

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 14-1313C

Bentwood C.C., LLC, (Owner/Applicant) seeks to amend COA 14-1313 to add a diversion point on the South Concho River, Colorado River Basin in Tom Green County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Bentwood C.C., LLC, 2111 Clubhouse Lane, San Angelo, Texas 76904-8015, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Limited mailed notice is required to interjacent water right holders of record in the Colorado River Basin pursuant to Title 30 TAC § 295.158(c)(3)(D).

A portion of Certificate of Adjudication No. 14-1313 authorizes Bentwood C.C., LLC, (Applicant) to divert and use not to exceed 320 acre-feet of water per year from a point on the South Concho River, Colorado River Basin, and a point on the South Concho River (Lake Nasworthy), at a maximum combined diversion rate of 3.16 cfs (1,420 gpm) for storage in two off-channel reservoirs and for subsequent diversion for agricultural purposes to irrigate 188 acres of land out of multiple tracts of land in Tom Green County.

The time priority of this water right is June 19, 1914.

Applicant seeks to amend Certificate of Adjudication No. 14-1313 to add a diversion point on the South Concho River, below Lake Nasworthy in Tom Green County.

The proposed diversion point is located at Latitude 31.388611° N, Longitude 100.473333° W in Tom Green County, ZIP Code 76904.

Consent to access and utilize the point of diversion is evidenced by an *Easement Agreement* between the Applicant, David L. Norris, and Sharon Norris.

The application was received on May 17, 2023. Fees were received on May 25, 2023. Additional information was received on March 6, 2024. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on March 7, 2024.

The Executive Director has 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, maintaining a measuring device. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at: www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice. 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 April 24, 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 April 24, 2025. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by April 24, 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 amendment 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 to the requested amendment 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 amendment 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 1313 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. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: April 10, 2025

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-1313C

TYPE § 11.122

Owner: Bentwood C.C., LLC

Address: 2111 Clubhouse Lane
San Angelo, TX 76904-8015

Filed: March 7, 2024

Granted:

Purpose: Agriculture

County: Tom Green

Watercourse: South Concho River

Watershed: Colorado River Basin

WHEREAS, a portion of Certificate of Adjudication No. 14-1313 authorizes Bentwood C.C., LLC, (Applicant/Owner) to divert and use not to exceed 320 acre-feet of water per year from a point on the South Concho River, Colorado River Basin, and a point on the South Concho River (Lake Nasworthy), at a maximum combined diversion rate of 3.16 cfs (1,420 gpm) for storage in two off-channel reservoirs and for subsequent diversion for agricultural purposes to irrigate 188 acres of land out of multiple tracts of land in Tom Green County; and

WHEREAS, the time priority of Owner's right is June 19, 1914; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 14-1313 to add a diversion point on the South Concho River below Lake Nasworthy; and

WHEREAS, the proposed diversion point is located at Latitude 31.388611° N, Longitude 100.473333° W in Tom Green County; and

WHEREAS, consent to access and utilize the point of diversion is evidenced by an *Easement Agreement* between the Applicant, David L. Norris, and Sheron Norris; 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 Concho Watermaster; and

WHEREAS, the Executive Director recommends special conditions be included in the 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. 14-1313, designated Certificate of Adjudication No. 14-1313C, is issued to Bentwood C.C., LLC subject to the following terms and conditions:

1. DIVERSION

- A. In addition to previous authorizations, Owner is authorized to divert from a point on the South Concho River below Lake Nasworthy located at Latitude 31.388611° N, Longitude 100.473333° W.
- B. At a maximum combined diversion rate for all diversions authorized under Certificate of Adjudication No. 14-1313, as amended, is 3.16 cfs (1,420 gpm).

2. 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. This amendment does not authorize Owner to divert water released from Lake Nasworthy for downstream uses as authorized by Certificate of Adjudication No. 14-1319. Owner may divert water that is passed through the lake for downstream senior water rights as determined by the Concho Watermaster.
- C. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point authorized in Paragraph 1. DIVERSION and maintain measurement records.
- D. Owner shall allow representatives of the Concho River Watermaster reasonable access to the property to inspect the measuring device and records.
- E. Owner shall contact the Concho River Watermaster prior to diversion of water authorized by the amendment.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 14-1313, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Colorado 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

DRAFT

From: Kevin Collins [REDACTED]
Sent: Monday, April 7, 2025 10:16 AM
To: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>
Cc: Kathy Alexander <kathy.alexander@tceq.texas.gov>
Subject: Re: Bentwood CC, LLC 14-1313C

Chris

Yes I confirm that we can proceed to notice and I accept the proposed modification to the special condition and I have no further comments

Thank you

Kevin Collins

[Sent from the all new AOL app for iOS](#)

On Friday, April 4, 2025, 10:47 AM, Chris Kozlowski <chris.kozlowski@tceq.texas.gov> wrote:

Kevin, can you confirm that you would like to proceed with notice? Also, can you confirm that you accept the proposed modification to the special condition that we proposed and that you have no other comments to the draft permit or notice?

From: Kevin Collins [REDACTED]
Sent: Tuesday, April 1, 2025 12:24 PM
To: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>
Subject: Re: Bentwood CC, LLC 14-1313C

Hey Chris

I talked to Mr. Schwartz, and he spoke to Mr. Holik and he indicated that they would send a letter back to me letting TCEQ know that they would not contest the diversion point. However, I have not received anything on my end. I also spoke to the City, but they have not gotten back to me on the issue either.

Seems to me that the best plan is to send the notice out to these three as is the normal process and see if that gets us to the final step.

Let me know what you think about that idea.

Thanks

Kevin Collins
Managing Partner
Director of Development/Tennis
Bentwood CC LLC
(325)944-0520 Club

On Friday, March 14, 2025 at 10:59:58 AM CDT, Chris Kozlowski <chris.kozlowski@tceq.texas.gov> wrote:

Kevin,

Give me a call at 512-239-1801 or give me a good call back number and we can discuss what needs to be in the letters. Thanks.

Chris Kozlowski

From: Kathy Alexander <kathy.alexander@tceq.texas.gov>
Sent: Friday, March 14, 2025 10:38 AM
To: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>
Subject: FW: Bentwood CC, LLC 14-1313C

From: Kevin Collins [REDACTED]
Sent: Friday, March 14, 2025 10:35 AM
To: Kathy Alexander <kathy.alexander@tceq.texas.gov>
Subject: Re: Bentwood CC, LLC 14-1313C

Hi Kathy

Sorry to bother you so quick again, but I have talked to Kent Schwartz and he is willing to send a letter or email saying he is ok with what we are doing. In addition, he is speaking to the Holiks for me to get them to send email/letter stating that they are ok with what we are doing as well. Can you tell me exactly what they need to say in the letter to make sure we cover it correctly?

I will be down to visit with the City Monday.

Kevin Collins
Managing Partner
Director of Development/Tennis
Bentwood CC LLC
(325)944-0520 Club

On Thursday, March 13, 2025 at 01:49:54 PM CDT, Kathy Alexander <kathy.alexander@tceq.texas.gov> wrote:

Ok, sounds good!

From: Kevin Collins [REDACTED]
Sent: Thursday, March 13, 2025 1:49 PM
To: Kathy Alexander <kathy.alexander@tceq.texas.gov>
Subject: Re: Bentwood CC, LLC 14-1313C

I can just call your number listed below

Thx

[Sent from the all new AOL app for iOS](#)

On Thursday, March 13, 2025, 1:38 PM, Kathy Alexander
<kathy.alexander@tceq.texas.gov> wrote:

Kevin,
I can send a teams link if that works for you, or you can just give me a call.
Kathy



Kathy Alexander, PhD
Policy & Technical Analyst
Water Availability Division
512-239-0778

From: Kevin Collins [REDACTED]
Sent: Thursday, March 13, 2025 1:37 PM
To: Kathy Alexander <kathy.alexander@tceq.texas.gov>
Subject: Re: Bentwood CC, LLC 14-1313C

Tomorrow at 10:00 am works for me how do you want to set it up

[Sent from the all new AOL app for iOS](#)

On Thursday, March 13, 2025, 1:35 PM, Kathy Alexander
<kathy.alexander@tceq.texas.gov> wrote:

Hi Kevin,
How about either tomorrow or Monday at 10 am?
Kathy

From: Kevin Collins [REDACTED]
Sent: Thursday, March 13, 2025 1:34 PM
To: Kathy Alexander <kathy.alexander@tceq.texas.gov>
Cc: Humberto Galvan <Humberto.Galvan@tceq.texas.gov>;
Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Jeremy
Walker-Lee <Jeremy.Walker-Lee@tceq.texas.gov>
Subject: Re: Bentwood CC, LLC 14-1313C

Hi Kathy

I was just reaching out about setting up a call. I know that March 18 was the timeframe for submitting questions. I am around tomorrow Monday or Tuesday

Let me know

Thx

Kevin Collins

[Sent from the all new AOL app for iOS](#)

On Monday, March 10, 2025, 11:16 AM, Kathy Alexander <kathy.alexander@tceq.texas.gov> wrote:

Good morning Kevin,

Thank you for reaching out with your question. The City has the right to impound water in Lake Nasworthy and deliver that water to downstream customers. Water right holders below the lake cannot divert this released water. In addition to natural streamflow, water availability for water right holders below Lake Nasworthy is determined by inflows to the Twin Buttes/Nasworthy system and inflows are passed through the system if senior water right holders downstream have requested water. The watermaster determines the volume of inflows and allocates those inflows to users based on their priority dates and demands when inflows are available.

In order to avoid future confusion about access to streamflows below the lake, we can consider making the following clarification to the release provision: This amendment does not authorize Owner to divert water released from Lake Nasworthy for downstream uses as authorized by Certificate of Adjudication No. 14-1319. Owner may divert water that is passed through the lake for downstream senior water rights as determined by the Concho Watermaster.

We would be happy to set up a call to discuss this further if needed.

Kathy



Kathy Alexander, PhD
Policy & Technical Analyst
Water Availability Division
512-239-0778

From: Kevin Collins [REDACTED]
Sent: Tuesday, March 4, 2025 10:47 AM
To: Jeremy Walker-Lee <Jeremy.Walker-

Lee@tceq.texas.gov>

Cc: Chris Kozlowski

<chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>

Subject: Re: Bentwood CC, LLC 14-1313C

Good morning:

Thanks for getting this information to me. I do have one question as of now. In the conclusion, of the water availability review, it states that this amendment does not authorize the owner to divert water released from Lake Nasworthy authorized by certificate of adjudication No. 14-1319. Can you give me an explanation of that? My time priority date is June 19, 1914, and Certificate of adjudication No. 14-1319 time priority date is March 11, 1929, I am not interested in taking any of the water designated to the city, I just want to make sure that since I have a priority date that is senior to the City, that I can get the water that is allocated to my certificate without violating any rules etc.

I assume that this is related to when water is released from the Dam, and considering that my priority date is senior to the city; how will all this be determined?

I would appreciate an explanation so that I have a full understanding of the process. I am sure I will have further questions, and I will make sure I have all of them to you by the March 18 deadline.

Thanks again for getting this through the technical review process.

Sincerely,

Kevin Collins
Managing Partner
Director of Development/Tennis
Bentwood CC LLC
(325)944-0520 Club

On Tuesday, March 4, 2025 at 09:15:03 AM CST,
Jeremy Walker-Lee <jeremy.walker-lee@tceq.texas.gov> wrote:

Good Morning,

Please see the attached draft public notice, amendment and related technical memoranda for Bentwood C.C., LLC Application No. 14-1313C. Please respond with any comments or questions by 3.18.2025.

Thanks,

Jeremy Walker-Lee, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
512-239-0637



Jeremy Walker-Lee

From: Jeremy Walker-Lee
Sent: Tuesday, March 4, 2025 9:25 AM
To: Angela Sander
Cc: Chris Kozlowski; Chris Kozlowski
Subject: Bentwood CC, LLC 14-1313C
Attachments: Bentwood_C.C._LLC_14-1313C_Amendment_3.4.2025.pdf

Good Morning,

Please see the attached draft public notice, amendment and related technical memoranda for Bentwood C.C., LLC Application No. 14-1313C. Please respond with any comments or questions by 3.18.2025.

Thanks,

Jeremy Walker-Lee, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
512-239-0637



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

March 4, 2025

Mr. Kevin Collins
Bentwood C.C., L.L.C.
2111 Club House LN
San Angelo, TX 76904-8015

VIA E-MAIL

RE: Bentwood C.C., L.L.C.
ADJ 1313
CN603932765, RN102704277
Application No. 14-1313C to Amend Certificate of Adjudication No. 14-1313
Texas Water Code § 11.122, Requiring Limited Mailed Notice
South Concho River, Colorado River Basin
Tom Green County

Dear Mr. Collins:

Drafts, subject to revision, of the public notice, proposed amendment to Certificate of Adjudication No. 14-1313, and the related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the enclosed drafts. Please review the drafts and contact me no later than March 18, 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. 14-1313 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 jeremy.walker-lee@tceq.texas.gov or by telephone at (512) 239-0637.

Sincerely,

A handwritten signature in cursive script that reads "Jeremy Walker-Lee".

Jeremy Walker-Lee, 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. 14-1313C

Bentwood C.C., LLC, (Owner/Applicant) seeks to amend COA 14-1313 to add a diversion point on the South Concho River, Colorado River Basin in Tom Green County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Bentwood C.C., LLC, 2111 Clubhouse Lane, San Angelo, Texas 76904-8015, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Limited mailed notice is required to interjacent water right holders of record in the Colorado River Basin pursuant to Title 30 TAC § 295.158(c)(3)(D).

A portion of Certificate of Adjudication No. 14-1313 authorizes Bentwood C.C., LLC, (Applicant) to divert and use not to exceed 320 acre-feet of water per year from a point on the South Concho River, Colorado River Basin, and a point on the South Concho River (Lake Nasworthy), at a maximum combined diversion rate of 3.16 cfs (1,420 gpm) for storage in two off-channel reservoirs and for subsequent diversion for agricultural purposes to irrigate 188 acres of land out of multiple tracts of land in Tom Green County.

The time priority of this water right is June 19, 1914.

Applicant seeks to amend Certificate of Adjudication No. 14-1313 to add a diversion point on the South Concho River, below Lake Nasworthy in Tom Green County.

The proposed diversion point is located at Latitude 31.388611° N, Longitude 100.473333° W in Tom Green County, ZIP Code 76904.

Consent to access and utilize the point of diversion is evidenced by an *Easement Agreement* between the Applicant, David L. Norris, and Sharon Norris.

The application was received on May 17, 2023. Fees were received on May 25, 2023. Additional information was received on March 6, 2024. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on March 7, 2024.

The Executive Director has 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, maintaining a measuring device. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at: www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice. 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 _____. 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 _____. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by _____.

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 amendment 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 to the requested amendment 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 amendment 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 1313 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. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-1313C

TYPE § 11.122

Owner: Bentwood C.C., LLC

Address: 2111 Clubhouse Lane
San Angelo, TX 76904-8015

Filed: March 7, 2024

Granted:

Purpose: Agriculture

County: Tom Green

Watercourse: South Concho River

Watershed: Colorado River Basin

WHEREAS, a portion of Certificate of Adjudication No. 14-1313 authorizes Bentwood C.C., LLC, (Applicant/Owner) to divert and use not to exceed 320 acre-feet of water per year from a point on the South Concho River, Colorado River Basin, and a point on the South Concho River (Lake Nasworthy), at a maximum combined diversion rate of 3.16 cfs (1,420 gpm) for storage in two off-channel reservoirs and for subsequent diversion for agricultural purposes to irrigate 188 acres of land out of multiple tracts of land in Tom Green County; and

WHEREAS, the time priority of Owner's right is June 19, 1914; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 14-1313 to add a diversion point on the South Concho River below Lake Nasworthy; and

WHEREAS, the proposed diversion point is located at Latitude 31.388611° N, Longitude 100.473333° W in Tom Green County; and

WHEREAS, consent to access and utilize the point of diversion is evidenced by an *Easement Agreement* between the Applicant, David L. Norris, and Sheron Norris; 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 Concho Watermaster; and

WHEREAS, the Executive Director recommends special conditions be included in the 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. 14-1313, designated Certificate of Adjudication No. 14-1313C, is issued to Bentwood C.C., LLC subject to the following terms and conditions:

1. DIVERSION

- A. In addition to previous authorizations, Owner is authorized to divert from a point on the South Concho River below Lake Nasworthy located at Latitude 31.388611° N, Longitude 100.473333° W.
- B. At a maximum combined diversion rate for all diversions authorized under Certificate of Adjudication No. 14-1313, as amended, is 3.16 cfs (1,420 gpm).

2. 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. This amendment does not authorize Owner to divert water released from Lake Nasworthy authorized by Certificate of Adjudication No. 14-1319.
- C. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point authorized in Paragraph 1. DIVERSION and maintain measurement records.
- D. Owner shall allow representatives of the Concho River Watermaster reasonable access to the property to inspect the measuring device and records.
- E. Owner shall contact the Concho River Watermaster prior to diversion of water authorized by the amendment.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 14-1313, as amended, except as specifically amended herein.

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

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

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

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


For the Commission

Date Issued:

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Jeremy Walker Lee, Project Manager **Date:** February 5, 2025
Water Rights Permitting Team

Through: Leslie Patterson, Team Leader 
Resource Protection Team

From: Trent Jennings, Water Conservation Specialist
Resource Protection Team

Subject: Bentwood C.C., L.L.C.
ADJ 1313C
CN603932765
South Concho River, Colorado River Basin
Tom Green County

APPLICATION SUMMARY

Certificate of Adjudication No. 14-1313 (Certificate) authorizes, among other things, Bentwood CC, LLC (Applicant) to divert 320 acre-feet of water per year from a point on the South Concho River (Lake Nasworthy), Colorado River Basin, at a maximum combined diversion rate of 3.16 cfs (1,420 gpm), for agricultural purposes in Tom Green County.

Applicant requests to amend its portion of the Certificate to add a diversion point on the South Concho River below Lake Nasworthy.


WATER CONSERVATION REVIEW

Pursuant to Title 30 Texas Administrative Code §295.9, a water conservation plan is not required to be submitted for this application.

The application is consistent with the Region F 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.




Trent Jennings, Water Conservation Specialist
Resource Protection Team

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Jeremy Walker-Lee, Project Manager **Date:** February 5, 2025
Water Rights Permitting Team

Through: Leslie Patterson, Team Leader 
Resource Protection Team

From: Richard Schmoyer, Aquatic Scientist
Resource Protection Team

Subject: Bentwood C.C., L.L.C.
ADJ 1313
CN603932765
South Concho River, Colorado River Basin
Tom Green 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. 14-1313 (Certificate) authorizes, among other things, Bentwood C.C., L.L.C. (Applicant) to divert 320 acre-feet of water per year from a point on the South Concho River (Lake Nasworthy), Colorado River Basin, at a maximum combined diversion rate of 3.16 cfs (1,420 gpm), for agricultural purposes in Tom Green County.

Applicant requests to amend its portion of the Certificate to add a diversion point on the South Concho River below Lake Nasworthy.

ENVIRONMENTAL ANALYSIS

Aquatic and Riparian Habitats: The proposed diversion point is on the South Concho River, which is a perennial stream, and is located in the Red Prairie ecoregion (Griffith et al. 2007).

The checklist for the Colorado River Basin identified 46 species of ichthyofauna occurring within South Concho hydrologic unit (United States Geologic Survey code 12090102) (Hendrickson and Cohen 2022). The Texas fatmucket (*Lampsilis bracteata*) and Texas pimpleback (*Cyclonaias petrina*), federally-listed endangered species; and the Guadalupe bass (*Micropterus treculii*), Brazos water snake (*Nerodia harteri*), Concho water snake (*Nerodia paucimaculata*), and Texas fawnsfoot (*Truncilla macrodon*), high interest aquatic or aquatic-dependent species,

are known to occur in Tom Green County (TPWD 2024). This amendment is not expected to have an effect on any federally-listed, 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 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 August 8, 2012, the TCEQ adopted environmental flow standards for the Colorado and Lavaca Rivers, and Matagorda and Lavaca Bays (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter D). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC § 298.310). The Applicant does not request a new appropriation of water or an amendment that increases the amount of water stored, taken, or diverted; therefore, the environmental flow standards do not apply.

Although the Applicant is requesting to add an authorized diversion point downstream on the South Concho River, Resource Protection staff does not recommend a streamflow restriction for the addition of the diversion point since the proposed downstream diversion point is a small distance from the currently authorized diversion point.

Recreational Uses: Concho River (Segment 1421) has a designated primary contact recreation 1 use (TCEQ 2022). The Applicant's request should not adversely impact recreational uses.

Water Quality: Concho River (Segment 1421) has a designated high aquatic life and public water supply use (TCEQ 2022). 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 on Matagorda Bay.

RECOMMENDATIONS

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

1. 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. 2022. Fishes of Texas Project Database [Internet]. [cited 2025 Jan 27]; Version 3.0. Available from <http://doi.org/10.17603/C3WC70>.

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

TPWD. 2024. TPWD County Lists of Texas Protected Species and Species of Greatest Conservation Need [Internet]. Austin (TX): Tom Green County, revised January 15, 2025. [cited 2025 Jan 27]. Available from <http://tpwd.texas.gov/gis/rtest/>.

Richard Schmoyer

Richard Schmoyer, Aquatic Scientist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Jeremy Walker-Lee, Project Manager Date: February 13, 2025
Water Rights Permitting Team

Through *KA* Kathy Alexander, Ph.D., Policy and Technical Analyst
Water Availability Division

TG Trent Gay, Team Leader
Surface Water Availability Team

From: Lauren Simmons, Hydrologist
Surface Water Availability Team

Subject: Bentwood C.C., L.L.C.
ADJ 1313
CN603932765
South Concho River, Colorado River Basin
Tom Green County

WATER AVAILABILITY REVIEW

Application Summary

Certificate of Adjudication No. 14-1313 (Certificate) authorizes, among other things, Bentwood C.C., L.L.C. (Applicant) to divert 320 acre-feet of water per year from a point on the South Concho River (Lake Nasworthy), Colorado River Basin, at a maximum combined diversion rate of 3.16 cfs (1,420 gpm), for agricultural purposes in Tom Green County.

Applicant requests to amend its portion of the Certificate to add a diversion point on the South Concho River below Lake Nasworthy.

The application was declared administratively complete on March 7, 2024.

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 memorandum dated February 5, 2025.

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 Colorado WAM to evaluate impacts on other water rights as a result of the application. The period of record for the Colorado WAM is 1940 through 2016. Staff modeled the application with diversion of the authorized 320 acre-feet of water at a priority date of June 19, 1914, at the requested diversion point. Staff compared the pre- and post-application volume reliabilities of all water rights in the Colorado River Basin and found very small negative impacts to 20 water rights with an average difference in volume reliability of 0.01 percent.

The Applicant's requested diversion point will be below Lake Nasworthy Dam, staff notes the Applicant will not be authorized to divert water released from Lake Nasworthy by the City of San Angelo as authorized under Certificate of Adjudication No. 14-1319. In addition, this application is subject to the requirements and orders of the Concho River Watermaster. The Watermaster actively manages water rights on a daily basis and protects senior water rights in times of shortage. Therefore, there should be no effect on other basin water rights as a result of this application.

Conclusion

Staff can support granting the application provided the amendment includes the following special condition:

1. This amendment does not authorize Owner to divert water released from Lake Nasworthy authorized by Certificate of Adjudication No. 14-1319.

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



Lauren Simmons, Hydrologist

Jeremy Walker-Lee

From: Chris Kozlowski
Sent: Friday, January 31, 2025 10:55 AM
To: Kevin Collins
Cc: Jeremy Walker-Lee; Humberto Galvan; Sarah Henderson
Subject: Re: Automatic reply: Checking In

Kevin, Thanks for reaching out again. The application is still in technical review and being processed behind other applications in the basin. We are working through the permit applications that are in front of Bentwood's application and are still working through them as expeditiously as possible and are trying to work through them so we can reach your application. If you have additional questions please feel free to contact me at 512-239-1801. Thank you.

From: Kevin Collins [REDACTED]
Sent: Friday, January 24, 2025 12:04 PM
To: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>
Cc: Jeremy Walker-Lee <Jeremy.Walker-Lee@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>; Sarah Henderson <sarah.henderson@tceq.texas.gov>
Subject: Re: Automatic reply: Checking In

Hi Chris

I was just checking in again to see if there is any timeline or movement on my technical review.

Sincerely,

Kevin Collins
Managing Partner
Director of Development/Tennis
Bentwood CC LLC
(325)944-0520 Club

On Tuesday, December 3, 2024 at 03:47:21 PM CST, Chris Kozlowski <chris.kozlowski@tceq.texas.gov> wrote:

Mr. Collins,

Thanks for reaching out again. The application is currently in technical review and being processed behind other applications in the basin. We have prioritized the permit applications that are in front of Bentwood's application and are still working through them as expeditiously as possible and are trying to work through them so we can reach your application. If you have additional questions please feel free to contact me at 512-239-1801. Thank you.

Chris Kozlowski, Team Leader
Water Rights Permitting Team
Water Rights Permitting & Availability Section
Texas Commission on Environmental Quality
(512)239-1801
Chris.Kozlowski@tceq.texas.gov

From: Kevin Collins [REDACTED]
Sent: Monday, December 2, 2024 7:35 PM
To: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>
Cc: Jeremy Walker-Lee <Jeremy.Walker-Lee@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>; Sarah Henderson <sarah.henderson@tceq.texas.gov>
Subject: Re: Automatic reply: Checking In

Hi Chris

I was just wondering if there had been any updates on the application. We have now been in technical review for over eight months. The time this is taking for such a simple request is obviously not ideal for our business and is rather frustrating. Please advise of any timeline that you can share that might help us plan for our water needs.

I understand that our application is to be processed behind other requests in the basin that were ahead of ours, but our request is simple and affects no other right holder. I never dreamed that a technical review of such a simple request would still not be finished after eight months. We were told when we filed the application that the entire process would take 300 days from the date the application was filed, and we have email confirmation of that targeted time frame. We are sitting at about 550 days as of today. This issue is becoming critical for our business, and we have been very patient and have quickly and efficiently answered all requests from the TCEQ on this matter. Please advise on any options we may have to get this review complete, as our business is suffering because of these delays.

Sincerely,

Kevin Collins
Managing Partner
Director of Development/Tennis
Bentwood CC LLC
(325)944-0520 Club
(325)374-7023 Cell

On Friday, October 25, 2024 at 09:19:35 AM CDT, Chris Kozlowski <chris.kozlowski@tceq.texas.gov> wrote:

Mr. Collins,

Thanks for reaching out. Jeremy Walker-Lee is the new project manager of the application. He is cc'd on this email. The application is currently in technical review and being processed behind other applications in the basin. We have prioritized the permit applications that are in front of Bentwood's application and are working through them as expeditiously as possible. We do not need anything from you at this time, but I will reach out if we need additional information. If you have additional questions please feel free to contact me at 512-239-1801. Thank you.

Chris Kozlowski, Team Leader
Water Rights Permitting Team
Water Rights Permitting & Availability Section
Texas Commission on Environmental Quality
(512)239-1801
Chris.Kozlowski@tceq.texas.gov

From: Kevin Collins [REDACTED]
Sent: Wednesday, October 23, 2024 12:11 PM

To: Joshua Schauer <Joshua.Schauer@Tceq.Texas.Gov>

Subject: Re: Automatic reply: Checking In

Joshua

I emailed last month and did not receive a reply. Is there any news regarding my application?

Kevin Collins
Managing Partner
Director of Development/Tennis
Bentwood CC LLC
(325)944-0520 Club

On Monday, September 16, 2024 at 12:49:05 PM CDT, Kevin Collins [REDACTED] wrote:

Joshua

I was just checking in on my application. We started this process over 1000 days ago and I am hoping we can get something moving on it as I was told in the beginning that this would take about 300 days.

Let me know if you have any new information.

Thanks

Kevin Collins
Managing Partner
Director of Development/Tennis
Bentwood CC LLC
(325)944-0520 Club

On Friday, July 26, 2024 at 07:58:39 PM CDT, Joshua Schauer <joshua.schauer@tceq.texas.gov> wrote:

Hi Mr. Collins,

Thanks for reaching out. My name is Joshua Schauer and I am the project manager assigned to application No. 14-1313C. The application is currently in technical review and being processed behind other applications in the basin. We do not need anything from you at this time, but I will reach out if we need additional information. If you have additional questions please feel free to contact Bert Galvan, Manager at 512-239-4013.

Thanks,
Josh

Joshua Schauer
Project Manager
Water Rights Permitting Team, Water Availability Division
Texas Commission on Environmental Quality
512-239-1371 Joshua.Schauer@tceq.texas.gov

Sarah

I sent a request for an update on our application from Chris Kozlowski as I do pretty much once a month and received this auto response, which may just be a typo.

Regardless, I was wondering if you could check in on our application. We have had it in for over 14 months and would really like to get this finished. We were told it would take about 300 days, and we are well beyond that and since the request is not complex, I was not expecting this much time to be needed.

We have been administratively complete since April, given the lack of complexity of our request it seems that we would be further along. I would appreciate anything you can do to help us.

Sincerely,

Kevin Collins
Managing Partner
Director of Development/Tennis
Bentwood CC LLC
(325)944-0520 Club

----- Forwarded Message -----

From: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>

To: Kevin Collins [REDACTED]

Sent: Thursday, July 25, 2024 at 03:57:23 PM CDT

Subject: Automatic reply: Checking In

I will be out of the office and will return on Tuesday 2/1/2024. Thanks.

Jeremy Walker-Lee

From: Chris Kozlowski
Sent: Tuesday, December 3, 2024 3:32 PM
To: Kevin Collins
Cc: Jeremy Walker-Lee; Humberto Galvan; Sarah Henderson
Subject: RE: Automatic reply: Checking In

Mr. Collins,

Thanks for reaching out again. The application is currently in technical review and being processed behind other applications in the basin. We have prioritized the permit applications that are in front of Bentwood's application and are still working through them as expeditiously as possible and are trying to work through them so we can reach your application. If you have additional questions please feel free to contact me at 512-239-1801. Thank you.

Chris Kozlowski, Team Leader
Water Rights Permitting Team
Water Rights Permitting & Availability Section
Texas Commission on Environmental Quality
(512)239-1801
Chris.Kozlowski@tceq.texas.gov

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Cc: Jeremy Walker-Lee <Jeremy.Walker-Lee@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>; Sarah Henderson <sarah.henderson@tceq.texas.gov>
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Bentwood CC LLC
(325)944-0520 Club
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Chris Kozlowski, Team Leader

Water Rights Permitting Team

Water Rights Permitting & Availability Section

Texas Commission on Environmental Quality

(512)239-1801

Chris.Kozlowski@tceq.texas.gov

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Sent: Wednesday, October 23, 2024 12:11 PM

To: Joshua Schauer <Joshua.Schauer@Tceq.Texas.Gov>

Subject: Re: Automatic reply: Checking In

Joshua

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Kevin Collins

Managing Partner

Director of Development/Tennis

Bentwood CC LLC

(325)944-0520 Club

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Let me know if you have any new information.

Thanks

Kevin Collins

Managing Partner

Director of Development/Tennis

Bentwood CC LLC

(325)944-0520 Club

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Thanks,

Josh

Joshua Schauer

Project Manager

Water Rights Permitting Team, Water Availability Division

Texas Commission on Environmental Quality

512-239-1371 Joshua.Schauer@tceq.texas.gov

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Kevin Collins

Managing Partner

Director of Development/Tennis

Bentwood CC LLC

(325)944-0520 Club

----- Forwarded Message -----

From: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>

To: Kevin Collins [REDACTED]

Sent: Thursday, July 25, 2024 at 03:57:23 PM CDT

Subject: Automatic reply: Checking In

I will be out of the office and will return on Tuesday 2/1/2024. Thanks.

Jenna Rollins

From: Jenna Rollins
Sent: Wednesday, April 3, 2024 11:03 AM
To: Kevin Collins
Cc: Chris Kozlowski; Humberto Galvan
Subject: RE: Bentwood C.C. L.L.C., Application No. 14-1313C is Admin Complete

Dear Mr. Collins,

I have no estimate for the completion of technical review at this time. Each application requires a different review due to the unique requests of each application, so we do not have a general timeline for completion of technical review. Our technical staff will complete a notice run to determine interjacent water right holders and whether or not a notice needs to be prepared.

Please let me know if you have any questions.

Thank you,
Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
512-239-1845

From: Kevin Collins [REDACTED]
Sent: Thursday, March 28, 2024 3:33 PM
To: Jenna Rollins <Jenna.Rollins@tceq.texas.gov>
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: Re: Bentwood C.C. L.L.C., Application No. 14-1313C is Admin Complete

Hi Jenna

I was just checking in on the technical review of our application. I did not know how long that typically takes. I noticed on the paperwork that the interjacent water right holders would need to be notified. As far as I know there are no water right holders in between the two points we are working with. If that is the case, will we not need to send out notices?

Summer is approaching and we are hoping to have this finished up in time to utilize this diversion point in the hot months.

Thanks for your help on this.

Kevin Collins
Managing Partner
Director of Development/Tennis
Bentwood CC LLC
(325)944-0520 Club

On Friday, March 8, 2024 at 08:20:45 AM CST, Jenna Rollins <jenna.rollins@tceq.texas.gov> wrote:

Good morning Mr. Collins,

The application is now in technical review. We do not need anything from you at this time, but I will reach out if we need additional information.

Best regards,

Jenna Rollins, Project Manager

Water Rights Permitting Team

Water Rights Permitting and Availability Section

512-239-1845

From: Kevin Collins [REDACTED]
Sent: Thursday, March 7, 2024 4:37 PM
To: Jenna Rollins <jenna.rollins@tceq.texas.gov>
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: Re: Bentwood C.C. L.L.C., Application No. 14-1313C is Admin Complete

Thanks Jenna!

Please let me know what the next steps are and if you need me to do anything else at this time.

Sincerely,

Kevin Collins

Managing Partner

Director of Development/Tennis

Bentwood CC LLC

(325)944-0520 Club

On Thursday, March 7, 2024 at 03:46:33 PM CST, Jenna Rollins <jenna.rollins@tceq.texas.gov> wrote:

Dear Mr. Collins,

The Bentwood C.C. L.L.C., application No. 14-1313C, to amend Certificate of Adjudication No. 14-1313 is admin complete today (copy of letter, attached).

Best regards,

Jenna Rollins, Project Manager

Water Rights Permitting Team

Water Rights Permitting and Availability Section

512-239-1845

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Jenna Rollins, Project Manager
Water Rights Permitting Team

DATE: March 7, 2024

SUBJECT: Bentwood C.C., L.L.C.
ADJ 1313
CN603932765, RN102704277
Application No. 14-1313C to Amend Certificate of Adjudication
No. 14-1313
Texas Water Code § 11.122, Requiring Limited Mailed Notice
South Concho River, Colorado River Basin
Tom Green County

The application was received on May 17, 2023 and fees were received on May 25, 2023. Additional information was received on March 6, 2024. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on March 7, 2024. Mailed notice to the interjacent water right holders of record in the Colorado 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.

Jenna Rollins

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required ☒ YES ☐ NO

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 7, 2024

Mr. Kevin Collins
Bentwood C.C., L.L.C.
2111 Club House LN
San Angelo, TX 76904-8015

VIA E-MAIL

RE: Bentwood C.C., L.L.C.
ADJ 1313
CN603932765, RN102704277
Application No. 14-1313C to Amend Certificate of Adjudication No. 14-1313
Texas Water Code § 11.122, Requiring Limited Mailed Notice
South Concho River, Colorado River Basin
Tom Green County

Dear Mr. Collins:

This acknowledges receipt, on March 6, 2024, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on March 7, 2024. 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 jenna.rollins@tceq.texas.gov or by phone at 512-239-1845.

Sincerely,

A handwritten signature in cursive script that reads "Jenna Rollins".

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Jenna Rollins

From: Kevin Collins [REDACTED]
Sent: Wednesday, March 6, 2024 5:23 PM
To: Jenna Rollins
Cc: Chris Kozlowski; Humberto Galvan
Subject: Re: Bentwood C.C., L.L.C., Application No. 14-1313C
Attachments: worksheet5.0correction.pdf; filed easement norristceq.pdf; diversion location correction.pdf; BCCLLC resolution KC.pdf

Ms. Rollins:

Please find the attached responses to the RFI that you sent us February 6, 2024

1. Attachment 1 is corrected worksheet 5.0 with the measures to avoid impingement and entrainment
2. Attachment 2 is the filed easement for the diversion point that has been filed in Tom Green County.
3. Attachment 3 is the corrected diversion location point that corresponds with the easement and field notes in the application.
4. Attachment is the certificate of resolution granting me the authority to sign on behalf of Bentwood CC. LLC.

I believe that these are all the things that were requested. Please advise if there is anything else you need and please let me know if you need me to mail these items to you or if this format is acceptable. Thanks for your help in getting this taken care of.

Sincerely,

Kevin Collins
Managing Partner
Director of Development/Tennis
Bentwood CC LLC
(325)944-0520 Club

On Friday, February 16, 2024 at 03:42:06 PM CST, Jenna Rollins <jenna.rollins@tceq.texas.gov> wrote:

Dear Mr. Collins,

Please see the attached request for information letter for Bentwood C.C., L.L.C., application No. 14-1313C and provide a response by March 18, 2024.

Thank you,

Jenna Rollins, Project Manager

Water Rights Permitting Team

Water Rights Permitting and Availability Section

512-239-1845

WORKSHEET 5.0

ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

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

Diversion pump will implement mesh screen to avoid impingement and entrainment.

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

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

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

a. Identify the appropriate description of the water body.

☒ Stream

☐ Reservoir

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

☐ Other, specify: _____

b. Flow characteristics

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

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

☐ Intermittent with Perennial Pools – enduring pools

☒ Perennial – normally flowing

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

☐ USGS flow records

☒ Historical observation by adjacent landowners



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.

EASEMENT AGREEMENT

Date: April 28th, 2023

Grantor: DAVID L. NORRIS and SHERON NORRIS

Grantor's Mailing Address:

1505 Crystal Point Drive
San Angelo, Texas 76904
Tom Green County

Grantee: BENTWOOD C.C. L.L.C., a Texas limited liability company

Grantee's Mailing Address:

P. O. Box 61664
San Angelo, Texas 76906
Tom Green County

Dominant Estate Property: Being out of a 4.952 acre tract and a 3.075 acre tract out of the H. Zerbach survey no.178 abstract no.4210 City of San Angelo Tom Green County, Texas being more particularly described on **EXHIBIT "A"**, attached hereto and incorporated herein for all purposes.

Easement Property: Being a 30 foot water line and access easement area of land out of H. Zerbach Survey 178, Abstract No. 4210 and being out of that certain 4.952 acre tract and a 3.075 acre tract described in EXHIBIT "A", attached hereto and incorporated herein for all purposes, and filed of record under Instrument No. 202305118, Official Public Records of Real Property of Tom Green County, Texas

Easement Purpose: For the installation, construction, operation, maintenance, replacement, repair, upgrade, and removal of a waterline and pump facilities (collectively, the "Facilities").

Consideration: TEN AND NO/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor.

Reservations from Conveyance: None.

Exceptions to Warranty: None.

Grant of Easement: Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Warranty, grants, sells, and conveys to Grantee and Grantee's heirs, successors, and assigns an easement over, on, and across the Easement Property for the Easement Purpose, together with all and singular the rights and appurtenances thereto in any way belonging (collectively, the "Easement"), to have and to hold the Easement to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs, successors, and assigns to warrant and forever defend the title to the Easement in Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the Easement or any part of the Easement, except as to the Reservations from Conveyance and Exceptions to Warranty.

Terms and Conditions: The following terms and conditions apply to the Easement granted by this agreement:

1. Character of Easement. The Easement is appurtenant to, runs with, and inures to the benefit of all or any portion of the Dominant Estate Property, whether or not the Easement is referenced or described in any conveyance of all or such portion of the Dominant Estate Property. The Easement is nonexclusive and irrevocable. The Easement is for the benefit of Grantee and Grantee's heirs, successors, and assigns who at any time own any interest in the Dominant Estate Property (as applicable, the "Holder").

2. Duration of Easement. The duration of the Easement is perpetual.

3. Reservation of Rights. Holder's right to use the Easement Property is nonexclusive, and Grantor reserves for Grantor and Grantor's heirs, successors, and assigns the right to use all or part of the Easement Property in conjunction with Holder as long as such use by Grantor and Grantor's heirs, successors, and assigns does not interfere with the use of the Easement Property by Holder for the Easement Purpose, and the right to convey to others the right to use all or part of the Easement Property in conjunction with Holder, as long as such further conveyance is subject to the terms of this agreement.

4. Secondary Easement. Holder has the right (the "Secondary Easement") to use as much of the surface of the property that is adjacent to the Easement Property ("Adjacent Property") as may be reasonably necessary to install and maintain the Facilities within the Easement Property that are reasonably suited for the Easement Purpose. However, Holder must promptly restore the Adjacent Property to its previous physical condition if changed by use of the rights granted by this Secondary Easement.

5. Improvement and Maintenance of Easement Property. Improvement and maintenance of the Easement Property and the Facilities will be at the sole expense of Holder. Holder has the right to eliminate any encroachments into the Easement Property. Holder must maintain the Easement Property in a neat and clean condition. Holder has the right to construct, install, maintain, replace, and remove the Facilities under or across any portion of the Easement Property. All matters concerning the Facilities and their configuration, construction, installation, maintenance, replacement, and removal are at Holder's sole discretion, subject to performance of

Holder's obligations under this agreement. Holder has the right to remove or relocate any fences within the Easement Property or along or near its boundary lines if reasonably necessary to construct, install, maintain, replace, or remove the Facilities, subject to replacement of the fences to their original condition on the completion of the work.

6. Equitable Rights of Enforcement. This Easement may be enforced by restraining orders and injunctions (temporary or permanent) prohibiting interference and commanding compliance. Restraining orders and injunctions will be obtainable on proof of the existence of interference or threatened interference, without the necessity of proof of inadequacy of legal remedies or irreparable harm, and will be obtainable only by the parties to or those benefited by this agreement; provided, however, that the act of obtaining an injunction or restraining order will not be deemed to be an election of remedies or a waiver of any other rights or remedies available at law or in equity.

7. Attorney's Fees. If any party retains an attorney to enforce this agreement, the party prevailing in litigation is entitled to recover reasonable attorney's fees and court and other costs.

8. Binding Effect. This agreement binds and inures to the benefit of the parties and their respective heirs, successors, and permitted assigns.

9. Choice of Law. This agreement will be construed under the laws of the state of Texas, without regard to choice-of-law rules of any jurisdiction. Venue is in the county or counties in which the Easement Property is located.

10. Counterparts. This agreement may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.

11. Waiver of Default. It is not a waiver of or consent to default if the non-defaulting party fails to declare immediately a default or delays in taking any action. Pursuit of any remedies set forth in this agreement does not preclude pursuit of other remedies in this agreement or provided by law.

12. Further Assurances. Each signatory party agrees to execute and deliver any additional documents and instruments and to perform any additional acts necessary or appropriate to perform the terms, provisions, and conditions of this agreement and all transactions contemplated by this agreement.

13. Indemnity. Each party agrees to indemnify, defend, and hold harmless the other party from any loss, attorney's fees, expenses, or claims attributable to breach or default of any provision of this agreement by the indemnifying party.

14. Integration. This agreement contains the complete agreement of the parties and cannot be varied except by written agreement of the parties. The parties agree that there are no oral agreements, representations, or warranties that are not expressly set forth in this agreement.

15. Legal Construction. If any provision in this agreement is for any reason unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the parties, the unenforceability will not affect any other provision hereof, and this agreement will be construed as if the unenforceable provision had never been a part of the agreement. Whenever context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Article and section headings in this agreement are for reference only and are not intended to restrict or define the text of any section. This agreement will not be construed more or less favorably between the parties by reason of authorship or origin of language.

16. Notices. Any notice required or permitted under this agreement must be in writing. Any notice required by this agreement will be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address shown in this agreement. Notice may also be given by regular mail, personal delivery, courier delivery, facsimile transmission, or other commercially reasonable means and will be effective when actually received. Any address for notice may be changed by written notice delivered as provided herein.

17. Recitals. Any recitals in this agreement are represented by the parties to be accurate, and constitute a part of the substantive agreement.

18. Time. Time is of the essence. Unless otherwise specified, all references to "days" mean calendar days. Business days exclude Saturdays, Sundays, and legal public holidays. If the date for performance of any obligation falls on a Saturday, Sunday, or legal public holiday, the date for performance will be the next following regular business day.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK]

[SIGNATURE PAGE TO FOLLOW]

SIGNATURE PAGE TO EASEMENT AGREEMENT

GRANTOR:

David L. Norris
DAVID L. NORRIS

Sheron Norris
SHERON NORRIS

ACKNOWLEDGEMENTS

STATE OF Texas
COUNTY OF Tom Green

§
§
§

This instrument was acknowledged before me on April 28th 2023,
by DAVID L. NORRIS and SHERON NORRIS, a married couple.



Kristi R. McDonald
Notary Public, State of Texas
Exp. 12/13/2024

SIGNATURE PAGE TO EASEMENT AGREEMENT

GRANTEE:

BENTWOOD C.C. L.L.C., a Texas limited liability company

By: 

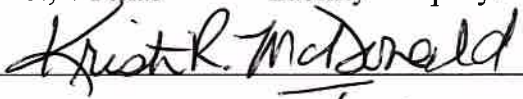
KEVIN COLLINS, Managing Member

ACKNOWLEDGEMENT

STATE OF Texas §
COUNTY OF Tom Green §
§

This instrument was acknowledged before me on April 28th 2023,
by KEVIN COLLINS, as Managing Member of BENTWOOD C.C. L.L.C., a Texas limited
liability company on behalf of BENTWOOD C.C. L.L.C., a Texas limited liability company.






Notary Public, State of Texas
Exp. 12/13/2024

PREPARED IN THE OFFICE OF:
THE DARBY LAW GROUP, PLLC
136 W Twohig Ave Ste C
San Angelo, TX 76903

AFTER RECORDING RETURN TO:
BENTWOOD C.C. L.L.C., a Texas limited liability company
P.O. Box 61664
San Angelo, Texas 76906

CERTIFIED FILED AND RECORDED
OFFICIAL PUBLIC RECORDS





Christina Ubando County Clerk
Tom Green County, Texas
05/02/2023 11:01 AM
Fee: \$46.00
202305118 AG

FIELD NOTES

30' Water Line and Access Easement

March 23, 2023

23-S-0001

Being a 30.00 feet wide Water Line and Access Easement out of H. Zerbach Survey No. 178, Abstract No. 4210, City of San Angelo, Tom Green County, Texas and said Easement also being out of that certain 3.075 acre tract described and recorded in Instrument No. 202013383, Official Public Records of Tom Green County, Texas and certain 4.952 acre tract described and recorded in Instrument No. 202300717, Official Public Records of Tom Green County, Texas and said Easement being 15.00 feet each side of its centerline and said centerline being more particularly described as follows:

Beginning at a point in the south line of said 4.952 acre tract and in the north bank of Concho River and from said beginning point the southwest corner of said 4.952 acre tract bears S. 85° 20' 57" W. 595.42 feet;

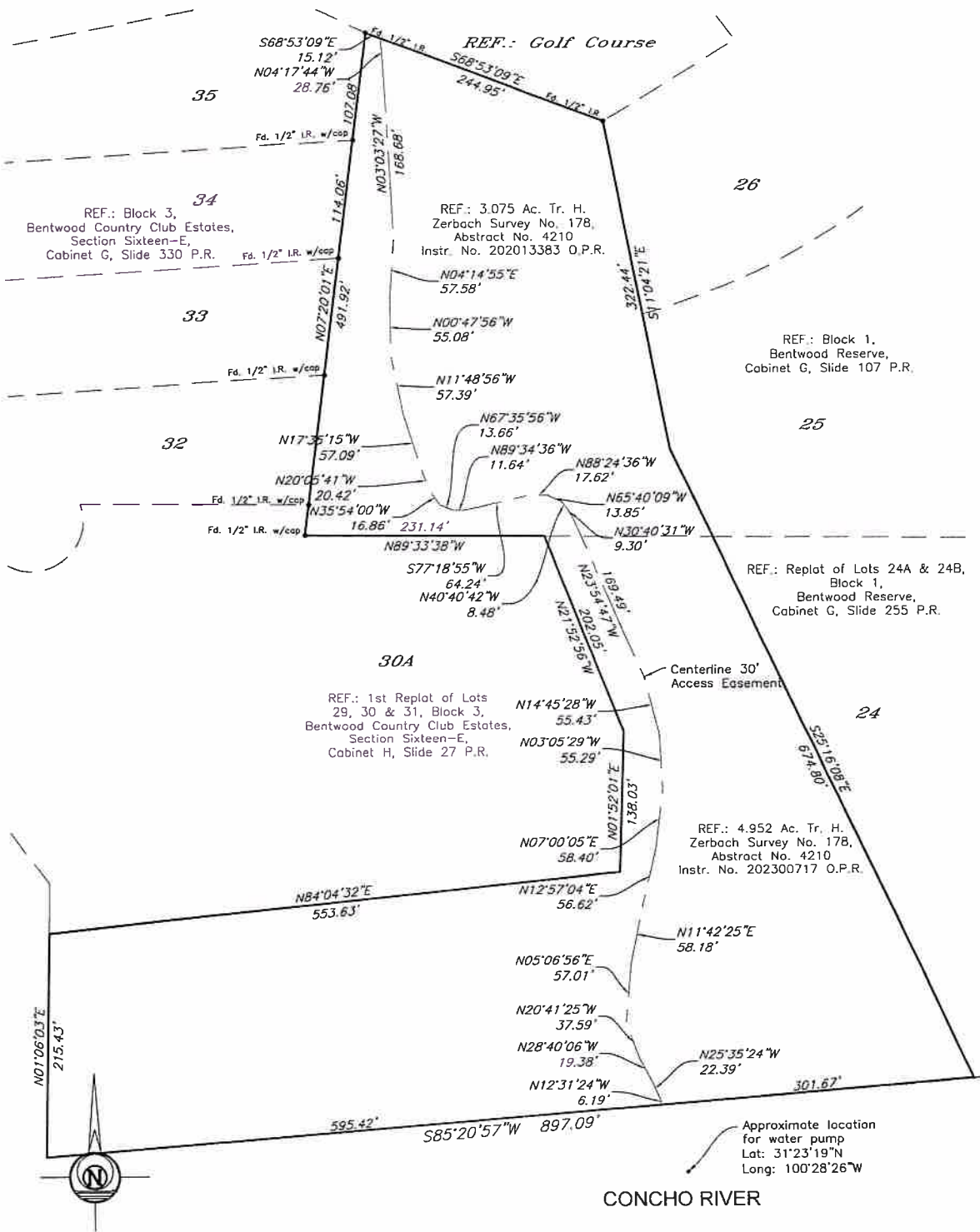
Thence with said centerline as follows, N. 12° 31' 24" W. 6.19 feet, N. 25° 35' 24" W. 22.39 feet, N. 28° 40' 06" W. 19.38 feet, N. 20° 41' 25" W. 37.59 feet, N. 05° 06' 56" E. 57.01 feet, N. 11° 42' 25" E. 58.18 feet, N. 12° 57' 04" E. 56.62 feet, N. 07° 00' 05" E. 58.40 feet, N. 03° 05' 29" W. 55.29 feet, N. 14° 45' 28" W. 55.43 feet, N. 23° 54' 47" W. 169.49 feet, N. 30° 40' 31" W. 9.30 feet, N. 40° 40' 42" W. 8.48 feet, N. 65° 40' 09" W. 13.85 feet, N. 88° 24' 36" W. 17.62 feet, S. 77° 18' 55" W. 64.24 feet, N. 89° 34' 36" W. 11.64 feet, N. 67° 35' 56" W. 13.66 feet, N. 35° 54' 00" W. 16.86 feet, N. 20° 05' 41" W. 20.42 feet, N. 17° 35' 15" W. 57.09 feet, N. 11° 48' 56" W. 57.39 feet, N. 00° 47' 56" W. 55.08 feet, N. 04° 14' 55" E. 57.58 feet, N. 03° 03' 27" W. 168.68 feet, N. 04° 17' 44" W. 28.76 feet to the end of this centerline description in the north line of said 3.075 acre tract and 15.12 feet S. 68° 53' 09" E. from which the northwest corner of said 3.075 acre tract.

Bearings recited hereon are based on Texas Coordinate System NAD83 – Texas Central Zone by GPS observation.

See Attached Plat of Survey.


 Russell T. Gully
 Registered Professional Land Surveyor No. 5636
 SKG Engineering, LLC
 Firm No. 10102400





SCALE: 1"= 100'

0 50 100 200

GRAPHIC SCALE : FEET

BEARINGS SHOWN HEREON ARE BASED ON TEXAS COORDINATE SYSTEM NAD83 - TEXAS CENTRAL ZONE BY GPS OBSERVATION.

ORIGINAL TEXAS SURVEY LINES SHOWN HEREON AND OBTAINED FROM THE TEXAS GENERAL LAND OFFICE IN SHAPEFILE FORMAT MAY NOT BE ACCURATE AND SHOULD BE CONSIDERED APPROXIMATE.

SKG
ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT

706 SOUTH ABE STREET
SAN ANGELO, TEXAS 76903
PHONE: 325 655 1288
FAX: 325 657 8188
FIRM NO.: 10102400
www.skge.com

MAP SHOWING A SURVEY OF THE CENTERLINE OF A 30' WATER LINE AND ACCESS EASEMENT OUT OF A 4.952 ACRE TRACT AND A 3.075 ACRE TRACT OUT OF H. ZERBACH SURVEY NO. 178, ABSTRACT NO. 4210, CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS. SEE ATTACHED FIELD NOTES.

Certification is hereby made that a survey was made on the ground under my supervision according to the minimum standards of the Professional Land Surveying Practices Act and the General Rules of Procedures and Practices set forth by the Texas Board of Professional Land Surveying.

This survey is prepared for the exclusive use and benefit of Bentwood Country Club, LLC. Use of this survey by a third party may not be transferred or assigned. Not valid without the signature and the original seal of a Registered Professional Land Surveyor.

Surveyed on the ground February 22, 2023.

Russell T. Gully
RUSSELL T. GULLY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5636



23-S-0001_Easement

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): South Concho River
- b. Zip Code: 76904
- c. Location of point: In the H. Zerbach Original Survey No. 178, Abstract No. 4210, Tom Green County, Texas.

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

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

- d. Point is at: Latitude 31.388611°N, Longitude 100.473333°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): GPS
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

**Certificate of Resolution of
Bentwood C.C., L.L.C., a Texas Limited Liability Company**

Date: February 26, 2024

Limited Liability Company: BENTWOOD C.C., L.L.C., a Texas limited liability company (the "Company")

Date of Adoption: February 26, 2024

The undersigned JOHN W. DUNN, JR. is a Manager of the Company, and certifies the following facts:

I, JOHN W. DUNN, JR., a Manager of the Company, certify the following facts:

1. The Company is organized and operating under the laws of the State of Texas, is qualified to do business in Texas, and is in good standing in Texas.
2. No proceedings for foreclosure of the Articles of Organization or of voluntary or involuntary dissolution of the Company are pending.
3. The Amended and Restated Operating Agreement of the Company does not limit the power of the Managers to pass the resolution below.
4. The Managers are the persons authorized to make and sign this resolution.
5. The resolution below was legally adopted by the Managers of the Company.
6. This resolution has been adopted by the Managers of the Company:

NOW, THEREFORE, BE IT RESOLVED, that Kevin Collins, a Manager of Bentwood C.C., L.L.C., be and hereby is authorized to execute and deliver on behalf of Bentwood C.C., L.L.C. any and all documents requested by the Texas Commission on Environmental Quality in connection with its South Concho River water rights, including, but not limited to, applications, permits, contracts or other documents associated with such water rights.

BENTWOOD C.C., L.L.C., a Texas limited liability company

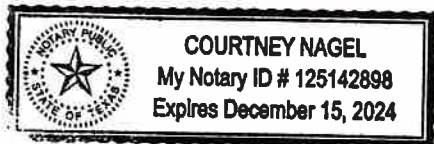
By: 

JOHN W. DUNN, JR., Manager

STATE OF Texas)
)
COUNTY OF Tom Green)

Before me, Notary Public, on this day personally appeared JOHN W. DUNN, JR., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that JOHN W. DUNN, JR. executed the same as the act of BENTWOOD C.C., L.L.C., a Texas limited liability company, as its Manager, for the purposes and consideration therein expressed.

Given under my hand and seal of office this 28th day of February, 2024.



Courtney Nagel
Notary Public, State of Texas
My commission expires: Dec 15, 2024

CONSENT IN LIEU OF MEETING
OF THE MANAGERS OF
BENTWOOD C.C., L.L.C.

The undersigned, being all of the managers of Bentwood C.C., L.L.C., a Texas limited liability company (the “Company”), do hereby take and record the following actions as the actions of the managers of the Company in lieu of a meeting effective as of the 26th day of February, 2024 (the “Effective Date”).

Authorization of Kevin Collins to Sign Documents for the TCEQ

WHEREAS, the Company is in the process of amending its diversion point relative to its South Concho River water rights.

WHEREAS, in connection therewith, it has been proposed that Kevin Collins be granted authority to execute documents on behalf of the Company for delivery to the Texas Commission on Environmental Quality (“TCEQ”).


WHEREAS, the undersigned believe that it is in the best interests of the Company to grant such authorization to Kevin Collins.

NOW, THEREFORE, BE IT RESOLVED, that Kevin Collins, a manager of the Company, be and hereby is authorized to execute and deliver on behalf of the Company any and all documents requested by the TCEQ in connection with its South Concho River water rights, including, but not limited to, applications, permits, contracts or other documents associated with such water rights.

[SIGNATURE PAGES FOLLOW]

SIGNATURE PAGE
TO
CONSENT IN LIEU OF MEETING
OF THE MANAGERS OF
BENTWOOD C.C., L.L.C.


IN WITNESS WHEREOF, the undersigned manager has executed this Consent in Lieu of Meeting to be effective as of the Effective Date.



John W. Dunn, Jr.

SIGNATURE PAGE
TO
CONSENT IN LIEU OF MEETING
OF THE MANAGERS OF
BENTWOOD C.C., L.L.C.

IN WITNESS WHEREOF, the undersigned manager has executed this Consent in Lieu of Meeting to be effective as of the Effective Date.

A handwritten signature in black ink, appearing to read 'Kevin Collins', is written over a horizontal line.

Kevin Collins

SIGNATURE PAGE
TO
CONSENT IN LIEU OF MEETING
OF THE MANAGERS OF
BENTWOOD C.C., L.L.C.


IN WITNESS WHEREOF, the undersigned manager has executed this Consent in Lieu of Meeting to be effective as of the Effective Date.



Lloyd Norris

SIGNATURE PAGE
TO
CONSENT IN LIEU OF MEETING
OF THE MANAGERS OF
BENTWOOD C.C., L.L.C.

IN WITNESS WHEREOF, the undersigned manager has executed this Consent in Lieu of Meeting to be effective as of the Effective Date.


Kenneth L. Schlaudt

Jenna Rollins

From: Jenna Rollins
Sent: Friday, February 16, 2024 3:42 PM
To: Kevin Collins
Cc: Chris Kozlowski; Humberto Galvan
Subject: Bentwood C.C., L.L.C., Application No. 14-1313C
Attachments: Bentwood_CC_LLC_14-1313C_RFI_Sent_2.16.24.pdf

Dear Mr. Collins,

Please see the attached request for information letter for Bentwood C.C., L.L.C., application No. 14-1313C and provide a response by March 18, 2024.

Thank you,
Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
512-239-1845

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 16, 2024

Mr. Kevin Collins
Bentwood C.C., L.L.C.
2111 Club House LN
San Angelo, TX 76904-8015

VIA E-MAIL

RE: Bentwood C.C., L.L.C.
ADJ 1313
CN603932765, RN102704277
Application No. 14-1313C to Amend Certificate of Adjudication No. 14-1313
Texas Water Code § 11.122, Requiring Limited Mailed Notice
South Concho River, Colorado River Basin
Tom Green County

Dear Mr. Collins:

This acknowledges receipt, on May 17, 2023, of the referenced application and fees in the amount of \$137.50 (Receipt No. M316900, copy attached).

Additional information is required before the application can be declared administratively complete.

1. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). Refer to pages 28-29 from the *Instructions for Completing the Water Right Permitting Application* (Form TCEQ-10214A-inst) for assistance in developing your response.
2. Provide recorded copies of legal documents establishing ownership of proposed diversion point, or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion point, pursuant to Title 30 Texas Administrative Code (TAC) § 295.10. A permit, if granted, will contain a special condition that would authorize the diversion point that is specified in a contract where ownership or consent has been provided. The permit condition would also require that these contracts be submitted to the TCEQ.
3. Confirm the Original Survey number for the diversion point. Staff notes that the coordinates provided on Worksheet 3.0 plot in Survey 179, Abstract 231 instead of Survey 178, Abstract 231.

Bentwood C.C., L.L.C.
Application No. 14-1313C
February 16, 2024
Page 2 of 2

4. Provide written evidence that Mr. Kevin Collins is authorized to sign the application for Bentwood C.C., L.L.C. pursuant to Title 30 TAC § 295.14(5), which states:

If the applicant is a corporation, public district, county, municipality, or corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of bylaws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

Please provide the requested information by March 18, 2024 or the application may be returned pursuant to Title 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via email at jenna.rollins@tceq.texas.gov or by telephone at (512) 239-1845.

Sincerely,



Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



25-MAY-23 08:56 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	M316900	16337		BS00103219	25-MAY-23	-\$137.50
	WUP		052423	N	D3802687		
	WATER USE PERMITS	BENTWOOD CC LLC	VHERNAND	CK			
						Total (Fee Code):	-\$137.50
						Grand Total:	-\$9,762.50

RECEIVED

MAY 26 2023

Water Availability Division

RECEIVED

MAY 26 2023

Water Availability Division

Jenna Rollins

From: Jenna Rollins
Sent: Thursday, February 1, 2024 1:48 PM
To: Kevin Collins
Cc: Chris Kozlowski
Subject: RE: Bentwood C.C. LLC, Application No. 14-1313C

Dear Mr. Collins,

The RFI is being reviewed by TCEQ staff. We hope to send it to you soon.

Sincerely,
Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
512-239-1845

From: Kevin Collins [REDACTED]
Sent: Wednesday, January 31, 2024 8:59 AM
To: Jenna Rollins <Jenna.Rollins@tceq.texas.gov>
Cc: Sarah Henderson <sarah.henderson@tceq.texas.gov>; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>
Subject: Re: Bentwood C.C. LLC, Application No. 14-1313C

Hi Jenna

Just checking in again to see where we are relative to our application. The last email stated you would be sending a RFI, can you give me an update?

Thanks!

Kevin Collins
Managing Partner
Director of Development/Tennis
Bentwood CC LLC
(325)944-0520 Club

On Monday, January 8, 2024 at 02:53:20 PM CST, Jenna Rollins <jenna.rollins@tceq.texas.gov> wrote:

Dear Mr. Collins,

Thank you for reaching out. TCEQ staff are working to declare the Bentwood C.C. LLC application administratively complete. We currently have a request for information (RFI) letter in review. Once staff has completed the review of the letter, the RFI will be sent to you.

Best regards,

Jenna Rollins, Project Manager

Water Rights Permitting Team

Water Rights Permitting and Availability Section

512-239-1845

Jenna Rollins

From: Sarah Henderson
Sent: Friday, January 5, 2024 10:40 AM
To: Jenna Rollins
Subject: FW: Application

From: Kevin Collins [REDACTED]
Sent: Friday, January 5, 2024 10:34 AM
To: Sarah Henderson <sarah.henderson@tceq.texas.gov>
Subject: Application

Hi Sarah

I was just checking in; we have had our application in since May 2023 and still are not administratively complete. I have sent emails to the person that is in charge of our application, and she has been responsive, and says they were working on it, but is not giving me a timeline etc. If you remember the application is just adding a diversion point about 1500 feet from our existing diversion point and no water right holders exist between the two points, and it seemed very simple and straight forward when you and I talked about it a year ago. I also see that there have been quite a few applications filed and declared administratively complete that were filed a long time after ours.

Given the fact that the request seemed straight forward and easy, I am concerned that we have not gotten further in the process. Would you be able to check on it and see what the holdup is? I have asked several times if there is anything we can do to help move the application along and have been told that there was nothing more I could do. We really need to get this diversion point in place before the summer and were guaranteed that the process would take no longer than 300 days. We are about 200 days in and rather than wait until it becomes an issue, I thought I would try to see that can be done if anything to get the application moving.

I would appreciate any help or advice you can give as summer will be here before we know it and we are 225 days in.

Sincerely,

Kevin Collins
Managing Partner
Director of Development/Tennis
Bentwood CC LLC
(325)944-0520 Club

Jenna Rollins

From: Jenna Rollins
Sent: Thursday, December 14, 2023 4:05 PM
To: Kevin Collins
Cc: Chris Kozlowski
Subject: RE: Bentwood C.C. LLC, Application No. 14-1313C

Good afternoon Mr. Collins,

We are still reviewing the application and working to declare it administratively complete. We appreciate your patience as we work through the application process.

Best regards,
Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
512-239-1845

From: Kevin Collins [REDACTED]
Sent: Wednesday, December 13, 2023 4:13 PM
To: Jenna Rollins <Jenna.Rollins@tceq.texas.gov>
Subject: Re: Bentwood C.C. LLC, Application No. 14-1313C

Hi Jenna

Just checking in again on our application. I have noticed that some applications have moved on to administrative completion that submitted after us, and since we are only adding an additional diversion point that is a very short distance from our existing point (about 2800 feet as the crow flies) and with no other water rights holders being affected by the additional diversion point, we were hoping to be closer to completion.

Just let me know if there is anything at all that I can do to help move this along.

Thanks

Kevin Collins
Managing Partner
Director of Development/Tennis
Bentwood CC LLC
(325)944-0520 Club

On Friday, November 3, 2023 at 01:10:34 PM CDT, Jenna Rollins <jenna.rollins@tceq.texas.gov> wrote:

Good afternoon Mr. Collins,

Thanks for checking in. I hope this email finds you well. TCEQ staff is still reviewing the application and working to declare it administratively complete.

Thank you,

Jenna Rollins, Project Manager

Water Rights Permitting Team

Water Rights Permitting and Availability Section

512-239-1845

From: Kevin Collins [REDACTED]
Sent: Thursday, November 2, 2023 1:19 PM
To: Jenna Rollins <Jenna.Rollins@tceq.texas.gov>
Subject: Re: Bentwood C.C. LLC, Application No. 14-1313C

Hi Jenna

I was just checking in on our application, it has been a while since I reached out and wanted to make sure we are still working towards completion and to see if there is anything I can do to help.

Thanks

Kevin Collins

Managing Partner

Director of Development/Tennis

Bentwood CC LLC

(325)944-0520 Club

On Wednesday, July 26, 2023 at 05:17:05 PM CDT, Jenna Rollins <jenna.rollins@tceq.texas.gov> wrote:

Good afternoon Mr. Collins,

Staff is actively reviewing the application for administrative completeness. I do not have a timeframe to provide you with for administrative completeness, but we will strive to complete the application and issue the permit within our 300 day timeframe.

Thank you,

Jenna Rollins, Project Manager

Water Rights Permitting Team

Water Rights Permitting and Availability Section

512-239-1845

From: Kevin Collins [REDACTED]
Sent: Wednesday, July 26, 2023 10:46 AM
To: Jenna Rollins <jenna.rollins@tceq.texas.gov>
Subject: Re: Bentwood C.C. LLC, Application No. 14-1313C

Hi Jenna

I was just checking on our application. Any idea when we will be administratively complete?

Kevin Collins

Managing Partner

Director of Development/Tennis

Bentwood CC LLC

(325)944-0520 Club

On Tuesday, May 23, 2023 at 10:35:15 AM CDT, Jenna Rollins <jenna.rollins@tceq.texas.gov> wrote:

Good morning Mr. Collins,

My name is Jenna Rollins and I am the project manager assigned to the Bentwood C.C. LLC application No. 14-1313C. Ms. Sarah Henderson had said you reached out to make sure that your application was received. It has been received, and we are currently reviewing your application for administrative completeness. If you have any questions please let me know as I will be your point of contact for this application.

Best regards,

Jenna Rollins, Project Manager

Water Rights Permitting Team

Water Rights Permitting and Availability Section

512-239-1845

Jenna Rollins

From: Jenna Rollins
Sent: Wednesday, July 26, 2023 5:01 PM
To: Kevin Collins
Subject: RE: Bentwood C.C. LLC, Application No. 14-1313C

Good afternoon Mr. Collins,

Staff is actively reviewing the application for administrative completeness. I do not have a timeframe to provide you with for administrative completeness, but we will strive to complete the application and issue the permit within our 300 day timeframe.

Thank you,
Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
512-239-1845

From: Kevin Collins [REDACTED]
Sent: Wednesday, July 26, 2023 10:46 AM
To: Jenna Rollins <Jenna.Rollins@tceq.texas.gov>
Subject: Re: Bentwood C.C. LLC, Application No. 14-1313C

Hi Jenna

I was just checking on our application. Any idea when we will be administratively complete?

Kevin Collins
Managing Partner
Director of Development/Tennis
Bentwood CC LLC
(325)944-0520 Club

On Tuesday, May 23, 2023 at 10:35:15 AM CDT, Jenna Rollins <jenna.rollins@tceq.texas.gov> wrote:

Good morning Mr. Collins,

My name is Jenna Rollins and I am the project manager assigned to the Bentwood C.C. LLC application No. 14-1313C. Ms. Sarah Henderson had said you reached out to make sure that your application was received. It has been received, and we are currently reviewing your application for administrative completeness. If you have any questions please let me know as I will be your point of contact for this application.

Best regards,

Jenna Rollins, Project Manager

Water Rights Permitting Team

Water Rights Permitting and Availability Section

512-239-1845

Jenna Rollins

From: Jenna Rollins
Sent: Tuesday, May 23, 2023 10:35 AM
To: [REDACTED]
Subject: Bentwood C.C. LLC, Application No. 14-1313C

Good morning Mr. Collins,

My name is Jenna Rollins and I am the project manager assigned to the Bentwood C.C. LLC application No. 14-1313C. Ms. Sarah Henderson had said you reached out to make sure that your application was received. It has been received, and we are currently reviewing your application for administrative completeness. If you have any questions please let me know as I will be your point of contact for this application.

Best regards,
Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
512-239-1845

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): Bentwood CC 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/N
<u>Y</u> Administrative Information Report	<u>Y</u> Worksheet 3.0
<u>N</u> Additional Co-Applicant Information	<u>Y</u> Additional W.S. 3.0 for each Point
<u>N</u> Additional Co-Applicant Signature Pages	<u>Y</u> Recorded Deeds for Diversion Points
<u>Y</u> Written Evidence of Signature Authority	<u>Y</u> Consent for Diversion Access
<u>Y</u> Technical Information Report	<u>NA</u> Worksheet 4.0
<u>N</u> USGS Map (or equivalent)	<u>NA</u> TPDES Permit(s)
<u>Y</u> Map Showing Project Details	<u>NA</u> WWTP Discharge Data
<u>Y</u> Original Photographs	<u>NA</u> Groundwater Well Permit
<u>N</u> Water Availability Analysis	<u>NA</u> Signed Water Supply Contract
<u>NA</u> Worksheet 1.0	<u>NA</u> Worksheet 4.1
<u>Y</u> Recorded Deeds for Irrigated Land	<u>NA</u> Worksheet 5.0
<u>NA</u> Consent for Irrigated Land	<u>NA</u> Addendum to Worksheet 5.0
<u>NA</u> Worksheet 1.1	<u>NA</u> Worksheet 6.0
<u>NA</u> Addendum to Worksheet 1.1	<u>NA</u> Water Conservation Plan(s)
<u>NA</u> Worksheet 1.2	<u>NA</u> Drought Contingency Plan(s)
<u>NA</u> Worksheet 2.0	<u>NA</u> Documentation of Adoption
<u>NA</u> Additional W.S. 2.0 for Each Reservoir	<u>NA</u> Worksheet 7.0
<u>NA</u> Dam Safety Documents	<u>NA</u> Accounting Plan
<u>NA</u> Notice(s) to Governing Bodies	<u>Y</u> Worksheet 8.0
<u>NA</u> Recorded Deeds for Inundated Land	<u>Y</u> Fees
<u>NA</u> Consent for Inundated Land	<u>NA</u> Public Involvement Plan

RECEIVED
MAY 17 2023
Water Availability Division

ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

☐ New Appropriation of State Water

☒ Amendment to a Water Right *

☐ Bed and Banks

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

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

We would like to add an additional diversion point approximately 2500 feet from our existing diversion point. No additional water will be requested. We will be adding the point in the South Concho River to us more flexibility. No water right holders exist between these two points and no existing water right holder will be affected. There will be no additional water requested.

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?

Bentwood CC 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: 603932765 (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: Kevin Collins

Title: Managing Partner

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

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: Kevin Collins Bentwood CC LLC

Mailing Address: 2111 Clubhouse Lane

City: San Angelo State: Texas ZIP Code: 76904

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 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 checked="" type="checkbox"/> Other <u>LLC</u>

For Corporations or Limited Partnerships, provide:

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

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

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

First and Last Name: Kevin Collins

Title: Managing Partner

Organization Name: Bentwood CC LLC

Mailing Address: 2111 Clubhouse Lane

City: San Angelo State: Texas ZIP Code: 76904

Phone Number: 325-944-0520

Fax Number: 325-944-4614

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: _____

Title: _____

Organization Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Phone Number: _____

Fax Number: _____

E-mail Address: _____

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

- a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your application.

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

If yes, provide the following information:

Account number: _____ Amount past due: _____

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

If yes, please provide the following information:

Enforcement order number: _____ Amount past due: _____

- b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicants 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). Applicants should check survey status on the TWDB website prior to filing:

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

Applicant has submitted all required TWDB surveys of groundwater and surface water?

Yes / No No

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Kevin Collins Managing Partner

(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: [Handwritten Signature]

(Use blue ink)

Date: 5-8-2023

Subscribed and Sworn to before me by the said

on this

8th

day of

May

, 2023.

My commission expires on the

13th

day of

December

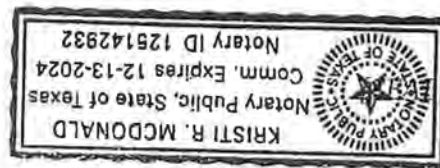
, 2024.

Kristi R. McDonald

Notary Public

Tom Green

County, Texas



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

TECHNICAL INFORMATION REPORT WATER RIGHTS PERMITTING

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

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

Date of pre-application meeting: _____

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
- 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 (If yes, indicate the Certificate or Permit number:)

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

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: 141313B

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^N

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

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

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

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

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

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

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

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

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

- f. Other - Applicant requests to change any provision of an authorization not mentioned above? Y / N *If yes, call the Water Availability Division at (512) 239-4600 to discuss.*

Additionally, all amendments require:

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

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

- 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 N/A

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 F Water Plan and the 2022 State Water Plan because there is nothing in the plans that conflict with the application.

- b. Did the Applicant perform its own Water Availability Analysis? Y / N N
- If the Applicant performed its own Water Availability Analysis, provide electronic copies of any modeling files and reports.*
- c. Does the application include required Maps? (Instructions Page. 15) Y / N Y

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

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

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

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

a. Location Information Regarding the Lands to be Irrigated

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

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

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

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

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

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

Quantity (acre- feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- Applicant proposes to irrigate a total of _____ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, TX.
 - Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____.

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

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

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

WORKSHEET 1.1 INTERBASIN TRANSFERS, TWC § 11.085

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.twddb.texas.gov/waterplanning/swp/index.asp>);
- e. address the factors identified in the applicable most recently approved regional water plans which address the following:
 - (i) the availability of feasible and practicable alternative supplies in the receiving basin to the water proposed for transfer;
 - (ii) the amount and purposes of use in the receiving basin for which water is needed;
 - (iii) proposed methods and efforts by the receiving basin to avoid waste and implement water conservation and drought contingency measures;
 - (iv) proposed methods and efforts by the receiving basin to put the water proposed for transfer to beneficial use;
 - (v) the projected economic impact that is reasonably expected to occur in each basin as a result of the transfer; and
 - (vi) the projected impacts of the proposed transfer that are reasonably expected to occur on existing water rights, instream uses, water quality, aquatic and riparian habitat, and bays and estuaries that must be assessed under Sections 11.147, 11.150, and 11.152 in each basin (*if applicable*). If the water sought to be transferred is currently authorized to be used under an existing permit, certified filing, or certificate of adjudication, such impacts shall only be considered in relation to that portion of the permit, certified filing, or certificate of adjudication proposed for transfer and shall be based on historical uses of the permit, certified filing, or certificate of adjudication for which amendment is sought;
- f. proposed mitigation or compensation, if any, to the basin of origin by the applicant; and
- g. the continued need to use the water for the purposes authorized under the existing Permit, Certified Filing, or Certificate of Adjudication, if an amendment to an existing water right is sought.

WORKSHEET 1.2

NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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

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

WORKSHEET 2.0

Impoundment/Dam Information

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

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

1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: N/A
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: _____
- c. The impoundment is on-channel _____ or off-channel _____ (mark one)
 - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / N _____
 - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / 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 _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
INTEROFFICE MEMORANDUM

TO : Records Management

DATE: August 14, 2008

Certificate of Adjudication No. 14-1313
Tom Green County
Colorado River Basin

FROM : Water Rights Permitting & Availability Section
Water Supply Division

SUBJECT : Change of Ownership

ADD : Bentwood C.C., L.L.C., a Texas Limited Liability Company, as part owner

Title Conveyance of Water Rights dated August 31, 2006, and recorded in the Official Public Records of Tom Green County as Document #617601, and Special Warranty Deed dated December 7, 2006 (Document #622905) have been checked and found to cover part of the water right.

Ownership of Record with Addresses and Remarks:

- | | |
|--|---|
| 1. Treadwell Cattle Company, Ltd.
A Texas Limited Liability Company
HC 69, Box 485
Brady, Texas 76825 | 2. Kent C. Schwartz
10480 Robbie Jones Road
San Angelo, Texas 76904 |
| 3. Bentwood C.C., L.L.C., a Texas
Limited Liability Company
P. O. Box 61664
San Angelo, Texas 76906 | |

The water rights under this certificate of adjudication (692 acre-feet of water per annum from the South Concho River for irrigation of 250 acres) have come to be associated with two 10 acre-tracts, 0.895 acre-tract and that portion of 311.00 acre-tract that is located within the larger tract originally described in this certificate of adjudication out of the C. Schmidt Surveys 893 and 892, Abstracts 1901 and 1902, and the F. Schmidt Surveys 891 and 890, Abstracts 1898 and 1897.

The ownership of the land and water rights, involved, is established as follows:

- | | |
|-------------------------------|--|
| 1. Treadwell Cattle Co., Ltd. | 371 acre-feet per annum for irrigation out of: 0.895 acre-tract and that portion of 311.00 acre-tract that is located within the originally described larger tract |
| 2. Kent Schwartz | 1 acre-foot per annum for irrigation out of 10 acre- and 10 acre-tracts described as Tracts 7 and 8 in Kent Schwartz' deed dated March 8, 1999 |
| 3. Bentwood C.C., L.L.C. | <u>320 acre-feet per annum for irrigation, no land, subject to amendment</u>
692 acre-feet per annum for irrigation of 250 acres. |

Data Entry Made: _____

WRP & A Section: _____

Change Noted: _____

Central Records/Date: _____

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): South Concho River
- b. Zip Code: 76904
- c. Location of point: In the Heirick F Gantz Original Survey No. 179, Abstract No. 231, Tom Green County, Texas.

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

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

- d. Point is at: Latitude 31.388611 °N, Longitude 100.473333 °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): GPS
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

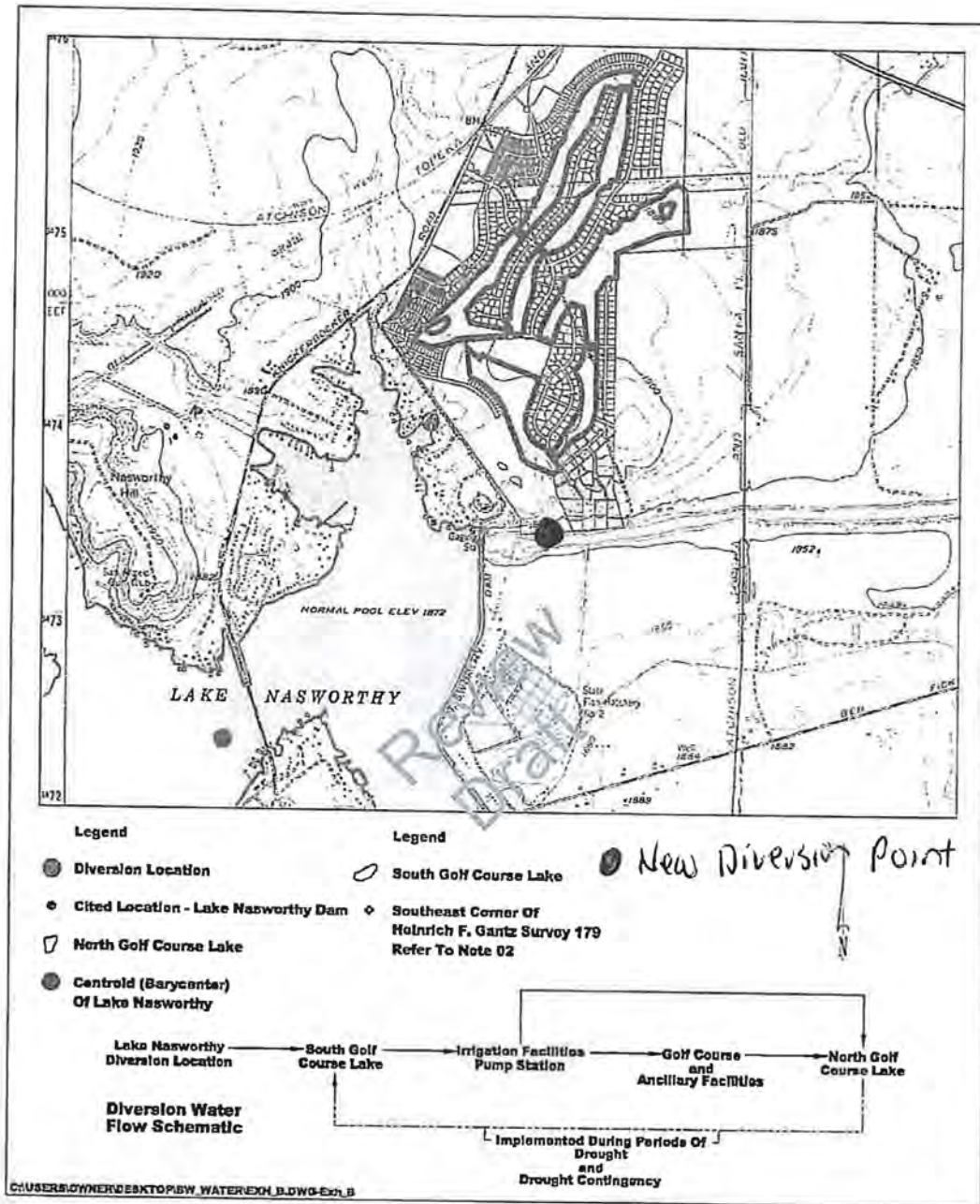


Exhibit "B"
Dam, Reservoirs, and Diversion Location Map

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) 239-4600).

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*

- i. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):_____
- ii. 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. 13-1414C
2. ☐ Upstream Limit of Diversion Reach No.
3. ☐ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** _____ cfs (cubic feet per second)
or 900 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / NY _____
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* _____ cfs or 1420 gpm

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

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

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

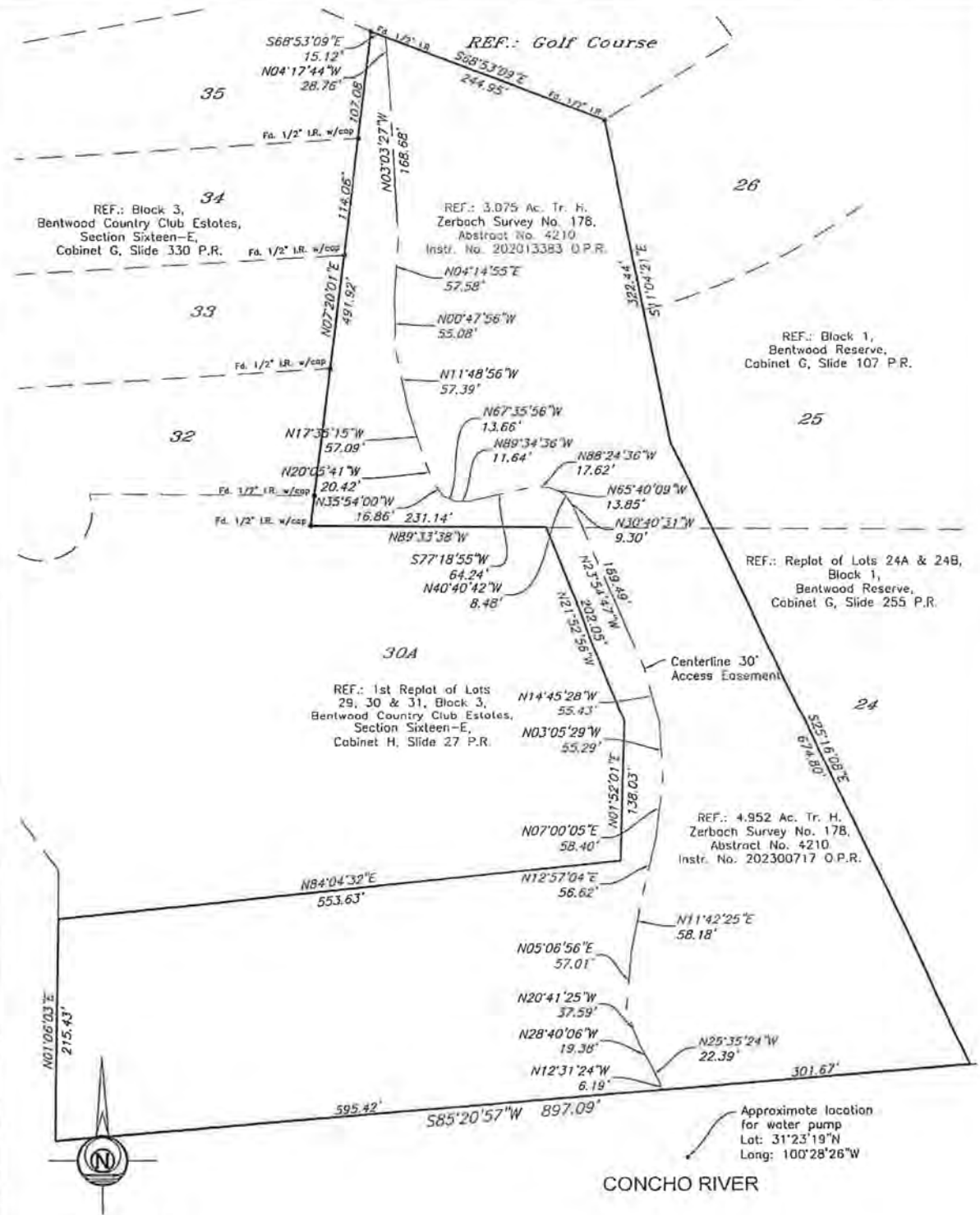
Check one		Write: Existing or Proposed
<input checked="" type="checkbox"/>	Directly from stream	Proposed
<input type="checkbox"/>	From an on-channel reservoir	
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	Other method (explain fully, use additional sheets 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 / NN _____

If yes, the drainage area is 3975 sq. miles.

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



SCALE: 1" = 100'

0 50 100 200

GRAPHIC SCALE: FEET

BEARINGS SHOWN HEREON ARE BASED ON TEXAS COORDINATE SYSTEM NAD83 - TEXAS CENTRAL ZONE BY GPS OBSERVATION.

ORIGINAL TEXAS SURVEY LINES SHOWN HEREON AND OBTAINED FROM THE TEXAS GENERAL LAND OFFICE IN SHAPEFILE FORMAT MAY NOT BE ACCURATE AND SHOULD BE CONSIDERED APPROXIMATE.

SKG
ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT

706 SOUTH ADE STREET
SAN ANGELO, TEXAS 76903
FIRM NO: 10102400
www.skg.com

PHONE: 325 655 1288
FAX: 325 657 8169

MAP SHOWING A SURVEY OF THE CENTERLINE OF A 30' WATER LINE AND ACCESS EASEMENT OUT OF A 4.952 ACRE TRACT AND A 3.075 ACRE TRACT OUT OF H. ZERBACH SURVEY NO. 178, ABSTRACT NO. 4210, CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS, SEE ATTACHED FIELD NOTES.

Certification is hereby made that a survey was made on the ground under my supervision according to the minimum standards of the Professional Land Surveying Practices Act and the General Rules of Procedures and Practices set forth by the Texas Board of Professional Land Surveying.

This survey is prepared for the exclusive use and benefit of Bentwood Country Club, LLC. Use of this survey by a third party may not be transferred or assigned. Not valid without the signature and the original seal of a Registered Professional Land Surveyor.

Surveyed on the ground February 22, 2023.

Russell T. Gully
RUSSELL T. GULLY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5636



23-S-0001_Easement

FIELD NOTES

30' Water Line and Access Easement

March 23, 2023
23-S-0001

Being a 30.00 feet wide Water Line and Access Easement out of H. Zerbach Survey No. 178, Abstract No. 4210, City of San Angelo, Tom Green County, Texas and said Easement also being out of that certain 3.075 acre tract described and recorded in Instrument No. 202013383, Official Public Records of Tom Green County, Texas and certain 4.952 acre tract described and recorded in Instrument No. 202300717, Official Public Records of Tom Green County, Texas and said Easement being 15.00 feet each side of its centerline and said centerline being more particularly described as follows:

Beginning at a point in the south line of said 4.952 acre tract and in the north bank of Concho River and from said beginning point the southwest corner of said 4.952 acre tract bears S. 85° 20' 57" W. 595.42 feet;

Thence with said centerline as follows, N. 12° 31' 24" W. 6.19 feet, N. 25° 35' 24" W. 22.39 feet, N. 28° 40' 06" W. 19.38 feet, N. 20° 41' 25" W. 37.59 feet, N. 05° 06' 56" E. 57.01 feet, N. 11° 42' 25" E. 58.18 feet, N. 12° 57' 04" E. 56.62 feet, N. 07° 00' 05" E. 58.40 feet, N. 03° 05' 29" W. 55.29 feet, N. 14° 45' 28" W. 55.43 feet, N. 23° 54' 47" W. 169.49 feet, N. 30° 40' 31" W. 9.30 feet, N. 40° 40' 42" W. 8.48 feet, N. 65° 40' 09" W. 13.85 feet, N. 88° 24' 36" W. 17.62 feet, S. 77° 18' 55" W. 64.24 feet, N. 89° 34' 36" W. 11.64 feet, N. 67° 35' 56" W. 13.66 feet, N. 35° 54' 00" W. 16.86 feet, N. 20° 05' 41" W. 20.42 feet, N. 17° 35' 15" W. 57.09 feet, N. 11° 48' 56" W. 57.39 feet, N. 00° 47' 56" W. 55.08 feet, N. 04° 14' 55" E. 57.58 feet, N. 03° 03' 27" W. 168.68 feet, N. 04° 17' 44" W. 28.76 feet to the end of this centerline description in the north line of said 3.075 acre tract and 15.12 feet S. 68° 53' 09" E. from which the northwest corner of said 3.075 acre tract.

Bearings recited hereon are based on Texas Coordinate System NAD83 – Texas Central Zone by GPS observation.

See Attached Plat of Survey.


Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400



WORKSHEET 4.0 DISCHARGE INFORMATION

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

- a. The purpose of use for the water being discharged will be _____.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses _____ (% or amount) and explain the method of calculation: _____
- c. Is the source of the discharged water return flows? Y / N ____ If yes, provide the following information:
 1. The TPDES Permit Number(s). _____ (attach a copy of the **current** TPDES permit(s))
 2. Applicant is the owner/holder of each TPDES permit listed above? Y / N ____

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

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

WORKSHEET 4.1 DISCHARGE POINT INFORMATION

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

For water discharged at this location provide:

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

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

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

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

Applicant will use reasonable diligence to avoid waste and achieve water conservation as defined by §297.1

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

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

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

a. Identify the appropriate description of the water body.

☒ Stream

☐ Reservoir

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

☐ Other, specify: _____

b. Flow characteristics

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

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

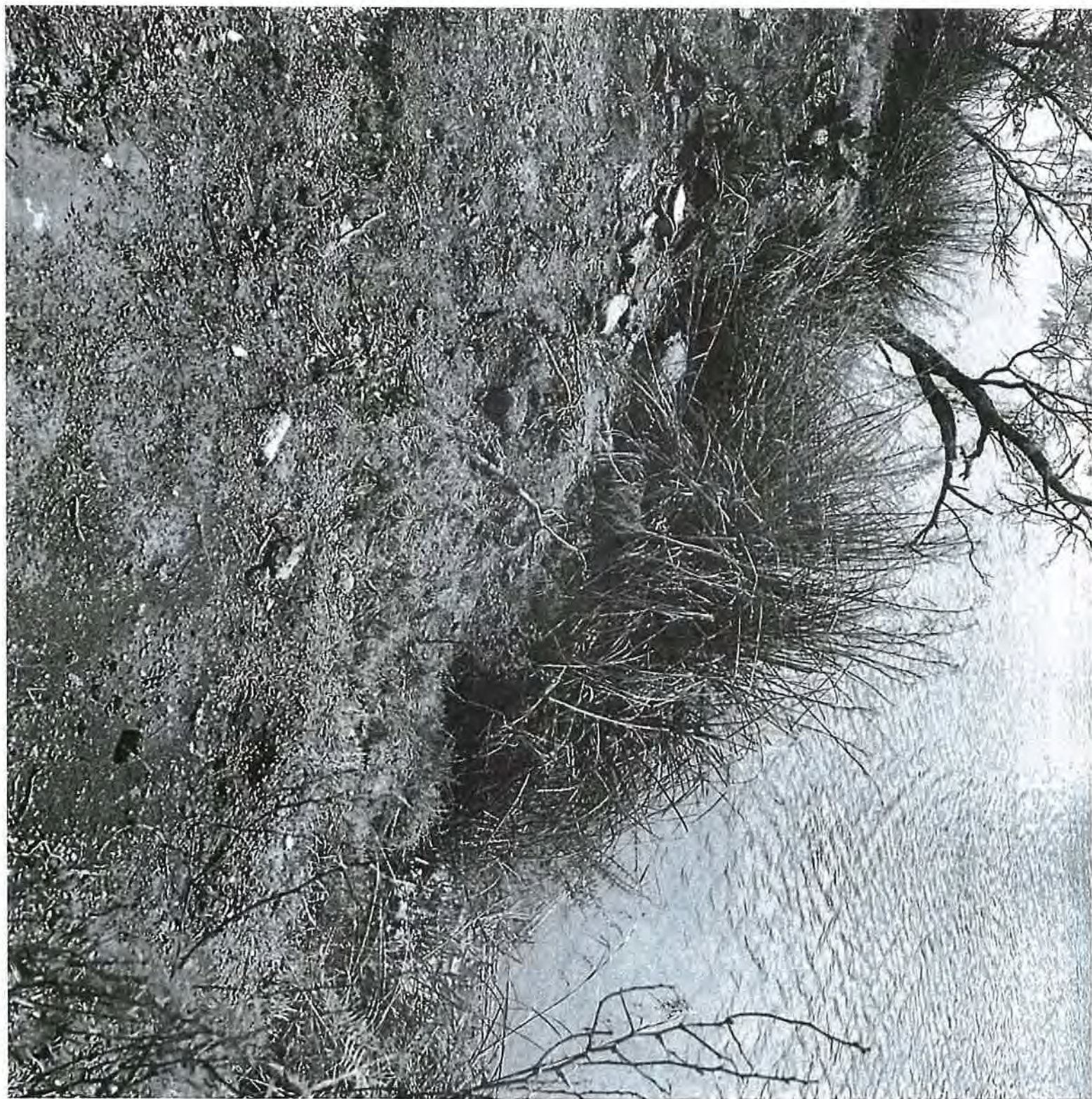
☐ Intermittent with Perennial Pools – enduring pools

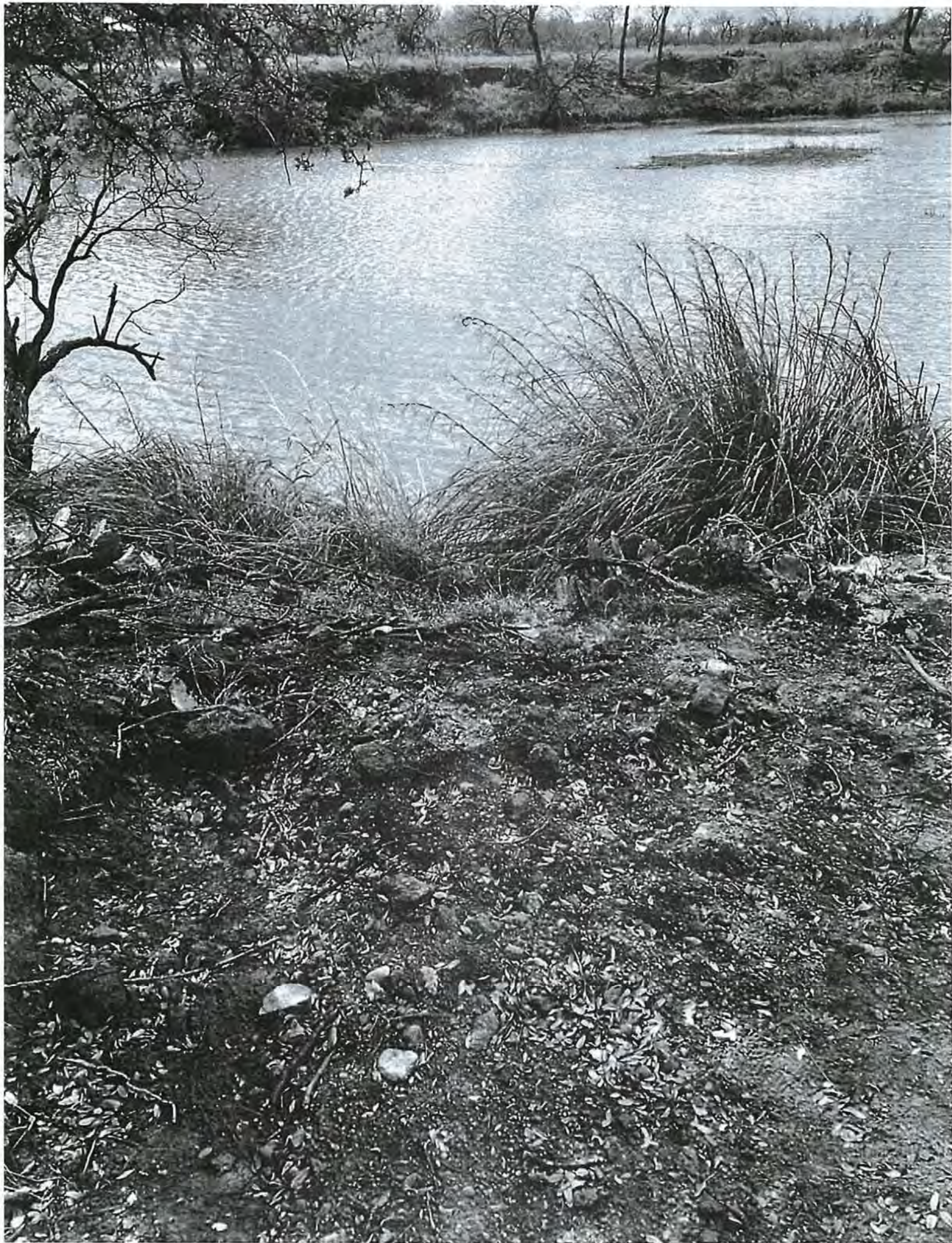
☒ Perennial – normally flowing

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

☐ USGS flow records

☐ Historical observation by adjacent landowners







☒ Personal observation

☐ Other, specify: _____

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

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

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

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

a. For all bed and banks applications:

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

b. For all alternate source applications:

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

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

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

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

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans

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

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

1. Water Conservation Plans

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

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

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

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

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

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

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

2. Drought Contingency Plans

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

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

The following information provides guidance on when an Accounting Plan may be required for certain applications and if so, what information should be provided. An accounting plan can either be very simple such as keeping records of gage flows, discharges, and diversions; or, more complex depending on the requests in the application. Contact the Surface Water Availability Team at 512-239-4600 for information about accounting plan requirements, if any, for your application. **Instructions, Page 34.**

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

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

WORKSHEET 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

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

2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
Filing Fee	Amendment: \$100	100.00
	OR Sever and Combine: \$100 x _____ of water rights to combine	
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$137.50

3. BED AND BANKS

	Description	Amount (\$)
Filing Fee		\$12.50
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$0



Texas Commission on Environmental Quality					
Date	Type	Reference	Original Amt.	Balance Due	5/15/2023
5/11/2023	Bill	Application for Div	137.50	137.50	Discount
				Check Amount	Payment
					137.50
					137.50

SANB Operating



137.50