

October 6, 2023

Texas Commission on Environmental Quality  
Water Availability Division, MC-160  
12100 Park 35 Circle  
Austin, Texas 78753  
WRPT@tceq.texas.gov

**RECEIVED**  
OCT 10 2023  
Water Availability Division

RE: Application by Ernest and Nancy Hernandez for Water Use Permit for Rock Cliff Dam and Reservoir on Spires Creek, tributary of Medina River, tributary of San Antonio River, San Antonio River Basin  
Texas Water Code § 11.121

Please find included with this correspondence a true and correct copy of an application by my clients, Ernest and Nancy Hernandez, for a water use permit. The requested permit would authorize a dam to be located at a specified point on Spires Creek, tributary of Medina River, tributary of San Antonio River, San Antonio River Basin (Rock Cliff Dam). The requested permit would also authorize the impoundment and in-place recreational use of State Water behind Rock Cliff Dam (Rock Cliff Reservoir). I am submitting this application electronically and in hard copy by overnight courier using the addresses indicated above.

Thank you in advance for your expedient review of this application. Please feel free to contact me if you have any questions.

Sincerely,



Jason Hill

cc: Ernest and Nancy Hernandez  
Robert J. Brandes, P.E., Ph.D.

## SUMMARY STATEMENT

### Application For Water Use Permit Under Section 11.121 of Texas Water Code For Rock Cliff Dam and Reservoir

**Applicant:** Ernest and Nancy Hernandez

**Address:** 3914 Edgebrook Ct.  
Midland, Texas 79707  
[REDACTED]  
(432) 425-9358

**Project:** Rock Cliff Reservoir  
Formerly authorized under Permit No. 3559

**Location:** 5 miles northwest of Bandera, Texas  
Bandera County, Texas

**Stream:** Spires Creek, tributary of Medina River, tributary of San Antonio River, San Antonio River Basin

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#### Background

Rock Cliff Dam and Reservoir have been in existence for about 60 years. These facilities are shown and identified on the 1964 USGS topographic map titled *Rock Cliff Reservoir, Tex.* (See maps in Appendix D). The reservoir is impounded by an earthen dam approximately 50 feet in height and 580 feet long on the lower reach of Spires Creek, approximately one-half mile upstream from the confluence with the Medina River. A concrete sidewall approximately 400 feet in length serves as the uncontrolled principal spillway for the dam. The reservoir has a normal pool elevation of 1,349.4 feet msl. At this level, the storage capacity of the reservoir is 1,589 acre-feet. Rock Cliff Dam is located approximately 20 miles upstream from Medina Lake, which is on the Medina River about 13 miles north of Castroville. The drainage area of Spires Creek above the Rock Cliff Dam covers approximately 3.79 square miles, which is about 0.6 percent of the drainage area above Medina Lake Dam.

Over time, Rock Cliff Reservoir has undergone various changes due to sedimentation, flooding, leakage, and dam modifications and repairs. Since it was constructed, Rock Cliff Dam has been inspected multiple times by the TCEQ, and currently it is in compliance with TCEQ's dam safety regulations. Significant leakage occurs through and under the existing dam, with almost all of the leakage collected and discharged into a small pond located immediately below the downstream toe of the dam. The dam has a seepage drain system that discharges seepage water through several pipes into the small pond. Outflows from this small pond, which are comprised primarily of leakage from the reservoir, are conveyed



through a large pipe to a 21-inch vertical standpipe that overflows directly into Spires Creek. Applicants have stated that they always have observed at least some outflow being discharged from the standpipe. Calculated leakage rates for Rock Cliff Reservoir based on historical reservoir stage and storage data collected over the 2008-2020 period range from about 75 to over 450 acre-feet per year. The outflow pipe from the small pond is equipped with a valve that can be opened to pass water downstream through Spires Creek to the Medina River.

In 1978, the owner of Rock Cliff Dam at the time, Virginia Copeland, was issued the original permit (No. 3559) that authorized the appropriation of State water for impoundment in Rock Cliff Reservoir. This permit was granted by the Texas Water Commission with a priority date of January 30, 1978, and with a 20-year term limit. At the end of this term in 1998, Permit No. 3559 was amended by the Texas Natural Resource Conservation Commission with the term of the permit extended an additional 20 years. At the end of this second 20-year term on April 12, 2018, no action was taken by the previous owner, and the permit expired by default as a result.

Ernest and Nancy Hernandez, the Applicants, purchased the land on which Rock Cliff Dam and a significant portion Rock Cliff Reservoir are located in September of 2019.

### **Authorizations Requested**

Pursuant to this Application, Ernest and Nancy Hernandez request authority to maintain Rock Cliff Dam and Reservoir on Spires Creek, with the maximum storage capacity of the reservoir reduced to 1,117 acre-feet. The reduction in the storage capacity of the reservoir will be accomplished by installing a 10-inch steel pipe through the base of the concrete sidewall spillway at a flowline elevation of 1,344.0 feet msl. With this outflow pipe, the elevation of the principal spillway will be lowered by 5.4 feet, which reduces the maximum storage capacity of the reservoir by approximately 470 acre-feet, or 30 percent. With the lowered water surface elevation, the surface area of the reservoir will be reduced from 97.4 acres down to 79.5 acres.

Water is not diverted or used from Rock Cliff Reservoir for any purposes, and no authorization for diversions from the reservoir for any use is being requested. Use of the reservoir itself is to be only for recreational purposes. Authorization for storage in the small pond located immediately below Rock Cliff Dam is not requested with this Application. This pond has a normal storage capacity less than 200 acre-feet and is used only for domestic and livestock purposes. Spires Creek is a non-navigable watercourse.

**Water Availability / No Impairment:** The State water to be impounded pursuant to this Application will be junior in priority to all existing water rights in the San Antonio River basin. Unappropriated water in Spires Creek at the location of Rock Cliff Reservoir is limited to a large extent because it is available only when Medina Lake is full and spilling<sup>1</sup>, aside from the

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<sup>1</sup> The water right for Medina Lake authorizes a reservoir on the Medina River with storage capacity up to 237,874 acre-feet and with diversions up to 66,750 acre-feet per year for irrigation, municipal, and domestic and livestock uses. It also authorizes a small reservoir, referred to as Diversion Lake, immediately below

fact that the requested water right permit for Rock Cliff Reservoir, if granted, will be the most junior in the entire San Antonio River basin. Based on results from the current version of the Guadalupe-San Antonio water availability model ("GSA-WAM")<sup>2</sup>, Medina Lake is full only 9.7 percent of the time, which is largely why Rock Cliff Reservoir is full only about 5.5 percent of the time. The fact that Medina Lake experiences significant losses of water from storage due to leakage and aquifer recharge is a major factor contributing to its relatively low-frequency storage conditions, even as it is modeled with the GSA-WAM.

In the GSA-WAM, leakage from Medina Lake is represented as a function of storage volume in the reservoir, and over the 1934-1989 simulation period, it varies from zero up to about 29,200 acre-feet per year and averages about 10,000 acre-feet per year. Leakage water is discharged downstream into the Medina River. In addition, water is lost from storage for aquifer recharge, which ranges from zero up to about 35,800 acre-feet per year and averages about 19,000 acre-feet per year. In the model, recharge water is lost from the surface water system and is not available for any other water rights. In the GSA-WAM, leakage and aquifer recharge also are simulated for a small reservoir located immediately below Medina Lake, referred to as Diversion Lake, which is authorized as part of the Medina Lake water right. In the GSA-WAM, leakage from this downstream reservoir ranges from zero up to about 15,800 acre-feet per year and averages about 4,500 acre-feet per year, and its aquifer recharge ranges from zero up to about 15,400 acre-feet per year and averages about 12,100 acre-feet per year. Hence, with an average of over 45,000 acre-feet per year of total leakage and recharge from Medina Lake and Diversion Lake, a significant portion of the water being passed downstream by junior water rights to satisfy the Medina Lake water right is not actually being used, but instead is going to satisfy these large losses.

**Water Conservation/Drought Contingency:** Water impounded in Rock Cliff Reservoir will be used only for recreation and will not be diverted for any purpose; therefore, implementation of water conservation drought contingency measures are not considered to be necessary.

**Beneficial Use and Public Welfare.** Water stored in Rock Cliff Reservoir will be beneficially used only for recreational purposes, which should not be adverse to the public welfare. There is no public access to the reservoir.

**Regional and State Water Supply Planning.** There is nothing in this permit Application that is inconsistent with the State Water Plan and with the approved regional water plan for Region L. Rock Cliff Dam and Reservoir are existing facilities that have been in place for almost 60 years, and they are not maintained for water supply purposes, only recreation.

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Medina Lake Dam with a maximum storage capacity of 4,500 acre-feet. The Medina Lake water right is one of the oldest in the San Antonio River basin with a priority date of November 16, 1910; thus, it must be fully satisfied, i.e., Medina Lake and Diversion Lake must be full, with their diversions fully met, before any unappropriated water is available for other more junior water rights in the basin.

<sup>2</sup> The version of the GSA WAM used for water availability analyses pursuant to this Application was obtained from the TCEQ on January 10, 2022, and verified again on April 13, 2022; thus, the model is assumed to be an accurate representation of current water right conditions in the Guadalupe-San Antonio basins.

Hence, there is no need for these facilities to be included as part of water supply planning for the region.

**Environmental Values and Water Quality.** Since Rock Cliff Reservoir has been in existence for almost 60 years, aquatic ecosystems within, around and downstream of the reservoir have long been established and adapted to conditions with the reservoir in place. The only modification to Rock Cliff Dam and Reservoir that is being requested with this Application is to lower the normal pool level of the reservoir by 5.4 feet, and other than reducing the surface area of the reservoir and possibly increasing the frequency of outflows from the reservoir, no other changes are anticipated that might impact resident aquatic ecosystems. Furthermore, leakage from the reservoir will continue to provide a sustained aquatic environment downstream along Spires Creek and the Medina River.

The nearest downstream streamflow gage with environmental flow standards stipulated under Chapter 298 of the TCEQ Rules is on the Medina River at Bandera (USGS Gage No. 08178880). At this location, the Subsistence Flow values range from 6 to 7 cfs and the Base Flow values range from 10 to 54 cfs, depending on season of the year. Translating these flow standards upstream to the Rock Cliff Dam on Spires Creek based on the drainage area ratio ( $3.79/328 = 0.01155$ ) produces Subsistence Flow values ranging from 0.07 to 0.08 cfs and Base Flow values between 0.12 and 0.62 cfs. As noted earlier, leakage from Rock Cliff Reservoir has been calculated to range between 75 and 450 acre-feet per year, which converts to values expressed in cfs of 0.10 to 0.62. These leakage values generally are in the range of the Subsistence and Base environmental flow standards at Rock Cliff Dam; thus, these standards essentially are satisfied practically all of the time just due to leakage. However, should it be necessary to pass inflows to Rock Cliff Reservoir at the request of the South Texas Watermaster to satisfy downstream environmental or water supply needs, the valve on the low-flow outlet pipe from the small pond below the reservoir can be opened as needed. If additional water is required to be released from Rock Cliff Reservoir, a portable industrial pump will be provided and used by the Applicants.

**Groundwater.** With Rock Cliff Reservoir having been in existence for about 60 years, groundwater interactions with water in the reservoir and in the stream channels downstream have long been stabilized, and no further impacts of the reservoir are anticipated.

#### **LIST OF APPENDICES**

APPENDIX A – TCEQ ADMINISTRATIVE INFORMATION REPORT

APPENDIX B – TCEQ TECHNICAL INFORMATION REPORT

APPENDIX C – APPLICANTS' PROPERTY DEED FOR ROCK CLIFF DAM AND RESERVOIR

APPENDIX D – APPLICATION MAPS



**APPENDIX A**  
**TCEQ ADMINISTRATIVE INFORMATION REPORT**  
**Form 10214b**

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## 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): ERNEST AND NANCY HERNANDEZ

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

Y/N

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

Y/N

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

**For Commission Use Only:**

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

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

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# ADMINISTRATIVE INFORMATION REPORT

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

**\*\*\* Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Staff to discuss Applicant's needs prior to submitting an application. Call the Water Rights Permitting Team to schedule a meeting at (512) 239-4691.**

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

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

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

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***\*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."

Rock Cliff Dam and Reservoir, located in Bandera County on Spires Creek, a tributary of the

Medina River, a tributary of the San Antonio River, was initially authorized for recreational

use under Permit No. 3559 with a priority date of January 30, 1978 and with a 20-year term.

The permit was amended in 1998, again with a 20-year term, but was allowed to expire by the

previous owner. Ernest and Nancy Hernandez, the current owners of the dam, are requesting

a new permit to authorize Rock Cliff Dam and Reservoir for recreational use. No authorization

for diversions from the reservoir is being requested. Also, no authorization is being requested for

a small pond located below Rock Cliff Dam that qualifies for domestic and livestock exemption.



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

Note: A separate sheet follows this page for co-applicant Nancy Hernandez.

### a. Applicant

Indicate the number of Applicants/Co-Applicants 2  
(Include a copy of this section for each Co-Applicant, if any)

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

Ernest Hernandez

*(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: Ernest Hernandez

Title: Owner

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

What is the applicant's mailing address as recognized by the US Postal Service (USPS)? You may verify the address on the USPS website at

<https://tools.usps.com/go/ZipLookupAction!input.action>.

Name: Ernest Hernandez

Mailing Address: 3914 Edgebrook Court

City: Midland

State: Texas

ZIP Code: 79707

Indicate an X next to the type of Applicant:

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

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For Corporations or Limited Partnerships, provide:

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

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

### a. Applicant

Indicate the number of Applicants/Co-Applicants 2  
(Include a copy of this section for each Co-Applicant, if any)

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

Nancy Hernandez

*(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: Nancy Hernandez

Title: Owner

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

What is the applicant's mailing address as recognized by the US Postal Service (USPS)? You may verify the address on the USPS website at

<https://tools.usps.com/go/ZipLookupAction!input.action>.

Name: Nancy Hernandez

Mailing Address: 3914 Edgebrook Court

City: Midland

State: Texas

ZIP Code: 79707

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:

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

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### 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: Ernest Hernandez

Title: Owner

Organization Name:

Mailing Address: 3914 Edgebrook Court

City: Midland

State: Texas

ZIP Code: 79707

Phone No.: (432) 425-9358

Extension:

Fax No.:

E-mail Address:

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#### 4. WATER RIGHT CONSOLIDATED CONTACT INFORMATION (Instructions, Page. 9) NOT APPLICABLE

This section applies only if there are multiple Owners of the same authorization. Unless otherwise requested, Co-Owners will each receive future correspondence from the Commission regarding this water right (after a permit has been issued), such as notices and water use reports. Multiple copies will be sent to the same address if Co-Owners share the same address. Complete this section if there will be multiple owners and all owners agree to let one owner receive correspondence from the Commission. Leave this section blank if you would like all future notices to be sent to the address of each of the applicants listed in section 2 above.

I/We authorize all future notices be received on my/our behalf at the following:

First and Last Name:

Title:

Organization Name:

Mailing Address:

City:

State:

ZIP Code:

Phone No.:

Extension:

Fax No.:

E-mail Address:

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

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

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

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

Account number:

Amount past due:

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

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

Enforcement order number:

Amount past due:

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

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

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

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

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

Applicant:

I, ERNEST W HERNANDEZ  
(Typed or printed name)

OWNER  
(Title)

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

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

Signature: \_\_\_\_\_

*[Handwritten Signature]*  
(Use blue ink)

Date: 8-23-2023

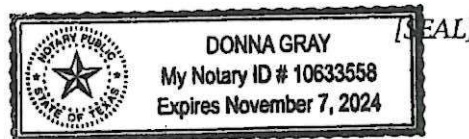
Subscribed and Sworn to before me by the said

on this 23<sup>rd</sup> day of August, 2023.

My commission expires on the 7<sup>th</sup> day of November, 2024.

*Donna Gray*  
Notary Public

*Midland*  
County, Texas



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



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

Applicant:

I, Nancy A Hernandez Owner  
(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: Nancy A Hernandez Date: 8-23-23  
(Use blue ink)

Subscribed and Sworn to before me by the said

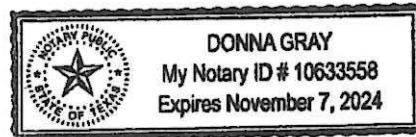
on this 23<sup>rd</sup> day of August, 2023.

My commission expires on the 7<sup>th</sup> day of November, 2024.

Notary Public Donna Gray

[SEAL]

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

## TECHNICAL INFORMATION REPORT WATER RIGHTS PERMITTING

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

**Applicants are 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](mailto:WRPT@tceq.texas.gov) to schedule a meeting.**

Date of pre-application meeting: 09/26/23

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

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

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y / N Y
- b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? Y / N N (If yes, indicate the Certificate or Permit number: \_\_\_\_\_)

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

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

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

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

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

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

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

### NOT APPLICABLE

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: \_\_\_\_\_

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

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

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

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

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

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

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

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

- d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? Y / N \_\_\_\_\_  
***If yes, submit:***

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

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

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



- f. Other - Applicant requests to change any provision of an authorization not mentioned above? Y / N\_\_\_\_\_ *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)**

**NOT APPLICABLE**

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

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

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

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

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

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

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

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

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

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

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

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

*Worksheets and information:*

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)

- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

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

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

This Application is not in conflict with elements of the State Water Plan and the Region L Water Plan, and therefore is considered to be consistent with these Plans. This Application is for authorization to impound water in an existing reservoir located on Spires Creek, a tributary of the Medina River, a tributary of the San Antonio River in Bandera County, Texas. The dam and reservoir were constructed in the 1960s and were originally authorized by the Texas Water Commission under Permit No. 3559 with a priority date of January 30, 1978, and with a 20-year term. In 1998 the permit was amended to extend the term another 20 years. This term now has expired, and the current owners, Ernest and Nancy Hernandez, are requesting authority under a new water right to maintain the dam and reservoir and to use it for recreational purposes. No diversions from the reservoir are proposed for any other purposes. Also, no authorization is being requested for a small pond located below Rock Cliff Dam that qualifies for domestic and livestock exemption.

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- 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. Files will be emailed to Water Availability Section.*
- 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>
1,117	Spires Creek, tributary of Medina Creek, tributary of San Antonio River	Recreation	On site within reservoir

1,117 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: **NOT APPLICABLE**

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)

NOT APPLICABLE

- 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**

\*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 \_\_\_\_\_ 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 \_\_\_\_\_ 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

### NOT APPLICABLE

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

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

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

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

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

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

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

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

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

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

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



## WORKSHEET 1.2

### NOTICE. "THE MARSHALL CRITERIA"

NOT APPLICABLE

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.

## 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: 1,117.
- c. The impoundment is on-channel x or off-channel \_\_\_\_\_ (mark one)
- Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / N N
  - If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / N Y
- d. Is the impoundment structure already constructed? Y / N Y
- For already constructed **on-channel** structures:
    - Date of Construction: Early 1960s
    - Was it constructed to be an exempt structure under TWC § 11.142? Y / N N
      - If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N \_\_\_\_\_
      - If No, has the structure been issued a notice of violation by TCEQ? Y / N N
    - Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N N
      - If yes, provide the Site No. \_\_\_\_\_ and watershed project name \_\_\_\_\_;
      - Authorization to close "ports" in the service spillway requested? Y / N \_\_\_\_\_
  - For **any** proposed new structures or modifications to structures: **NOT APPLICABLE**
    - Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? Y / N \_\_\_\_\_ Provide the date and the name of the Staff Person \_\_\_\_\_
    - As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
      - No additional dam safety documents required with the Application. Y / N \_\_\_\_\_
      - Plans (with engineer's seal) for the structure required. Y / N \_\_\_\_\_
      - Engineer's signed and sealed hazard classification required. Y / N \_\_\_\_\_
      - Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N \_\_\_\_\_

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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 N
- iii. Additional information required for **on-channel** storage:
1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: 79.5.
  2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option.  
Applicant has calculated the drainage area. Y/N Y  
If yes, the drainage area is 3.79 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): Spires Creek, tributary of Medina River, tributary of San Antonio River
- b. Zip Code: 78947
- c. In the Wm. I. Lewis Original Survey No. N/A, Abstract No. 247,  
Bandera 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 29.759192°N, Longitude 99.144006°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 Pro
- ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N Y

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# WORKSHEET 3.0

## DIVERSION POINT (OR DIVERSION REACH) INFORMATION

**NOT APPLICABLE**

This worksheet **is required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

*The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g., maps).*

### 1. Diversion Information (Instructions, Page. 24)

a. This Worksheet is to add new (select 1 of 3 below):

1. \_\_\_ Diversion Point No.
2. \_\_\_ Upstream Limit of Diversion Reach No.
3. \_\_\_ Downstream Limit of Diversion Reach No.

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

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

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

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

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

Check one		Write: Existing or Proposed
<input type="checkbox"/>	Directly from stream	
<input type="checkbox"/>	From an on-channel reservoir	
<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 / N \_\_\_\_\_

If yes, the drainage area is \_\_\_\_\_ sq. miles.

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



## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): \_\_\_\_\_
- b. Zip Code: \_\_\_\_\_
- c. Location of point: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, \_\_\_\_\_ County, Texas.

***A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure.***

***For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.***

- d. Point is at:  
Latitude \_\_\_\_\_°N, Longitude \_\_\_\_\_°W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): \_\_\_\_\_
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 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.



## WORKSHEET 4.0

### DISCHARGE INFORMATION

NOT APPLICABLE

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

- a. The purpose of use for the water being discharged will be\_\_\_\_\_.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses\_\_\_\_\_ (% 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

NOT APPLICABLE

This worksheet is required for **each** discharge point. Submit one Worksheet 4.1 for each discharge point. If there is more than one discharge point, the numbering of the points should be consistent throughout the application and on any supplemental documents (e.g., maps).  
**Instructions, Page 27.**

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

- a. The amount of water that will be discharged at this point is \_\_\_\_\_ acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of \_\_\_\_\_ cfs or \_\_\_\_\_ gpm.
- c. Name of Watercourse as shown on Official USGS maps: \_\_\_\_\_
- d. Zip Code \_\_\_\_\_
- 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**  
**NOT APPLICABLE**

**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.**

**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 \_\_\_\_\_.



# WORKSHEET 6.0

## Water Conservation/Drought Contingency Plans

NOT APPLICABLE

This form is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plans is required and to specify the requirements for plans.  
**Instructions, Page 31.**

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

### 1. Water Conservation Plans

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

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

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

1. \_\_\_\_ Municipal Use. See 30 TAC § 288.2. \*\*
2. \_\_\_\_ Industrial or Mining Use. See 30 TAC § 288.3.
3. \_\_\_\_ Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. \_\_\_\_ Wholesale Water Suppliers. See 30 TAC § 288.5. \*\*

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

- 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\_\_\_\_

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## WORKSHEET 7.0

### ACCOUNTING PLAN INFORMATION WORKSHEET

NOT APPLICABLE

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 (\$)
<b>Filing Fee</b>	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under <b>Amount (\$)</b> . <u>In Acre-Feet</u>	\$250.00
	a. Less than 100 \$100.00	
	b. 100 - 5,000 \$250.00	
	c. 5,001 - 10,000 \$500.00	
	d. 10,001 - 250,000 \$1,000.00	
	e. More than 250,000 \$2,000.00	
<b>Recording Fee</b>		\$25.00
<b>Agriculture Use Fee</b>	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	<b>\$0 00</b>
<b>Use Fee</b>	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	\$0.00
<b>Recreational Storage Fee</b>	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	\$1,117.00
<b>Storage Fee</b>	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	\$0.00
<b>Mailed Notice</b>	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	<b>\$239.70</b>
<b>TOTAL</b>		<b>\$ 1,631.70</b>

### 2. AMENDMENT OR SEVER AND COMBINE NOT APPLICABLE

		Amount (\$)
Filing Fee	Amendment: \$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.	
TOTAL INCLUDED		\$

### 3. BED AND BANKS NOT APPLICABLE

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



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**APPENDIX C**

**PROPERTY DEED FOR ROCK CLIFF DAM AND RESERVOIR**

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

## SPECIAL WARRANTY DEED

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BANDERA

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That STRANSKY PROPERTIES, LLC, a Texas limited liability company, hereinafter referred to as GRANTOR, for and in consideration of the sum of TEN AND NO/100THS (\$10.00) DOLLARS and other valuable consideration to the undersigned paid by ERNEST HERNANDEZ and spouse, NANCY HERNANDEZ, whose address is 3914 Edgebrook Ct, Midland, Midland County, Texas 79707, hereinafter referred to as GRANTEE, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto GRANTEE, the following described real property in Bandera County, Texas, including all improvements thereon to- wit:

**BEING all that certain property situated in Bandera County, Texas, and being more particularly described in EXHIBITS "A", "B" and "C" attached hereto and incorporated herein for all purposes.**

This conveyance is made subject to ad valorem taxes for the year 2019, and subsequent years, and those exceptions listed on SCHEDULE I ("Permitted Exceptions") attached hereto and incorporated herein by this reference, to the extent still valid and in full force and effect.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said GRANTEE, GRANTEE'S successors and assigns forever. And only as to the Property described in Exhibit "A" and "B", GRANTOR does hereby bind GRANTOR, GRANTOR'S successors and

assigns to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said GRANTEE, GRANTEE'S successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through and under GRANTOR but not otherwise.

As only to the Property described in Exhibit "C", Grantor makes no warranties, either express or implied, as to any of Grantor's title, rights, hereditaments and appurtenances therein and Grantor, Grantor's successors and/or assigns shall not be required or relied upon by Grantee, Grantee's successors and/or assigns to defend any claim, or any part thereof, arising or resulting from Grantor's transfer and conveyance of the Property described in Exhibit "C" herein.

EXECUTED to be effective the 6 day of September, 2019.

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STRANSKY PROPERTIES, LLC, a Texas limited liability company

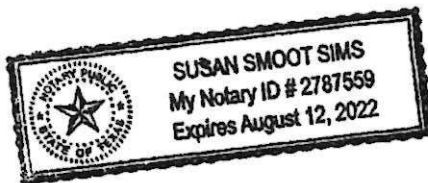
BY: [Signature]

Stephen Stransky, Manager

STATE OF TEXAS  
COUNTY OF BANDERA

BEFORE ME, the undersigned authority, on this day personally appeared STEPHEN STRANSKY, MANAGER OF STRANSKY PROPERTIES, LLC, a Texas limited liability company, known to me through TDL identification to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 6 day of September, 2019.



[Signature]  
NOTARY PUBLIC, STATE OF TEXAS



## EXHIBIT "A"

## FIELD NOTES

319.19 ACRES - BANDERA COUNTY, TEXAS

Being a 319.19 acre tract of land in Bandera County, Texas, 152.58 acres out of the W. I. Lewis Survey Number 64, Abstract Number 245, and 166.61 acres out of the W. I. Lewis Survey Number 63, Abstract Number 247, said tract being more particularly described by metes and bounds as follows:

BEGINNING at a set iron rod on the north bank of the Medina River for the southeast corner of the herein described tract, said point being the southwest corner of Tract No. 59, Exotic Acres Subdivision, Unit I, as recorded in Volume 5, Pages 3 - 3F, of the Plat Records of Bandera County, Texas, said point also being the southeast corner of the W. I. Lewis Sur. No. 63, Abs. No. 247;

THENCE from point to point along the north bank of the Medina River as follows:

S81°33'23"W - 180.07 feet,  
 S74°56'21"W - 121.74 feet,  
 N85°52'07"W - 259.88 feet,  
 N82°56'52"W - 364.16 feet,  
 N77°15'26"W - 273.47 feet,  
 N79°21'22"W - 179.32 feet,  
 N28°56'11"W - 172.67 feet, and  
 N65°23'46"W - 232.85 feet to a found iron rod;

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THENCE N25°40'52"E joining a fence a distance of 282.06 feet to a found nail in a 36" Oak tree;

THENCE N2°04'35"E along a fence a distance of 491.16 feet to a found iron rod;

THENCE N3°33'34"E along a fence a distance of 412.69 feet to a point at a fence corner, said point now being under water;

THENCE along said partially submerged fence from point to point as follows:

N78°50'12"W - 247.59 feet,  
 N75°45'45"W - 305.99 feet,  
 N37°08'17"W - 378.53 feet, and  
 N14°06'39"W - 121.15 feet to a point at a fence corner;

THENCE N83°46'54"W along said fence a distance of 70.90 feet to a found iron rod;

THENCE S83°04'26"W along said fence a distance of 898.74 feet to a found iron rod at a fence corner;

EXHIBIT "A" - Page 2 of 3

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THENCE S0°05'19"W along a fence a distance of 1,005.09 feet to a found fence post in concrete on the north side of a lane;

THENCE S83°07'48"W along a fence on the north side of said lane a distance of 1,575.48 feet to a found fence post in concrete;

THENCE N33°37'57"W along a fence on the northeast side of said lane a distance of 386.36 feet to a found iron rod at a fence corner;

THENCE N2°35'29"E along a fence a distance of 1,040.74 feet to a found iron rod at a fence corner;

THENCE S89°50'49"W along a fence a distance of 1,116.52 feet to a found iron rod in the east line of Peaceful Valley Road;

THENCE N0°05'55"E along the fence on the east side of Peaceful Valley Road a distance of 888.51 feet to a set iron rod;

THENCE N0°07'32"W along the fence on the east side of Peaceful Valley Road a distance of 646.18 feet to a found iron rod;

THENCE N0°02'16"E along the fence on the east side of Peaceful Valley Road a distance of 63.23 feet to a found iron rod at a fence corner for the northwest corner of the herein described tract;

THENCE S87°41'30"E along a fence a distance of 1,743.17 feet to a found iron rod;

THENCE S89°47'52"E along said fence a distance of 341.87 feet to a found steel fence post;

THENCE S0°16'07"E a distance of 15.18 feet to a found iron rod;

THENCE S88°31'50"E along a fence a distance of 409.05 feet to a found iron rod;

THENCE S76°43'21"E along said fence a distance of 98.51 feet to a set iron rod at a four way fence corner;

THENCE N10°07'27"E along a fence a distance 236.80 feet to a found iron rod at a fence corner;

THENCE N86°30'20"E passing a found iron rod at 343.93 feet a total distance of 743.93 feet to a point in Rock Cliff Reservoir;

THENCE from point to point in Rock Cliff Reservoir S28°00'00"W - 85.03 feet and S0°12'59"W - 670.26 feet;

EXHIBIT "A" - Page 3 of 3

THENCE S89°30'36"E leaving Rock Cliff Reservoir, joining a fence and passing a set iron rod at a three way fence corner at 914.47 feet, a total distance of 2,766.06 feet to a found iron rod in the west line of Panther Hollow Road for the northeast corner of the herein described tract;

THENCE S0°04'37"E along the fence on the west side of Panther Hollow Road and the east line of the herein described tract a distance of 1,138.57 feet to a found iron rod;

THENCE S0°02'24"W along the fence on the west side of Panther Hollow Road and the east line of the herein described tract a distance of 645.85 feet to a found iron rod, said point being in the west line of Tract No. 59, Exotic Acres Subdivision, Unit 1;

THENCE S0°03'29"E along the east line of the herein described tract and the west line of Tract No. 59 a distance of 1,312.74 feet to the POINT OF BEGINNING.

Said tract containing 319.19 acres of land, more or less.

These field notes are made from a survey and drawing made under my supervision dated February 18, 1998.



Byron R. Wilkinson

Registered Professional Land Surveyor No. 1537

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FIELD NOTES DESCRIPTION FOR THE COLE 55.31  
ACRES IN BANDERA COUNTY, TEXAS

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Being all of a certain tract or parcel of land containing 55.31 acres, more or less, out of Wm. I. Lewis Survey No. 63, Abstract No. 247, in Bandera County, Texas; that same land conveyed as 55.151 acres from Hugh Caterson Stone, et ux to Jimmy R. Cole and Charlene M. Cole by a Warranty Deed executed the 7<sup>th</sup> day of October, 1996 and recorded in Volume 450 at Page 394 of the Official Public Records of Bandera County, Texas; ; and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron stake set for the south common corner between said 55.151 acres and 28.99 acres conveyed from Frances Shear to Steve A. Muller, et ux by a Warranty Deed executed the 14<sup>th</sup> day of June, 1979 and recorded in Volume 190 at Page 70 of the Deed Records of Bandera County, Texas; on the north bank of the Medina River; said point being the approximate southwest or upper river corner of said Survey No. 63;

THENCE, with the common line between said 55.151 and 28.99 acre tracts, N00°56'54"W., at 132.24 ft. passing a found ½" iron stake in a fence, then continuing along or near a fence at 580.64 ft. passing a set ½" iron stake, then continuing for a total distance of 612.53 ft. to a ½" iron stake found for the northeast corner of said 28.99 acres, a southeasterly corner of 319.19 acres conveyed from Harold T. Duperier, III, et ux to C.R. Luigs, et ux by a General Warranty Deed executed the 13<sup>th</sup> day of March, 1998 and recorded in Volume 478 at Page 233 of the Official Public Records of Bandera County, Texas;

THENCE, along or near a fence, with the common line between said 55.151 and 319.19 acre tracts, N00°33'17"W., 1006.54 ft. to a ½" iron stake found for the northwest corner of said 55.151 acres, a reentrant corner of said 319.19 acres;

THENCE, along or near a fence, with the common line between said 55.151 and 319.19 acre tracts, N82°29'48"E., 898.91 ft. to a found ½" iron stake; and S86°13'10"E., not along a fence, 72.36 ft. to an unmarked point in the impounded waters of Spires Creek for the most northerly northeast corner of said 55.151 acres, a reentrant corner of said 319.19 acres;

THENCE, through the impounded waters of said Spires Creek, with the common line between said 55.151 and 319.19 acre tracts, (all points being unmarked points) S13°08'13"E., 122.19 ft.; S37°52'08"E., 379.63 ft.; S76°18'33"E., 304.94 ft.; and S79°26'59"E., 248.96 ft. for the most easterly northeast corner of said 55.151 acres, a reentrant corner of said 319.19 acres;

THENCE, with the common line between said 55.151 and 319.19 acre tracts, S03°01'28"W., at approximately 88 ft. passing a fence post on the bank of the impounded waters of Spires Creek, then continuing along or near a fence for a total distance of 412.77 ft. to a found ½" iron stake; S01°30'42"W., 491.21 ft. to a 60"d" nail found in the fork of a 33" diameter Live Oak tree; and S25°01'07"W., diverging from fence at approximately 44 ft. passing approximately 5 ft. S65°E from a fence corner post, then continuing not along a fence for a total distance of 282.50 ft. to a ½" iron stake found on the north bank of said Medina River for the south common corner between said 55.151 and 319.19 acre tracts;

THENCE, with the approximate south line of said 55.151 acres and the north bank of said Medina River, N77°19'12"W., 247.41 ft. to a ½" iron stake set at the base of a 3" diameter tree; N79°18'26"W., 348.21 ft. to



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## Tract 1:

Being a 1.412 acre Ingress/Egress Easement out of the Wm. I. Lewis Survey No. 64, Abstract No. 245, in Bandera County, Texas; said 1.412 acres also being Hammit Road (an undocumented tract of land); said 1.412 acre easement being more particularly described by metes and bounds as follows:

BEGINNING at a found wood fence post, in the east line of Peaceful Valley Road, for the north corner of Hammit Road, the southwest corner of a called 46.83 acre tract (recorded in Vol. 116, Pg. 439, Deed Records of Bandera County, Texas) and the north corner of the herein described easement;

THENCE, following the common line between said 46.83 acres and Hammit Road along or near a fence, S 86°16'58" E - 514.80 feet to a found iron rod, S 72°46'24" E - 327.26 feet to a found iron rod and S 78°38'44" E - 246.74 feet to a found iron rod, in the west line of a called 319.19 acre tract (recorded in Vol. 478, Pg. 233, Official Records of Bandera County, Texas), for the southeast corner of said 46.83 acres;

THENCE, following the common line between said 319.19 acres and Hammit Road, S 34°11'53" E - 386.23 feet to a found wood fence post, in the north line of a called 92.08 acre tract (recorded in Vol. 190, Pg. 64, Deed Records of Bandera County, Texas), for the southwest corner of said 319.19 acres and the southeast corner of the herein described easement;

THENCE, following the north line of said 92.08 acres, S 82°41'33" W - 59.44 feet to a found iron rod for the southwest corner of the herein described easement;

THENCE, following the common line between said 92.08 and Hammit Road, N 32°24'50" W - 352.62 feet to a found iron rod, N 79°42'19" W - 336.07 feet to a found iron rod, N 69°25'15" W - 216.53 feet to a found iron rod, N 85°48'23" W - 89.16 feet to a found iron rod for the north corner of said 92.08 acres and the west corner of a called 11.08 acre tract (recorded in Vol. 305, Pg. 467, Official Records of Bandera County, Texas);

THENCE, following the common line between said 11.08 acres and Hammit Road, N 86°09'58" W - 415.24 feet to a found wood fence post, in the east line of Peaceful Valley Road, for the north corner of said 11.08 acres and the west corner of the herein described easement;

THENCE, following the east line of Peaceful Valley Road, N 00°53'59" W a distance of 39.31 feet to the POINT OF BEGINNING.

Said easement contains 1.412 acres of land, more or less.

## Tract 2:

Being a 1.191 acre Ingress/Egress Easement out of the Wm. I. Lewis Survey No. 64, Abstract No. 245, in Bandera County, Texas; said 1.191 acres being out of a called 92.08 acre tract (recorded in Vol. 190, Pg. 64, Deed Records of Bandera County, Texas), and out of a called 28.99 acre tract (recorded in Vol. 190, Pg. 70, Deed Records of Bandera County, Texas); said 1.191 acre easement being more particularly described by metes and bounds as follows:

BEGINNING at a found wood fence post, in the north line of said 92.08 acres, for the southwest corner of a called 319.19 acre tract (recorded in Vol. 478, Pg. 233, Official Records of Bandera County, Texas);

THENCE, following the south line of said 319.19 acres along or near a fence, N 82°41'33" E - 1575.77 feet to a found iron rod, in the west line of a called 55.31 acre tract (recorded in Vol. 587, Pg. 889, Official Records of Bandera County, Texas), for the northeast corner of said 28.99 acres and the northeast corner of the herein described easement;

THENCE, following the common line between said 28.99 and 55.31 acres, S 01°30'48" E - 31.96 feet to a found iron rod for the southeast corner of the herein described easement;

THENCE, over and across said 28.99 acres then said 92.08 acres, S 82°41'02" W - 1616.97 feet to a found wood fence post, and N 32°24'50" W - 35.38 feet to a found iron rod, in the north line of said 92.08 acres, for the northwest corner of the herein described easement;

THENCE, following the north line of said 92.08 acres, N 82°41'33" E a distance of 59.44 feet to the POINT OF BEGINNING.

Said easement contains 1.191 acres of land, more or less.

## SCHEDULE I

Dam permit for Rock Cliff Lake has expired. Grantee assumes responsibility to re-permit dam.

Restrictions recorded in Volume 360, Page 156, and in Volume 375, Page 120, of the Official Public Records of Bandera County, Texas.

Any visible and apparent easements on or across the property herein described, which are not shown of record.

Rules, regulations and orders governing flood boundary management, subdivisions and waste disposal as passed by the Commissioner's Court of Bandera County, Texas and the Texas Water Quality Board.

Bandera County River Authority and Groundwater District (formerly Springhills Water Management District) rules, regulations and statutory authority.

Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.

All, leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.

Easement for utilities granted to Bandera Electric Cooperative, Inc. by Trip T. duPerier, III in instrument dated October 7, 1993 and recorded in Volume 392, Page 242, of the Official Public Records of Bandera County, Texas.

Easement for underground facilities granted to Southwestern Bell Telephone Company by Trip T. duPerier, III in instrument dated May 15, 1996 and recorded in Volume 442, Page 743, of the Official Public Records of Bandera County, Texas.

Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated January 4, 1979, recorded in Volume 187, Page 403 of the Deed Records of Bandera County, Texas. Reference to which instrument is here made for full particulars. No further search of title has been made as to the interest(s) evidenced by this instrument, and the Company makes no representation as to the ownership or holder of such interest(s).

3

Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated April 13, 1991, recorded in Volume 351, Page 949 of the Official Public of Bandera County, Texas. Reference to which instrument is here made for full particulars. No further search of title has been made as to the interest(s) evidenced by this instrument, and the Company makes no representation as to the ownership or holder of such interest(s).

Utility Easement granted to Bandera Electric Cooperative, Inc. by Flying L Land & Livestock, L.L.C. in instrument dated October 28, 2004 and recorded in Volume 689, Page 245, of the Official Public Records of Bandera County, Texas.

Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated September 1, 1971, recorded in Volume 143, Page 593 of the Deed Records of Bandera County, Texas. Reference to which instrument is here made for full particulars. No further search of title has been made as to the interest(s) evidenced by this instrument, and the Company makes no representation as to the ownership or holder of such interest(s).

55.13 acre tract has no insurable access to and from the land.

After Recording Return to  
Western Title of Bandera, Inc.  
GF 19296

Tammy McCallister, County Clerk  
Bandera County

Any provision herein which restricts the title, control or use of the described real property by... of color or race is hereby declared void and unenforceable under the laws of the State of Texas.  
COUNTY OF BANDERA  
I hereby certify that this instrument was filed in the public records of Bandera County, Texas, and the date of the official recording of this instrument is as shown on the record.  
Sep 06, 2019

Time for Recording:  
Bandera County  
Sat Sep 06, 2019 at 03:47  
As a  
Recording  
Document Number: 00233094  
Amount: \$8.00  
Receipt Number: 145327  
Pay  
Teliso Lora

RECEIVED  
OCT 10 2023  
Water Availability Division



**RECEIVED**

**OCT 10 2023**

Water Availability Division

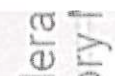
**APPENDIX D**  
**APPLICATION MAPS**



Bandera County  
District Clerk

D'Spain Sales and Service

RECEIVED  
OCT 10 2023  
Water Availability Division



Bandera  
History

16

Bandera

173

1077

173

3240

16

RECEIVED  
OCT 10 2023  
Water Availability Division

3240



Biker Rallies of Texas

470

ROCK CLIFF  
RESERVOIR



Medina  
River



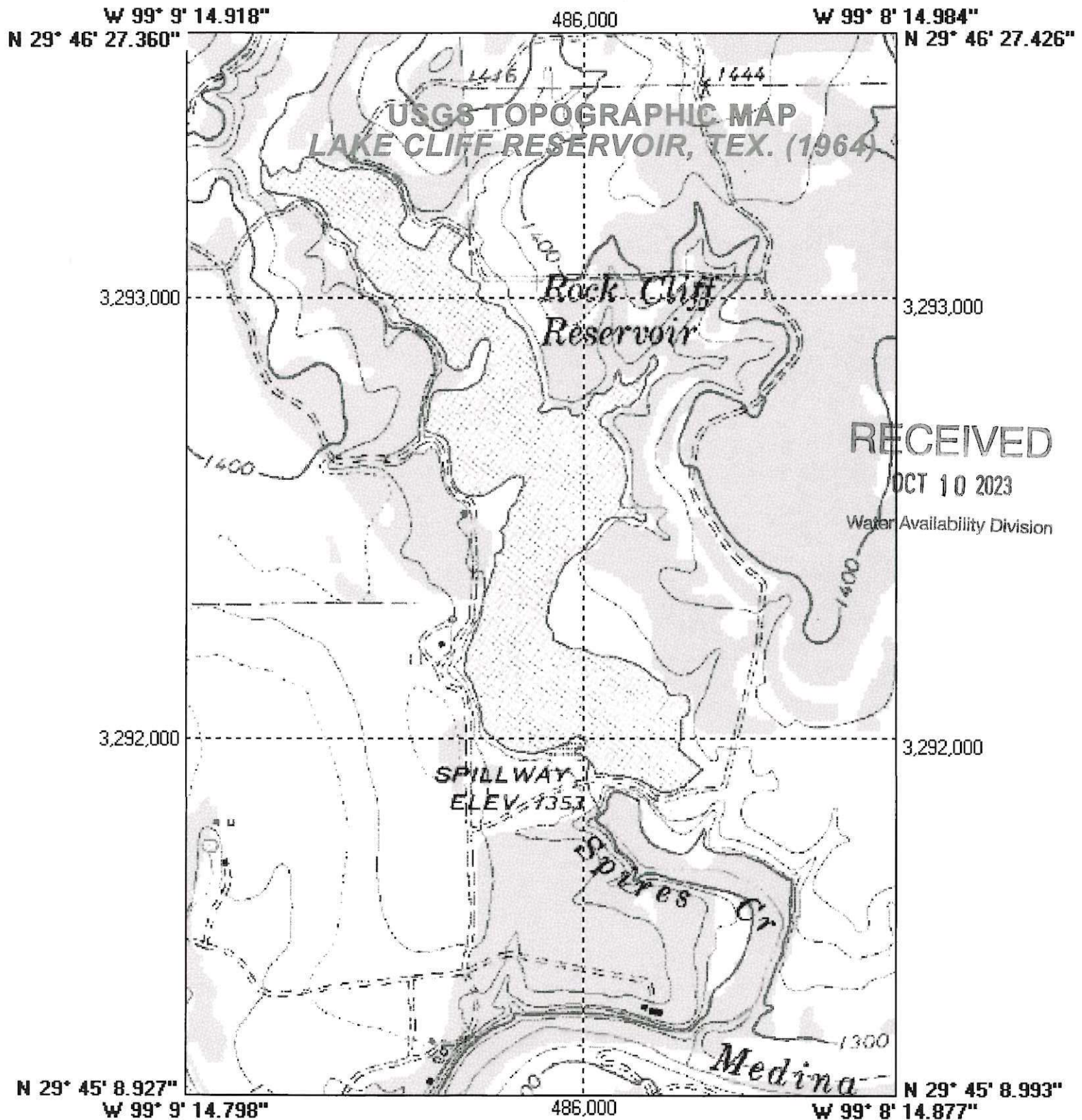
Antler Oaks Lodge  
and RV Resort

16

470

GENERAL LOCATION MAP

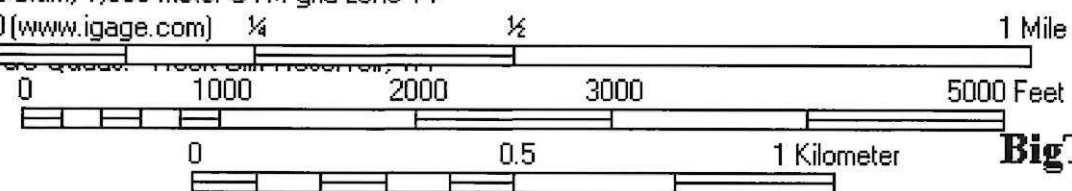
# RockCliff Reservoir USGS Topography



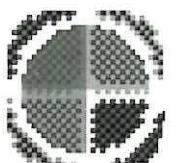
1927 North American Datum; 1,000-meter UTM grid zone 14

Generated by BigTop0 ([www.igage.com](http://www.igage.com))

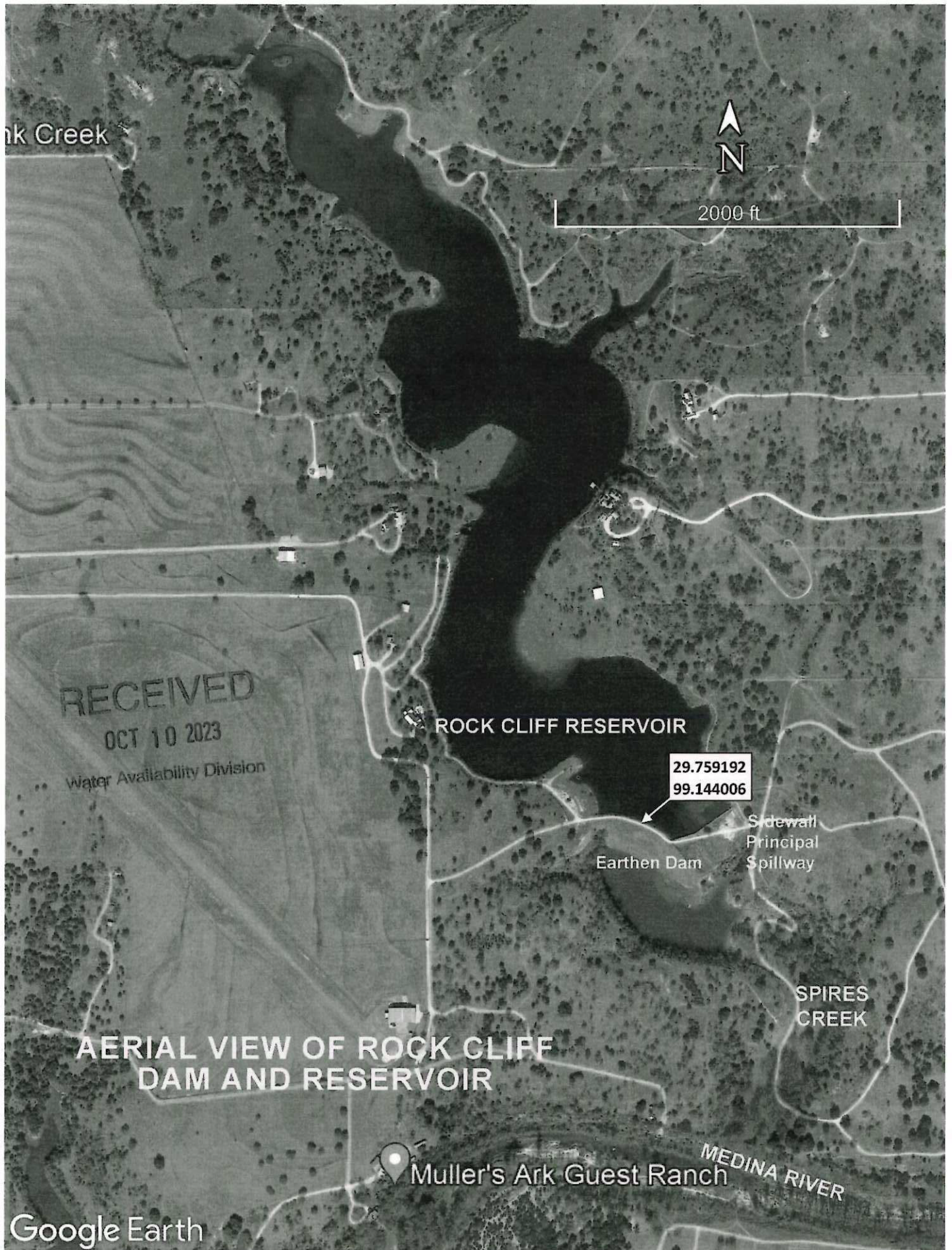
Map compiled from US



Big1







nk Creek



2000 ft

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OCT 10 2023

Water Availability Division

ROCK CLIFF RESERVOIR

29.759192  
99.144006

Earthen Dam

Sidewall  
Principal  
Spillway

SPIRES  
CREEK

AERIAL VIEW OF ROCK CLIFF  
DAM AND RESERVOIR



Muller's Ark Guest Ranch

MEDINA RIVER

Google Earth