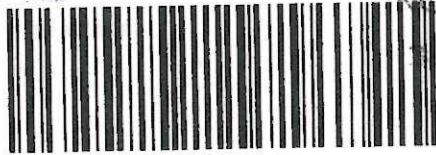


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Bellaire, TX 77401

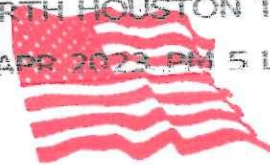
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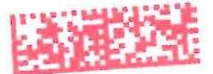
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Water Availability Division

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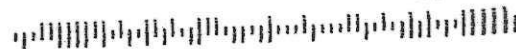
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711

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TCEQ MAIL CENTER
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087, Austin, Texas 78711-3087
Telephone No. (512) 239-4600 FAX (512) 239-4770

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ABANDONMENT OF WATER RIGHT

Water Availability Division

Notice: This form will not be processed until 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.

Please note that this action to voluntarily abandon, and the subsequent cancellation of, your water right may not be reversed and obtaining a water right in the future will require a new application for water. New applications require application/notice fees and may or may not be granted, subject to water availability. Additionally, water rights in the State of Texas may add value to the property they are associated with and/or may have a monetary value of their own. Please consider all of this in determining whether you wish to proceed with abandoning your water right.

BEFORE ME, the undersigned authority, on this day personally appeared Kenny Meyer, known to me to be the person whose signature appears below, who being sworn by me did state that the following facts are true and correct in his/her personal knowledge:

1. My name is Kenny Meyer
2. My address is 6802 Mapleridge, Office 210
Bellaire Tx 77401

3. I owe fees or penalties to the TCEQ: ☐ Yes ☒ No

If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:

4. I own the following described water right:

Permit No. B10 Certificate of Adjudication No. 5505

County: Harris River Basin: _____

Authorized Use: Agriculture-Irrigation

Portion to be Abandoned: All

5. It is my intent, by signing and filing this instrument, to voluntarily and intentionally waive and relinquish the above described portion of Permit/Certificate No. B10 5505 and to tender it to the Texas Commission on Environmental Quality for cancellation. It is also my intent to waive notice of public hearing, as well as the public hearing itself, to consider this matter at any future date.

6. I understand that the Texas Commission on Environmental Quality will cancel the above described portion of Permit/Certificate No. B10 5505. I also understand that any outstanding indebtedness to the commission is not waived by this form.

Name (Sign)

Name (Printed)

Kenny Meyer

Name (Sign)

Name (Printed)

Krista Mushinski

Subscribed and sworn to as being true and correct before me this 3rd day of April, 20023.

Notary Public for the State of Texas



KRISTA ANN MUSHINSKI
Notary ID #133965468
My Commission Expires
August 26, 2026

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



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Water Availability Division

PERMIT
TO APPROPRIATE STATE WATER

APPLICATION NO. 5505

PERMIT NO. 5505

TYPE : \$11.121

Name	: FKM Partnership, Ltd., and Luel Partnership, Ltd.	Address	: P. O. Box 1074 Bellaire, Texas 77401
Filed	: October 25, 1994	Granted	: February 6, 1995
Purpose	: Irrigation	County	: Harris
Watercourse	: Brays Bayou, tributary of Buffalo Bayou, tributary of San Jacinto River	Watershed	: San Jacinto River Basin

WHEREAS, Application No. 5505 was accepted for filing on October 25, 1994; and

WHEREAS, FKM Partnership, Ltd., and Luel Partnership, Ltd., applicants, have requested authorization to divert 125 acre-feet of water per annum from Brays Bayou to irrigate 37 acres of golf course land out of two tracts totalling 106.5352 acres (a 17.0847-acre tract and a 89.4505-acre tract) in the James D. Owen Survey, Abstract No. 612, Harris County, Texas, approximately 7.7 miles southwest of the Harris County Courthouse in Houston; and

WHEREAS, the applicants maintain an existing 6.46-acre-foot off-channel reservoir, and an existing 1.39-acre-foot off-channel reservoir on the aforesaid property; and

WHEREAS, conveyance of the 17.0847-acre-tract to FKM Partnership, Ltd. is evidenced by a Deed filed under County Clerk File No. K394148 and Film Code No. 037-79-1529, and conveyance of the 89.4505-acre tract to Luel Partnership, Ltd. is evidenced by a Warranty Deed filed under County Clerk File No. G688764 and Film Code No. 167-87-0571 of the Official Public Records of Harris County, Texas; and

WHEREAS, Commission staff has determined that streamflow past the applicants' proposed diversion point on Brays Bayou is mostly dependent upon discharge from upstream wastewater treatment plant(s); and

WHEREAS, Commission staff has recommended a 22 cfs streamflow restriction on diversion to protect instream uses; and

WHEREAS, a water conservation plan has been submitted; and

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

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

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

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APR 06 2023

Water Availability Division

NOW, THEREFORE, this permit to appropriate and use State water is issued to FKM Partnership, Ltd., and Luel Partnership, Ltd., subject to the following terms and conditions:

1. IMPOUNDMENT

- A. Permittees are authorized to maintain an existing 1.86-acre off-channel reservoir (designated by applicants as Pond 1) and impound therein not to exceed 6.46 acre-feet of water to be diverted from Brays Bayou. The center of the reservoir is approximately S 27.5° W, 5590 feet from the northeast corner of the James D. Owen Survey, Abstract No. 612, Harris County, Texas, 7.7 miles southwest of the Harris County Courthouse in Houston.
- B. Permittees are authorized to maintain an existing 0.38-acre off-channel reservoir (designated by applicants as Pond 2) and impound therein not to exceed 1.39 acre-feet of water to be diverted from Brays Bayou. The center of the reservoir is approximately S 22.4° W, 5945 feet from the northeast corner of the aforesaid Owen Survey.

2. USE

Permittees are authorized to divert and use not to exceed 125 acre-feet of water per annum from Brays Bayou for direct irrigation, or into the aforesaid off-channel reservoirs for subsequent irrigation, of 37 acres of golf course and esplanade landscaping out of two tracts totalling 106.5352 acres in the James D. Owen Survey, Abstract No. 612, Harris County, Texas, approximately 7.7 miles southwest of the Harris County Courthouse in Houston.

3. DIVERSION

- A. Location: Water will be diverted from a point on the south, or right bank of Brays Bayou at Latitude 29.683° N, Longitude 95.453° W, the same point bearing S 29.710° W, 2996.7 feet from the northeast corner of the aforesaid Owen Survey.
- B. Maximum Diversion Rate: 0.89 cfs (400 gpm).

4. SPECIAL CONDITIONS

- A. Prior to diversion of the water authorized herein, permittees shall install a metering device or establish a method that measures within five-percent (5%) accuracy and which accounts for the quantity of water diverted from the authorized diversion point.
- B. This permit is issued subject in part to the availability of water from sewage effluent in Brays Bayou and shall be subject to re-examination should wastewater plant(s) cease or reduce discharge of effluent into Brays Bayou. The permit shall be subject to revocation in whole or in part upon a finding, after notice and hearing, that such sewage effluent or other water is not available in quantities sufficient to satisfy this permit.
- C. Permittees are authorized to divert water hereunder only when the remaining flow of Brays Bayou during diversion equals or exceeds 22 cfs. Flow will be gaged at a reference device to be installed by the permittees downstream of the aforesaid diversion point at a location approved by the Commission Executive Director.

5. WATER CONSERVATION

Permittees shall implement a water conservation plan that provides for the utilization of those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

This permit is issued subject to all senior and superior water rights in the San Jacinto River Basin.

The right to use State water appropriated hereunder is limited to that amount which can be beneficially used by the permittees for the authorized purpose but not to exceed the amount specifically authorized. Non-beneficial use or waste of water is a violation of this permit.