

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

### APPLICATION NO. 12-2822C

Artesian Ranch, LLC (Owner/Applicant) seeks to amend Certificate of Adjudication No. 12-2822 to change the authorized diversion reach on the Leon River, Brazos River Basin, add a diversion reach on the Leon River, and to change the place of use for agricultural purposes to irrigate a total of 2,097.121 acres of land in Comanche County. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Artesian Ranch, LLC, 4519 11<sup>th</sup> Street, Lubbock, Texas 79416-4815, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code § 11.122 and Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, *et seq.* Notice is being mailed to the interjacent water right holders in the Brazos River Basin pursuant to Title 30 TAC § 295.158(c)(3)(D).

A portion of Certificate of Adjudication No. 12-2822 (Certificate) authorizes Artesian Ranch, LLC to divert and use not to exceed a total of 135 acre-feet of water per year from a diversion reach on the Leon River, Brazos River Basin, at a maximum combined diversion rate of 1.67 cfs (750 gpm), for livestock and agricultural purposes to irrigate 124 acres out of a 1,003.497-acre tract in Comanche County. The time priority for the 135 acre-feet of water is December 31, 1965.

Applicant seeks to amend Certificate of Adjudication No. 12-2822 to change the place of use for livestock and agricultural purposes to irrigate a total of 2,097.121 acres of land in Comanche County.

Ownership of the land to be irrigated by Artesian Ranch, LLC is evidenced by *Warranty Deed with Vendor's Lien* recorded as Volume 997, Pages 269-272, on September 24, 2015; *Warranty Deed with Vendor's Lien* recorded as Volume 1024, Page 393, on July 18, 2017; *Warranty Deed with Vendor's Lien* recorded as Volume 1045, Page 259, on October 23, 2018; *General Warranty Deed* recorded as Volume 1080, Page 321, on January 6, 2021; and *General Warranty Deed* recorded as Volume 1085, Pages 398-380, on April 9, 2021, in the official records of Comanche County.

Applicant also seeks to amend Certificate of Adjudication No. 12-2822 to change the upstream and downstream limits for the existing diversion reach and add an additional diversion reach on the Leon River, Brazos River Basin in Comanche County.

Diversion Reach No. 1 is located on the Leon River with the new upstream point being at Latitude 31.849004° N, Longitude 98.305272° W and the new downstream point being at Latitude 31.844657° N, Longitude 98.289089° W, ZIP Code 76455.

Diversion Reach No. 2 is located on the Leon River with the upstream point being at Latitude 31.857906° N, Longitude 98.322503° W, ZIP Code 76446, and the downstream point being at

Latitude 31.851643° N, Longitude 98.312083° W, ZIP Code 76455.

The application was received on September 7, 2021, and partial fees were received on September 10, 2021. Additional fees were received on December 2, 2021. The application was declared administratively complete and filed with the Office of the Chief Clerk on December 3, 2021.

The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions, including but not limited to, requiring screens on any new diversion structure. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at: [https://www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/view-wr-pend-apps](https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps).

Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

**PUBLIC COMMENT/PUBLIC MEETING.** Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by May 7, 2025. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

**CONTESTED CASE HEARING.** The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by May 7, 2025. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by May 7, 2025.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**INFORMATION.** Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 2822 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-2822C

TYPE § 11.122

Owner:	Artesian Ranch, LLC	Address:	4519 11 <sup>th</sup> Street Lubbock, TX 79416-4815
Filed:	December 3, 2021	Granted:	
Purposes:	Agricultural, Livestock	Counties:	Comanche
Watercourse:	Leon River	Watershed:	Brazos River Basin

WHEREAS, a portion Certificate of Adjudication No. 12-2822 (Certificate) authorizes, Artesian Ranch, LLC (Owner/Applicant) to divert and use not to exceed a total of 135 acre-feet of water per year from a diversion reach on the Leon River, Brazos River Basin, at a maximum combined diversion rate of 1.67 cfs (750 gpm), for livestock and agricultural purposes to irrigate 124 acres out of a 1,003.497-acre tract in Comanche County; and

WHEREAS, the time priority for the 135 acre-feet of water is December 31, 1965; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 12-2822 to change the place of use for livestock and agricultural purposes to irrigate a total of 2,097.121 acres of land in Comanche County; and

WHEREAS, ownership of the land to be irrigated by Artesian Ranch, LLC is evidenced by *Warranty Deed with Vendor's Lien* recorded as Volume 997, Pages 269-272, on September 24, 2015; *Warranty Deed with Vendor's Lien* recorded as Volume 1024, Page 393, on July 18, 2017; *Warranty Deed with Vendor's Lien* recorded as Volume 1045, Page 259, on October 23, 2018; *General Warranty Deed* recorded as Volume 1080, Page 321, on January 6, 2021; and *General Warranty Deed* recorded as Volume 1085, Pages 398-380, on April 9, 2021, in the official records of Comanche County; and

WHEREAS, Applicant also seeks to amend Certificate of Adjudication No. 12-2822 to change the upstream and downstream limits for the existing authorized diversion reach and to add an additional diversion reach on the Leon River, Brazos River Basin in Comanche County; and

WHEREAS, Diversion Reach No. 1 is located on the Leon River with the new upstream point being at Latitude 31.849004° N, Longitude 98.305272° W and the new downstream point being at Latitude 31.844657° N, Longitude 98.289089° W; and

WHEREAS, Diversion Reach No. 2 is located on the Leon River with the upstream point being at Latitude 31.857906° N, Longitude 98.322503° W and the downstream point being at Latitude 31.851643° N, Longitude 98.312083° W; and

WHEREAS, Application No. 12-2822B to amend this certificate was withdrawn by the applicant on July 15, 2021, and there is no Amendment B to Certificate of Adjudication No. 12-2822; and

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

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

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

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-2822, designated Certificate of Adjudication No. 12-2822C, is issued to Artesian Ranch, LLC, subject to the following terms and conditions:

1. USE

- A. In lieu previous authorizations, Owner is authorized to divert and use 135 acre-feet of water per year from the Leon River for livestock and agricultural purposes to irrigate 2,097.121 acres of land in Comanche County.
- B. Ownership of the land to be irrigated by Artesian Ranch, LLC is evidenced by *Warranty Deed with Vendor's Lien* recorded as Volume 997, Pages 269-272, on September 24, 2015; *Warranty Deed with Vendor's Lien* recorded as Volume 1024, Page 393, on July 18, 2017; *Warranty Deed with Vendor's Lien* recorded as Volume 1045, Page 259, on October 23, 2018; *General Warranty Deed* recorded as Volume 1080, Page 321, on January 6, 2021; and *General Warranty Deed* recorded as Volume 1085, Pages 398-380, on April 9, 2021, in the official records of Comanche County.

2. DIVERSION

In lieu of the previous authorization, Owner is now authorized to divert the authorized water from two diversion reaches in Comanche County, described as follows:

- A. Diversion Reach No. 1 is located on the Leon River with the upstream point being at Latitude 31.849004° N, Longitude 98.305272° W and the downstream point being at Latitude 31.844657° N, Longitude 98.289089° W.
- B. Diversion Reach No. 2 is located on the Leon River with the upstream point being at Latitude 31.857906° N, Longitude 98.322503° W and the downstream point being at Latitude 31.851643° N, Longitude 98.312083° W.
- C. Maximum combined diversion rate of 1.67 cfs (750 gpm).

3. SPECIAL CONDITIONS



- A. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).
- B. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from any new diversion points authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- C. Owner shall allow representatives of the Brazos Watermaster reasonable access to the property to inspect the measuring device and records.
- D. Owner shall contact the Brazos Watermaster prior to diversion of water authorized by this amendment.

This water right is appurtenant to and is an undivided part of the above-described land within which irrigation is authorized. A transfer of any portion of the land described includes, unless otherwise specified, a proportionate amount of the Certificate of Adjudication by the owners or seller at the time of the transaction.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-2822, as amended, except as specifically amended herein.

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

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

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

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

Date issued:

\_\_\_\_\_  
For the Commission

## Heather Zuo

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**From:** Richard George <[REDACTED]>  
**Sent:** Wednesday, April 16, 2025 2:16 PM  
**To:** Heather Zuo  
**Cc:** Chris Kozlowski; Humberto Galvan; Joshua Schauer; Corey Mullin  
**Subject:** RE: Artesian Ranch LLC Application No. 12-2822

Good afternoon Ms. Zuo, I reviewed the draft and everything looks great. We don't have any comments.

Thank you,  
Richard

---

**From:** Heather Zuo <Heather.Zuo@tceq.texas.gov>  
**Sent:** Tuesday, April 15, 2025 4:31 PM  
**To:** Richard George <[REDACTED]>  
**Cc:** Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>; Joshua Schauer <Joshua.Schauer@Tceq.Texas.Gov>  
**Subject:** Artesian Ranch LLC Application No. 12-2822

**CAUTION:** This email originated from outside of Enviro-Ag Engineering. Do not click links or open attachments unless you have verified the sender and know the content is safe.

Good afternoon Mr. George,

Attached is a copy of the draft amendment.

Please let me know if you have any questions

Best,  
*Heather Zuo*  
*Project Manager*  
*Water Rights Permitting Team, Water Availability Division*  
*Texas Commission on Environmental Quality*  
[heather.zuo@tceq.texas.gov](mailto:heather.zuo@tceq.texas.gov) | (512)-239-4636

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Brooke T. Paup, *Chairwoman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 15, 2025

Mr. Richard George, Environmental Consultant  
Enviro-Ag Engineering, Inc.  
9855 FM 847  
Dublin, TX 76446-7653

**VIA E-MAIL**

RE: Artesian Ranch, LLC  
ADJ 2822  
CN604567396, RN103928404  
Application No. 12-2822C to Amend Certificate of Adjudication No. 12-2822  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Leon River, Brazos River Basin  
Comanche County

Dear Mr. George:

Drafts, subject to revision, of the public notice, proposed amendment to Certificate of Adjudication No. 12-2822, and the related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the attached drafts. Please review the drafts and contact me no later than April 29, 2025 with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

Please note this application requires a two-week comment period and once the comment period has closed, the proposed amendment to Certificate of Adjudication No. 12-2822 may be issued as drafted given no hearing requests are received.

If you have any questions concerning this matter, please contact me via email at Heather.Zuo@tceq.texas.gov or by telephone at (512) 239-4636.

Sincerely,

A handwritten signature in cursive script that reads "Heather Zuo".

Heather Zuo, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachments

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

### APPLICATION NO. 12-2822C

Artesian Ranch, LLC (Owner/Applicant) seeks to amend Certificate of Adjudication No. 12-2822 to change the authorized diversion reach on the Leon River, Brazos River Basin, add a diversion reach on the Leon River, and to change the place of use for agricultural purposes to irrigate a total of 2,097.121 acres of land in Comanche County. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Artesian Ranch, LLC, 4519 11<sup>th</sup> Street, Lubbock, Texas 79416-4815, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code § 11.122 and Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, *et seq.* Notice is being mailed to the interjacent water right holders in the Brazos River Basin pursuant to Title 30 TAC § 295.158(c)(3)(D).

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Latitude 31.851643° N, Longitude 98.312083° W, ZIP Code 76455.

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The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions, including but not limited to, requiring screens on any new diversion structure. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at: [https://www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/view-wr-pend-apps](https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps).

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**CONTESTED CASE HEARING.** The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by 2025. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by 2025.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**INFORMATION.** Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 2822 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.



Issued:

DRAFT

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-2822C

TYPE § 11.122

Owner:	Artesian Ranch, LLC	Address:	4519 11 <sup>th</sup> Street Lubbock, TX 79416-4815
Filed:	December 3, 2021	Granted:	
Purposes:	Agricultural, Livestock	Counties:	Comanche
Watercourse:	Leon River	Watershed:	Brazos River Basin

WHEREAS, a portion Certificate of Adjudication No. 12-2822 (Certificate) authorizes, Artesian Ranch, LLC (Owner/Applicant) to divert and use not to exceed a total of 135 acre-feet of water per year from a diversion reach on the Leon River, Brazos River Basin, at a maximum combined diversion rate of 1.67 cfs (750 gpm), for livestock and agricultural purposes to irrigate 124 acres out of a 1,003.497-acre tract in Comanche County; and

WHEREAS, the time priority for the 135 acre-feet of water is December 31, 1965; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 12-2822 to change the place of use for livestock and agricultural purposes to irrigate a total of 2,097.121 acres of land in Comanche County; and

WHEREAS, ownership of the land to be irrigated by Artesian Ranch, LLC is evidenced by *Warranty Deed with Vendor's Lien* recorded as Volume 997, Pages 269-272, on September 24, 2015; *Warranty Deed with Vendor's Lien* recorded as Volume 1024, Page 393, on July 18, 2017; *Warranty Deed with Vendor's Lien* recorded as Volume 1045, Page 259, on October 23, 2018; *General Warranty Deed* recorded as Volume 1080, Page 321, on January 6, 2021; and *General Warranty Deed* recorded as Volume 1085, Pages 398-380, on April 9, 2021, in the official records of Comanche County; and

WHEREAS, Applicant also seeks to amend Certificate of Adjudication No. 12-2822 to change the upstream and downstream limits for the existing authorized diversion reach and to add an additional diversion reach on the Leon River, Brazos River Basin in Comanche County; and

WHEREAS, Diversion Reach No. 1 is located on the Leon River with the new upstream point being at Latitude 31.849004° N, Longitude 98.305272° W and the new downstream point being at Latitude 31.844657° N, Longitude 98.289089° W; and

WHEREAS, Diversion Reach No. 2 is located on the Leon River with the upstream point being at Latitude 31.857906° N, Longitude 98.322503° W and the downstream point being at Latitude 31.851643° N, Longitude 98.312083° W; and

WHEREAS, Application No. 12-2822B to amend this certificate was withdrawn by the applicant on July 15, 2021, and there is no Amendment B to Certificate of Adjudication No. 12-2822; and

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

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

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

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-2822, designated Certificate of Adjudication No. 12-2822C, is issued to Artesian Ranch, LLC, subject to the following terms and conditions:

1. USE

- A. In lieu previous authorizations, Owner is authorized to divert and use 135 acre-feet of water per year from the Leon River for livestock and agricultural purposes to irrigate 2,097.121 acres of land in Comanche County.
- B. Ownership of the land to be irrigated by Artesian Ranch, LLC is evidenced by *Warranty Deed with Vendor's Lien* recorded as Volume 997, Pages 269-272, on September 24, 2015; *Warranty Deed with Vendor's Lien* recorded as Volume 1024, Page 393, on July 18, 2017; *Warranty Deed with Vendor's Lien* recorded as Volume 1045, Page 259, on October 23, 2018; *General Warranty Deed* recorded as Volume 1080, Page 321, on January 6, 2021; and *General Warranty Deed* recorded as Volume 1085, Pages 398-380, on April 9, 2021, in the official records of Comanche County.

2. DIVERSION

In lieu of the previous authorization, Owner is now authorized to divert the authorized water from two diversion reaches in Comanche County, described as follows:

- A. Diversion Reach No. 1 is located on the Leon River with the upstream point being at Latitude 31.849004° N, Longitude 98.305272° W and the downstream point being at Latitude 31.844657° N, Longitude 98.289089° W.
- B. Diversion Reach No. 2 is located on the Leon River with the upstream point being at Latitude 31.857906° N, Longitude 98.322503° W and the downstream point being at Latitude 31.851643° N, Longitude 98.312083° W.
- C. Maximum combined diversion rate of 1.67 cfs (750 gpm).

3. SPECIAL CONDITIONS

- A. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).
- B. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from any new diversion points authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- C. Owner shall allow representatives of the Brazos Watermaster reasonable access to the property to inspect the measuring device and records.
- D. Owner shall contact the Brazos Watermaster prior to diversion of water authorized by this amendment.

This water right is appurtenant to and is an undivided part of the above-described land within which irrigation is authorized. A transfer of any portion of the land described includes, unless otherwise specified, a proportionate amount of the Certificate of Adjudication by the owners or seller at the time of the transaction.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-2822, as amended, except as specifically amended herein.

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

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

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

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

Date issued:

\_\_\_\_\_  
For the Commission


# Texas Commission on Environmental Quality

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## INTEROFFICE MEMORANDUM

**To:** Heather Zuo, Project Manager  
Water Rights Permitting Team

**Date:** September 12, 2024

**Through:** Leslie Patterson, Team Leader   
Resource Protection Team

**From:** Jennifer Allis, Senior Water Conservation Specialist  
Resource Protection Team

**Subject:** Artesian Ranch, LLC  
ADJ 2822C  
CN604567396  
Leon River, Brazos River Basin  
Comanche County

### APPLICATION SUMMARY

Certificate of Adjudication No. 12-2822 (Certificate) authorizes, among other things, Artesian Ranch, LLC (Applicant) to divert 135 acre-feet of water per year from a diversion reach on the Leon River, Brazos River Basin, at a maximum diversion rate of 1.67 cfs (750 gpm) for livestock and agricultural purposes to irrigate 124 acres out of a 1,003.497 acre-tract in Comanche County.

Applicant requests to amend the Certificate to modify the authorized diversion reach, to add a diversion reach on the Leon River, and to add a place of use for agricultural purposes to irrigate a total of 2,097.121 acres in Comanche County.


### WATER CONSERVATION REVIEW

Pursuant to Title 30 Texas Administrative Code §295.9(4)(C), an application requesting to add a place of use that is adjacent to the existing authorized tract does not require the submittal of a water conservation plan.

The application is consistent with the 2021 Region G Water Plan and the 2022 State Water Plan because there is nothing in the water plans that conflicts with issuing this proposed amendment.

### RECOMMENDATIONS

Resource Protection Staff have no recommendations regarding the proposed amendment, if granted.

  
\_\_\_\_\_  
Jennifer Allis, Senior Water Conservation Specialist



# Texas Commission on Environmental Quality

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## INTEROFFICE MEMORANDUM

To: Heather Zuo, Project Manager  
Water Rights Permitting Team

Date: September 12, 2024

Through: Leslie Patterson, Team Leader  
Resource Protection Team 

From: George Gable, Aquatic Scientist  
Resource Protection Team

Subject: Artesian Ranch, LLC  
ADJ 2822  
CN604567396  
Leon River, Brazos River Basin  
Comanche County

Environmental reviews of water right applications are conducted in accordance with applicable provisions of the Texas Water Code (TWC) and the administrative rules of the Texas Commission on Environmental Quality (TCEQ). The provisions applicable to environmental reviews can vary according to the type and the location of the authorization requested.

### APPLICATION SUMMARY

Certificate of Adjudication No. 12-2822 (Certificate) authorizes, among other things, Artesian Ranch, LLC (Applicant) to divert 135 acre-feet of water per year from a diversion reach on the Leon River, Brazos River Basin, at a maximum diversion rate of 1.67 cfs (750 gpm) for livestock and agricultural purposes to irrigate 124 acres out of a 1,003.497-acre-tract in Comanche County.

Applicant requests to amend the Certificate to modify the authorized diversion reach, add a diversion reach on the Leon River, and to add a place of use for agricultural purposes in Comanche County.

### ENVIRONMENTAL ANALYSIS

**Aquatic and Riparian Habitats:** The Leon River, a perennial stream, is located in the Western Cross Timbers ecoregion (Griffith et al. 2007).

The checklist for the Brazos River Basin identified 48 species of ichthyofauna occurring within the Leon hydrologic unit (United States Geological Survey [USGS] code 12070201) (Hendrickson and Cohen 2015). This amendment is not expected

to have an effect on any high-interest aquatic or aquatic-dependent species, because no additional state water will be taken and no increase in diversion rate or amount is being requested.

The Applicant has agreed to install screens with a mesh size of 0.25 inches on any new diversion structures in order to minimize entrainment and impingement of aquatic organisms. The Applicant's request is not expected to adversely impact aquatic and riparian habitats in the area.

On February 12, 2014, the TCEQ adopted environmental flow standards for the Brazos River and its Associated Bay and Estuary System (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter G). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC §298.460). The Applicant does not request a new appropriation of water or an amendment that increases the amount of water stored, taken, or diverted.

Although the Applicant is requesting to extend and add an additional diversion reach, Resource Protection staff does not recommend a streamflow restriction since the proposed extension and diversion reach are a small distance from the currently authorized diversion reach.

**Recreational Uses:** The Leon River Below Proctor Lake (Segment 1221) has a designated primary contact recreation 1 use (TCEQ 2022a). The Applicant's request should not adversely impact recreational uses.

**Water Quality:** The Leon River Below Proctor Lake (Segment 1221) has a designated high aquatic life use and public water supply use (TCEQ 2022a).

Assessment Unit 1221\_05, from the confluence with Pecan Creek upstream to the confluence with South Leon River, is identified in the Texas Integrated Report with a concern for screening for chlorophyll-*a* and depressed dissolved oxygen in water (TCEQ 2022b). The Applicant's request should not adversely impact water quality.

**Freshwater Inflows:** Freshwater inflows are critical for maintaining the historical productivity of bays and estuaries along the Gulf Coast. The proposed project is located more than 200 river miles from the Gulf. The application does not request a new appropriation of water; therefore, the Applicant's request should not have any impact to the Brazos River's estuary system.

## RECOMMENDATIONS

Resource Protection staff recommends the following Special Conditions be included in the proposed amendment, if granted:

Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall

include, but shall not be limited to, the installation of screens on any new diversion structure(s).

#### **LITERATURE CITED**

Griffith GE, Bryce SA, Omernik JM, Rogers AC. 2007. Ecoregions of Texas - Project Report to Texas Commission on Environmental Quality. Reston (VA): U.S. Geological Survey. Report No.: AS-199. 125p.

Hendrickson DA, Cohen AE. 2015. Fishes of Texas Project Database [Internet]. [cited 2024 August 9]; Version 2.0. Available from <http://doi.org/10.17603/C3WC70>

TCEQ. 2022a. Texas Surface Water Quality Standards §§307.1-307.10. Austin (TX): Texas Commission on Environmental Quality.

TCEQ. 2022b. Texas Integrated Report of Surface Water Quality §§307.1-307.10. Austin (TX): Texas Commission on Environmental Quality.

TPWD. 2024. Rare, Threatened, and Endangered Species of Texas by County [Internet]. Austin (TX): Comanche County, revised August 22, 2024. [cited 2024 August 9]. Available from <http://tpwd.texas.gov/gis/rtest/>.

  
\_\_\_\_\_  
George Gable, Aquatic Scientist

**Texas Commission on Environmental Quality**

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INTEROFFICE MEMORANDUM

To: Heather Zuo, Project Manager  
Water Rights Permitting Team

Date: January 21, 2025

Through: *K.A.* Kathy Alexander, Ph.D., Policy and Technical Analyst  
Water Availability Division

*A.G.* Trent Gay, Team Leader  
Surface Water Availability Team

From: Andrew Maria, Hydrologist  
Surface Water Availability Team

Subject: Artesian Ranch, LLC  
ADJ 2822  
CN604567396  
Leon River, Brazos River Basin  
Comanche County

**WATER AVAILABILITY REVIEW**

**Application Summary**

Certificate of Adjudication No. 12-2822 (Certificate) authorizes Artesian Ranch, LLC (Applicant) to divert 135 acre-feet of water per year from a diversion reach on the Leon River, Brazos River Basin, at a maximum combined diversion rate of 1.67 cfs (750 gpm) for livestock and agricultural purposes to irrigate 124 acres out of a 1,003.497 acre-tract in Comanche County.

Applicant requests to amend the Certificate to modify the authorized diversion reach, add a diversion reach on the Leon River, and to add a place of use for agricultural purposes in Comanche County.

The application was declared administratively complete on December 3, 2021.

**Water Availability Review**

Resource Protection staff did not recommend instream flow requirements for this application; however, they did recommend a special condition. See Resource Protection staff's September 12, 2024 memorandum.

The application does not request a new appropriation of water; therefore, a water availability analysis is not necessary. However, the application must be reviewed to ensure that no water rights are affected by the request.

The Water Rights Analysis Package (WRAP) simulates management of the water resources of a river basin. TCEQ uses WRAP in the evaluation of water right permit

applications using priority-based water allocations. WRAP is a generalized simulation model for application to any river basin, and input datasets must be developed for the particular river basin of concern. The TCEQ developed water availability models (WAMs) for Texas river basins that include geographical information, water right information, naturalized flows, evaporation rates, channel losses, and specific management assumptions. Hydrology staff operates WRAP to evaluate water rights applications to determine water availability and to ensure that senior water rights are protected.

Staff used the Full Authorization simulation of the Brazos River WAM to evaluate impacts on other water rights as a result of diverting the authorized water from the requested diversion reaches. The period of record for the Brazos River WAM is 1940 to 2018. Staff modeled the application with diversion of the authorized 135 acre-feet of water at a priority date of December 31, 1965, at the most upstream point of the requested diversion reaches. Staff compared the pre- and post-application volume reliabilities of all water rights in the Brazos River Basin and found very small negative impacts to four water rights with an average difference in volume reliability of -0.03 percent.

The application is subject to the requirements and orders of the Brazos Watermaster. The Watermaster actively manages water rights on a daily basis and protects senior water rights in times of shortage. Therefore, existing water rights should not be affected by the application.

## **Conclusion**

Hydrology staff can support granting the application.

Note that the application is subject to the requirements and orders of the Brazos Watermaster.

A handwritten signature in black ink that reads "Andrew Maria". The signature is written in a cursive, flowing style.

---

Andrew Maria, Hydrologist



# TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader  
Water Rights Permitting Team

FROM: Natalia Ponebshek Project Manager  
Water Rights Permitting Team

DATE: December 3, 2021

SUBJECT: Artesian Ranch, LLC  
ADJ 2822  
CN604567396, RN103928404  
Application No. 12-2822C to Amend Certificate of Adjudication  
No. 12-2822  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Leon River, Brazos River Basin  
Comanche County

The application and partial fees were received on September 7, 2021. Additional fees were received on November 15, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on December 3, 2021. Mailed notice to the interjacent water right holders of record in the Brazos River Basin is required pursuant to Title 30 Texas Administrative Code § 295.158(c)(3)(D).

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

*Natalia Ponebshek*

---

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
Texas Commission on Environmental Quality

**OCC Mailed Notice Required** ☒ **YES**

☐ **NO**

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 3, 2021

Mr. Richard George  
Enviro-AG Engineering, Inc.  
9855 FM 847  
Dublin, TX 76446

VIA E-MAIL

RE: Artesian Ranch, LLC  
ADJ 2822  
CN604567396, RN103928404  
Application No. 12-2822C to Amend Certificate of Adjudication No. 12-2822  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Leon River, Brazos River Basin  
Comanche County

Dear Mr. George:

This acknowledges receipt on November 15, 2021 of additional fees in the amount of \$26.46 (Receipt no. M204127A, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on December 3, 2021. Staff will continue processing the application for consideration by the Executive Director.

Please be advised that additional information may be requested during the technical review phase of the application process.

If you have any questions concerning the application, please contact me via email at [Natalia.Ponebshek@tceq.texas.gov](mailto:Natalia.Ponebshek@tceq.texas.gov) or by telephone at (512) 239-4641.

Sincerely,

*Natalia Ponebshek*

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
Texas Commission on Environmental Quality

Attachment



02-DEC-21 02:23 PM

# TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP	M204127A	2383		BS00090720	02-DEC-21	-\$26.46
	WUP	122822C	111621	RC	D2800730		
	WATER USE PERMITS	ARTESIAN	VACRUZ	CK			
		CATTLE &					
		FARMING LLC					
	WUP	M204127B	2383		BS00090720	02-DEC-21	-\$26.46
	WUP	122820A	111621	RC	D2800730		
	WATER USE PERMITS	ARTESIAN	VACRUZ	CK			
		CATTLE &					
		FARMING LLC					
					Total (Fee Code):		-\$52.92
					Grand Total:		-\$52.92

## Natalia Ponebshek

---

**From:** Natalia Ponebshek  
**Sent:** Thursday, October 14, 2021 12:00 PM  
**To:** [REDACTED]  
**Subject:** Artesian Ranch, LLC App No. 12-2822C RFI  
**Attachments:** Artesian\_Ranch\_LLC\_12-2822C\_RFI\_1\_Sent\_10.14.2021.pdf; Artesian\_Ranch\_LLC\_Receipt #1.pdf

Please find the attached request for information for the abovementioned application. A response is due by November 15, 2021.

Thank you,

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
(512) 239-4641

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 14, 2021

Mr. Richard George  
Enviro-AG Engineering, Inc.  
9855 FM 847  
Dublin, TX 76446

VIA E-MAIL

RE: Artesian Ranch, LLC  
ADJ 2822  
CN604567396, RN103928404  
Application No. 12-2822C to Amend Certificate of Adjudication No. 12-2822  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Leon River, Brazos River Basin  
Comanche County

Dear Mr. George:

This acknowledges receipt on September 7, 2021, of the referenced application and fees in the amount of \$112.50 (Receipt No. M200281, copy attached).

Additional fees are required before the application can be declared administratively complete. Please remit fees in the amount of \$26.46 as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee (Amendment)	\$ 100.00
Recording Fee	\$ 12.50
Notice Fee (\$2.94 x 9)	\$ 26.46
<u>TOTAL FEES</u>	<u>\$ 138.96</u>
<u>FEES RECEIVED</u>	<u>\$ 112.50</u>
TOTAL FEES DUE	\$ 26.46

Please provide the requested information by November 15, 2021 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact me via e-mail at [Natalia.Ponebshek@tceq.texas.gov](mailto:Natalia.Ponebshek@tceq.texas.gov) or by telephone at (512) 239-4641.

Sincerely,

*Natalia Ponebshek*

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment





10-SEP-21 11:43 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP	M200280	2334		BS00088696	10-SEP-21	-\$112.50
	WUP	<b>122820</b>	091021	N	D2800052		
<i>Kathy B.</i> - WATER USE PERMITS		ARTESIAN	VHERNAND	CK			
		CATTLE &					
		FARMING LLC					
	WUP	M200281	2340		BS00088696	10-SEP-21	-\$112.50
	WUP	<b>122822</b>	091021	N	D2800052		
<i>Natalia P.</i> - WATER USE PERMITS		ARTESIAN	VHERNAND	CK			
		CATTLE &					
		FARMING LLC					
	WUP	M200282	2339		BS00088696	10-SEP-21	-\$112.50
	WUP	<b>123653</b>	091021	N	D2800052		
	WATER USE PERMITS	ARTESIAN	VHERNAND	CK			
		CATTLE &					
		FARMING LLC					
	WUP	M200283	2577		BS00088696	10-SEP-21	-\$5.88
	WUP	<b>141432</b>	091021	N	D2800052		
<i>Jenna R.</i> - WATER USE PERMITS		BEAUMONT,	VHERNAND	CK			
		SAMUEL					
		W/BEATE C					

RECEIVED

SEP 13 2021

Water Availability Division

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## TCEQ WATER RIGHTS PERMITTING APPLICATION

### ADMINISTRATIVE INFORMATION CHECKLIST

Complete and submit this checklist for each application. See Instructions Page. 5.

APPLICANT(S): Artesian Ranch, LLC

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

Y/N

Y Administrative Information Report  
N Additional Co-Applicant Information  
N Additional Co-Applicant Signature Pages  
Y Written Evidence of Signature Authority  
Y Technical Information Report  
Y USGS Map (or equivalent)  
Y Map Showing Project Details  
Y Original Photographs  
N Water Availability Analysis  
Y Worksheet 1.0  
Y Recorded Deeds for Irrigated Land  
N Consent For Irrigation Land  
N Worksheet 1.1  
N Addendum to Worksheet 1.1  
Y Worksheet 1.2  
Y Addendum to Worksheet 1.2  
Y Worksheet 2.0 No changes proposed to existing authorized on-channel reservoir.  
N Additional W.S 2.0 for Each Reservoir  
N Dam Safety Documents  
N Notice(s) to Governing Bodies  
N Recorded Deeds for Inundated Land  
N Consent For Inundation Land

Y/N

Y Worksheet 3.0  
Y Additional W.S 3.0 for each Point  
Y Recorded Deeds for Diversion Points  
N Consent For Diversion Access  
Y Worksheet 4.0 No changes proposed to existing authorized B&B discharge point.  
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  
Y Worksheet 5.0  
Y Addendum to Worksheet 5.0  
Y Worksheet 6.0  
Y 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: \_\_\_\_\_

# ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

☐ New Appropriation of State Water

☒ Amendment to a Water Right \*

☐ Bed and Banks

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

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

This amendment application is for the 135 acre portion of water owned by Artesian Ranch, LLC in COA 12-2822A. The amendment proposes an additional 1,094.624 acres as a place of use for a new total of 2,097.121 irrigable acres, revises the up and downstream limits of the existing diversion reach and adds a second diversion reach. No changes to the Bed & Banks or impoundment are proposed in this application.

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

### a. Applicant

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

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

Artesian Ranch, LLC

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

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

You may search for your CN on the TCEQ website at

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

CN : 604567396 ( 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: Robert R. King

Title: Director/Managing Member

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: Artesian Ranch, LLC

Mailing Address: 4519 11th Street

City: Lubbock

State: Texas

ZIP Code: 79416-4815

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: 32051460767 SOS Charter (filing) Number: 0801814818

### 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: **Richard George**

Title: **Environmental Consultant**

Organization Name: **Enviro-Ag. Engineering, Inc.**

Mailing Address: **9855 FM 847**

City: **Dublin**

State: **TX**

ZIP Code: **76446**

Phone No.: **254-233-9948**

Extension:

Fax No.:

E-mail Address:

[REDACTED]

#### 4. WATER RIGHT CONSOLIDATED CONTACT INFORMATION (Instructions, Page. 9)

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

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

First and Last Name: N/A

Title: N/A

Organization Name: N/A

Mailing Address: N/A

City: N/A

State: N/A

ZIP Code: N/A

Phone No.: N/A

Extension: N/A

Fax No.: N/A

E-mail Address: N/A

## 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: **N/A**

Amount past due: **N/A**

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: **N/A**

Amount past due: **N/A**

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

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

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

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



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

Applicant:

I, Robert R. King for Artesian Ranch, LLC Director/Managing Member  
(Typed or printed name) (Title)

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

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

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

(Use blue ink)

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

Aug-26, 2021

Subscribed and Sworn to before me by the said

on this \_\_\_\_\_

26<sup>th</sup>

day of \_\_\_\_\_

August

, 2021.

My commission expires on the \_\_\_\_\_

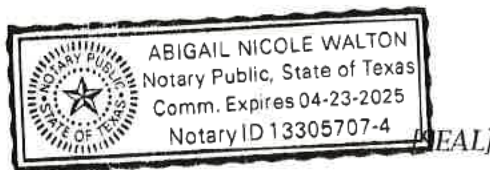
23<sup>rd</sup>

day of \_\_\_\_\_

April

, 2025.

Abigail Walton  
Notary Public



Hamilton/Comanche  
County, Texas

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



**COMPANY AGREEMENT  
OF  
ARTESIAN RANCH, LLC  
A Texas Limited Liability Company**

This COMPANY AGREEMENT OF ARTESIAN RANCH, LLC (this "*Agreement*"), dated as of July 11, 2013, is adopted, executed and agreed to by the Member (as defined below).

1. *Formation.* ARTESIAN RANCH, LLC (the "*Company*") has been organized as a Texas limited liability company under and pursuant to the Business Organizations Code (the "*BOC*").

2. *Member.* Robert R. King shall be the sole member of the Company (the "*Member*"). Upon the death of the last remaining member of the company, the executor or administrator of the estate of the deceased member shall immediately and without further action become a member of the company effective as of the date of the death of the last remaining member. In the event there is no executor or administrator appointed, each successor to the membership interest of deceased member shall immediately and without further action become a member of the company effective as of the date of the death of the last remaining member. The executor, administrator or other successor shall be deemed for all purposes to have agreed to continue the company and become a member of the company. The death of the last remaining member shall not constitute an event requiring winding up under section 11.056 of the BOC.

3. *Contributions.* The Member has made an initial contribution to the capital of the Company in the amount of \$5,000, or property of that value or greater. Without creating any rights in favor of any third party, the Member may, from time to time, make additional contributions of cash or property to the capital of the Company, but shall have no obligation to do so.

4. *Distributions.* The Member shall be entitled (a) to receive all distributions (including, without limitation, liquidating distributions) made by the Company, and (b) to enjoy all other rights, benefits and interests in the Company.

5. *Management.* The management of the Company is fully reserved to the Member, and the Company shall not have "managers," as that term is used in the BOC. The powers of the Company shall be exercised by or under the authority of, and the business and affairs of the Company shall be managed under the direction of the Member, who may make any decision and take any action for and on behalf of the Company. For purposes hereof, a Member may be represented by his duly appointed agent-in-fact for purposes of transacting the Company's business hereunder.

6. *Events Requiring Winding Up.* The Company shall be wound up at such time, if ever, as the Member may elect or as otherwise be required by on the occurrence of the event specified in BOC Sec. 11.056 and the failure of the legal representative of successor to take the actions specified in Sec. 11.056 within the time specified.

7. *Governing Law.* THIS AGREEMENT IS GOVERNED BY AND SHALL BE CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS (EXCLUDING ITS CONFLICT-OF-LAWS RULES).

  
Name: **ROBERT R. KING**, Member



## Franchise Tax Account Status

As of : 08/02/2019 14:14:37

**This Page is Not Sufficient for Filings with the Secretary of State**

### ARTESIAN RANCH, LLC

**Texas Taxpayer Number** 32051460767

**Mailing Address** 4519 11TH ST LUBBOCK, TX 79416-4815

**Right to Transact Business in Texas** ACTIVE

**State of Formation** TX

**Effective SOS Registration Date** 07/11/2013

**Texas SOS File Number** 0801814818

**Registered Agent Name** ROBERT R KING

**Registered Office Street Address** 4519 11TH STREET LUBBOCK, TX 79416



## Public Information Report

### Public Information Report

**ARTESIAN RANCH, LLC**

Report Year :2017

Information on this site is obtained from the most recent Public Information Report (PIR) processed by the Secretary of State (SOS). PIRs filed with annual franchise tax reports are forwarded to the SOS. After processing, the SOS sends the Comptroller an electronic copy of the information, which is displayed on this web site. The information will be updated as changes are received from the SOS.

You may order a copy of a Public Information Report from [open.records@cpa.texas.gov](mailto:open.records@cpa.texas.gov) or Comptroller of Public Accounts, Open Records Section, PO Box 13528, Austin, Texas 78711.

<b>Title</b>	<b>Name and Address</b>
MEMBER	<b>ROBERT R KING</b> 4519 11TH STREET LUBBOCK, TX 79416
DIRECTOR	<b>ROBERT R KING</b> 4519 11TH STREET LUBBOCK, TX 79416

# TECHNICAL INFORMATION REPORT

## WATER RIGHTS PERMITTING

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

**Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4691 to schedule a meeting.** Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N **No** (If yes, date : \_\_\_\_\_).

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

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

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y / N **No**
- b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? Y / N **No** (If yes, indicate the Certificate or Permit number: \_\_\_\_\_)

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

- c. Applicant requests to extend an existing Term authorization or to make the right permanent? Y / N **No** (If yes, indicate the Term Certificate or Permit number: \_\_\_\_\_)

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

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

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

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

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

This section should be completed if Applicant owns an existing water right and Applicant requests to amend the water right. ***If Applicant is not currently the Owner of Record in the TCEQ Records, Applicant must submit a Change of Ownership Application (TCEQ-10204) prior to submitting the amendment Application or provide consent from the current owner to make the requested amendment. See instructions page. 6.***

Water Right (Certificate or Permit) number you are requesting to amend: 12-2822A

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

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

- a. Applicant requests an amendment to an existing water right to increase the amount of the appropriation of State Water (diversion and/or impoundment)? Y / N **No**

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

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

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

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

*If yes, submit:*

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

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

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

- e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? Y / N **No**  
No changes are proposed to the existing permitted on-channel reservoir.

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

- f. Other - Applicant requests to change any provision of an authorization not mentioned above? Y / N **No** *If yes, call the Water Availability Division at (512) 239-4691 to discuss.*

***Additionally, all amendments require:***

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

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

**No changes are proposed to the existing Bed & Banks authorization in COA 12-2822A.**

- 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":

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

individual water rights. The application is consistent with the 2021 Region G Water

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

the application.

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

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

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

Map-Attachment A

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

### 1. New Authorizations (Instructions, Page. 16) N/A

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

Quantity (acre- feet) <i>(Include losses for Bed and Banks)</i>	State Water Source (River Basin) or Alternate Source <i>*each alternate source (and new appropriation based on return flows of others) also requires completion of Worksheet 4.0</i>	Purpose(s) of Use	Place(s) of Use <i>*requests to move state water out of basin also require completion of Worksheet 1.1 Interbasin Transfer</i>

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

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

#### 1. Location Information Regarding the Lands to be Irrigated

i) Applicant proposes to irrigate a total of \_\_\_\_\_ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of \_\_\_\_\_ acres in \_\_\_\_\_ County, TX.

ii) Location of land to be irrigated: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_.

***A copy of the deed(s) or other acceptable instrument describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds.***

***If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.***

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



## 2. Amendments - Purpose or Place of Use (Instructions, Page. 12)

- a. Complete this section for each requested amendment changing, adding, or removing Purpose(s) or Place(s) of Use, complete the following:

Quantity (acre- feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
135 Acre Feet	Agricultural & Livestock	Agricultural & Livestock	Existing 1,003.497 Acres in Comanche County, TX.	Existing 1,003.497 Acres Plus 1,093.624 New Acres For A Total of 2,097.121 Acres Comanche, County, TX

\*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 2,097.121 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 2,097.121 acres in Comanche County, TX.
  - Location of land to be irrigated: In the See Attachment B 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. Attachment C***
- 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. Attachment D
  - See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required. Attachment E

# WORKSHEET 1.1

## INTERBASIN TRANSFERS, TWC § 11.085 N/A

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

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

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

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

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

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

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

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

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

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

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

## WORKSHEET 1.2

### NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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

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



## WORKSHEET 2.0

### Impoundment/Dam Information

No changes are proposed to the existing authorized impoundment in COA 12-2822A.

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

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

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

- a. Official USGS name of reservoir, if applicable: \_\_\_\_\_
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: \_\_\_\_\_.
- c. The impoundment is on-channel \_\_\_\_\_ or off-channel \_\_\_\_\_ (mark one)
  1. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4691? Y / N
  2. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / N
- d. Is the impoundment structure already constructed? Y / N
  - i. For already constructed **on-channel** structures:
    1. Date of Construction: \_\_\_\_\_
    2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N
      - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N
      - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N
    3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N
      - a. If yes, provide the Site No. \_\_\_\_\_ and watershed project name \_\_\_\_\_;
      - b. Authorization to close "ports" in the service spillway requested? Y / N
  - ii. For **any** proposed new structures or modifications to structures:
    1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? Y / N  
Provide the date and the name of the Staff Person \_\_\_\_\_
    2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
      - a. No additional dam safety documents required with the Application. Y / N
      - b. Plans (with engineer's seal) for the structure required. Y / N
      - c. Engineer's signed and sealed hazard classification required. Y / N
      - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N

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

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level:\_\_\_\_\_.
2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option.  
Applicant has calculated the drainage area. **Y/N**  
If yes, the drainage area is \_\_\_\_\_ sq. miles.  
(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4691).

## 2. Structure Location (Instructions, Page. 23)

a. On Watercourse (if on-channel) (USGS name):\_\_\_\_\_

b. Zip Code: \_\_\_\_\_

c. In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, \_\_\_\_\_ County, Texas.

***\* A copy of the deed(s) with the recording information from the county records must be submitted describing the tract(s) that include the structure and all lands to be inundated.***

***\*\*If the Applicant is not currently the sole owner of the land on which the structure is or will be built and sole owner of all lands to be inundated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.***

d. A point on the centerline of the dam (on-channel) or anywhere within the impoundment (off-channel) is:

Latitude \_\_\_\_\_°N, Longitude \_\_\_\_\_°W.

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

di. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):\_\_\_\_\_

dii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. **Y / N**



## WORKSHEET 3.0

### DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

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

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

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

b. Maximum Rate of Diversion for **this new point** 1.67 cfs (cubic feet per second)  
or 750 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N Yes**  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 1.67 cfs or 750 gpm

d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / N No**

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

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

Check one		Write: Existing or Proposed
<input checked="" type="checkbox"/>	Directly from stream	Existing Reach, new upstream limit.
<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 No**

If yes, the drainage area is \_\_\_\_\_ sq. miles.  
*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)*

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

- a. On watercourse (USGS name): Leon River, Brazos River Basin
- b. Zip Code: 76455
- c. Location of point: In the T. Nunn Original Survey No. \_\_\_\_\_, Abstract No. 733, Comanche 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: Attachment C  
Latitude 31.849004°N, Longitude -98.305272°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): Texas TOPO Mapping Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment A
- 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.

N/A

## WORKSHEET 3.0

### DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

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

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

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

b. Maximum Rate of Diversion for **this new point** <sup>1.67</sup> \_\_\_\_\_ cfs (cubic feet per second) or <sup>750</sup> \_\_\_\_\_ gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / N Yes  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* <sup>1.67</sup> \_\_\_\_\_ cfs or <sup>750</sup> \_\_\_\_\_ gpm

d. For amendments, is Applicant seeking to increase combined diversion rate? Y / N No

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

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

Check one		Write: Existing or Proposed
<input checked="" type="checkbox"/>	Directly from stream	<span style="color: red;">Existing reach, revised limit</span>
<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 No

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

*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)*

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

- a. On watercourse (USGS name): Leon River; Brazos River Basin
- b. Zip Code: 76455
- c. Location of point: In the J. Nunn Original Survey No. \_\_\_\_\_, Abstract No. 732, Comanche 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: Attachment C  
Latitude 31.844657°N, Longitude -98.289089°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): Texas TOPO Mapping Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment A
- 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.

N/A

## WORKSHEET 3.0

### DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

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

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

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

b. Maximum Rate of Diversion for **this new point** 1.67 cfs (cubic feet per second)  
or 750 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / N **Yes**  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 1.67 cfs or 750 gpm

d. For amendments, is Applicant seeking to increase combined diversion rate? Y / N **No**

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

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

Check one		Write: Existing or Proposed
<input checked="" type="checkbox"/>	Directly from stream	<b>Proposed</b>
<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 **No**

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

*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)*



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

- a. On watercourse (USGS name): Leon River, Brazos River Basin
- b. Zip Code: 76446
- c. Location of point: In the H. McCaleb Original Survey No. \_\_\_\_\_, Abstract No. 666, Comanche 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: Attachment C  
Latitude 31.857906°N, Longitude -98.322503°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): Texas TOPO Mapping Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment A
- 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.

N/A

## WORKSHEET 3.0

### DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

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

- a. This Worksheet is to add new (select 1 of 3 below):
  1. \_\_\_\_\_ Diversion Point No.
  2. \_\_\_\_\_ Upstream Limit of Diversion Reach No.
  3. ☒ \_\_\_\_\_ Downstream Limit of Diversion Reach No. 2
- b. Maximum Rate of Diversion for **this new point** 1.67 cfs (cubic feet per second) or 750 gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / N** Yes  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 1.67 cfs or 750 gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / N** No

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

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

Check one		Write: Existing or Proposed
<input checked="" type="checkbox"/>	Directly from stream	<u>Proposed</u>
<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** No

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

*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)*



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

- a. On watercourse (USGS name): Leon River, Brazos River Basin
- b. Zip Code: 78455
- c. Location of point: In the T. Nunn Original Survey No. \_\_\_\_\_, Abstract No. 733, Comanche 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: Attachment C  
Latitude 31.851643°N, Longitude -98.312083°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): Texas TOPO Mapping Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment A
- 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.

**N/A**

## WORKSHEET 4.0

### DISCHARGE INFORMATION

No changes are proposed to the existing Bed & Banks discharge information currently authorized.

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

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

Is the source of the discharged water return flows? **Y / N**      If yes, provide the following information:

1. The TPDES Permit Number(s).\_\_\_\_\_ (attach a copy of the **current** TPDES permit(s))
2. Applicant is the owner/holder of each TPDES permit listed above? **Y / N**

*PLEASE NOTE: If Applicant is not the discharger of the return flows, the application should be submitted under Section 1, New or Additional Appropriation of State Water, as a request for a new appropriation of state water. If Applicant is the discharger, then the application should be submitted under Section 3, Bed and Banks.*

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
  4. The percentage of return flows from groundwater\_\_\_\_\_, surface water\_\_\_\_\_?
  5. If any percentage is surface water, provide the base water right number(s) \_\_\_\_\_.
- c. Is the source of the water being discharged groundwater? **Y / N**      If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped:\_\_\_\_\_
  2. Any 24 hour pump test for the well if one has been conducted. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers\_\_\_\_\_.
  3. Indicate how the groundwater will be conveyed to the stream or reservoir.
  4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.
- ci. Is the source of the water being discharged a surface water supply contract? **Y / N**  
If yes, provide the signed contract(s).
- cii. Identify any other source of the water\_\_\_\_\_

## WORKSHEET 4.1

### DISCHARGE POINT INFORMATION

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

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

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

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

## WORKSHEET 5.0

### ENVIRONMENTAL INFORMATION

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

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

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location), Diversion Reach #1 & #2 are identical--this worksheet covers both reaches.

a. Identify the appropriate description of the water body.

☒ Stream

☐ Reservoir

Average depth of the entire water body, in feet: 50'

☐ Other, specify: \_\_\_\_\_

b. Flow characteristics

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

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

☒ Intermittent with Perennial Pools - enduring pools

☐ Perennial - normally flowing

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

☐ USGS flow records

☐ Historical observation by adjacent landowners

☒ Personal observation

☐ Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

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

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

#### d. Waterbody Recreational Uses

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

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

Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0: [Attachment F](#)

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the map submitted with the application indicating the location of the photograph and the direction of the shot.
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).  
[1/4" mesh screens will be utilized on all diversion pipes used by the applicant.](#)
3. If the application includes a proposed reservoir, also include:  
[No changes are proposed to the existing authorized reservoir.](#)
  - i. A brief description of the area that will be inundated by the reservoir.
  - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
  - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

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

[No changes are proposed to the existing authorized alternate sources of water.](#)

For all bed and banks applications:

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

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

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

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

- a. Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

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

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

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



## WORKSHEET 6.0

### Water Conservation/Drought Contingency Plans

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

*The TCEQ has developed guidance and model plans to help applicants prepare plans. Applicants may use the model plan with pertinent information filled in. For assistance submitting a plan call the Resource Protection Team (Water Conservation staff) at 512-239-4691, or e-mail [wras@tceq.texas.gov](mailto:wras@tceq.texas.gov). The model plans can also be downloaded from the TCEQ webpage. Please use the most up-to-date plan documents available on the webpage.*

#### 1. Water Conservation Plans WCP-Attachment E

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

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

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

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

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

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

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

## 2. Drought Contingency Plans

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

## **WORKSHEET 7.0**

### **ACCOUNTING PLAN INFORMATION WORKSHEET**

The following information provides guidance on when an Accounting Plan may be required for certain applications and if so, what information should be provided. An accounting plan can either be very simple such as keeping records of gage flows, discharges, and diversions; or, more complex depending on the requests in the application. Contact the Surface Water Availability Team at 512-239-4691 for information about accounting plan requirements, if any, for your application. **Instructions, Page 34.**

#### **1. Is Accounting Plan Required**

Accounting Plans are generally required:

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

#### **2. Accounting Plan Requirements**

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

## WORKSHEET 8.0 CALCULATION OF FEES

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

### 1. NEW APPROPRIATION

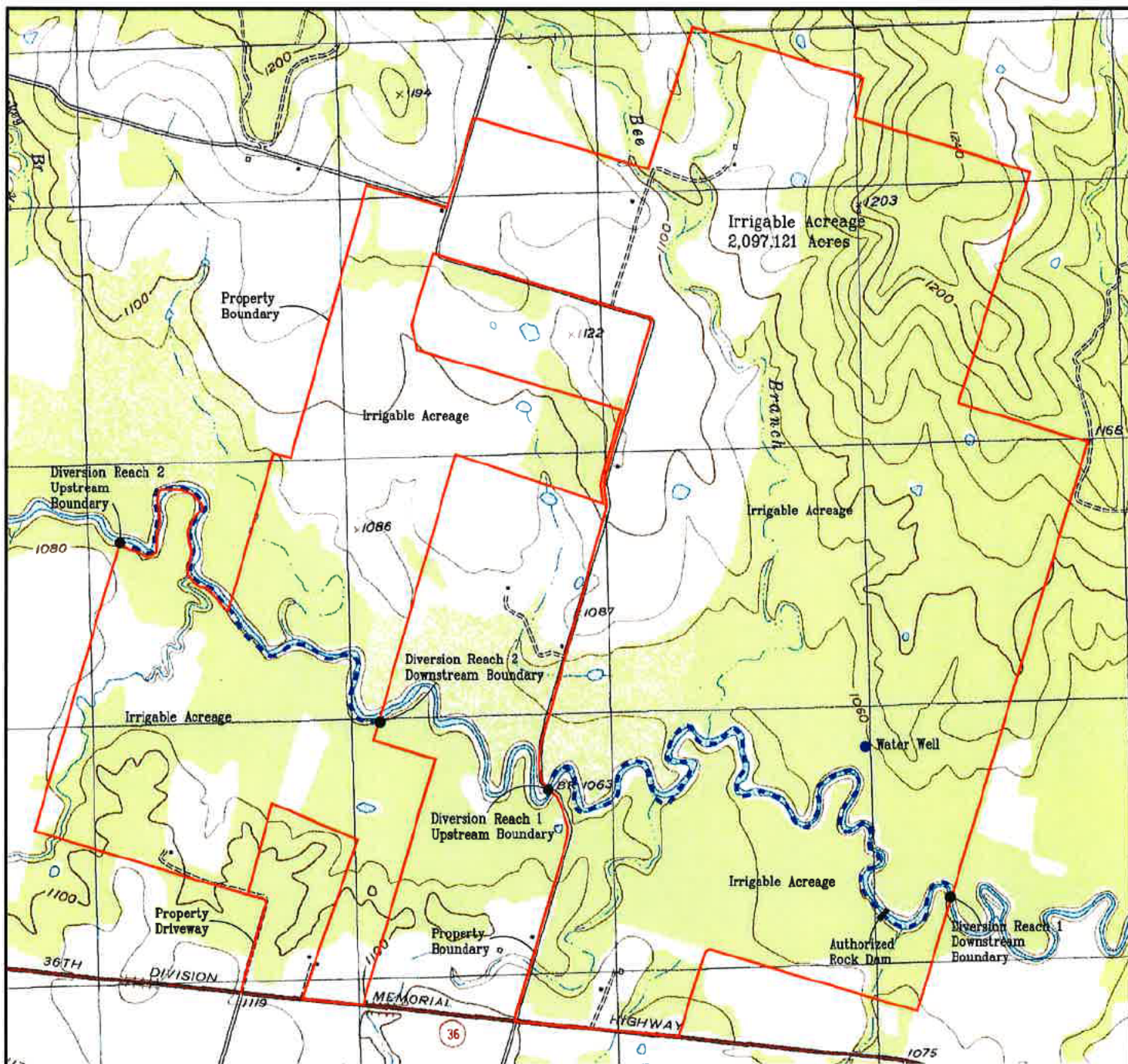
	Description	Amount (\$)
<b>Filing Fee</b>	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under <b>Amount (\$)</b> . <u>In Acre-Feet</u> a. Less than 100 \$100.00 b. 100 - 5,000 \$250.00 c. 5,001 - 10,000 \$500.00 d. 10,001 - 250,000 \$1,000.00 e. More than 250,000 \$2,000.00	
<b>Recording Fee</b>		\$25.00
<b>Agriculture Use Fee</b>	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
<b>Use Fee</b>	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
<b>Recreational Storage Fee</b>	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
<b>Storage Fee</b>	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
<b>Mailed Notice</b>	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4691.	
<b>TOTAL</b>		<b>\$</b>

### 2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
<b>Filing Fee</b>	Amendment: \$100 <b>OR</b> Sever and Combine: \$100 x ___ of water rights to combine	\$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>\$ \$112.50</b>

### 3. BED AND BANKS

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

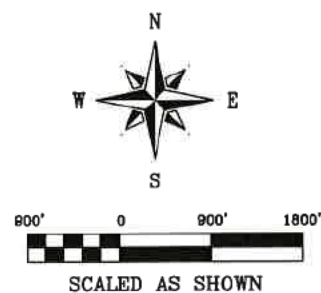


**LEGEND:**

■ ■ ■ Denotes Proposed Diversion Segment on Leon River

Note: Land to be Irrigated Encompasses Entire Area Within Property Boundaries

Source: USDS-NRCS. Geospatial Data Gateway. Available at: <http://datagateway.nrcs.usda.gov/>. Digital Raster Graphic County Mosaic by NRCS - Accessed August, 2013.



Artesian Ranch, LLC  
Gustine, Texas  
Comanche County

USGS 7.5-Minute Quadrangle Map  
Attachment A

**ENVIRO-AG**  
**EAE**  
ENGINEERING, INC.

Enviro-Ag Engineering, Inc.  
ENGINEERING CONSULTANTS  
3404 Airway Boulevard  
AMARILLO, TEXAS 79118  
TEL (806) 353-6123 FAX (806) 353-4132



Attachment B

TCEQ Form 10214C Pg. 6 Section 2(b)ii

Location of land to be irrigated (by deed):

(1003.497 Acres) In the John Nunn Survey, Abstract No. 732, the B. Humphries Survey, Abstract No. 438, the R.C. Beggs Survey, Abstract No. 1775, the A.M. Laughlin Survey, Abstract No. 681 and the T.F. Chism Survey, Comanche County, Texas.

(232.919 Acres) In the A. McCaleb Survey, A-666 & in the B.J. Humphries Survey, A-438, Comanche County, Texas.

(70.961 Acres) In the B. Humphries Survey, A-438 & in the John Nunn Survey, A-732, Comanche County, Texas.

(496.154 Acres) In the A.M. McLaughlin Survey, A-681, in the B.J. Humphries Survey, A-438, in the Thomas Nunn Survey, A-733, in the Hiram McCaleb Survey, A-66, & in the C.B. Howard Survey, A-443, Comanche County, Texas.

(234.61 Acres) In the Thomas Nunn Survey, A-733, Comanche County, Texas.

(58.98 Acres) In the Thomas Nunn Survey, A-733 & the B. Humphries Survey, A-438, Comanche County, Texas.



1656

**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 WITH VENDOR'S LIEN**

**DATE:** July 28, 2014

**GRANTOR:** McMINN RANCHES, LTD., a Texas limited partnership  
19155 Highway 36  
Gustine, Comanche County, Texas 76455

**GRANTEE:** ARTESIAN RANCH, LLC, a Texas limited liability company  
2506 20<sup>th</sup> Street  
Lubbock, Lubbock County, Texas 79410

**CONSIDERATION:** TEN AND NO/100 DOLLARS and other good and valuable consideration, and the further consideration of a note in the principal amount of FOUR MILLION FIVE HUNDRED SEVENTY-FIVE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$4,575,500.00) executed by Grantee, payable to the order of CAPITAL FARM CREDIT, FLCA. The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of CAPITAL FARM CREDIT, FLCA and by a first lien deed of trust from Grantee to BEN R. NOVOSAD, Trustee, P.O. Box 232, Bryan, Texas 77806-0232.

CAPITAL FARM CREDIT, FLCA, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note described. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of CAPITAL FARM CREDIT, FLCA and are transferred to CAPITAL FARM CREDIT, FLCA without recourse on Grantor.

**PROPERTY: (including any improvements):**

All that certain tract or parcel of land, lying and being situated in Comanche County, Texas, out of the John Nunn Survey, Abstract No. 732, the B. Humphries Survey, Abstract No. 438, the R. C. Beggs Survey, Abstract No. 1775, the A. M. Laughlin Survey, Abstract No. 681 and the T. F. Chism Survey, containing 1003.497 acres of land, more or less, and being more fully described by metes and bounds in **Exhibit "A"** attached hereto and made a part hereof for all purposes pertinent.

Being the same property described in Deed dated December 8, 2003, executed by Melvin R. Anders, et ux. to McMinn Ranches, Ltd., recorded in Volume 836, Page 379, Deed Records of Comanche County, Texas.

## **RESERVATIONS FROM CONVEYANCE:**

SAVE AND EXCEPT there is hereby reserved unto Grantor, Grantor's successors and assigns an undivided 25% of the Grantor's undivided interest of the royalty on a nonparticipating basis in and to all of the oil, gas, and all other minerals in, on the surface of, under, and that may be produced from the above described property, forever. It is further understood that Grantor is not to receive any of the lease or bonus money paid to or to be paid under any lease or leases, nor shall it be necessary for the Grantor to join in the execution or ratification of any lease or leases, but the Grantor shall only receive a total of such royalty in the event the same is produced.

## **EXCEPTIONS TO CONVEYANCE AND WARRANTY:**

1. An undivided 1/4<sup>th</sup> mineral interest under 91 acres out of the A. M. Laughlin Survey, Abstract No. 681, as described in Mineral Deed from Franko Neal, et ux to O. F. Cashdollar dated February 1, 1919, recorded in Volume 131, Page 205, Deed Records of Comanche County, Texas.
2. An undivided 1/4<sup>th</sup> mineral interest under 91 acres out of the A. M. Laughlin Survey, Abstract No. 681, as described in Mineral Deed from Franko Neal, et ux to W. F. Galloway dated October 30, 1918, recorded in Volume 119, Page 568, Deed Records of Comanche County, Texas.
3. An undivided 1/4<sup>th</sup> mineral interest under 160 acres out of the R.C. Beggs Survey, Abstract No. 1775 and 92 acres out of the A.M. Laughlin Survey, Abstract No. 681, and the West 21 feet of 91 acres out of the A.M. Laughlin Survey, Abstract No. 681, and being described as Tracts One and Two and the West 21 feet of Tract Three in a Warranty Deed from M.D. Manning, et ux to Wallace Hendricks dated September 14, 1953, recorded in Volume 272, Page 614, Deed Records of Comanche County, Texas.
4. An undivided interest of the minerals under the subject property reserved in a General Warranty Deed from Timothy P. Stallings and wife, Susie Stallings to McMinn Ranches, Ltd. dated July 23, 2014, recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_, Deed Records, Comanche County, Texas.

### **Exception Documents**

1. Right of Way Easement dated March 8, 2004, executed by McMinn Ranches, Ltd. to Comanche Electric Cooperative, recorded in Volume 843, Page 510, Deed Records of Comanche County, Texas
2. Right of Way Easement dated October 26, 2005, executed by McMinn Ranches, Ltd. to Comanche Electric Cooperative, recorded in Volume 867, Page 414, Deed Records of Comanche County, Texas.
3. Right of Way Easement dated December 19, 2005, executed by William A. McMinn to Comanche County Telephone Company, recorded in Volume 870, Page 373, Deed Records of Comanche County, Texas.

4. Oil and Gas Lease dated May 27, 2005, executed by McMinn Ranches, Ltd. to Erath Energy, Inc., recorded in Volume 873, Page 218, Deed Records of Comanche County, Texas.
5. Oil and Gas Lease dated July 22, 2005, executed by Timothy P. Stallings, et ux, to Erath Energy, Inc., recorded in Volume 873, Page 229, Deed Records of Comanche County, Texas.
6. Oil and Gas Lease dated July 6, 2007, executed by McMinn Ranches, Ltd. to Endeavor Energy, recorded in Volume 891, Page 553, Deed Records of Comanche County, Texas.
7. Certificate of Adjudication dated October 31, 1983, to Erich Seider, et ux, recorded in Volume 2, Page 186, Water Permit Records of Comanche County, Texas.
8. Certificate of Adjudication dated October 31, 1983, to Juanita Jones, recorded in Volume 2, Page 197, Water Permit Records of Comanche County, Texas.
9. Mineral Deed dated February 1, 1919, executed by Franko Neal, et ux, to O. F. Cashdollar, recorded in Volume 131, Page 205, Deed Records of Comanche County, Texas.
10. Mineral Deed dated October 30, 1918, executed by Franko Neal, et ux, to W. F. Galloway, recorded in Volume 119, Page 568, Deed Records of Comanche County, Texas.
11. Mineral Reservation as described in Deed dated October 19, 1935, executed by H. F. Fulford, et ux, to W. E. Petty, recorded in Volume 211, Page 335, Deed Records of Comanche County, Texas.
12. Mineral and/or royalty reservation set forth in deed dated September 14, 1953, executed by M.D. Manning, et ux, to Wallace Hendrix, recorded in Volume 272, Page 614, Deed Records of Comanche County, Texas, together with all rights incident thereto.
13. Right of Way Easement dated April 5, 1996, executed by Juanita Anders to Comanche County Electric Cooperative, recorded in Volume 741, Page 293, Deed Records of Comanche County, Texas.

Grantor, for the consideration, receipt of which is acknowledged, and subject to the Reservations from Conveyance and Exceptions to Conveyance and Warranty, grants, sells and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by,

through or under Grantor but not otherwise, except as to the Reservations from Conveyance and Exceptions to Conveyance and Warranty.

The vendor's lien against and superior title to the Property are retained until said note described is fully paid according to its terms, at which time this deed shall become absolute.

GRANTEE, BY ACCEPTANCE OF THIS SPECIAL WARRANTY DEED, ACKNOWLEDGES THAT GRANTEE HAS INSPECTED THE LAND AND ALL IMPROVEMENTS THEREON AND IS SATISFIED AS TO THE LOCATION, CONDITION AND STATE OF REPAIR OF SAME AND ACKNOWLEDGE THAT GRANTOR HAS MADE NO WARRANTY OR REPRESENTATION WITH REGARD TO THE LAND AND IMPROVEMENTS THEREON, EXCEPT FOR THE WARRANTY OF TITLE CONTAINED HEREIN, AND GRANTEE ACCEPTS THE LAND AND ALL IMPROVEMENTS THEREON "AS IS" AND "WHERE IS" AND WITH ALL FAULTS, AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND, EXPRESSED, IMPLIED, STATUTORY OR OTHERWISE WITH RESPECT TO QUALITY, PHYSICAL CONDITION, OR VALUE OR THE INCOME OR HABITABILITY, SUITABILITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE; AND GRANTEE EXPRESSLY WAIVES ANY AND ALL CLAIMS AGAINST GRANTOR UNDER THE TEXAS DECEPTIVE TRADE PRACTICES-CONSUMER PROTECTION ACT WHICH IN ANY WAY RELATE TO THE LAND AND THE IMPROVEMENTS THEREON.

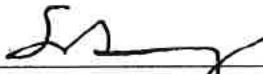
When the context requires, singular nouns and pronouns include the plural.

Ad valorem taxes are assumed by Grantee.

*[Grantor's signature and acknowledgment on following page.]*

McMINN RANCHES, LTD., a Texas limited partnership

By: McMINN MANAGEMENT, LLC, a Texas limited liability company, as Managing General Partner

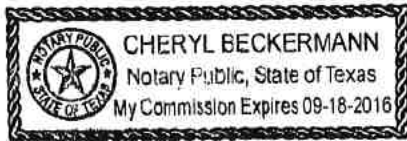
By:   
STEPHEN C. BEASLEY, Independent  
Executor of the Estate of William A.  
McMinn, Deceased, Member/Manager

### ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF Washington

This instrument was acknowledged before me on July 29<sup>th</sup>, 2014, by STEPHEN C. BEASLEY, Independent Executor of the Estate of William A. McMinn, Deceased, Manager/Member of McMINN MANAGEMENT, LLC, a Texas limited liability company, Managing General Partner of McMINN RANCHES, LTD., a Texas limited partnership.




  
Notary Public, State of TEXAS

*[Grantee's signature and acknowledgment on following page.]*

Grantee hereby accepts this Special Warranty Deed with Vendor's Lien subject to all of the reservations and exceptions contained therein and the provisions concerning taking the property "AS-IS" and "WHERE-IS".

ARTESIAN RANCH, LLC, a Texas limited liability company

By:   
ROBERT R. KING, its sole Member

### ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF Lubbock

This instrument was acknowledged before me on July 28, 2014, by ROBERT R. KING, the sole Member of ARTESIAN RANCH, LLC, a Texas limited liability company, on behalf of and as the act and deed of said limited liability company.



  
Notary Public, State of TEXAS



## **Exhibit “A”**



# SHUCKLEY ENGINEERING & SURVEYING

OFFICE: 200 S. Rice Ave., Hamilton, Texas 70531  
RES.: Lamkin Route 1, Gualine, Texas 70455  
Office Ph. 017-300-0500 Res. Ph. 017-300-0707

HAROLD J. SHUCKLEY  
Civil Engineer PE 26100  
Prof. Land Surveyor 2200

## FIELD NOTES

### THE STATE OF TEXAS COUNTY OF COMANCHE

All that certain tract, or parcel of land situated in Comanche County, Texas and being 1003.497 acres of land with 631.098 acres being out of the John Nunn Survey, A-732, 16.571 acres out of the B. Humphries Survey, A-438, 164.498 acres out of the R.C. Beggs Survey, A-1775, 191.253 acres out of the A.M. Laughlin Survey, A-681, and 0.077 acres out of the T.F. Chism Survey and being all of that 502.87 acre tract, all of that 138.338 acre tract, and all of that 356.304 acre tract described in Deed to Juanita M. Anders, and husband, Melvin R. Anders, per volume 483, page 148, volume 749, page 296, and volume 648, page 460, respectively, Comanche County Deed Records, said 1003.497 acre tract described by metes and bounds as follows:

BEGINNING at a steel pipe for a corner post being S71-00E, 21 feet from a twin 20 inch Pecan tree, the SEC of said Nunn Survey, the SEC of said 138.338 acre tract and the SEC of this:

THENCE N73-17-40W along a wire fence at 2026.0 feet a steel pipe for a corner post for a 1.875 acre house tract included herein, at 2770.5 feet a 24 inch Pecan tree, an interior corner of this:

THENCE S19-10-12W along fence crossing into the said Humphries Survey, also being along the East line of an access road hereto, at 1068.9 feet a steel pin found at the base of a 6 inch cedar corner post being in the North line of State Highway 36, said pin the Southernmost SEC of this:

THENCE N84-13-38W along said highway R.O.W. at 333.6 feet a concrete ROW monument found, and crossing a branch, at 852.5 feet a steel pin found at the base of a 6 inch cedar corner post, the Southernmost SWC of said 138.388 acre tract and the SWC of this:

THENCE N35-49-40E along fence crossing a pecan bottom, at 971.9 feet a steel pipe for a corner post at the corner of an old barn, an interior corner of this:

THENCE along a new wire fence with steel pipe for corner posts replacing an old wire fence going from tree to tree as follows:

N27-43-33E, 1462.33 feet

N31-00-21E, 396.6 feet,

N10-37-15E, 317.35 feet a steel pin found at the base of a 6 inch corner post, an exterior corner of this:

THENCE along gate and a pipe fence for a corral with steel pipe for corner posts as follows:

S61-13-35E, 209.1 feet,

N27-46-25E, 127.0 feet,

N58-48-08W, 157.3 feet:

THENCE N39-51E along fence, at 36.0 feet a steel pin set at the base of a 6 inch pine post on the South high bank of the Leon River, at 56.0 feet a point in the centerline of said river at an old bridge site, an interior corner of this:

THENCE up and along the centerline of the Leon River with its meander as follows:

N43-18-25W, 100.0 feet,  
N36-24-06E, 160.83 feet,  
N36-34-35E, 133.77 feet,  
N14-15-15W, 543.78 feet,  
N82-11-40W, 116.67 feet,  
S37-33-30W, 229.53 feet,  
N56-52-40W, 232.18 feet.,  
N22-15-45W, 182.69 feet,  
N58-43-15W, 86.74 feet,  
S47-33-36W, 144.0 feet, a point in centerline thereof,

THENCE N82-30W, at 37.0 feet a steel pipe for a fence on the West high bank of said River, at 86.2 feet a steel pipe for a corner post, the SWC of said 502.87 acre tract and the SWC of this;

THENCE N17-08-33E along a pipe fence being generally common with the West line of the said Nunn Survey, at 3722.0 feet a steel pin found at the base of a 16 inch Pecan tree on the South bank of a branch of the Leon River, said pin an interior corner of this;

THENCE N16-53-19E a straight line distance of 1155.16 feet to a steel pin found at the base of a 6 inch cedar post, (existing pipe fence and old wire fence being offset to avoid channel of said branch and taking advantage of trees for corners) said pin the NWC of said 502.87 acre tract, and an interior corner of this:

THENCE N73-43-44W along a pipe fence, generally being the North line trace of an old abandoned road, at 739.87 feet a Surveyor's nail found in a 24 inch Pecan tree, an interior corner of said 356.304 acre tract, and an interior corner of this;

THENCE N73-03-25W along pipe fence, at 244 feet crossing a branch, at 994.0 feet a steel pipe for a corner post, an exterior corner of this:

THENCE N19-24-01W crossing a stock guard at 29.7 feet a steel pipe found for a corner post, an interior corner of this:

THENCE N72-30-42W along a pipe fence being the fenced North line of County Road 376, at 556.7 feet a steel pipe for a corner post, the SWC of said 356.304 acre tract and the Northernmost SWC of this:

THENCE N17-39-28E along a pipe fence, at 1347.1 feet a steel pipe for a corner post at an old gateway, and continue along the trace of an old wire fence and crossing a branch, at 1820.1 feet a steel pin found at the base of a 6 inch corner post, exterior corner of this:

THENCE N17-39-00E along fence, at 1774.9 feet a 16 inch Pecan tree, an exterior corner of this;

THENCE along fence crossing a branch into the T.F. Chism Survey with monuments found as follows:

N18-07E, 67.5 feet, a steel pin found,

S61-08E, 104.4 feet, a Surveyors nail found in a 12 inch Elm tree,

S64-32E, 106.3 feet, a Surveyors nail found in a 10 inch Elm tree;

THENCE S72-30-06E along fence being generally common with the North line of the A.M. Laughlin Survey, at 685.7 feet a steel pin set at the base of a corner post, an interior corner of this;

THENCE S72-43-54E along fence, at 1386.9 feet a steel pin found at the base of a 6 inch cedar corner post, the NEC of said 356.304 acre tract and the Northernmost NEC of this;

THENCE S17-13-06W along an old wire fence, at 523.7 feet a steel pin found at the base of a corner post, an interior corner of this;

THENCE along a wire fence being generally common with the North line of the R.. C. Beggs Survey as follows,

S72-32-54E, 953.6 feet,

S72-41-23E, 1382.4 feet, a steel pin found at the base of a corner post, the NEC of said Beggs Survey and the NEC of this;

THENCE S17-33-06W along fence, at 340 feet crossing an electric power line hereto, at 2141.2 feet a Surveyors nail found in a 24 inch Live Oak tree, an exterior corner of this;

THENCE S21-54-12W along fence, at 172.7 feet a steel pin found , an interior corner of this;

THENCE S17-28-40W along fence, at 751.5 feet a steel pin found, the SEC of said 356.304 acre tract and an interior corner of this;

THENCE S73-05-06E, along an old wire fence being generally one foot South of a pipe fence at 1680.4 feet a steel pipe for a corner post, the NEC of said 502.87 acre tract, the NEC of said Nunn Survey and the Southernmost NEC of this;

THENCE S17-24-51W along an old wire fence with pipe fence being offset one foot herein being generally common with the East line of the said Nunn Survey, at 6150 feet crossing the Leon River 6223.4 passing a 36 inch Burr Oak tree on the South bank, an interior corner of this:


THENCE S16-53-50W along an old wire fence with pipe fence offset one foot herein, at 1312.9 feet to the point of Beginning and containing 1003.497 acres of land.

All bearing and distance calls cited herein are based upon GPS data collected on this date, on the ground.

Surveyed: 23 November 2003  
For: Juanita Anders

Rodmen: Brandon Buffe  
Coman Geye

I Harold J. Shockley, Registered Prof. Land Surveyor of the State of Texas hereby state that the foregoing survey was made by me, on this date, on the ground and that the corners are marked as shown on the attached plat. I also state that there are no visible easements, protrusions, or encroachments except as shown and that the land area is connected to a public road.

  
Harold J. Shockley  
Registered Prof. Land Surveyor  
No. 2286 of Texas.



*Deed-00000000*

FILED FOR RECORD  
AT 3:30 O'CLOCK P M

*Aug 1 2014*

*Ruby Lesley*  
Clerk, County Court Comanche Co., Texas  
CCA C

FILED  
AT 3:30 O'CLOCK P M  
ON THE 4 DAY OF August  
A.D., 2014.

*Ruby Lesley*  
COUNTY CLERK, COMANCHE CO. TEXAS  
BY *Amy Huddleston*  
DEPUTY

STATE OF TEXAS  
COUNTY OF COMANCHE

I hereby certify that this instrument was FILED  
on the date and at the time stamped hereon by  
me and was duly RECORDED in the Volume and  
Page of the Deed  
Records of Comanche County, Texas.



*Ruby Lesley*  
County Clerk, Comanche Co., Texas

VOL. 982 PAGE 45  
RECORDED 8-5-14



**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.**

**Warranty Deed with Vendor's Lien**

**Date:** July 6, 2017

**Grantor:** Bell Family Trust  
1906 CR 13  
Lamesa, Dawson County, Texas 79331

**Grantee:** Artesian Ranch, LLC  
4519 11<sup>th</sup> Street  
Lubbock, Lubbock County, Texas 79416

**Consideration:**

TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and a note of even date executed by Grantee and payable to the order of Capital Farm Credit, FLCA in the principal amount of THREE HUNDRED TWELVE THOUSAND AND NO/100 (\$312,000.00). The Promissory Note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Capital Farm Credit, FLCA and by a first-lien deed of trust of even date from Grantee to Ben R. Novosad, Trustee.

**Property (including any improvements):**

All that certain tract or parcel of land situated in Comanche County, Texas, being 70.961 acres of land with 14.387 acres out of the B. Humphries Survey, A-438 and 56.574 acres out of the John Nunn Survey, A-732 and being a part of that 687 acre tract conveyed to Erich Seider, et ux, per Vol. 103, Page 438, Comanche County Deed Records, said 70.968 acre tract described by metes and bounds as follows:

BEGINNING at a concrete monument found in the North line of State Highway No. 36, the SWC of said 687 acre tract and the SWC of this;

THENCE N17-11-43E (all GPS bearings) along an old wire fence, at 1327 feet crossing the North line of said Humphries Survey into said Nunn Survey, at 3032 feet crossing the Leon River, at 3939.56 feet a steel pipe for a corner post, the NWC of this;

THENCE S82-30-00E along fence, at 48 feet a steel pin found on the West high bank of said river, at 70.0 feet a Point in the center of same, an interior corner of this;

THENCE down and along the centerline of said river with its meanders as follows;

N47-33-36E, 144.00 feet,  
S58-43-15E, 86.74 feet,  
S22-15-45E, 182.69 feet,  
S56-52-40E, 132.18 feet,  
N37-33-30E, 229.53 feet,  
S82-11-40E, 216.67 feet,  
S14-15-15E, 603.78 feet,

S36-34-35W, 133.17 feet,  
S39-09—6W, 163.10 feet,  
S43-18-25E, 80.00 feet,  
THENCE S39-51-00W at 20.00 feet a steel pin found at the base of a corner post being on the high bank of said river, at 56.00 feet a steel pipe for a corral post, an interior corner of this;  
THENCE around said corral with steel pipe for corner post as follows;  
S58-48-08E, 157.30 feet,  
S27-46-25W, 127.00 feet,  
N61-13-35W, 209.10 feet,, a steel pin found at the base of a 6 inch pine post , an interior corner of this;  
THENCE along a new wire fence with steel pipe for corner post as follows;  
S10-37-15W, 317.35 feet,  
S31-00-21W, 396.60 feet,  
S27-43-33W, 1462.33 feet,  
S35-49-40W, 971.90 feet, a steel pin found, the SEC of this;  
THENCE N84-31-38W along the fence North line of Hwy. 36, at 315.61 feet the Point of Beginning and containing 70.961 acres of land.

**Reservations from Conveyance:** None

**Exceptions to Conveyance and Warranty:**

Mineral Reservation as described in Warranty Deed dated September 11, 2013, executed by George Menefee, et al, to the Bell Family Trust, filed of record on September 11, 2013, in the office of the County Clerk of Comanche County, Texas, under Clerk's Instrument No. 1970

Mineral Reservation as described in Warranty Deed dated September 15, 2006, executed by Juanita M. Anders, et al, to George Menefee, et al, recorded in Volume 880, Page 176, Deed Records of Comanche County, Texas.

Right of Way Easement dated April 5, 1996, executed by Juanita Anders to Comanche County Electric Coop., recorded in Volume 741, Page 293, Deed Records of Comanche County, Texas.

Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for the current year, which Grantee assumes and agrees to pay, but not subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantor assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the

Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The vendor's lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed will become absolute.

Capital Farm Credit, FLCA, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of Capital Farm Credit, FLCA and are transferred to Capital Farm Credit, FLCA without recourse against Grantor.

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

Bell Family Trust

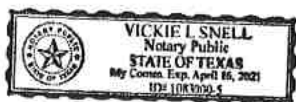
  
Steve Bell, Trustee of the Bell Family Trust


STATE OF TEXAS

COUNTY OF ~~COMANCHE~~ Dawson

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This instrument was acknowledged before me on July 6th, 2017, by Steve Bell, Trustee of the Bell Family Trust.



  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

Artesian Ranch, LLC  
4519 11<sup>th</sup> Street  
Lubbock, Texas 79416

FILED FOR RECORD  
AT 12:00 O'CLOCK P.M.  
JUL 17 2017

3 34.00  
CCAC

FILED FOR RECORD  
AT 12:00 O'CLOCK P.M.

JUL 17 2017

*[Signature]*  
Clerk, County Court Comanche Co., Texas

*Octavian Rand, LLC*  
4519 11th St.  
Subblock Dv. R446

FILED

AT 12:00 O'CLOCK P.M.  
ON THE 17<sup>th</sup> DAY OF July  
A.D., 2017

*[Signature]*  
COUNTY CLERK, COMANCHE CO. TEXAS  
BY *Amy Huddleston*  
DEPUTY

STATE OF TEXAS  
COUNTY OF COMANCHE

I hereby certify that this instrument was FILED  
on the date and at the time stamped herein by  
me and was duly RECORDED in the Volume and  
Page of the *Deed*  
Records of Comanche County, Texas.

*[Signature]*  
County Clerk, Comanche Co., Texas  
VOL. 1024 PAGE 393  
RECORDED 07-18-2017

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.

WARRANTY DEED WITH VENDOR'S LIEN

Date: SEPTEMBER 19, 2015

Grantor: DON R. MOORE

Grantor's Mailing Address (including county):  
1200 Comanche CR 376  
Dublin, Texas 76446  
Comanche County, Texas

Grantee: ARTESIAN RANCH, LLC, A Texas Limited Liability Company

Grantee's Mailing Address (including county):  
4519 11<sup>th</sup> Street  
Lubbock, Texas 79416-4815  
Lubbock County, Texas

Consideration: Ten And No/100 Dollars (\$10.00), and other valuable consideration in hand paid, and the further consideration of the sum of TWO MILLION THREE HUNDRED TWENTY-NINE THOUSAND THREE HUNDRED NINETY AND NO/100 DOLLARS (\$2,329,390.00), in hand paid by CAPITAL FARM CREDIT, FLCA, Uvalde, Texas, at the special instance and request of Grantee, and to evidence such advancement of purchase money, the Grantee has executed its promissory note in the principal sum of TWO MILLION THREE HUNDRED FORTY-TWO THOUSAND ONE HUNDRED AND NO/100 DOLLARS (\$2,342,100.00) (which includes lender's fees and stock in CAPITAL FARM CREDIT, FLCA). Said note is secured by the vendor's lien upon the land here conveyed, and additionally secured by Deed of Trust to Deed of Trust to BEN R. NOVOSAD, Trustee for the holder of said Note.

Property (including any improvements): All that certain tract or parcel of land situated in Comanche County, Texas being 496.154 acres of land and described in two tracts as follows:

TRACT ONE:

All that certain tract or parcel of land situated in Comanche County, Texas being 94.109 acres of land out of the A.M. McLaughlin Survey, A-681 and being that tract described in Deed to Don R. Moore per Parcel F, Vol.734, page 102, Comanche County Deed Records and described by metes and bounds as follows;

BEGINNING at a steel pipe for a corner post being at the north line intersection of County Road 376 and the East line of same, the SWC of said McLaughlin Survey and the SWC of this;

THENCE N17-01-00E (all GPS bearings) along the fenced East line of county road 376, at 1723.99 feet a steel pipe for a corner post, the NWC of this;

THENCE N73-24-08E along fence, at 2317.01 feet a steel pipe for a corner post, the NEC of this;

THENCE S17-44-50W along the West line of the adjoining Artesin Ranch tract per Vol. 982, page 45, at 1786.58 feet a steel pipe for a corner post, the SEC of this;

THENCE N73-01-06W along the fenced North line of said county road, at 2237.07 feet a steel pipe for a corner post, the SWC of this;

THENCE N33-36-34W along road, at 73.88 feet the Point of Beginning and containing 94.109 acres of land.

TRACT TWO:

All that certain tract or parcel of land situated in Comanche County, Texas being 402.045 acres of land with 41.767 acres out of the B. J. Humpheries Survey, A-438, 213.992 acres out of the Thomas Nunn Survey, A-733, 63.394 acres out of the Hiram McCaleb Survey, A-66, 82.892 acres out of the C. B. Howard Survey, A-443 and being those tracts described in Deed to Don Moore per Vol. 734, page 102 Comanche County Deed Records and described by metes and bounds as follows;

BEGINNING at a steel pipe for a corner post in the North line of State Hwy 36 being S83-20E, 800 feet from its intersection with the West line of said Humpheries Survey, said pipe the SWC of this;

THENCE N21-33-33E along fence, at 2145.67 feet a steel pipe for a corner post, a NWC of this;

THENCE N68-06-05W along fence, at 973.10 feet a steel pipe for a corner post an exterior corner of this;

THENCE S16-27-25W along fence, at 1140.59 feet a steel pin set at the base of a corner post, a southern corner of this;

THENCE N73-55-01W along fence, at 235.93 feet a steel pipe for a corner post, a SWC of this;

THENCE N16-30-32E along the fenced East line of the adjoining Larry Adams tract, at 3130.10 feet a point in the centerline of the Leon River, an interior corner of this;

THENCE up and along the centerline of the river with its meanders as follows;

N48-37-31W, 150.31 feet, S89-28-00W, 194.92 feet, S79-31-25W 311.90 feet, N40-48-22W, 720.54 feet;

THENCE N16-51-46E leaving river and along fence, at 2055.40 feet a steel pipe for a corner post, an exterior corner of this;

THENCE S73-26-15E along fence, at 213.78 feet a steel pipe for a corner post, an interior corner of this;

THENCE N16-26-28E along the fenced East line of the adjoining Larry Adams tract, at 3583.71 feet a steel pipe for a corner post, the NWC of this;

THENCE S73-16-36E along the fenced South line of County Road 370, at 1017.54 feet a steel pipe for a corner post, a NEC of this;

THENCE S16-38-17W along fence, at 1816.97 feet a steel pin set, an interior corner of this;

THENCE S73-02-54E along the fenced South line of the adjoining Stephen Williams tract per Vol. 724, page 275 said Deed Records, at 2875.12 feet a steel pin set in the west line of County Road 376, the NEC of this;

THENCE S17-11-42W along the fenced West line of said road, at 992.99 feet and S06-16-12E, 251.60 feet with steel pins set at the corners;

THENCE N71-14-45W along fence, at 1960.84 feet a steel pipe for a corner post, an interior corner of this;

THENCE S16-39-07W along Gunter Bros. fence per Vol. 750, page 53 at 3273.68 feet a steel pin set on the North high bank of the Leon River and 223.00 feet crossing same a steel pin set, and continue same course, at 172.80 feet a steel pipe for a corner post, an interior corner of this;

THENCE S72-55-47E along Gunter's South line, at 793.59 feet a steel pipe for a corner post, an exterior NEC of this;

THENCE S16-54-00W along Gunter's fence, at 3306.16 feet a steel pipe for a corner post in the North line of Hwy. 36 the SEC of this;

THENCE N83-19-20W along highway, at 788.39 feet the Point of Beginning and containing 402.045 acres of land.

**Reservations from Conveyance:**

There is reserved unto Grantor, his heirs and assigns, a non-participating undivided one-half (1/2) of the royalty to be paid on account of production of oil, gas and other minerals; provided, however, that if Grantor owns at the date of this Deed less than one hundred percent (100%) of the oil, gas and other minerals in and under the lands, the royalty interest here reserved by Grantor will be reduced proportionately on account of outstanding mineral interest in any part of the land.

**Exceptions to Conveyance and Warranty:**

1. Outstanding mineral estate as reserved in Warranty Deed dated October 25, 1971, executed by Wayne Hayes et ux to Everett S. Moore, et al, recorded at Volume 371, Page 506, Deed Records of Comanche County, Texas.

2. All other leases, grants, exceptions or reservations of coal, lignite, oil, gas or other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records of Comanche County, Texas.

3. Right of Way Easement from Don R. Moore to Comanche County Electric Coop., dated October 31, 1997, recorded at Volume 760, Page 323, Deed Records of Comanche County, Texas.

4. Rights of the State of Texas in any part of the land lying within the bed and banks of the Leon River.

5. Any visible and apparent easements on or across the subject property which do not appear of record.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whosoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to



its terms, at which time this deed shall become absolute. Said vendor's lien is herein transferred, assigned and conveyed unto CAPITAL FARM CREDIT, FLCA.

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

  
DON R. MOORE

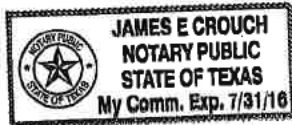
ACKNOWLEDGMENT

STATE OF TEXAS

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COUNTY OF HAMILTON

21<sup>st</sup> This instrument was acknowledged before me on September 21<sup>st</sup>, 2015, by DON R. MOORE.



  
Notary Public, State of Texas

PREPARED IN THE OFFICE OF:  
CROUCH AND WHITE ATTORNEYS, PLLC  
P. O. Box 831, 104 E. Main Street  
Hamilton, Texas 76531  
Tel: (254) 386-8111  
Fax: (254) 386-8413

AFTER RECORDING RETURN TO:  
CROUCH AND WHITE ATTORNEYS, PLLC  
P. O. Box 831  
Hamilton, Texas 76531

FILED 23rd DAY OF September, 2015, AT 11:30 O'CLOCK A.M.

RECORDED 24th DAY OF September, 2015, AT 9:00 O'CLOCK A.M.

RUBY LESLEY, COMANCHE COUNTY CLERK

VERIFIED BY: Amy Huddleston DEPUTY

**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.**

### **General Warranty Deed**

**Date:** December 30, 2020

**Grantor:** Timothy P. Stallings and wife, Susan E. Stallings, by and through her attorney-in-fact, Timothy P. Stallings  
19551 Hwy 36, Gustine, Comanche County, Texas 76455

**Grantee:** Artesian Ranch, LLC, a Texas Limited Liability Company  
4519 11th Street, Lubbock, Lubbock County, Texas 79416

**Consideration:**

TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

**Property (including any improvements):**

**TRACT ONE:**

Being 3.14 acres of land, situated in Comanche County, Texas, out of the THOMAS NUNN SURVEY, ABSTRACT NUMBER 733, and being out of a 234.61 acre tract of land that is described in a deed from Willie N. Kennedy Hillhouse, et vir, to William R. Miller, et ux, recorded in Volume 306 at Page 407, Deed Records of Comanche County, Texas, and further described as follows;

BEGINNING, at a 3 inch pipe post found in the occupied West line of said 234.61 acre tract, and being in the East line of Comanche County Road Number 376, from which the occupied Northwest corner of said 234.61 acre tract bears, N 17° 09' 26" E 1793.55 feet, for the Northwest corner of this tract;

THENCE, S 72° 28' 43" E 225.68 feet, with a fence, to a 3 inch pipe post, for the Northeast corner of this tract;

THENCE, with a fence, as follows, S 06° 13' 01" W 489.34 feet, to a 3 inch pipe post, and S 45° 13' 18" W 58.47 feet, to a 3 inch pipe post, for the Southeast corner of this tract;

THENCE, N 69° 08' 20" W 91.02 feet, with a fence, to a 3 inch pipe post, and N 60° 38' 21" W 154.23 feet, to a 1/2 inch iron rod set in a fence, in the East line of said County Road Number 376, for the Southwest corner of this tract;

THENCE, with the East line of said County Road Number 376, as follows, N 05° 11' 33" W 77.34 feet, with a fence, to a 3 inch pipe post, N 01° 32' 57" E 49.01 feet, to a 3 inch pipe post, and N 16° 06' 39" E 376.32 feet, with a fence, to the point of beginning and containing 3.14 acres of land.

**TRACT TWO:**

234.61 acres of land situated in Comanche County, Texas, in the Thomas Nunn Survey, Abstract No. 733, said tract of land is all of that same land that was surveyed by P.A. Pettit, the field notes of which is recorded in Volume H, Page 558, of the Comanche County Surveyor's Records. This survey is also all of that same land that Frank Phillips, et al, deeded to J. T. Kennedy, et ux, on September 15, 1942, by deed recorded in Vol. 219, Page 377, Deed Records of Comanche County, Texas, described as follows:

BEGINNING at the NE corner of said Thomas Nunn Survey;

THENCE N 71 deg. W 1762 feet along the North line of said Nunn Survey to a point in the center of a public road leading Westerly;

THENCE S 19 deg. W 2420 feet along a fence line located on the Westerly line of a 30 foot public road to a point;

THENCE S 70 deg. E 118 feet to a point;

THENCE S 19 deg. W 3662 feet going most of the way along a fence line located on the Westerly line of a 40 foot public road to the SW corner of said Kennedy tract;

THENCE S 71 deg. 57' West 1630 feet going part of the way along the remains of an old fence line and part of the way along an old fence line to a point on the East line of said Thomas Nunn Survey;

THENCE N 19 deg. 8 E 6055 feet going most of the way along an old fence line to the place of beginning.

SAVE AND EXCEPT:

Being 3.14 acres of land, situated in Comanche County, Texas, out of the THOMAS NUNN SURVEY, ABSTRACT NUMBER 733, and being out of a 234.61 acre tract of land that is described in a deed from Willie N. Kennedy Hillhouse, et vir, to William R. Miller, et ux, recorded in Volume 306 at Page 407, Deed Records of Comanche County, Texas, and further described as follows;

BEGINNING, at a 3 inch pipe post found in the occupied West line of said 234.61 acre tract, and being in the East line of Comanche County Road Number 376, from which the occupied Northwest corner of said 234.61 acre tract bears, N 17° 09' 26" E 1793.55 feet, for the Northwest corner of this tract;

THENCE, S 72° 28' 43" E 225.68 feet, with a fence, to a 3 inch pipe post, for the Northeast corner of this tract;

THENCE, with a fence, as follows, S 06° 13' 01" W 489.34 feet, to a 3 inch pipe post, and S 45° 13' 18" W 58.47 feet, to a 3 inch pipe post, for the Southeast corner of this tract;

THENCE, N 69° 08' 20" W 91.02 feet, with a fence, to a 3 inch pipe post, and N 60° 38' 21" W 154.23 feet, to a 1/2 inch iron rod set in a fence, in the East line of said County Road Number 376, for the Southwest corner of this tract;

THENCE, with the East line of said County Road Number 376, as follows, N 05° 11' 33" W 77.34 feet, with a fence, to a 3 inch pipe post, N 01° 32' 57" E 49.01 feet, to a 3 inch pipe post, and N 16° 06' 39" E 376.32 feet, with a fence, to the point of beginning and containing 3.14 acres of land.

#### **Reservations from Conveyance:**

A reservation of an undivided one-half (1/2) of Grantor's undivided interest in oil, gas and other hydrocarbons in and under and that may be produced from the lands herein conveyed. For the same consideration, Grantor grants, sells and conveys to Grantee the executive right

in the oil, gas and hydrocarbons herein reserved to Grantor, to exercise such right on behalf of Grantor, and Grantor's heirs or assigns as a fiduciary. The term "executive right" as used herein means the right to make oil and gas leases in order to develop the oil, gas and other hydrocarbons reserved to Grantor without the joinder or ratification of Grantor.

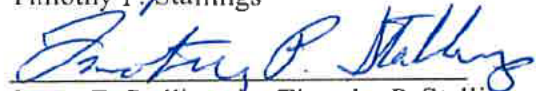
**Exceptions to Conveyance and Warranty:**

Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; any and all validly existing restrictions, covenants, conditions and easements, if any, whether of record or not; any and all validly existing oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary, if any, whether of record or not; any discrepancies, conflicts, or shortages in area or boundary lines, if any, whether of record or not; any encroachments or overlapping of improvements, if any, whether of record or not; all rights, obligations, and other matters arising from and existing by reason of any zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, whether filed of record or not; and taxes for the current year, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

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

  
Timothy P. Stallings

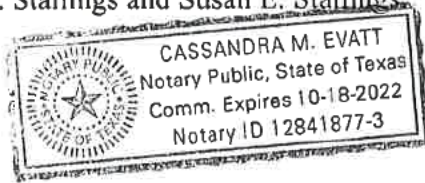
  
Susan E. Stallings, by Timothy P. Stallings,  
her Attorney-In-Fact

STATE OF TEXAS

COUNTY OF COMANCHE

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This instrument was acknowledged before me on 30th day of December, 2020, by Timothy P. Stallings and Susan E. Stallings.



A handwritten signature in blue ink, appearing to be "CE", written over a horizontal line.

Notary Public, State of Texas

AFTER RECORDING RETURN TO:  
Comanche County Abstract Company  
106 North Austin Street, Comanche, TX 76442

**FILED FOR RECORD  
AT 3:30 O'CLOCK P M**

JAN 5 2021

*Ruby Lesley*  
Clerk, County Court Comanche Co., Texas

CCAC

**FILED**

AT 3:30 O'CLOCK P M  
ON THE 5<sup>th</sup> DAY OF January  
A.D., 2020.

*Ruby Lesley*  
COUNTY CLERK, COMANCHE CO., TEXAS  
BY *Quinn Cole*  
DEPUTY

**STATE OF TEXAS  
COUNTY OF COMANCHE**

I hereby certify that this instrument was FILED  
on the date and at the time stamped herein by  
me and was duly RECORDED in the Volume and  
Page of the Deed  
Records of Comanche County, Texas.



*Ruby Lesley*  
County Clerk, Comanche Co., Texas

VOL. 1080 PAGE 321  
RECORDED 1-6-2021

CCAC

(4) 38<sup>00</sup>

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**WARRANTY DEED WITH VENDOR'S LIEN**

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

**DATE:** October 11, 2018

**GRANTOR:** Big John's Wood Products, Inc. by and through its  
President, Jerry D. Pettijohn

**GRANTOR'S MAILING ADDRESS:**

210 FM 1702  
Dublin, Texas 76446  
Erath County, Texas

**GRANTEE:** Artesian Ranch, LLC

**GRANTEE'S MAILING ADDRESSES:**

19551 Highway 36  
Gustine, Texas 76455  
Comanche County, Texas

**CONSIDERATION:** TEN AND NO/100 DOLLARS and other good and valuable consideration and a note that is in the original principal sum of One million and 00/100 dollars (\$1,000,000.00) executed by Grantee, payable to the order of PlainsCapital Bank. The note is secured by a vendor's lien retained in favor of PlainsCapital Bank in this deed and by a deed of trust from Grantee to Darrell G. Adams, Trustee for the benefit of PlainsCapital Bank.

**PROPERTY (including any improvements):**

**Tract One:** All that certain tract or parcel of land being 231.964 acres of land out of the A. McCaleb Survey, A-666 in Comanche County, Texas.

**Tract Two:** All that certain tract or parcel of land being 0.955 acres of land out of the B. J. Humphries Survey, A-438 in Comanche County, Texas.



Said tracts together being the same property conveyed in a deed from Larry Wayne Adams and Sheri T. Adams to Jerry D. Pettijohn, President and Big John's Wood Products, Inc. dated March 29, 2018 and recorded as Volume 1037, Page 78 in the Real Property Records of Comanche County, Texas and being more particularly described in the attached Exhibit A.

**RESERVATIONS FROM CONVEYANCE AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:**

Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens and conveyances, that affect the Property including but not limited to the following:

1. Airport Hazard Zoning Ordinance filed for record on February 23, 1996 in Volume 739, page 524, Deed Records of Comanche County, Texas.
2. Comanche County Subdivision Regulations dated March 25, 2002 and filed for record on June 18, 2002 in Volume 818, page 204, Deed Records of Comanche County, Texas.
3. Any water and/or sewer lines over or across the subject property which do not appear of record.
4. Any easement and/or right of way on, over, or across the subject property for public utility purposes, the existence of which does not appear of record.
5. Easement dated May 7, 1998, executed by Grace Adams to Comanche County Electric Cooperative Association, recorded in Volume 769, Page 361, Deed Records of Comanche County, Texas.
6. Right of Way Easement dated March 20, 1996, executed by Grace Adams to Comanche County Electric Cooperative recorded in Volume 740, Page 470, Deed Records of Comanche County, Texas.
7. All leases grants, exceptions of reservations of coal, lignite, oil, gas and other minerals together with all rights privileges, and immunities, relating thereto, appearing in the Public Records.

Mineral Interests reserved by Big John's Wood Products, Inc.:

Big John's Wood Products, Inc. reserves to itself an undivided non-participating 50% of royalty in and to the oil, gas, and other hydrocarbons that may be produced, saved, or sold from the mineral estate owned by all of the Grantors at the time of this deed. Grantor's reservation shall not include executive rights, the right to participate in delay rental or bonuses or the right to develop the minerals.

Grantor, for the Consideration and subject to the Reservations from and Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and hold it to Grantee and Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from and Exceptions of Conveyance and Warranty.

The vendor's lien and superior title retained in this deed are transferred to PlainsCapital Bank.

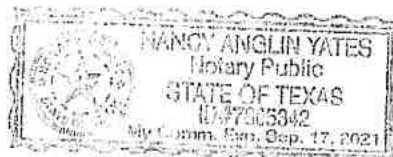
When the context requires, singular nouns and pronouns include the plural.

  
**JERRY D. PETTIJOHN, PRESIDENT**  
**BIG JOHN'S WOOD PRODUCTS, INC.**

STATE OF TEXAS                   §  
  §  
COUNTY OF HAMILTON       §

Before me, on this day personally appeared Jerry D. Pettijohn, President of Big John's Wood Products, Inc., known to me/proved to me through                      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 11 day of January, 2018.

  
NOTARY PUBLIC STATE OF TEXAS



## EXHIBIT A: LEGAL DESCRIPTION

### THE STATE OF TEXAS

### COMANCHE COUNTY

### TRACT ONE

All that certain tract or parcel of land situated in Comanche County, Texas being 231.964 acres of land out of the A. McCaleb Survey, A-666 and being a part of that tract described in Deed to Larry Adams per Vol. 783, Page 446 Comanche County Deed Records and described by metes and bounds as follows;

BEGINNING at a steel pipe found for a corner post in the SWC of the McCaleb Survey, the SWC of this;

THENCE N31-40-27W, 6.99 feet to a steel pin found;

THENCE N17-28-05E along the fenced East line of an adjoining Larry Adams tract per Vol. 762, page 61, at 527.64 feet a steel pipe for a corner post;

THENCE S77-36-28E, 10.96 feet and N17-18-08E, 1011.27 feet with steel pipe for corner post;

THENCE N 06-10-39E, 236.70 feet and N 42-49-10E, 54.71 feet along fence with steel pipe for corner post, exterior corners of this;

THENCE along Adam's fence with steel pipe for corner post as follows;

N17-57-21E, 561.73 feet, N16-57-58E, 595.98 feet, N16-52-45E, 578.38 feet, N02-16-29E, 19.78 feet, N17-45-41E, 205.24 feet passing a steel pipe for a corner post on the South high bank of the Leon River to a point in the centerline of same, the NWC of this;

THENCE down and along the centerline of same with its meanders as follows; S74-39-32E, 379.50 feet, N51-35-20E, 83.66 feet, N38-42-33E, 85.03 feet, S84-43-40E 330.16 feet, S61-38-25E, 235.63 feet, S14-53-27E, 174.64 feet, S30-54-27W, 335.69 feet, S08-57-58, 144.79 feet, S37-19-52E, 181.04, feet, S65-36-25E, 206.01 feet, S37-09-19E, 283.37 feet, N89-28-00E, 194.92 feet, and S48-37-31E, 150.31 feet, the NEC of this in the centerline of same;

THENCE S16-40-47W, at 50 feet passing a steel pipe found on the South high bank of river and continue along Artesian Ranch LLC, per Vol. 1003, page 79 West fence, at 3157.38 feet a steel pin set (all 3/8" steel pins with caps) at the North end of an access road hereto, and S19-22-37E, at 26.16 feet a steel pin set the SEC of this.

THENCE N72-55-41W along James Walton's North fence per Vol. 760, page 255 at, 2784.18 feet the Point of Beginning and containing 231.964 acres of land.

### TRACT TWO

All that certain tract or parcel of land situated in Comanche County, Texas and being 0.955 acres of land out of the B. J. Humpries Survey, A-438 and being a part of that tract described in Deed to Larry Adams per Vol. 783, page 446 Comanche County Deed Records and described by metes and bounds as follows;

BEGINNING at a steel pin found in the North line of State Highway No. 36 being N83-32-43E, 240 feet from its intersection with the West line of said survey, the SWC of this;

THENCE N16-21-00E along the west line of a 25 foot private road, at 1197.11 feet a steel pin set, an interior corner of this'

THENCE N72-55-45W, at 208.04 feet a steel pin set, the Western End-point of this;

THENCE N19-22-37E crossing roadway at 26.16 feet a steel pin set, the NWC of this;

THENCE S73-46-19E, along North line of road, at 235.92 feet a steel pin set, the NEC of this;

THENCE S16-20-47W along East line of road, at 1221.24 feet a steel pin found in North line of highway, the SEC of this;

THENCE N83-32-43W along same, at 29.80 feet the Point of Beginning and containing 0.955 acres of land.

FILED FOR RECORD  
AT 10:30 O'CLOCK A.M.

OCT 22 2018

*Ruby Lesley*  
Clerk, County Court Comanche Co., Texas

envelope -  
*yates title*

FILED

AT 10:30 O'CLOCK A.M.  
ON THE 22<sup>ND</sup> DAY OF October  
A.D., 2018.

*Ruby Lesley*  
COUNTY CLERK, COMANCHE CO. TEXAS  
BY *Amy Huddleston*  
DEPUTY

STATE OF TEXAS  
COUNTY OF COMANCHE

I hereby certify that this instrument was FILED  
on the date and at the time stamped hereon by  
me and was duly RECORDED in the Volume and  
Page of the *Deed*  
Records of Comanche County, Texas.



*Ruby Lesley*  
County Clerk, Comanche Co., Texas

VOL. 1045 PAGE 259  
RECORDED 10-23-2018

*yates title*  
④ 38.00

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.

**General Warranty Deed**

**Date:** April 7, 2021

**Grantor:** Bruce Black and Jeanna Black, husband and wife  
PO Box 705, Hamilton, Hamilton County, Texas 76531

**Grantee:** Artesian Ranch, LLC, a Texas Limited Liability Company  
4519 11th Street, Lubbock, Lubbock County, Texas 79416

**Consideration:**

TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

**Property (including any improvements):**

58.98 acres of land out of the Thomas Nunn Survey, Abstract No. 733, and the B. Humphries Survey, Abstract No. 438, situated in Comanche County, Texas, made for W. H. Hayes and described as follows:

BEGINNING at a 1-1/4" pecan stk. set for the East line of the Thos. Nunn Survey, from which point the NE corner of said Nunn Survey bears N 19° 08' E 2180.0 vrs. (deed call) and for the NE corner of this tract;

THENCE N 72° 17' W partially with old wire fence, at 21.0 vrs. cross center of a branch, at 208.0 vrs. cross center of Leon River, at 328.0 vrs. A 1" x 2" stk. set for the NW corner of this tract;

THENCE S 19° 14' W at 49.0 vrs. cross center of Leon River at approximately 160 vrs. intersect public road, continuing with said road approximately 1 vara West of wire fence on East side of said road, at 804.0 vrs. cross center of a branch, at 1047.0 vrs. a point in the North R/W of State Highway No. 36, from which point a fence corner post bears S 81° 20' E 1.1 vrs. for the SW corner of this tract;

THENCE S 81° 20' E with said R/W and wire fence, 330.0 vrs. to a point in said R/W from which point an 8" L. O. post bears N 81° 20' W 0.5 vrs. for the SE corner of this tract;

THENCE N 19° 21' E for the East line of the B. Humphrey and Thos. Nunn Surveys, at 781.6 vrs. cross center of a creek, at 959.6 vrs. recross said creek, at 995.2 vrs. to the place of beginning, being approximately 20.50 acres out of the Thos. Nunn Survey and

38.48 acres out of the B. Humphrey Survey, in all containing 58.98 acres, and being out of the North part of a certain 106 acre tract described in deed dated 8-29-06, from the E. C. Tatum, et al, to J. R. Tatum.

**Reservations from Conveyance:**


None

**Exceptions to Conveyance and Warranty:**

Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; any and all validly existing restrictions, covenants, conditions and easements, if any, whether of record or not; any and all validly existing oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary, if any, whether of record or not; any discrepancies, conflicts, or shortages in area or boundary lines, if any, whether of record or not; any encroachments or overlapping of improvements, if any, whether of record or not; all rights, obligations, and other matters arising from and existing by reason of any zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, whether filed of record or not; and taxes for the current year, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

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

  
Bruce Black

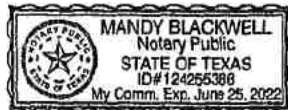
  
Jeanna Black

STATE OF TEXAS

COUNTY OF Hamilton

§  
§  
§

This instrument was acknowledged before me on 7 day of April, 2021, by Bruce Black and Jeanna Black.



Mandy Blackwell  
Notary Public, State of Texas  
Mandy Blackwell

AFTER RECORDING RETURN TO:  
Comanche County Abstract Company  
106 North Austin Street, Comanche, TX 76442

FILED 8th DAY OF April, 2021, AT 8:30 O'CLOCK A.M.  
RECORDED 9th DAY OF April, 2021, AT 9:00 O'CLOCK A.M.

RUBY LESLEY, COMANCHE COUNTY CLERK

VERIFIED BY: [Signature] DEPUTY

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## **Attachment D**

### **Marshall Criteria**

**a.** This application meets the administrative code requirements for an amendment to a water use permit pursuant to TWC Chapter 11 and Title 30 TAC Ch. 281, 295, and 297.

**b.** The specific proposed use of water in this amendment application is for agricultural crop irrigation. Beneficial use is defined in TWC §11.002 #4 as, "...use of the amount of water which is economically necessary for a purpose authorized by this chapter, when reasonable intelligence and reasonable diligence are used in applying the water to that purpose and shall include conserved water (TWC§11.002 #4)."

For agricultural crop irrigation, the submitted application meets the following criteria outlined in TWC Section 11 as beneficial use: TWC §11.023 #2 clearly identifies agricultural use as a purpose for which water may be, "appropriated, stored or diverted," if the water has not been set aside, or needed to meet freshwater and downstream instream flow needs (TWC §11.023 #2). Agricultural use is defined in TWC §11.002 #12 (A) as, "cultivating the soil to produce crops for human food, animal feed...", which is the applicant's proposed purposes (TWC §11.002 #12 A).

**c.** No detrimental effects are anticipated to public welfare, including the well-being of humans and the environment, as a result of the proposed amendment.

**d.** No effects are anticipated as a result of the proposed amendment on groundwater or groundwater recharge.

**e.** Artesian Ranch, LLC, is located within the Region G Planning Group (Brazos). The proposed amendment addresses a water supply need that is consistent with state and regional water plan management strategies pertaining to irrigation.

Conservation practices are implemented to reduce evaporation and eliminate runoff during times when the irrigation systems are run. The irrigation systems used are typically operated in the early morning or late evening hours when the temperature is lower to reduce evaporation. Irrigation is closely monitored on site and the systems are shut down when or before the soil reaches its water holding capacity. This conservation practice prevents over-watering of the field and eliminates wasteful runoff.

Brush/weed control is also practiced to aid in water conservation. Weeds and invasive species are killed or removed to reduce unwanted water consumption, thus leaving more irrigation water in the soil to be utilized by the production crop as intended.

Land leveling is also utilized on cultivated land to increase water infiltration into the soil and eliminate water runoff when irrigating.

\*Conservation/management strategies (BMPs) can be located in the 2021 Brazos G Regional Water Plan Volume II-Irrigation Water Conservation Section-pgs. 2-24 & 12-25.

**f.** A Water Conservation is attached (Attachment E). A Drought Contingency Plan is not required with this application.

g. The proposed amendment changes the diversion locations and increases the irrigable acreage for the combined total of the water allotted in the permit. No additional allocations of state water or diversion rate are being requested. As a result of the proposed amendment, no impact on water right holders or the environment is anticipated.



## Texas Commission on Environmental Quality

Water Availability Division

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

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

### System Inventory and Water Conservation Plan for Individually-Operated Irrigation Systems

This form is provided to assist entities in developing a water conservation plan for individually-operated irrigation systems. If you need assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4691.

*Additional resources such as best management practices (BMPs) are available on the Texas Water Development Board's website <http://www.twdb.texas.gov/conservation/BMPs/index.asp>. The practices are broken out into sectors such as Agriculture, Commercial and Institutional, Industrial, Municipal and Wholesale. BMPs are voluntary measures that water users use to develop the required components of Title 30, Texas Administrative Code, Chapter 288. BMPs can also be implemented in addition to the rule requirements to achieve water conservation goals.*

#### Contact Information

Name: Artesian Ranch, LLC  
Address: 4519 11<sup>th</sup> Street, Lubbock, TX 79416  
Telephone Number: (806) 789-9292 Fax: (     )  
Form Completed By: Richard George  
Title: Environmental Consultant  
Signature: *Richard George* Date: 8/26/2021

A water conservation plan for agriculture use (individual irrigation user) must include the following requirements (as detailed in 30 TAC Section 288.4). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.

## I. BACKGROUND DATA

### A. Water Use

1. Annual diversion appropriated or requested (in acre-feet): 135
2. In the table below, list the amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year.

Actual totals may vary monthly depending on weather conditions (i.e. heat, precipitation, wind, etc... not to exceed 285 acre-feet annually.

January	February	March	April
10	10	10	10
May	June	July	August
13	14	14	14
September	October	November	December
10	10	10	10
Total All Months			135

3. In the table below, list the type of crop(s), growing season, and acres irrigated per year.

Type of crop	Growing Season (Months)	Acres irrigated/year
Coastal Bermuda	April-September	800
Sorghum	March-August	330
Wheat	September-March	330 (Same as Sorghum)
Native	Jan.-Dec.	967.121
Total acres irrigated		2,097.121

4. Are crops rotated seasonally or annually? ☒ Yes ☐ No

If yes, please describe: Cultivated crops are rotated seasonally.

5. Describe soil type (including permeability characteristics, if applicable).

Dominant soils are clays, loams, sandy clays & sandy loams.

### B. Irrigation system information

1. Describe the existing irrigation method or system and associated equipment including pumps, flow rates, plans, and/or sketches of system the layout. Include the rate (in gallons per minute or cubic feet per second) that water is diverted from the source of supply. If this WCP is submitted as part of a water right application, verify that the diversion volumes and rates are consistent with those in the application.

Existing irrigation systems are center pivots fitted with MESA drop nozzles for increased efficiency in application and reduced evaporation losses. The pivots are fed by a Berkley floating pump rated for a maximum application rate of 950 gpm. Water is conveyed from the pump to the pivots via sealed pipeline. As more technological advances are made, the applicant will upgrade the systems accordingly when it is economically feasible. Future additions may be made with the possibility of additional pumps and center pivots being installed. The systems will be run at or below the diversion rate authorized in the water right permit when pumping adjudicated water.

2. Describe the device(s) and/or method(s) used to measure and account for the amount of water diverted from the supply source, and verify the accuracy is within plus or minus 5%.

A micrometer brand flowmeter is installed on the diversion pipe with a +/- accuracy rating of 5%.

3. Provide specific, quantified 5-year and 10-year targets for water savings including, where appropriate, quantitative goals for irrigation water use efficiency and a pollution abatement and prevention plan below in 3(a) and 3(b). Water savings may be represented in acre-feet or in water use efficiency. If you are not planning to change your irrigation system in the next five or ten years, then you may use your existing efficiencies or savings as your 5-year and /or 10-year goals. Please provide an explanation in the space provided below if you plan to use your existing efficiencies or savings.

The current pivot efficiency ratings are estimated at 85%. Although not currently planned, any future modifications made to the equipment will maintain or increase the current efficiency of the existing systems and any new systems installed will target an 85% or higher efficiency rating as well.

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

- a. 5-year goal:  
Savings in acre-feet                      or system efficiency as a percentage 85 %
- b. 10-year goal:  
Savings in acre-feet                      or system efficiency as a percentage 85 %

*(Examples of Typical Efficiencies for Various Types of Irrigation Systems – Surface: 50-80%; Sprinkler: 70-85%; LEPA: 80-90%; Micro-irrigation: 85-95%)*

4. If there is an existing irrigation system, have any system evaluations been performed on the efficiency of the system?

☐ Yes              ☒ No

If yes, please provide the date of the evaluation, evaluator's name and the results of the evaluation:

### C. Conservation practices

1. Describe any water conserving irrigation equipment, application system or method in the irrigation system (e.g., surge irrigation, low pressure sprinkler, drip irrigation, nonleaking pipe).

Existing center pivots are fitted with high efficiency MESA drop nozzles and the systems are fed by a sealed pipeline to avoid leaks/waste.

2. Describe any methods that will be used for water loss control and leak detection and repair.

All irrigation equipment is routinely maintained and repaired to maintain maximum operating efficiency. The systems are closely monitored during operation and any leaks found during inspections are promptly repaired to avoid water losses and increase conservation.

3. Describe any water-saving scheduling or practices to be used in the application of water (e.g., irrigation only in early morning, late evening or night hours and/or during lower temperatures and winds) and methods to measure the amount of water applied (e.g. soil-moisture monitoring).

The center pivot irrigation systems are run during optimal weather conditions such as low wind, early morning, or late evening to avoid high losses due to wind and evaporation.

4. Describe any water-saving land improvements or plans to be incorporated into the irrigation practices for retaining or reducing runoff and increasing infiltration of rain and irrigation water (e.g., land leveling, conservation tillage, furrow diking, weed control, terracing, etc.).

Weed control practices are implemented throughout the year to rid out weeds and unwanted/invasive plants. Land leveling & terracing are also practiced where applicable to eliminate runoff from steep slopes and increase the infiltration rate of the water into the soil.

5. Describe any methods for recovery and reuse of tail water runoff.

Center pivots are monitored during operation and fields are not watered over their water holding capacity. Irrigation systems are shut off before any tail water runoff occurs.

6. Describe any other water conservation practices, methods, or techniques for preventing waste and achieving conservation.

All irrigation equipment is maintained to operate at the highest level of efficiency and is monitored during operation to prevent any water waste and achieve maximum water conservation.

## **II. WATER CONSERVATION PLANS SUBMITTED WITH A WATER RIGHT APPLICATION FOR NEW OR ADDITIONAL STATE WATER**

Water Conservation Plans submitted with a water right application for New or Additional State Water must include data and information which:

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;
2. evaluates conservation as an alternative to the proposed appropriation; and
3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

Additionally, it shall be the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists and that the requested amount of appropriation is necessary and reasonable for the proposed use.



**Attachment F**

**Addendum to Worksheet 5.0**



**1.) Upper Limit of Diversion Reach #1 Facing Upstream**



**2.) Upper Limit of Diversion Reach #1 Facing Downstream**





**3.) Lower Limit of Diversion Reach #1 Facing Upstream**



**4.) Lower Limit of Diversion Reach #1 Facing Downstream**





**5.) Upper Limit of Diversion Reach #2 Facing Upstream**



**6.) Upper Limit of Diversion Reach #2 Facing Downstream**





**7.) Lower Limit of Diversion Reach #2 Facing Upstream**



**8.) Lower Limit of Diversion Reach #2 Facing Downstream**