the Water Right. Until the Lease Agreement Effective Date, Lessor will not enter into, amend, or terminate any contract that affects the Water Right. Lessee may terminate this contract in accordance with Paragraph I(4) if Lessor enters into, amends, or terminates any contract that affects the Water Right without first obtaining Lessee's written consent.

G. SECOND OPTION PERIOD

1. *TCEQ Review; Declaration of Administrative Completeness, Notice of Application.* Following submittal of the Water Right Amendment Application, TCEQ may declare the application administratively complete, file the application with the Office of the Chief Clerk, complete a technical review of the application, prepare a draft amendment, and

publish public notice of the application (Public Notice). The Public Notice will provide a deadline for written public comments and requests for a public meeting, as well as requests for a contested case hearing.

2. *End of Second Option Period.* The Second Option Period shall end ten (10) days after the last deadline for written public comments, requests for a public meeting, or requests for a contested case hearing provided in TCEQ's Public Notice.
3. *Lessee's Right to Terminate.* Lessee may terminate this contract for any reason by notifying Lessor in writing before the end of the Second Option Period.

H. PROCEDURES FOLLOWING TCEQ APPROVAL; RECORDING

After Issuance of TCEQ Amendment to COA 18-2018 for Lessee's Intended Use, Lessor and Lessee will proceed as follows.

1. *Lease Agreement Effective Date.* The Surface Water Right Lease Agreement shall become effective on the date stated in Paragraph A(10).
2. *Credit of Earnest Money Toward Lease.* On or after the Lease Agreement Effective Date, either Lessor or Lessee may provide written notice to the Escrow Officer using the Release of Earnest Money attached hereto as Exhibit C. Upon receipt of a duly signed release under this paragraph, the Escrow Officer shall release the Earnest Money to Lessor, and Lessor shall apply the balance of the Earnest Money to the Lease Payments in accordance with the Surface Water Right Lease Agreement. This shall continue until the Earnest Money is exhausted. Lessor shall provide a written accounting to Lessee at Lessee's request.
3. *Recording of Contract Following TCEQ Approval.* At the request of Lessee, Lessor will execute a memorandum of this contract following Issuance of TCEQ Amendment to COA 18-2018 for Lessee's Intended Use, in a mutually acceptable form, to be recorded in the Official Public Records of Kerr County, Texas.

I. CONDITIONS OF CONTRACT TERMINATION

1. *Termination on Failure to Obtain Governmental Approval.* If, through no fault of Lessor or Lessee, TCEQ refuses Issuance of TCEQ Amendment to COA 18-2018 for Lessee's Intended Use, the parties may cancel all portions of the transaction set forth in this contract by delivering written notice to the other party under this subparagraph. In such event, neither party will have any further obligation to the other under this contract. There shall be no liquidated damages. Lessee may provide written notice to the Escrow Officer using the Release of Earnest Money attached hereto as Exhibit C. Upon receipt of a duly signed release, the Escrow Officer shall release the Independent Consideration for First Option Period and Independent Consideration for Second Option Period to Lessor, and release the balance of the Earnest Money to Lessee.
2. *Termination Caused by Undue Governmental Delay.* If, through no fault of Lessor or Lessee, TCEQ has not acted on the Water Right Amendment Application sufficient to meet the needs of Lessee, in Lessee's sole discretion, by the deadline stated in Paragraph A(9), Lessee may terminate this contract by delivering written notice to Lessor under this

subparagraph. In such event, neither party will have further duties or obligations to the other under this contract, except for those obligations that cannot be or were not performed before termination of this contract. There shall be no liquidated damages. Lessee may provide written notice to the Escrow Officer using the Release of Earnest Money attached hereto as Exhibit C. Upon receipt of a duly signed release, the Escrow Officer shall release the Independent Consideration for First Option Period and Independent Consideration for Second Option Period to Lessor, and release the balance of the Earnest Money to Lessee.

3. *If Lessee Initiates Early Termination; Default; Liquidated Damages.* If Lessee terminates or materially frustrates the purpose of this contract after the end of the Second Option Period and prior to the deadline stated in Paragraph A(9), Lessee shall have defaulted on its obligations under this contract and Lessor may terminate this contract by delivering written notice to Lessee under this subparagraph. In this event, Lessee shall pay to Lessor [REDACTED] as liquidated damages. Additionally, Lessor may provide written notice to the Escrow Officer using the Release of Earnest Money attached hereto as Exhibit C. Upon receipt of a duly signed release, the Escrow Officer shall release the Earnest Money to Lessor. The foregoing shall constitute Lessor's sole and exclusive remedies for Lessee's default.
4. *If Lessor Initiates Early Termination; Default; Liquidated Damages.* If Lessor terminates or materially frustrates the purpose of this contract prior to the deadline stated in Paragraph A(9), Lessor shall have defaulted on his obligations under this contract and Lessee may terminate this contract. Lessor shall pay to Lessee as liquidated damages the greater of [REDACTED] or Lessee's actual out-of-pocket expenses incurred to perform its obligations under this contract. Lessee may provide written notice to the Escrow Officer using the Release of Earnest Money attached hereto as Exhibit C. Upon receipt of a duly signed release, the Escrow Officer shall release the Independent Consideration for First Option Period and Independent Consideration for Second Option Period to Lessor, and release the balance of the Earnest Money to Lessee.
5. *Provisions Applicable to All Terminations of this Contract.* If the contract is terminated for any reason in Paragraph I, in addition to proceeding as outlined in the foregoing subparagraphs, the parties shall also proceed as directed by this subparagraph. Following written notice of termination, Lessee will promptly return to Lessor all documents relating to the Water Right that Lessor has delivered to Lessee. Additionally, Lessee shall sign such instruments and take such actions as are required to place Lessor in the position Lessor was in with respect to the Water Right before entering into this contract.
6. *Attorney's Fees.* If either party retains an attorney to enforce this contract, the party prevailing in litigation is entitled to recover reasonable attorney's fees and court and other costs.

J. MISCELLANEOUS PROVISIONS

1. *Entire Agreement.* This contract and its exhibits constitute the entire agreement of the parties concerning the lease of the Water Right by Lessor to Lessee. There are no representations, warranties, agreements, or promises pertaining to the lease of the Water Right that are not in those documents.

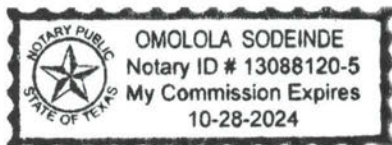
2. *Amendment.* This contract may be amended only by an instrument in writing signed by the parties.
3. *Deadlines.* All deadlines in this contract expire at 5:00 P.M. local time where the point of diversion of the Water Right is located. If a deadline falls on a Saturday, Sunday, or national holiday, the deadline will be extended to the next business day. A national holiday is a holiday designated by the federal government. Time is of the essence.
4. *Notices.* Any notices to be given hereunder shall be given by placing the notice in the United States mail, certified or registered, properly stamped and addressed to the address shown in this contract, or such other addresses as the respective party may direct in writing to the other, by overnight delivery service, or by personal delivery to such address. Notice shall be deemed effective upon such placing in the mails, on the next business day following delivery and acceptance for next day delivery by any overnight delivery service, or upon actual delivery if by personal delivery.
5. *Restriction on Assignment.* Lessor or Lessee may not assign this contract or any of Lessor's or Lessee's rights under it without the other party's prior written consent, which consent shall not unreasonably be withheld or delayed. The assignee must be a qualified entity capable of performing and complying with the terms of this contract, and must acknowledge in writing its obligation to fulfil all terms of this contract. Any attempted assignment in conflict with the foregoing is void.
6. *Waiver of Default.* It is not a waiver of default if the nondefaulting party fails to declare a default immediately or delays taking any action with respect to the default.
7. *Ambiguities Not to Be Construed Against Party Who Drafted Contract.* The rule of construction that ambiguities in a document will be construed against the party who drafted it will not be applied in interpreting this contract.
8. *Counterparts.* If this contract is executed in multiple counterparts, all counterparts taken together constitute this contract. Copies of signatures to this contract are effective as original signatures.
9. *Binding Effect.* This contract binds, benefits, and may be enforced by the parties and their respective heirs, successors, and permitted assigns.

EXECUTED on the dates set forth below our respective signatures:

✓ **Lessor: Lee Anthony Mosty**
Signature: Lee Anthony Mosty
Printed Name: Lee Anthony Mosty
Date: May 6 2024

Subscribed and Sworn before me by Lee Anthony Mosty on this 6th day of May, 2024, to certify which witness my hand and seal of office.

Omola Sodeinde
Notary Public in and for the State of Texas



EXECUTED on the dates set forth below our respective signatures:

Lessee: **Buckhorn Lake Resort, LLC**

Signature: *[Handwritten Signature]*

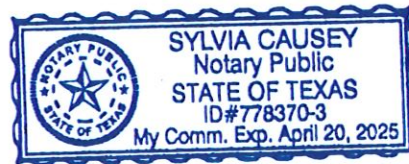
Printed Name: DEE W CHRISTIANSEN

Title: MANAGER

Date: 5/9/24

Subscribed and Sworn before me by Dee W. Christiansen on this 9th day of May, 2024, to certify which witness my hand and seal of office.

[Handwritten Signature]
Notary Public in and for the State of Texas



Escrow Officer acknowledges receipt of Earnest Money in the amount of \$ 5,000.00 and a copy of this contract executed by both Lessor and Lessee.

Escrow Officer

Signature: [Signature]

Printed Name: Richard O. Mosty

Company: Mosty Law Firm

Title: Partner

Date: 5/9/24

**BUCKHORN LAKE RESORT
OPERATING ACCOUNT**
2885 GOAT CREEK ROAD (830)895-0007
KERRVILLE, TX 78028

SECURITY STATE BANK AND TRUST
KERRVILLE, TX 78029

21464

88-2194/1149
04
CHECK ARMOR
TRADE PROTECTION

5/9/2024

PAY TO THE ORDER OF MOSTEY LAW FIRM TRUST ACCOUNT

\$ [REDACTED]

DOLLARS

MOSTEY LAW FIRM TRUST ACCOUNT

MEMO

ESCROW FUNDS - WATER RIGHTS CONTRACT

[Signature]
AUTHORIZED SIGNATURE

BUCKHORN LAKE RESORT

MOSTEY LAW FIRM TRUST ACCOUNT

5/9/2024

21464

ESCROW FUNDS FOR WATER RIGHTS CONTRA
BUCKHORN LAKE RESORT

Exhibit A

Certificate of Adjudication No. 18-2018, as amended

7-17-81

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 18-2018

OWNER: Lee Anthony Mosty
Rt. 1, Box 648
Center Point, TX 78010

COUNTY: Kerr

PRIORITY DATE: 1951

WATERCOURSE: Guadalupe River

BASIN: Guadalupe River

WHEREAS, by final decree of the 37th Judicial District Court of Bexar County, in Cause No. 77-CI-13052, In Re: The Adjudication of Water Rights in the Upper Guadalupe River Segment of the Guadalupe River Basin, dated November 12, 1979, a right was recognized under Claim 873 authorizing Lee Anthony Mosty to appropriate waters of the State of Texas as set forth below;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Guadalupe River Basin is issued to Lee Anthony Mosty, subject to the following terms and conditions:

1. USE

Owner is authorized to divert and use not to exceed 154 acre-feet of water per annum from the Guadalupe River to irrigate a maximum of 94 acres of land out of a tract located in the George W. Harbour Survey 39, Abstract 194, Kerr County, Texas, said tract being described as follows:

- (1) BEGINNING at the lower corner of Survey 39 on the North bank of the Guadalupe River;
- (2) THENCE North, 4083.30 feet;
- (3) THENCE West, 1870.0 feet;
- (4) THENCE South, 2352.49 feet to a point in the middle of a branch of the Western boundary of Survey 39;
- (5) THENCE with the meanders of the branch as follows:
S 73-3/4°E, 969 feet; S 19-1/2°E, 913.75 feet; S 3-1/4°E, 111.1 feet to its mouth
- (6) THENCE along the North bank of the Guadalupe River to the place of beginning, containing 117.122 acres of land, more or less.

2. DIVERSION

A. Location:

At a point on the north bank of the Guadalupe River which is S 03°W, 7760 feet from the northeast corner of the George W. Harbour Survey 39, Abstract 194, Kerr County, Texas.

B. Maximum Rate: 2.2 cfs (1000 gpm).

3. PRIORITY

The time priority of owner's right is 1951.

The locations of pertinent features related to this certificate are shown on Page 5 of the Guadalupe River Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Department of Water Resources and the office of the County Clerk.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 37th Judicial District Court of Bexar County, in Cause No. 77-CI-13052, In Re: The Adjudication of Water Rights in the Upper Guadalupe River Segment of the Guadalupe River Basin, dated November 12, 1979, and supersedes all rights of the owner asserted in that cause.

FILMED

RECEIVED

MAR 22 1982

FEB 5 1982

Contract for Lease of Surface Water Right

CR/10...

Certificate of Adjudication 18-2018, Page 2 of 2 pages

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

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

This water right is appurtenant to the above-described land within which irrigation is authorized, unless and until severed from the land. A transfer of any portion of the above-described land includes, unless otherwise specified, that portion of the water right which is appurtenant to the transferred land at the time of the transaction.

TEXAS WATER COMMISSION

/s/ Felix McDonald
Felix McDonald, Chairman

DATE ISSUED:

JUL 17 1981

ATTEST:

/s/ Mary Ann Hefner
Mary Ann Hefner, Chief Clerk

FILMED

MAR 22 1982

SYSTEM 200

Contract for Lease of Surface Water Right

*Attach
7-17-81*

Page 15 of 34

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



AMENDMENT TO CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 18-2018A	TYPE	: \$11.122	
Owner	: Lee Anthony Mosty	Address	: 1500 Park Grove Road Irving, Texas 78006
Filed	: September 22, 2000	Granted	: NOV 10 2000
Purpose	: Irrigation	Counties	: Kerr and Kendall
Watercourse	: Guadalupe River	Watershed	: Guadalupe River Basin

WHEREAS, Certificate of Adjudication No. 18-2018 authorizes the owner, with a time priority of 1951, to divert and use not to exceed 154 acre-feet of water per annum from a point on the north bank of the Guadalupe River at a maximum diversion rate of 2.22 cfs (1000 gpm) for irrigation of 94 acres of land in the George W. Harbour Survey No. 39, Abstract No. 394, Kerr County; and

WHEREAS, pursuant to a "Grant of Right to Divert, Pump and Use Water Pursuant to Certification of Adjudication to Appropriate State Water" dated February 24, 2000 between owner and Buckhorn Golf II, Ltd., Lee Anthony Mosty has requested to amend Certificate No. 18-2018 by adding authorization to use 80 acre-feet per annum of the water currently authorized for diversion under the certificate at a maximum rate of 1.1 cfs (500 gpm) for direct irrigation of 110 acres of land out of a 187.276 acres consisting of three tracts totaling 88.126 acres, a 2.15 acre tract and a 97 acre tract of land in the Justa Esqueda Survey No. 25, Abstract 157, Kendall County, approximately 14 miles northwest of Boerne, Texas; and

WHEREAS, the applicant also seeks authorization to convey the 80 acre-feet per annum of irrigation water to an off-channel reservoir on land owned by Buckhorn Golf II, Ltd. located S 54° E, 4210 feet from the USGS published Benchmark/Triangulation Station known as "Comfort 2", also being at 29.98°N Latitude and 98.89° W Longitude; and

WHEREAS, the combined maximum diversion rate will not exceed the 2.22 cfs (1000 gpm) currently authorized by the certificate; and

WHEREAS, the Texas Natural Resource Conservation Commission finds that jurisdiction over the application is established; and

WHEREAS, the applicant has agreements with two landowners for use of land needed to convey the water to the additional land to be irrigated; and

WHEREAS, there are 36 water rights with diversion points in the Guadalupe River watershed between the currently authorized diversion point and the requested diversion point and these water right owners received notice of the application; and

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

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Natural Resource Conservation Commission in issuing this amendment;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 18-2018 is issued to Lee Anthony Mosty subject to the following terms and conditions:

1. USE

In addition to the current place of use authorized by Certificate No. 18-2018, owner is authorized to divert and use not to exceed 80 acre-feet of the 154 acre-feet of water authorized by the certificate per annum for irrigation of 110 acres of land out of 187.276 acres consisting of three tracts totaling 88.126 acres, 2.15 acres and a 97 acre tract of land in the Justa Esqueda Survey No. 25, Abstract 157, Kendall County. Kendall County Water Control and Improvement District No. 1 owns 90.276 acres of the land to be irrigated and leases the land to Buckhorn Golf II, Ltd. under a lease agreement dated April 13, 1999. Buckhorn Golf II, Ltd. owns the other 97 acres of the land to be irrigated as evidenced by a deed recorded in Volume 598, Page 514 of the Deed Records of Kendall County

2. DIVERSION POINT AND MAXIMUM RATE

A. In addition to the diversion point currently authorized by Certificate No. 18-2018, owner is authorized to divert the 80 acre-feet of water per annum included in this amendment from a point on the Guadalupe River that is approximately 11.5 miles downstream of the currently authorized diversion point on the river and located S 41.2° E, 8217.92 feet from the USGS published Benchmark/Triangulation Station known as "Comfort 2", also being 29.97° N Latitude and 98.88° W Longitude.

B. Combined maximum diversion rate for all diversion points: 2.22 cfs (1000 gpm)

3. SPECIAL CONDITIONS

A. This amendment is subject to the maintenance or extension of the Grant of Right to Divert, Pump and Use Water Pursuant to Certification of Adjudication to Appropriate State Water between Owner and Buckhorn Golf II, Ltd. and shall become null and void without further Commission consideration upon expiration of this agreement.

B. This amendment is subject to the maintenance of the lease agreement between Buckhorn Golf II, Ltd. and Kendall County Water Control and Improvement District No. 1 dated April 13, 1999.

C. This amendment is subject to the maintenance of easement agreements between Buckhorn Golf II, Ltd. and Lewis B. Schmitz, et ux, and Buckhorn Golf II, Ltd. and Lion's Lair Limited Liability Company for use of land needed to convey the water to the land to be irrigated under the amendment.

D. Based on the contract between owner and Buckhorn Golf II, Ltd., the 80 acre-feet of irrigation water included in this amendment may be stored and used from an off-channel reservoir on land

owned by Buckhorn Golf, Ltd. and located S 54°E, 4210 feet from the USGS published Benchmark/ Triangulation Station known as "Comfort 2", also being at 29.98°N Latitude and 98.89°W Longitude.

- E. Prior to the diversion of water authorized by this amendment, the South Texas Watermaster must be contacted at 1-800-733-2733.

4. TIME PRIORITY

The time priority for use of water at the diversion point authorized by this amendment is 1951, except that it is junior in time priority to the following water rights with diversion points in the Guadalupe River watershed between the currently authorized diversion point and the diversion point authorized by this amendment: Certificate of Adjudication Nos. 2020, 2021, 2022, 2023, 2024, 2025, 2026A, 2027, 2028, 2029A, 2030, 2031A, 2032, 2033, 2034, 2035, 2036B, 2037, 2038, 2039, 2040, 2041A, 2042, 2043, 2044, 2045, 2450A and Water Use Permit Nos. 3567 (A-3825), 3651 (A-3846), 3714 (A-4007), 4181 (A-4486), 4285 (A-4598), 5107, 5208, 5479A and 5536.

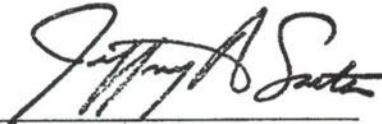
This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 18-2018, except as specifically amended herein.

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

Owner agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment. All other matters requested in the application which are not specifically granted by this amendment are denied.

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

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION



For the Commission

Date Issued: NOV 10 2000

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



AMENDMENT TO CERTIFICATE OF ADJUDICATION

APPLICATION NO. 18-2018B

CERTIFICATE NO. 18-2018B

TYPE: 11.122

Owner: Lee Anthony Mosty

Address: 1500 Park Grove Road
Irving, Texas 78006

Filed: June 12, 2001

Granted: APR 03 2002

Purpose: Agriculture (Irrigation)

County: Kerr & Kendall

Watercourse: Guadalupe River

Watershed: Guadalupe River Basin

WHEREAS, applicant is currently authorized to divert and use not to exceed 154 acre-feet of water per annum from the Guadalupe River, Guadalupe River Basin at a point on the north bank of the Guadalupe River, which is S 03° W, 7,760 feet from the northeast corner of the George W. Harbour Survey 39, Abstract 194, Kerr County to irrigate 94 acres of land in Kerr County; and

WHEREAS, pursuant to a lease agreement, "Grant of Right to Divert, Pump, and Use Water Pursuant to Certificate of Adjudication to Appropriate State Water" dated February 24, 2000 with Buckhorn Golf II, Ltd., Applicant is authorized to divert and use not to exceed 80 acre-feet of water per annum out of the 154 acre-feet of water per annum authorized by Certificate of Adjudication No. 18-2018 from a second diversion point located approximately 11.5 miles downstream on the Guadalupe River, for irrigation of 110 acres of land out of 187.276 acres in Kendall County; and

WHEREAS, applicant is authorized to store the aforesaid 80 acre-feet of water in an off-channel reservoir on land owned by Buckhorn Golf II, Ltd., located at S 54° E, 4210 feet from the USGS published Benchmark/ Triangulation Station known as "Comfort 2", also being at 29.98° N Latitude and 98.89° W Longitude; and

WHEREAS, the combined maximum diversion rate from the Guadalupe River will not exceed the 2.22 cfs (1000 gpm) currently authorized; and

WHEREAS, pursuant to a lease agreement "First Amendment to February 24, 2000 Grant of Right to Divert, Pump, and Use Water Pursuant to Certificate of Adjudication to Appropriate State Water," dated September 21, 2001 with Buckhorn Golf II, Ltd., applicant seeks to divert and use an additional 70 acre-feet of water per annum at the downstream diversion point on the Guadalupe River, Guadalupe River Basin, in Kendall County, Texas resulting in the diversion and use of not to exceed 150 acre-feet of water per annum out of the 154 acre-feet of water per annum authorized by Certificate of Adjudication No. 18-2018 for irrigation of the same tracts of land specifically identified in Certificate of Adjudication No. 18-2018A; and

WHEREAS, applicant is also seeking to increase the amount of water that can be stored and used from the off channel reservoir from 80 to 150 acre-feet per annum; and

WHEREAS, the applicant does not seek to change the combined maximum diversion rate, diversion points, nor does the applicant seek additional water appropriations; and

WHEREAS, the Texas Natural Resource Conservation Commission finds that jurisdiction over the application is established; and

WHEREAS, the Commission has determined that there are no water rights which may be affected by the granting of the requested amendment; and

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

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 18-2018 is issued to Lee Anthony Mosty subject to the following terms and conditions:

1. USE

In lieu of current authorizations to divert and use 80 acre-feet of water per annum of the 154 acre-feet total of water per annum authorized by Certificate of Adjudication No. 18-2018 at a second diversion point authorized by Certificate of Adjudication No. 18-2018A, the owner is now authorized to divert and use 150 acre-feet of water per annum from the 154 acre-feet of water per annum authorized by Certificate of Adjudication No. 18-2018 for irrigation of the same tracts of land specifically identified in Certificate of Adjudication No. 18-2018A

2. STORAGE

In lieu of the current authorization to store 80 acre-feet of irrigation water per annum in an off-channel reservoir on land owned by Buckhorn Golf II, Ltd., owner is now authorized to store not to exceed 150 acre-feet of water per annum in the aforesaid reservoir.

3. SPECIAL CONDITION

In addition to the special conditions currently stated in Certificate of Adjudication 18-2018A, owners shall implement a water conservation plan that provides for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every wholesale water contract entered into, on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water must have conservation requirements so that each successive wholesale customer in the resale of the water be required to implement water conservation measures.


This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 18-2018, as amended, except as specifically amended herein.

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

Owner agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment. All other matters requested in the application which are not specifically granted by this amendment are denied.

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

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION

A handwritten signature in black ink, appearing to read "Jeffrey A. Sauter", is written over a horizontal line.

For the Commission

Date issued: APR 03 2002

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 18-2018C

TYPE § 11.122

Owner:	Lee Anthony Mosty	Address:	1500 Park Grove Drive Irving, TX 75060
Filed:	July 27, 2017	Granted:	March 9, 2018
Purposes:	Agricultural	County:	Kerr
Watercourse:	Guadalupe River	Watershed:	Guadalupe River Basin

WHEREAS, Certificate of Adjudication No. 18-2018 authorizes Lee Anthony Mosty (Owner/Applicant) to divert and use not to exceed 154 acre-feet of water per year from the Guadalupe River, Guadalupe River Basin, at a maximum rate of 2.2 cfs (1,000 gpm), for agricultural purposes to irrigate 94 acres of land out of a 117.122-acre tract in Kerr County; and

WHEREAS, the time priority of this water right is 1951; and

WHEREAS, pursuant to two lease agreements with Buckhorn Golf II, Ltd., the Certificate was amended twice to authorize the diversion of not to exceed 150 acre-feet of the authorized 154 acre-feet of water from an additional diversion point on the Guadalupe River located downstream of the existing diversion point, for storage in a 150 acre-foot off-channel reservoir, for subsequent use to irrigate 110 acres out of a 187.276 tract in Kendall County; and

WHEREAS, the lease agreements with Buckhorn Golf II, Ltd. have expired and the Applicant seeks to amend the Certificate to change the place of use and the diversion point, for the 154 acre-feet of water per year diverted from the Guadalupe River, to remove the additional diversion point and place of use added in amendments to the original Certificate of Adjudication 18-2018; and

WHEREAS, the original authorized place of use is 94 acres of land out of a 117.122-acre tract located in the George Harbour Survey 39, Abstract No. 194, in Kerr County; and

WHEREAS, the original authorized diversion point is located on the Guadalupe River, Guadalupe River Basin, at Latitude 29.948115, Longitude 99.034522 in the George Harbour Survey 39, Abstract No. 194, in Kerr County; and

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

WHEREAS, this amendment, if granted, is subject to requirements and orders of the South Texas Watermaster; and

WHEREAS, the Executive Director recommends that special conditions be included in this amendment; and

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 18-2018, designated as Certificate of Adjudication No. 18-2018C is issued to Lee Anthony Mosty subject to the following terms and conditions:

1. USE

Owner is authorized to divert and use 154 acre-feet of water per year from the Guadalupe River, Guadalupe River Basin for agricultural purposes to irrigate 94 acres of land out of a 117.122-acre tract located in the George Harbour Survey 39, Abstract No. 194, in Kerr County.

2. DIVERSION

Owner is authorized to divert from a point on the Guadalupe River, Guadalupe River Basin, located at Latitude 29.948115, Longitude 99.034522 in the George Harbour Survey 39, Abstract No. 194, in Kerr County.

3. SPECIAL CONDITIONS

- A. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- B. Owner shall allow representatives of the South Texas Watermaster reasonable access to the property to inspect the measuring device and records.
- C. Owner shall contact the South Texas Watermaster prior to diversion of water authorized by this amendment.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 18-2018, as amended, except as specifically amended herein.

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

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

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

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



For the Commission

DATE ISSUED: **March 9, 2018**

Exhibit B

Surface Water Right Lease Agreement

SURFACE WATER RIGHT LEASE AGREEMENT

This Surface Water Right Lease Agreement is entered into by and between Lessor and Lessee as identified below. Lessor hereby leases to Lessee the following surface water right and related rights, with the following terms and conditions.

Lessor: Lee Anthony Mosty
Lessee: Buckhorn Lake Resort, LLC

1. Water Right. COA 18-2018, as amended (the Water Right).
2. Lessee's Intended Use of Water Right. Recreational use including maintenance of on-channel reservoir complex located at Buckhorn Lake Resort, located on Goat Creek, a tributary of the Guadalupe River in the Guadalupe River Basin, generally located at Latitude 30.118801 degrees North, Longitude -99.201528 degrees West (Lessee's Intended Use).
3. Lease of Surface Water Right. Lessor hereby leases to Lessee the Lessor's surface water right and permit right to 50 acre-feet, or the actual number of acre-feet required by TCEQ for Lessee's Intended Use, as described in the Contract for Lease of Surface Water Right (the Leased Water Right) of the Water Right more particularly described as Certificate of Adjudication No. 18-2018, as amended, most recently issued March 9, 2018 by TCEQ as COA 18-2018C to Lee Anthony Mosty, granting the right to divert and use 154 acre-feet of water per year from the Guadalupe River, Guadalupe River Basin for agricultural purposes to irrigate 94 acres of land out of a 117.122-acre tract located in the George Harbour Survey 39, Abstract No. 194, in Kerr County, Texas (the Appurtenant Land).

The Water Right is currently appurtenant to the Appurtenant Land, but shall be amended to add an additional place of use, purpose of use, point of diversion, and storage from those identified in the Water Right only for the amount of water that comprises the Leased Water Right for Lessee's Intended Use; including use for the reservoir complex at Buckhorn Lake Resort and generally located at Latitude 30.118801 degrees N, Longitude -99.201528 degrees W.
4. Lease Agreement Effective Date. 1 business day after receipt of Issuance of TCEQ Amendment to COA 18-2018 for Lessee's Intended Use.
5. Term. The Term of this lease shall be for a period of 20 years commencing on the Lease Agreement Effective Date. Each calendar year that this Lease is in effect, beginning on the Lease Agreement Effective Date and ending on February 1 of the subsequent calendar year, is a Lease Year.

Upon the expiration of the Term, Lessee shall have the option to renew this Lease for an additional term of 20 years, or other such term by mutual agreement of the parties in writing.
6. Appointment of Agent. In accordance with 30 Texas Administrative Code § 304.44 and immediately following the Lease Agreement Effective Date, Lessor shall execute and submit

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or cause to be submitted to the watermaster an Authorized Agent/Diverter Form confirming Lessee's authority to divert, transport, use, and impound state water under this Lease.

7. Declarations of Intent to Divert. In accordance with 30 Texas Administrative Code § 304.15, prior to diverting state water, a diverter shall submit to the watermaster a declaration expressing the diverter's intent in regard to the anticipated diversion. Lessee hereby agrees to undertake this obligation with respect to the Leased Water Right.
8. Records of Diversions, Transports, Releases and Impoundments; Reporting. In accordance with 30 Texas Administrative Code § 304.16, each diverter that has submitted a declaration of intent shall submit to the watermaster a report including the actual amount of water diverted, transported, or released during the period of the subject declaration of intent. Furthermore, and in accordance with Texas Water Code § 11.031(a), not later than March 1 of each year, each person who impounded, diverted, or otherwise used state water during the preceding calendar year shall submit a written report to the commission on a form prescribed by the commission (Water Use Report Form). Lessee hereby agrees to undertake the obligations in this paragraph with respect to the Leased Water Right, and further agrees to timely provide Lessor a copy of all reports.
9. Payments. Payments under this Lease shall be made in accordance with the attached Exhibit L1.
10. Water Right Information. Lessor shall furnish to Lessee notice of all matters or actions related to or affecting the Water Right, including, without limitation, actual or threatened litigation or administrative actions, within five (5) business days of the date Lessor is aware of such matters or actions. Lessor further agrees to furnish to Lessee information concerning and copies of all documents pertaining to such matters or actions within five (5) business days of the date that Lessee requests such information or documents.
11. Quality of Water. Lessor disclaims and makes no representations as to the quality of the water comprising the Leased Water Right. Lessee will make its own determination of the usability of the water and its fitness for consumption.
12. Quantity of Water. Lessor further disclaims and makes no representation as to the quantity or availability of water at Lessee's intended point of diversion and use, save and except that Lessor hereby covenants not to consume an amount of water under the remaining Water Right as to exceed the total diversion amount permitted by the Water Right plus the Leased Water Right (Overconsumption). In such event, Lessor agrees to pay Lessee the per-acre-foot Rent for Lessor's Overconsumption as more fully described in Exhibit L1.
13. Continued Operation and Compliance with Lease. During the Term, Lessor and Lessee shall not take any actions (or omit to take any actions) which will harm or diminish either party's interests in the Water Right or Leased Water Right. Lessor and Lessee agree to comply with

all applicable rules or regulations and other applicable federal, state or local laws, regulations or ordinances relating to the Water Right or Leased Water Right.

14. Assignability. Lessor and Lessee shall have the right to freely assign this Lease and any rights hereunder. Lessee may sublease all or any portion of the Leased Water Right during the Term.

15. Permanent Reduction. In the event that there is a permanent reduction by the TCEQ, South Texas Watermaster (STWM), or other governmental authority of the maximum authorized diversion amount of the Water Right (Permanent Reduction), Lessor must elect one of the two following options within sixty (60) days of the effective date of such Permanent Reduction: (1) Lessor may elect that the amount of the Water Right leased by Lessee under this Lease shall be reduced on an equal percentage basis (or such method adopted by the TCEQ, STWM, or other governmental authority) as of the effective date of the reduction of the Water Right under the Permanent Reduction, and the Rent shall be reduced accordingly on the per-acre-foot basis as described in Exhibit L1 of this Lease for the first Lease Year in which the Permanent Reduction is applicable and each subsequent Lease Year; or (2) if Lessor, after such Permanent Reduction, owns sufficient rights relating to the Water Right to provide the full amount of the Leased Water Right described in Paragraph 3, Lessor may elect that there is no reduction of the Water Right or the Rent under this Lease. If, as a result of the first election, Lessee has prepaid Rent for a Lease Year in which Rent is reduced, then Lessor shall refund to Lessee the amount of the reduction in the Rent within 30 days of date Lessor makes such an election if the reduction in Rent occurs in the final Lease Year. If it is not the final Lease Year, then Lessor shall refund to Lessee the amount of the reduction in Rent for the Lease Year within 30 days of date Lessee makes such a request. If Lessee does not make such a request, Lessee may set off such refund amount against any Rent due Lessor in subsequent Lease Years. In the event of the second election, the parties agree to execute and deliver any documents which are required by the TCEQ, STWM, or any other governmental authority.

This paragraph does not apply to a temporary reduction in the use of any part of the Water Right due to temporary demand management, drought curtailment, suspension, or similar rule of the TCEQ, STWM, or other government authority.

16. Sale of Water Right; Right of First Refusal. Prior to soliciting any offer for sale of the Water Right, or accepting and offer to purchase the Water Right, Lessor shall notify Lessee in writing of such interest to sell or offer and deliver Lessee a copy thereof. Lessee may exercise this Right of First Refusal by delivery to Lessor of written notice to exercise within ninety (90) days after Lessee has received Lessor's notice of intent to sell. In the event of sale to Lessee, this Lease shall be terminated.

17. No Right to Early Termination Due to Sale. In the event Lessee does not exercise the Right of First Refusal, Lessor may sell the Water Right, but such sale shall not trigger a right of Lessor or his assigns to terminate this Lease early.

18. Termination at Lessee's Election. Lessee may elect to terminate this Lease at any time following the Lease Agreement Effective Date by delivering written notice to Lessor or Lessor's assigns under this paragraph, plus a cancellation fee equal to one-year's worth of the then-current Rent (Termination Notice). Termination shall be effective the next January 31 following the Termination Notice. For example, if Lessee delivers a proper Termination Notice on October 15, 2029, the Lease shall terminate on January 31, 2030.

19. Notices. Any notices to be given hereunder shall be given by placing the notice in the United States mail, certified or registered, properly stamped and addressed to the address shown below or such other addresses as the respective party may direct in writing to the other, by overnight delivery service, or by personal delivery to such address. Notice shall be deemed effective upon such placing in the mails, on the next business day following delivery and acceptance for next day delivery by any overnight delivery service, or upon actual delivery if by personal delivery:

Lessor:

Lee Anthony Mosty
1500 Park Grove Drive
Irving, TX 75060-4706

Lessee:

Buckhorn Lake Resort, LLC
Dee Christiansen, Manager
2885 Goat Creek Road,
Kerrville, TX 78028

With Copy to: Benjamin Mathews
Mathews & Freeland LLP
8140 North Mopac Expy, Suite 4-240
Austin, TX 78759

20. Default. If for any reason Lessor fails to comply with any of the provisions of this Lease, or if any of the representations and warranties of Lessor prove to be false, Lessee, at its election, may exercise all rights which may be available to it at law or in equity, including termination of the Lease. If Lessee fails to comply with any provision of the Lease and such failure continues for a period of thirty (30) days after receiving written notice of such failure from Lessor, Lessor may, as its sole and exclusive remedy, terminate the Lease.

21. Specific Performance. The parties agree that just compensation for the harm that would be caused by a default by Lessor cannot be accurately estimated or would be very difficult to estimate. In the event of default by Lessor, Lessee or its assigns may enforce specific performance of Lessor's obligations under this Lease, but any such action must be initiated, if at all, within ninety (90) days after the default or alleged default of this Lease.

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22. Force Majeure. Notwithstanding anything herein to the contrary, neither party hereto shall be under any liability or be deemed in default with respect to its obligations under this Lease for any failure to perform or for delay in performing such party's obligations hereunder (except for the obligation to pay money) where such failure or delay is due to force majeure, while and to the extent that such performance is prevented by such cause. The term force majeure means acts of God, fire, storm, flood, war, terrorist activity, riots, sabotage, mechanical malfunction or failure, drought, lack of availability of water due to sedimentation, low inflows of water, or lack of water supply, strikes or other differences with labor (whether or not within the power of the parties to settle same), decrees or orders of the courts or other governmental authority, or other similar or dissimilar causes not within the reasonable control of such party and not due to negligence of such party. Each party shall use due diligence to resume performance of any obligation suspended by force majeure at the earliest practicable time.
23. Authority. Each of the persons signing on behalf of Lessor and Lessee hereby represent and warrant that they have the authority to execute this Lease on behalf of the party indicated by their signature and have the authority to bind such party thereto.
24. Counterparts. If this Lease is executed in multiple counterparts, all counterparts taken together constitute this Lease. Copies of signatures to this Lease are effective as original signatures.

EXECUTED on the dates set forth below our respective signatures:

Lessor: Lee Anthony Mosty

Signature: Lee Anthony Mosty
Printed Name: Lee Anthony Mosty
Date: April 22 2024

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EXECUTED on the dates set forth below our respective signatures:

Lessee: Buckhorn Lake Resort, LLC

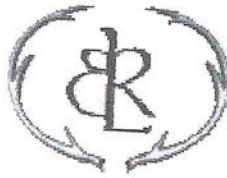
Signature: 

Printed Name: DZE'N' CHRISTIANSEN

Title: MANAGER

Date: 4/24/2024





Buckhorn Lake Resort

Corporate Affidavit: TCEQ Signature Authority

In accordance with the Articles of Organization of Buckhorn Lake Resort, LLC, executed November 9, 1999, the undersigned persons hereby designate Dee Christiansen, Manager, as a duly authorized official having signature authority for the purpose of signing and filing an application to amend Certificate of Adjudication No. 18-2018 with the Texas Commission on Environmental Quality.

Dee Christiansen
Dee Christiansen, Manager

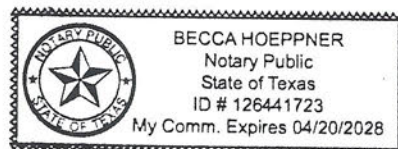
5/21/2024
Date

Kathy Christiansen
Kathy Christiansen, Manager

5/21/24
Date

Subscribed and Sworn before me by DEE CHRISTIANSEN and
KATHY CHRISTIANSEN on this 21ST day of MAY, 2024, to certify which
witness my hand and seal of office.

Becca Hoepfner
Notary Public in and for the State of Texas



TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

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

Applicants are REQUIRED to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please contact the Water Availability Division at (512) 239-4600 or WRPT@tceq.texas.gov to schedule a meeting.

Date of pre-application meeting: 5/17/2024

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

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

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y / NN_____
- 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 / NN_____ (If yes, indicate the Certificate or Permit number:_____)

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

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: 18-2018

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? Y / NN (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 / NN

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

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

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

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

- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)
- **Worksheet 5.0 – Environmental Information** (Required for any new diversion points that are not already authorized in a water right)

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

*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 / NN**_____ *If yes, call the Water Availability Division at (512) 239-4600 to discuss.*

Additionally, all amendments require:

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

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

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

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 / NN**_____

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 / NN**_____

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 / NN**_____

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 / NN**_____

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’s project is located in the Region J Planning Area (Plateau Region). The 2021 Plateau Region Water Plan specifically recognizes Environmental and Recreational Water Needs as “being an important consideration as it relates to the natural community in which the residents of this Region share and appreciate. In addition, for rural counties, tourism activities centered around the natural resources offer perhaps the best hope for modest economic growth to areas that have seen a long decline in traditional economic activities such as agriculture.” RWP at 1.3.5.

Neither the state nor the regional water plan address every possible change in individual water rights. This application is consistent with the 2022 State Water Plan because there is nothing in that plan that conflicts with the application and no plan water management strategy is based on the use or availability of the water covered by this application.

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

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

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

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

Submit the following information regarding quantity, purpose and place of use for requests for new or additional appropriations of State Water or Bed and Banks authorizations:

Quantity (acre- feet) <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>
N/A			

_____ Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

If the Purpose of Use is Agricultural/Irrigation for any amount of water, provide:

a. Location Information Regarding the Lands to be Irrigated

- i) Applicant proposes to irrigate a total of _____ 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**
13.63*	Agriculture	Recreation	Kerr	Kerr

**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 N/A acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, TX.
 - Location of land to be irrigated: In the N/A _____ Original Survey No. _____, Abstract No. _____.

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

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

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

WORKSHEET 1.1

INTERBASIN TRANSFERS, TWC § 11.085

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

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

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

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

2. Exemptions (Instructions, Page. 20), TWC § 11.085(v)

Certain interbasin transfers are exempt from further requirements. Answer the following:

- a. The proposed transfer, which in combination with any existing transfers, totals less than 3,000 acre-feet of water per annum from the same water right. Y/N__
- b. The proposed transfer is from a basin to an adjoining coastal basin? Y/N__
- c. The proposed transfer from the part of the geographic area of a county or municipality, or the part of the retail service area of a retail public utility as defined by Section 13.002, that is within the basin of origin for use in that part of the geographic area of the county or municipality, or that contiguous part of the retail service area of the utility, not within the basin of origin? Y/N__
- d. The proposed transfer is for water that is imported from a source located wholly outside the boundaries of Texas, except water that is imported from a source located in the United Mexican States? Y/N__

3. Interbasin Transfer Requirements (Instructions, Page. 20)

For each Interbasin Transfer request that is not exempt under any of the exemptions listed above Section 2, provide the following information in a supplemental attachment titled "Addendum to Worksheet 1.1, Interbasin Transfer":

- a. the contract price of the water to be transferred (if applicable) (also include a copy of the contract or adopted rate for contract water);
- b. a statement of each general category of proposed use of the water to be transferred and a detailed description of the proposed uses and users under each category;
- c. the cost of diverting, conveying, distributing, and supplying the water to, and treating the water for, the proposed users (example - expert plans and/or reports documents may be provided to show the cost);

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

WORKSHEET 1.2

NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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

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

Marshall Criteria
Buckhorn Lake Resort Application to Amend COA 18-2018

This addendum provides responses in a manner that conforms to Worksheet 1.2 Notice: “The *Marshall Criteria*”:

1(a): Administrative Requirements and Fees

The 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. The amendment application includes all required documents, including a sworn application, completed TCEQ forms, and fees.

1(b): Beneficial Use

The proposed amendment is a beneficial use of water as defined in TWC § 11.002 because it is economically necessary for a purpose authorized by Chapter 11, when reasonable intelligence and reasonable diligence are used in applying the water to that purpose. Buckhorn seeks to add a new authorized purpose of use for only the quantity of water amended, and allowing the water diverted at the new diversion point to be used for recreation purposes, a specifically-enumerated purpose for which water may be appropriated under TWC § 11.023(a)(6). The specific proposed use of the water is to maintain four existing on-channel dams and reservoirs with a combined capacity of 13.63 acre-feet for recreation purposes: two existing reservoirs located on an unnamed tributary of Goat Creek, and two existing reservoirs located on Goat Creek, a tributary of the Guadalupe River, Guadalupe River Basin, in Kerr County, Texas.

1(c): Public Welfare

The proposed amendment is not detrimental to the public welfare. Buckhorn is located in the Plateau Water Planning Group. The 2021 Plateau Region Water Plan specifically recognizes recreational water as “being an important consideration as it relates to the natural community in which the residents of this Region share and appreciate. In addition, for rural counties, tourism activities centered around the natural resources offer perhaps the best hope for modest economic growth to areas that have seen a long decline in traditional economic activities such as agriculture.” RWP at 1.3.5. The proposed amendment will benefit the public welfare.

1(d): Groundwater Effects

The proposed amendment does not propose to use groundwater, is not seeking a new or increased appropriation of state water, and issuance of the requested amendment will have no known adverse effect on groundwater or groundwater recharge.

1(e): State Water Plan

The requested amendment does not increase the currently authorized diversion rate or amount. The water that is the subject of this application is not contemplated for use by others in the current state and regional plans.

1(f): Waste Avoidance

Reasonable diligence will be used to avoid waste and achieve water conservation as defined in TWC § 11.002 by diverting only as necessary to maintain the existing reservoirs at their current capacity.

1(g): Impacts on Water Rights or On-Stream Environment

Applicant is not aware that 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. The requested amendment will not change the authorized diversion rate or amount. The amendment will add a place of use and diversion points, but will factor in an amount of water to be lost during transport. Accordingly, the requested amendment will not result in consumption of any greater quantity of water than that authorized under full utilization of the existing water right.

WORKSHEET 2.0

Impoundment/Dam Information

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

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

1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: N/A
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 0.766.
- c. The impoundment is on-channel X or off-channel _____ (mark one)
 - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / NY
 - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / NY
- d. Is the impoundment structure already constructed? Y / NY
 - i. For already constructed **on-channel** structures:
 1. Date of Construction: 1950
 2. Was it constructed to be an exempt structure under TWC § 11.142? Y / NY
 - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / NN
 - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N
 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / NN
 - 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 / NN/A
Provide the date and the name of the Staff Person _____
 2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
 - a. No additional dam safety documents required with the Application. Y / NN/A
 - 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: 0.192.
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/NN_____
- If yes, the drainage area is _____ sq. miles.
(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): Unnamed tributary of Goat Creek
- b. Zip Code: 78028
- c. In the C&M RY _____ Original Survey No. 1435 _____, Abstract No. A0735 _____,
Kerr _____ 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 30.121391 _____ °N, Longitude -99.198172 _____ °W.

****Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***

- i. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Earth
- ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / NY_____

RESERVOIR #2
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).

I. Storage Information (Instructions, Page 21)

- a. Official USGS name of reservoir, if applicable: N/A
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 4.703
- c. The impoundment is on-channel X or off-channel _____ (mark one)
 - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / NY
 - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / NY
- d. Is the impoundment structure already constructed? Y / NY
 - i. For already constructed **on-channel** structures:
 1. Date of Construction: 1960
 2. Was it constructed to be an exempt structure under TWC § 11.142? Y / NY
 - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / NN
 - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N
 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / NN
 - 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 / NN/A
Provide the date and the name of the Staff Person _____
 2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
 - a. No additional dam safety documents required with the Application. Y / NN/A
 - 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: 1.344.
 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/NN_____ If yes, the drainage area is _____ sq. miles.
(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

2. Structure Location (Instructions, Page 23)

- a. On Watercourse (if on-channel) (USGS name): Goat Creek
- b. Zip Code: 78028
- c. In the C&M RY _____ Original Survey No. 1435 _____, Abstract No. A0735 _____
Kerr _____ 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 30.120811 _____°N, Longitude -99.200645 _____°W.

****Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***

- i. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Earth
- ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / NY_____

RESERVOIR #3
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).

I. Storage Information (Instructions, Page 21)

- a. Official USGS name of reservoir, if applicable: N/A
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 2.96
- c. The impoundment is on-channel X or off-channel _____ (mark one)
 - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / NY
 - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / NY
- d. Is the impoundment structure already constructed? Y / NY
 - i. For already constructed **on-channel** structures:
 1. Date of Construction: 2000
 2. Was it constructed to be an exempt structure under TWC § 11.142? Y / NN
 - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N
 - b. If No, has the structure been issued a notice of violation by TCEQ? Y / NN
 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / NN
 - 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 / NN/A
Provide the date and the name of the Staff Person _____
 2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
 - a. No additional dam safety documents required with the Application. Y / NN/A
 - 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: 0.846.
 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/NN_____ If yes, the drainage area is _____ sq. miles.
(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

2. Structure Location (Instructions Page 23)

- a. On Watercourse (if on-channel) (USGS name): Unnamed tributary of Goat Creek
- b. Zip Code: 78028
- c. In the C&M RY _____ Original Survey No. 1435 _____, Abstract No. A0735 _____, Kerr _____ 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 30.120909 _____°N, Longitude -99.199218 _____°W.

****Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***

- i. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Earth
- ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / NY_____

RESERVOIR #4 of 4
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).

I. Storage Information (Instructions, Page 21)

- a. Official USGS name of reservoir, if applicable: N/A
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 5.20
- c. The impoundment is on-channel X or off-channel _____ (mark one)
- i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / NY
 - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / NY
- d. Is the impoundment structure already constructed? Y / NY
- i. For already constructed **on-channel** structures:
 - 1. Date of Construction: 1999
 - 2. Was it constructed to be an exempt structure under TWC § 11.142? Y / NN
 - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N
 - b. If No, has the structure been issued a notice of violation by TCEQ? Y / NN
 - 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / NN
 - 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 / NN/A
Provide the date and the name of the Staff Person _____
 - 2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
 - a. No additional dam safety documents required with the Application. Y / NN/A
 - 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: 1.30.
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/NN_____ If yes, the drainage area is _____ sq. miles. (If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): Goat Creek
- b. Zip Code: 78028
- c. In the C&M RY _____ Original Survey No. 1435 _____, Abstract No. A0735 _____, Kerr _____ 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 30.118783 °N, Longitude -99.201461 °W.

****Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***

- i. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Earth
- ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / NY_____

Addendum to Worksheet 2.0
Buckhorn Lake Resort Application to Amend COA 18-2018

This addendum provides the following supplemental materials requested by Worksheet 2.0 Impoundment/Dam Information:

- 1(b): Amount of water (in acre-feet) impounded by structure at normal maximum operating level.
- 1(d)(iii): Surface area (in acres) of on-channel reservoir at normal maximum operating level.
- 2(d)(ii): Map which clearly identifies the existing impoundments and dams, and the lands to be inundated.

	<u>Sq. Ft.</u>	<u>Surface Ac.</u>	<u>Depth</u>	<u>Cu.Ft.</u>	<u>Ac-Ft</u>
Reservoir 1	8,343	0.192	4.00	33,372.000	0.766
Reservoir 2	58,536	1.344	3.50	204,877.085	4.703
Reservoir 3	36,844	0.846	3.50	128,954.000	2.960
Reservoir 4	56,628	1.300	4.00	226,512.000	5.200
<u>Total</u>		<u>3.681</u>		<u>593,715.085</u>	<u>13.630</u>

Total amount of impounded water: **13.630 Acre-Feet**



Reservoir #1 1950 30.121391°, -99.198172°

Reservoir #3: 2000 30.120909°, -99.199218°

New Diversion Point #1 30.120811°, -99.200645°
Reservoir #2: 1960 30.120811°, -99.200645°

New Diversion Point #2 30.118783°, -99.201461°
Reservoir #4: 1999 30.118783°, -99.201461°

New Diversion Point #1

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. X Diversion Point No.
2. Upstream Limit of Diversion Reach No.
3. Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 0.55 cfs (cubic feet per second)
or 250 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / NY
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 2.2 cfs or 1000 gpm

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

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

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

Check one		Write: Existing or Proposed
<input type="checkbox"/>	Directly from stream	
<input checked="" type="checkbox"/>	From an on-channel reservoir	Existing
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	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 / NN

If yes, the drainage area is sq. miles.

(If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application)

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Goat Creek, Guadalupe River, Guadalupe River Basin
- b. Zip Code: 78028
- c. Location of point: In the C&M R.R. Co Original Survey No. 1435, Abstract No. 735, Kerr 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 30.121811 °N, Longitude -99.200645 °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): Google Earth
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

From the perimeter of Reservoir 2, using a point on the centerline of Impoundment 2 at latitude 30.120811° N, longitude -99.200645° W at the location shown on the map attached to Addendum to Worksheet 3.0.

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. X Diversion Point No.
2. Upstream Limit of Diversion Reach No.
3. Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 0.55 0.55 cfs (cubic feet per second)
or 250 250 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / NY
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 2.2 cfs or 1000 gpm

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

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

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

Check one		Write: Existing or Proposed
<input type="checkbox"/>	Directly from stream	
<input checked="" type="checkbox"/>	From an on-channel reservoir	Existing
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	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 / NN

If yes, the drainage area is sq. miles.

(If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application)

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Goat Creek, Guadalupe River, Guadalupe River Basin
- b. Zip Code: 78028
- c. Location of point: In the C&M R.R. Co Original Survey No. 1435, Abstract No. 735, Kerr 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 30.118783 °N, Longitude -99.201461 °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): Google Earth
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

From the perimeter of Reservoir 4, using a point on the centerline of Impoundment 4 at latitude 30.118783° N, longitude -99.201461° W at the location shown on the map attached to Addendum to Worksheet 3.0.

Addendum to Worksheet 3.0
Buckhorn Lake Resort Application to Amend COA 18-2018

This addendum provides the following supplemental materials requested by Worksheet 3.0
Diversion Point Information:

2(c): Deed describing tract that includes the diversion structures.

2(f): A map which clearly identifies the diversion points is provided in *Addendum to Worksheet 2.0*.

CHRISTIANSEN FAMILY TRUST

TO

BUCKHORN LAKE RESORT, L.L.C.

THE STATE OF TEXAS, }

COUNTY OF KERR. }

WARRANTY DEEDDate: January 3, 2000

Grantor: CHRISTIANSEN FAMILY TRUST

Grantor's Mailing Address (including county): 4071 Goat Creek Rd., Kerrville, Kerr County, Texas 78028

Grantee: BUCKHORN LAKE RESORT, L.L.C.

Grantee's Mailing Address (including county): 4071 Goat Creek Rd., Kerrville, Kerr County, Texas 78028

Consideration: TEN AND NO/100 (\$10.00) DOLLARS and other valuable consideration.

Property (including any improvements):

TRACT 1: BEING all that certain tract or parcel of land, lying and being situated in the County of Kerr, State of Texas, comprising 47.7 acres out of Original Survey No. 1435, C. & M. R.R. Co., Abstract No. 735, and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

TRACT 2: BEING all that certain tract or parcel of land, lying and being situated in the County of Kerr, State of Texas, comprising 14.06 acres out of Original Survey No. 1435, C. & M. R.R. Co., Abstract No. 735, and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

TRACT 3: BEING all that certain tract or parcel of land containing 2.72 acres, more or less, out of the C. & M. R.R. Co. Survey No. 1435, Abstract No. 735, in Kerr County, Texas, and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

Reservations from and Exceptions to Conveyance and Warranty:

- 1) Easement to Central Texas Electric Cooperative, recorded in Volume 7, Page 695, Easement Records of Kerr County, Texas (as to Tracts 1 & 2);
- 2) Right of Way Easement to Central Texas Electric Cooperative, recorded in Volume 6, Page 85, Easement Records of Kerr County, Texas (as to Tracts 1 & 2);
- 3) Easement to Central Texas Electric Cooperative, Inc., dated March 30, 1989, recorded in Volume 523, Page 118, Real Property Records of Kerr County, Texas (as to Tracts 1 & 2);

- 4) Easement to Central Texas Electric Cooperative, Inc., dated March 11, 1976, recorded in Volume 8, Page 811, Easement Records of Kerr County, Texas (as to Tracts 1 & 2);
- 5) Easement described in instrument dated January 12, 1949, recorded in Volume 1, Page 318, Easement Records of Kerr County, Texas (as to Tract 3);
- 6) Oil, Gas, and Mineral Lease dated December 10, 1963, recorded in Volume 14, Page 467, Oil & Gas Lease Records of Kerr County, Texas (as to Tract 3);
- 7) 50' wide easement described in instrument dated December 22, 1982, recorded in Volume 16, Page 248, Easement Records of Kerr County, Texas (as to Tract 3);
- 8) Right of Way Easement described in instrument dated January 31, 1982, recorded in Volume 16, Page 255, Easement Records of Kerr County, Texas (as to Tract 3);
- 9) Easement described in instrument dated November 10, 1984, recorded in Volume 19, Page 637, Easement Records of Kerr County, Texas (as to Tract 3);
- 10) Easement described in instrument dated November 10, 1984, recorded in Volume 19, Page 676, Easement Records of Kerr County, Texas (as to Tract 3);
- 11) Right of Way Easement described in instrument dated February 3, 1978, recorded in Volume 9, Page 643, Easement Records of Kerr County, Texas (as to Tract 3);
- 12) Easement to Kerr County and State of Texas dated December 20, 1985, recorded in Volume 22, Page 221, and refiled in Volume 22, Page 475, Easement Records of Kerr County, Texas (as to Tract 3);
- 13) Easement described in instrument dated January 20, 1986, recorded in Volume 22, Page 302, Easement Records of Kerr County, Texas (as to Tract 3);
- 14) Easement to Central Texas Electric Cooperative, Inc., dated February 2, 1998, recorded in Volume 973, Page 76, Real Property Records of Kerr County, Texas (as to Tract 3); and
- 15) Rules, Regulations, and Orders governing the creation of Residential Subdivisions, Sanitation and Waste Disposal and Construction and use of Water Wells, of Kerr County, Texas.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, and/or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators,

successors and/or assigns to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and/or assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

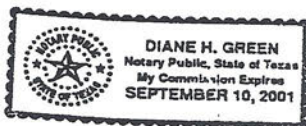
When the context requires, singular nouns and pronouns include the plural.

CHRISTIANSEN FAMILY TRUST

By: [Signature]
Name: Dee W. Christiansen
Title: TRUSTEE

THE STATE OF TEXAS, }
COUNTY OF KERR. }

The above instrument was acknowledged before me on the 3 day of January, 2000, by Dee W. Christiansen in Trust of CHRISTIANSEN FAMILY TRUST, in his/her capacity therein expressed.



[Signature]
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

DOOLEY & HOERSTER, L.L.P.
520 W. Main St.
Fredericksburg, Texas 78624

PREPARED IN THE LAW OFFICE OF:

DOOLEY & HOERSTER, L.L.P.

CF#18631

FILED FOR RECORD
at 4:05 o'clock P.M.

JAN 03 2000

JANNETT PIEPER
Clerk County Court, Kerr County, Texas
[Signature] Deputy

FILED BY: KERR COUNTY
ABSTRACT & TITLE CO.

EXHIBIT "A"

TRACT 1:

All that certain tract or parcel of land lying and being situated in the County of Kerr, State of Texas, comprising 47.7 acres out of Original Survey No. 1435, C. & M. R.R.Co., Abstract No. 735, being the remaining part of that tract which was conveyed in undivided 1/5 (one-fifth) shares from Angela Bloss Santagata, Trustee of the Angela Bloss Santagata Trust to Bloss Partners, L.P., by deed dated June 4, 1998, recorded in Volume 1021 Page 369 of the Real Property records of Kerr County, Texas; from Dana C. Bloss, Trustee of the Dana C. Bloss Trust to Bloss Partners, L.P., by deed dated June 1, 1998, recorded in Volume 1021 Page 365 of the Real Property records of Kerr County, Texas; from Julia Bloss Stone, Trustee of the Julia Bloss Stone Trust to Bloss Partners, L.P. by deed dated June 1, 1998, recorded in Volume 1021 Page 361 of the Real Property records of Kerr County, Texas; from Marian C. Bloss, Trustee of the Marian C. Bloss Trust to Bloss Partners, L.P., by deed dated June 1, 1998, recorded in Volume 1021 Page 357 of the Real Property records of Kerr County, Texas; from Richard S. Bloss, Trustee of the Richard S. Bloss Trust to Bloss Partners, L.P., by deed dated June 4, 1998, recorded in Volume 1021 Page 353 of the Real Property records of Kerr County, Texas; being that tract which was conveyed from Angela Bloss Santagata Independent Executrix of the Estates of Madaline S. Bloss and Richard R. Bloss, Jr. and as Successor Trustee of the Richard R. Bloss, Jr. Trust and the Trusts Created Pursuant to the Will of Madaline S. Bloss in undivided one-fifth (1/5) interest to each of the following: Angela Bloss Santagata, Trustee of the Angela Bloss Santagata Trust, Julia Bloss Stone, Trustee of the Julia Bloss Stone Trust, Marian C. Bloss, Trustee of the Marian C. Bloss Trust, Dana C. Bloss, Trustee of the Dana C. Bloss Trust and Richard S. Bloss, Trustee of the Richard S. Bloss Trust by deed dated June 1, 1998 recorded in Volume 1021 Page 375 of the Real Property records of Kerr County, Texas, being that tract which was conveyed from William T. Jarmon, Independent Executor of the Estate of Edwin T. Jarmon, Deceased, to William T. Jarmon and wife Beverly Jarmon, by deed dated February 22, 1974, of record in Volume 170 at Page 346 of the Deed Records of Kerr County, Texas, and being the North part of that 154.2 acre tract which was conveyed from C.E. Marsh to Drew Forrester by deed dated March 15, 1954, of record in Volume 92 at Page 400 of the Deed Records of Kerr County, Texas, and subject tract being more particularly described by metes and bounds as follows: to-wit:

BEGINNING at a fence corner post, the Northwest corner of said 154.2 acre tract, set to mark the Northwest corner of said Survey No. 1435, C. & M. R.R. Co.;

THENCE with fence, the West line of said 154.2 acre tract, S. 1° 54' E. 376.1 feet to its intersection with the North Right-of-Way line of Interstate Highway No. 10;

THENCE with the North Right-of-Way line of said Interstate Highway No. 10, S. 59° 23' 31" E. 760.6 feet, a concrete R.O.W. marker, and S. 63° 53' E. 28.8 feet to its intersection with the South

1

RECORDER'S NOTE
AT TIME OF RECORDATION INSTRUMENT FOUND
TO BE INADEQUATE FOR BEST PHOTOGRAPHIC
REPRODUCTION DUE TO DEPTH & DARKNESS OF
PRINT, COLOR OF PRINT OR INK, BACKGROUND OF
PAPER, ILLEGIBILITY, CARBON OR PHOTO COPY, ETC.

line of said Jarmon tract, marked with a fence post, being the North line of that tract conveyed from the Veterans Land Board of Texas to John C. Orgain, Contract of Sale, recorded in Volume 115 at Page 174 of the Deed Records of Kerr County;

THENCE with fence, the South line of said Jarmon tract, the North line of said Orgain tract S. 89° 40' E., at 958.8 feet a fence corner on high bank, crossing Goat Creek, a total distance of 1025.9 feet to an iron stake, from which Two Elm trees brs. N. 6° E. 34 feet (deed call) and an 18" Pecan Tree brs. N. 50° E. 38 feet (deed N. 28° E.);

THENCE continuing with the South line of said Jarmon tract and the North line of said Orgain tract, S. 70° 58' E. 883.4 feet to an iron pipe, the Northeast corner of said Orgain tract, in the West Right-of-Way line of State F.M. Highway No. 1338;

THENCE with the West Right-of-Way line of said F.M. No. 1338, along fence, N. 3° 02' E. 337.4 feet to the point of curvature of a circular curve to the right;

THENCE with the arc of said circular curve to the right, in a Northerly direction having a central angle of 23° 06', a radius of 1432.5 feet, the long cord brs. N. 14° 35' E. 573.6 feet, for a distance of 577.5 feet the end of curve;

THENCE continuing with the West line of said F.M. Highway No. 1338, N. 26° 08' E. 228.6 feet to a fence corner post, the Northeast corner of said Jarmon tract, in the North line of said Survey No. 1435;

THENCE with fence, the North line of said 154.2 acre tract, N. 89° 43' W. 491.5 feet, top of high bluff, S. 88° 48' W., re-cross Goat Creek, 1398.2 feet, a fence corner post, set to mark the Southwest corner of Original Survey No. 710 George W. Nichols, and the Southeast corner of Survey No. 1824, D. & P. R.R.Co., and S. 89° 58' W. 927.6 feet to the place of beginning.

TRACT 2:

All that certain tract or parcel of land, lying and being situated in the County of Kerr, State of Texas, comprising 14.06 acres, out of original Survey No 1435, C. & M. R.R. Co., Abstract No. 735, and being the remaining part of that 25 acre tract which was conveyed in undivided 1/5 (one-fifth) shares from Angela Bloss Santagata, Trustee of the Angela Bloss Santagata Trust to Bloss Partners, L.P., by deed dated June 4, 1998, recorded in Volume 1021 Page 369 of the Real Property records of Kerr County, Texas; from Dana C. Bloss, Trustee of the Dana C. Bloss Trust to Bloss Partners, L.P., by deed dated June 1, 1998, recorded in Volume 1021 Page 365 of the Real Property records of Kerr County, Texas; from Julia Bloss Stone, Trustee of the Julia Bloss Stone Trust to Bloss Partners, L.P.

by deed dated June 1, 1998, recorded in Volume 1021 Page 361 of the Real Property records of Kerr County, Texas; from Marian C. Bloss, Trustee of the Marian C. Bloss Trust to Bloss Partners, L.P., by deed dated June 1, 1998, recorded in Volume 1021 Page 357 of the Real Property records of Kerr County, Texas; from Richard S. Bloss, Trustee of the Richard S. Bloss Trust to Bloss Partners, L.P., by deed dated June 4, 1998, recorded in Volume 1021 Page 353 of the Real Property records of Kerr County, Texas; being that tract which was conveyed from Angela Bloss Santagata Independent Executrix of the Estates of Madaline S. Bloss and Richard R. Bloss, Jr. and as Successor Trustee of the Richard R. Bloss, Jr. Trust and the Trusts Created Pursuant to the Will of Madaline S. Bloss in undivided one-fifth (1/5) interest to each of the following: Angela Bloss Santagata, Trustee of the Angela Bloss Santagata Trust, Julia Bloss Stone, Trustee of the Julia Bloss Stone Trust, Marian C. Bloss, Trustee of the Marian C. Bloss Trust, Dana C. Bloss, Trustee of the Dana C. Bloss Trust and Richard S. Bloss, Trustee of the Richard S. Bloss Trust by deed dated June 1, 1998 recorded in Volume 1021 Page 375 of the Real Property records of Kerr County, Texas, being that tract which was conveyed from Veterans Land Board of Texas to John C. Orgain, by Deed, recorded in Volume 172 at Page 466 of the Deed Records of Kerr County, Texas and subject tract being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron pipe found marking the northeast corner of said 25 acre tract, the southeast corner of that 47.7 acres remaining which was conveyed from William T. Jamon, Independent Executor of the Estate of Edwin T. Jamon to William T. Jamon, et ux., by Deed dated February 22, 1974, of record in Volume 170 at page 846 of the Deed Records of Kerr County, Texas, being in the West right of way line of State F.M. Highway No. 1338, and being the North corner of that Part 1, comprising 0.581 acre tract which was conveyed from John C. Orgain to State of Texas, by Deed dated June 17, 1968, of record in Vol. 134 at page 172 of the Deed Records of Kerr County, Texas, being further described as being 40.0 feet at right angles from Engineer's Station 40+71.00 on the Survey Line of said F. M. Hwy. 1338;

THENCE with the West line of said 0.581 acre tract, S. 17° 34' W. 440.49 feet to an iron stake set to mark its southwest corner in the South Line of said 25 acre tract, the north right of way line of Interstate Highway 10;

THENCE with the South line of said 25 acre tract, the North right of way line of said Interstate Highway 10, N. 71° 28' W. 892.6 feet to a concrete right of way marker found marking the northeast corner of that Part 2, comprising 10.613 acre tract which was conveyed to State of Texas by said Deed recorded in Vol. 134 at Page 172 of the Deed Records of Kerr County, Texas, being further described as being 356.52 feet at right angles from Engineer's Station 1065+64.27 on the Center line of the west bound lane of said Interstate Highway 10;

THENCE with the north right of way line of said Interstate Highway 10, N. 64° 00' W. 981.0 feet to an iron stake, the northwest corner of said part 2, comprising 10.613 acre, being further described as being 175.00 feet at right angles from Engineer's Station 1075+30.00 on the Center Line of the

west bound lane of said Interstate Highway 10, being a southwest corner of said 47.7 acre tract;

THENCE with fence, the north line of said 25 acre tract, the south line of said 47.7 acre tract, S. 89° 40' E. at 958.8 feet a fence corner on high bank, crossing Goat Creek, a total distance of 1025.9 feet to an iron stake at fence corner, from which 2 Elm Trees brs. N. 6° E. 34 feet (deed call) and an 18" Pecan Tree brs. N. 50° E. 38 feet (deed N28°E.)

THENCE continuing with the north line of said 25 acre tract the south line of said 47.7 acre tract, S. 70° 58' E. 883.4 feet to the PLACE OF BEGINNING.

TRACT 3:

BEING all of a certain tract or parcel of land contain 2.72 acres, more or less, out of the C&M.R.R. Co. Survey No. 1435, Abstract No. 735 in Kerr County, Texas, part of a certain 305.8 acre tract conveyed from Austin Bryant Stone, et ux, to F. R. Van Hoozer, et ux, by a Warranty Deed with Vendor's Lien executed the 5th day of February, 1945, and recorded in Volume 74, at Page 635 of the Deed Records of Kerr County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a fence cornerpost marked with a set ½" iron stake for the northeast corner of the herein described tract, said 305.8 acre tract and Survey No. 1435;

THENCE along a fence with the east line of said 305.8 acre tract S 01° 47'E., 376.74 ft. to a fence cornerpost in the northeast right-of-way line of Interstate Highway No. 10 for the southeast corner of the herein described tract;

THENCE upon, over, and across said 305.8 acre tract with the northeast right-of-way line of Interstate Highway No. 10, N. 59°24'W, 245.21 ft. to a fence cornerpost in the north line of 305.8 acre tract for the west corner of the herein described tract;

THENCE, along, or near a fence with the said north line of 305.8 acre tract S. 89°44'E, 629.62 ft. to the PLACE OF BEGINNING.

RECORD

VOL

1045 PG 103

RECORDING DATE

JAN 04 2000



Janet Rippe
COUNTY CLERK, KERR COUNTY, TEXAS

Provisions herein which restrict the sale, rental or use of the described property because of color or race is invalid and unenforceable under Federal Law, THE STATE OF TEXAS }
COUNTY OF KERR }
I hereby certify that this instrument was FILED in the File Number Sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Records of Kerr County, Texas on

JAN 04 2000



Janet Rippe
COUNTY CLERK, KERR COUNTY, TEXAS

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 _____ (% or amount) and explain the method of calculation: _____
- c. 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, or the Applicant is not the water right owner of the underlying surface water right, or the Applicant does not have a contract with the discharger, the application should be submitted under Section 1, New or Additional Appropriation of State Water, as a request for a new appropriation of state water. If Applicant is the discharger, the surface water right holder, or the contract holder, then the application should be submitted under Section 3, Bed and Banks.

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
 4. The percentage of return flows from groundwater _____, surface water _____?
 5. If any percentage is surface water, provide the base water right number(s) _____.
- d. 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. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers _____.
 3. Indicate how the groundwater will be conveyed to the stream or reservoir.
 4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.
- di. Is the source of the water being discharged a surface water supply contract? **Y / N** ____
If yes, provide the signed contract(s).
- dii. 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 N/A acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of _____ cfs or _____ gpm.
- c. Name of Watercourse as shown on Official USGS maps: _____
- d. Zip Code _____
- e. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.
- f. Point is at:
Latitude _____ °N, Longitude _____ °W.
****Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- g. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): _____

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

WORKSHEET 5.0

ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 28.**

Screens on any new diversion structure that is not already authorized in a water right.

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

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

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

a. Identify the appropriate description of the water body.

☒ Stream

☐ Reservoir

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

☐ Other, specify: _____

b. Flow characteristics

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

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

☐ Intermittent with Perennial Pools – enduring pools

☒ Perennial – normally flowing

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

☐ USGS flow records

☐ Historical observation by adjacent landowners

☒ Personal observation

☐ Other, specify: _____

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the maps submitted with the application indicating the location of the photograph and the direction of the shot.
2. If the application includes a proposed reservoir, also include:
 - i. A brief description of the area that will be inundated by the reservoir.
 - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
 - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

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

This section is required for applications using an alternate source of water and bed and banks applications in any basins. **Instructions, page 31.**

a. For all bed and banks applications:

- i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

b. For all alternate source applications:

- i. If the alternate source is treated return flows, provide the TPDES permit number _____
- ii. If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:
Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

* Temperature must be measured onsite at the time the groundwater sample is collected.

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

Addendum to Worksheet 5.0
Buckhorn Lake Resort Application to Amend COA 18-2018

This addendum provides the following supplemental materials requested by Worksheet 2.0 Environmental Information:

- 2(e)(1): Photographs of the stream at the diversion point and dam locations, showing the four existing reservoirs and upstream and downstream views of the stream, including riparian vegetation along the banks. Each photograph includes a description and the direction of the shot, and the attached map includes the location of each photograph.

Photograph 1: Impoundment 1 Looking North Upstream



Photograph 2: Impoundment 1 Showing Riparian Vegetation



Photograph 3: Looking North at Impoundment 1



Photograph 4: Looking South at Impoundment 2



Photograph 5: Impoundment 2 Looking South Downstream



Photograph 6: Impoundment 3 Looking West Downstream



Photograph 7: Impoundment 4 Looking North Upstream 1 of 2



Photograph 8: Impoundment 4 Looking North Upstream 2 of 2



Photograph 9: Looking Downstream from Impoundment 4





Photograph 4

Photograph 2

Photograph 1

Photograph 3

Photograph 6

Photograph 5

Photograph 7

Photograph 8

Photograph 9

WORKSHEET 6.0

N/A

Water Conservation/Drought Contingency Plans

This form is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plans is required and to specify the requirements for plans.

Instructions, Page 31.

*The TCEQ has developed guidance and model plans to help applicants prepare plans. Applicants may use the model plan with pertinent information filled in. For assistance submitting a plan call the Resource Protection Team (Water Conservation staff) at 512-239-4600, or e-mail wras@tceq.texas.gov. The model plans can also be downloaded from the TCEQ webpage. **Please use the most up-to-date plan documents available on the webpage.***

1. Water Conservation Plans

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

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

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

1. ____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 512-239-4600 for information about accounting plan requirements, if any, for your application. **Instructions, Page 34.**

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

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

WORKSHEET 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

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

2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
Filing Fee	Amendment: \$100	100
	OR Sever and Combine: \$100 x _____ of water rights to combine	
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	336.52
TOTAL INCLUDED		\$449.02

3. BED AND BANKS

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



Texas Commission on Environmental Quality

Public Involvement Plan Form for Permit and Registration Applications

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

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

Section 1. Preliminary Screening

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

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

Section 2. Secondary Screening

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

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

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

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

The Application is not expected to have significant public interest and is not located within any of the identified ge

Section 3. Application Information

Type of Application (check all that apply):

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

Water Quality

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

Water Rights New Permit

☐ New Appropriation of Water
☐ New or existing reservoir

Amendment to an Existing Water Right

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

Section 4. Plain Language Summary

Provide a brief description of planned activities.

Section 5. Community and Demographic Information

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

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

(City)

(County)

(Census Tract)

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

☐

City

☐

County

☐

Census Tract

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

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

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

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

(e) Languages commonly spoken in area by percentage

(f) Community and/or Stakeholder Groups

(g) Historic public interest or involvement

Section 6. Planned Public Outreach Activities

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

☐ Yes ☐ No

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

☐ Yes ☐ No

If Yes, please describe.

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

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

☐ Yes ☐ No

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

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

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

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

☐ Yes ☐ No

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

☐ Yes ☐ No

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

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

Section 7. Voluntary Submittal

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

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

☐ Yes ☐ No

What types of notice will be provided?

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