

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

### APPLICATION NO. 14-2643A

Gridiron Creek Ranch, Ltd. (Owner/ Applicant) seeks to add a purpose of use and to add a diversion reach along the Colorado River (Lake Travis), Colorado River Basin within the currently authorized place of use. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Gridiron Creek Ranch, Ltd., P.O. Box 758, Spicewood, Texas 78669, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) to amend Certificate of Adjudication No. 14-2643 pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Mailed notice is required only to the record holder pursuant to Title 30 TAC § 295.158(c)(2) because the application requests amendments that meet the requirements in Title 30 TAC § 295.158(c)(2)(A) and (C).

Certificate of Adjudication No. 14-2643 authorizes Gridiron Creek Ranch, Ltd. to divert and use not to exceed 71.95 acre-feet of water per year from a point on the Colorado River (Lake Travis), Colorado River Basin at a maximum combined diversion rate of 1.11 cfs (500 gpm) for irrigation of a maximum of 71.95 acres of land out of a 145.7-acre tract in Burnet county.

Applicant seeks to amend Certificate of Adjudication No. 14-2643 to add agricultural use, which includes the previous authorization to irrigate 71.95 acres of land out of a 145.7-acre tract in Burnet County.

Applicant further seeks to amend Certificate of Adjudication No. 14-2643 to add a diversion reach on the Colorado River (Lake Travis) within the currently authorized place of use in Burnet County, with locations as follows:

The upper limit of the diversion reach is a point located at Latitude 30.548543° N, Longitude 98.188159° W in ZIP code 78654.

The lower limit of the diversion reach is a point located at Latitude 30.543656° N, Longitude 98.189356° W in ZIP code 78654.

The application was received on August 4, 2021. Additional information and fees were received on October 4, 2021. The application was declared administratively complete and filed with the Office of the Chief Clerk on October 14, 2021.

The Executive Director has prepared a draft permit. The draft permit, if granted, would include special conditions including, but not limited to, installing screens at any new diversion structures. The application and Executive Director's draft permit are available for viewing on the TCEQ web page at [https://www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/view-wr-pend-apps](https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps). Alternatively, you may request a copy of the documents by contacting the TCEQ

Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

**PUBLIC COMMENT.** Written public comments can be submitted to the Office of the Chief Clerk, at the address provided in the information section below, by December 13, 2021.

**CONTESTED CASE HEARING.** In accordance with TWC § 11.122 (b-3) the application may not be referred to the State Office of Administrative Hearings for a contested case hearing.

**INFORMATION.** Written public comments can 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 2643 in the search field. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: November 24, 2021



## Natalia Ponebshek

---

**From:** Lynn Sherman [REDACTED] >  
**Sent:** Monday, November 22, 2021 4:14 PM  
**To:** Natalia Ponebshek  
**Cc:** [REDACTED]  
**Subject:** FW: Gridiron Creek Ranch, LTD App No. 14-2643A Draft Amendment

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Natalia—

We have reviewed the draft permit and notice letter. Please note that the date by which comments must be received in the "PUBLIC COMMENT" paragraph on the second page of the notice letter is still blank. Other than that, we have no comments or suggested edits. Feel free to contact me if you need anything else.

Many thanks,  
Lynn

[Lynn Sherman](#)

[REDACTED]/512.431.6515  
P.O. Box 5605, Austin, Texas, 78705

---

**From:** Natalia Ponebshek <[Natalia.Ponebshek@tceq.texas.gov](mailto:Natalia.Ponebshek@tceq.texas.gov)>  
**Sent:** Monday, November 22, 2021 1:51 PM  
**To:** Lynn Sherman [REDACTED]  
**Subject:** Gridiron Creek Ranch, LTD App No. 14-2643A Draft Amendment

Hello,

Please find the attached draft amendment and notice for the abovementioned application. Please provide any comments you may have by close of business on December 6, 2021.

Thank you,

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

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

November 22, 2021

Ms. Lynn Sherman, Attorney at Law  
Lynn Sherman Law Firm and Consulting  
P.O. Box 5605  
Austin, TX 78763

VIA E-MAIL

RE: Gridiron Creek Ranch, LTD  
ADJ 2643  
CN605864099, RN103977476  
Application No. 14-2643A to Amend Certificate of Adjudication No. 14-2643  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Colorado River, Colorado River Basin  
Burnet County

Dear Ms. Sherman:

Drafts, subject to revision, of the public notice and proposed amendment to Certificate of Adjudication No. 14-2643 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 December 6, 2021 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 15-day comment period and once the comment period has closed, the proposed Certificate of Adjudication 14-2643 may be issued as drafted given no hearing requests are received.

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

Sincerely,

*Natalia Ponebshek*

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

Attachment

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-2643A

TYPE § 11.122

Owner:	Gridiron Creek Ranch, Ltd.	Address:	P.O. Box 758 Spicewood, Texas 78669
Filed:	October 14, 2021	Granted:	
Purpose:	Agricultural	County:	Burnet
Watercourse:	Colorado River	Watersheds:	Colorado River Basin

WHEREAS, Certificate of Adjudication No. 14-2643 authorizes Gridiron Creek Ranch, Ltd. (Owner/Applicant) to divert and use not to exceed 71.95 acre-feet of water per year from a point on the Colorado River (Lake Travis), Colorado River Basin at a maximum diversion rate of 1.11 cfs (500 gpm) for agricultural purposes to irrigate a maximum of 71.95 acres of land out of 145.7-acre tract in Burnet County; and

WHEREAS, the time priority of this right is April 30, 1967; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 14-2643 to add agricultural use, which includes the previous authorization to irrigate 71.95 acres of land out of a 145.7-acre tract in Burnet County; and

WHEREAS, Applicant further seeks to amend Certificate of Adjudication No. 14-2643 to add a diversion reach on the Colorado River within the currently authorized place of use in Burnet County, with locations as follows:

The upper limit of the diversion reach is a point located at Latitude 30.548543° N, Longitude 98.188159° W; and

The lower limit of the diversion reach is a point located at Latitude 30.543656° N, Longitude 98.189356° W; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; 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. 14-2643, designated Certificate of Adjudication No. 14-2643A, is issued to Gridiron Creek Ranch, Ltd. subject to the following terms and conditions:

1. USE

In lieu of previous authorizations, Owner is now authorized to use the 71.95 acre-feet of water per year from the Colorado River, Colorado River Basin for agricultural purposes within a 145.7-acre tract of land, including the previous authorization to irrigate 71.95 acres of land out of the same 145.7-acre tract in Burnet County.

2. DIVERSION

A. In lieu of previous authorizations, Owner is authorized to divert water from a diversion reach on the Colorado River (Lake Travis) within the currently authorized place of use in Burnet County:

1. The upper limit of the diversion reach is a point located at Latitude 30.548543° N, Longitude 98.188159° W.
2. The lower limit of the diversion reach is a point located at Latitude 30.543656° N, Longitude 98.189356° W.

B. Maximum combined diversion rate: 1.11 cfs (500 gpm).

3. SPECIAL CONDITIONS

- A. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens at the new diversion structures.
- B. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the diversion reach authorized by this amendment and maintain measurement records.
- C. Owner shall allow representatives of the Texas Commission on Environmental Quality reasonable access to inspect any measuring devices and records.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 14-2643, except as specifically amended herein.

This amendment is issued subject to all superior and senior water right holders 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:

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For the Commission

DRAFT

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

### APPLICATION NO. 14-2643A

Gridiron Creek Ranch, Ltd. (Owner/ Applicant) seeks to add a purpose of use and to add a diversion reach along the Colorado River (Lake Travis), Colorado River Basin within the currently authorized place of use. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Gridiron Creek Ranch, Ltd., P.O. Box 758, Spicewood, Texas 78669, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) to amend Certificate of Adjudication No. 14-2643 pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Mailed notice is required only to the record holder pursuant to Title 30 TAC § 295.158(c)(2) because the application requests amendments that meet the requirements in Title 30 TAC § 295.158(c)(2)(A) and (C).

Certificate of Adjudication No. 14-2643 authorizes Gridiron Creek Ranch, Ltd. to divert and use not to exceed 71.95 acre-feet of water per year from a point on the Colorado River (Lake Travis), Colorado River Basin at a maximum combined diversion rate of 1.11 cfs (500 gpm) for irrigation of a maximum of 71.95 acres of land out of a 145.7-acre tract in Burnet county.

Applicant seeks to amend Certificate of Adjudication No. 14-2643 to add agricultural use, which includes the previous authorization to irrigate 71.95 acres of land out of a 145.7-acre tract in Burnet County.

Applicant further seeks to amend Certificate of Adjudication No. 14-2643 to add a diversion reach on the Colorado River (Lake Travis) within the currently authorized place of use in Burnet County, with locations as follows:

The upper limit of the diversion reach is a point located at Latitude 30.548543° N, Longitude 98.188159° W in ZIP code 78654.

The lower limit of the diversion reach is a point located at Latitude 30.543656° N, Longitude 98.189356° W in ZIP code 78654.

The application was received on August 4, 2021. Additional information and fees were received on October 4, 2021. The application was declared administratively complete and filed with the Office of the Chief Clerk on October 14, 2021.

The Executive Director has prepared a draft permit. The draft permit, if granted, would include special conditions including, but not limited to, installing screens at any new diversion structures. The application and Executive Director's draft permit are available for viewing on the TCEQ web page at [https://www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/view-wr-pend-apps](https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps). Alternatively, you may request a copy of the documents by contacting the TCEQ

Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

**PUBLIC COMMENT.** Written public comments can be submitted to the Office of the Chief Clerk, at the address provided in the information section below, by -----.

**CONTESTED CASE HEARING.** In accordance with TWC § 11.122 (b-3) the application may not be referred to the State Office of Administrative Hearings for a contested case hearing.

**INFORMATION.** Written public comments can 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 2643 in the search field. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>

Issued:



# TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader  
Water Rights Permitting Team

FROM: Natalia Ponebshek Project Manager  
Water Rights Permitting Team

DATE: October 14, 2021

SUBJECT: Gridiron Creek Ranch, LTD  
ADJ 14-2643  
CN605864099, RN103977476  
Application No. 14-2643A to Amend Certificate of Adjudication  
No. 14-2643  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Colorado River, Colorado River Basin  
Burnet County

The application was received on August 4, 2021. Additional information and fees were received on October 4, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on October 14, 2021. Limited mailed notice is required to interjacent water right holders of record in the Colorado River Basin pursuant to Title 30 Texas Administrative Code § 295.158(c)(3)(D).

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

*Natalia Ponebshek*

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

OCC Mailed Notice Required ☒ YES

☐ NO



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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 14, 2021

Ms. Lynn Sherman, Attorney at Law  
Lynn Sherman Law Firm and Consulting  
P.O. Box 5605  
Austin, TX 78763

**VIA E-MAIL**

RE: Gridiron Creek Ranch, LTD  
ADJ 14-2643  
CN605864099, RN103977476  
Application No. 14-2643A to Amend Certificate of Adjudication No. 14-2643  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Colorado River, Colorado River Basin  
Burnet County

Dear Ms. Sherman:

This acknowledges receipt on October 4, 2021 of additional information and fees in the amount of \$118.38 (Receipt no. M201003, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on October 14, 2021. Staff will continue processing the application for consideration by the Executive Director.

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

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

Sincerely,

*Natalia Ponebshek*

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

Attachment



# Basis2 Receipt Report by Endorsement Number

OCT-12-21 12:42 PM

Acct. #: WUP

Account Name: WATER USE PERMITS

<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
AMEND	M201003	ADJ142643	LYNN SHERMAN LAW FIRM AND CONSULTING PLLC	CK	5446		BS00089174	06-OCT-21	\$118.38

## Natalia Ponebshek

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**From:** Lynn Sherman [REDACTED] >  
**Sent:** Monday, October 4, 2021 12:25 PM  
**To:** Natalia Ponebshek  
**Cc:** [REDACTED]  
**Subject:** RE: Gridiron Creek Ranch, LTD App No. 14-2643A RFI  
**Attachments:** Gridiron - ltr to TCEQ - 100421 - irrigated acreage +fees.pdf

Natalia—

Attached you will find a copy of our response to the request for information you forwarded below. The original, which includes a check for the application fees, has been mailed.

If you have any further questions or need anything else, please do not hesitate to contact me.

Many thanks,  
Lynn

[Lynn Sherman](#)

[REDACTED] /512.431.6515  
P.O. Box 5605, Austin, Texas, 78763

---

**From:** Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>  
**Sent:** Wednesday, September 29, 2021 11:41 AM  
**To:** Lynn Sherman [REDACTED] >  
**Subject:** Gridiron Creek Ranch, LTD App No. 14-2643A RFI

Please find the attached request for information for the abovementioned application. A response is due by October 29, 2021

Thank you,

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

# LYNN SHERMAN

P.O. Box 5605 Austin, TX 78763 • Phone: 512.431.6515 • [REDACTED]

---

October 4, 2021

Natalia Ponebshek, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

RE: Gridiron Creek Ranch Ltd.'s Application No. 14-2643A to Amend Certificate of  
Adjudication No. 14-2643

Dear Ms. Ponebshek:

In response to Item No. 1 in your correspondence dated September 29, 2021 (a copy of which is attached for your convenience), the objective of the requested amendment to the "use" section of Certificate of Adjudication No. 14-2643 is to make its "purpose of use" consistent with current law by replacing "irrigation" with "agricultural use," which expressly includes "irrigation." (*See* Section 11.002(13) of the Texas Water Code).

Specifically, Gridiron Creek Ranch, Ltd. is requesting the following:

Diversion of 71.95-acre-feet of water per year for agricultural purposes from the Colorado River (Lake Travis) on a 145.7-acre tract located in the Benjamin J. White Survey 443, Abstract No. 991, in Burnet County, Texas, including irrigation of 71.95 acres of such tract.

If you have any further questions, please do not hesitate to contact me.

Also, thank you for quantifying the amount of the TCEQ fees due for the application. A check in the amount of \$118.38 is enclosed.

Sincerely,



Lynn Sherman

Enclosures

cc: Doyle Simons, Managing Partner, Gridiron Creek Ranch, Ltd.  
Donald G. Rauschuber, P.E.

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 29, 2021

Ms. Lynn Sherman, Attorney at Law  
Lynn Sherman Law Firm and Consulting  
P.O. Box 5605  
Austin, TX 78763

VIA E-MAIL

RE: Gridiron Creek Ranch, LTD  
ADJ 14-2643  
CN605864099, RN103977476  
Application No. 14-2643A to Amend Certificate of Adjudication No. 14-2643  
Texas Water Code § 11.122, Requiring Limited Mailed Notice  
Colorado River, Colorado River Basin  
Burnet County

Dear Ms. Sherman:

This acknowledges receipt, on August 4, 2021, of the referenced application.

Additional information and fees are required before the application can be declared administratively complete.

1. Confirm the total land to be irrigated annually. Staff notes that Worksheet 1.0 Question 2.a. indicates the proposed place of use is the currently authorized 71.95 acres per year and Worksheet 1.0 Question 2.b. indicates that a total of 145.7 acres will be irrigated per year.
2. Remit fees in the amount of \$118.38 as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee (Amendment)	\$ 100.00
Recording Fee	\$ 12.50
Notice Fee (\$2.94 x 2)	\$ 5.88
<b>TOTAL FEES</b>	<b>\$ 115.44</b>
<b>FEES RECEIVED</b>	<b>\$ 00.00</b>
<b>TOTAL FEES DUE</b>	<b>\$ 118.38</b>

Please provide the requested information and fees by October 29, 2021 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

Ms. Lynn Sherman  
Application No. 14-2643A  
September 29, 2021  
Page 2 of 2

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

Sincerely,

*Natalia Ponebshek*

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

## Natalia Ponebshek

---

**From:** Natalia Ponebshek  
**Sent:** Wednesday, September 29, 2021 11:41 AM  
**To:** [REDACTED]  
**Subject:** Gridiron Creek Ranch, LTD App No. 14-2643A RFI  
**Attachments:** Gridiron\_Creek\_Ranch\_LTD\_14-2643\_RFI\_Sent\_9.29.2021.pdf

Please find the attached request for information for the abovementioned application. A response is due by October 29, 2021

Thank you,

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

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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September 29, 2021

Ms. Lynn Sherman, Attorney at Law  
Lynn Sherman Law Firm and Consulting  
P.O. Box 5605  
Austin, TX 78763

**VIA E-MAIL**

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ADJ 14-2643  
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Application No. 14-2643A to Amend Certificate of Adjudication No. 14-2643  
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Colorado River, Colorado River Basin  
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Additional information and fees are required before the application can be declared administratively complete.

1. Confirm the total land to be irrigated annually. Staff notes that Worksheet 1.0 Question 2.a. indicates the proposed place of use is the currently authorized 71.95 acres per year and Worksheet 1.0 Question 2.b. indicates that a total of 145.7 acres will be irrigated per year.
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<u>TOTAL FEES</u>	<u>\$ 115.44</u>
<u>FEES RECEIVED</u>	<u>\$ 00.00</u>
TOTAL FEES DUE	\$ 118.38

Please provide the requested information and fees by October 29, 2021 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.



Ms. Lynn Sherman  
Application No. 14-2643A  
September 29, 2021  
Page 2 of 2

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

Sincerely,

*Natalia Ponebshek*

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

## 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): Gridiron Creek Ranch, Ltd. - CA 14-2643 (ATTACHED)

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

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

Y/N

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

**For Commission Use Only:**

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

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

# ADMINISTRATIVE INFORMATION REPORT

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

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

## 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."***

1. In addition to the authorized diversion of 71.95 acre-feet of water per year for agricultural purposes to irrigate 145.7 acres, add the authorization to use that amount for all other agricultural purposes, by amending CA 14-2643 to change the "use" language from "irrigate" to "agriculture", as defined in Section 11.002(12) of the Texas Water Code.
2. For the purposes of diverting the authorized diversion of 71.95 acre-feet of water per year for agricultural purposes to irrigate 145.7 acres, simply reference the existing language in Section 2.A. of CA 14-2643, with the sole exception of changing the word "a" to "any", as provided below:

-Location:

-At a any point on the reach of the Colorado River (Lake Travis), from the Upper Reach Diversion Limit (located at 30.548543°N -98.188159W) to the Lower Reach Diversion Limit (located at 30.543656°N -98.189356°W), within the appurtenant 145.7 -acre tract located in the Benjamin J. White Abstract 991, Survey 443, Burnet County, Texas.

## 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?  
Gridiron Creek Ranch, Ltd.

*(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 : 605864099 ( 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: Doyle R. Simons

Title: Manager of General Partner, Gridiron Creek Ranch GP, LLC.

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

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: Gridiron Creek Ranch, Ltd. c/o Doyle R. Simons

Mailing Address: P.O. Box 758

City: Spicewood

State: Texas

ZIP Code: 78669

See Attached:

1. Joint Written Consent; and
2. Certificates of Formation.

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 Ltd. Partnership

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: 32038584697 SOS Charter (filing) Number: 801067913

See Attached Texas SOS Gridiron Creek Ranch, Ltd. Certificate of Formation executed by Doyle R. Simons.

### 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: Lynn Sherman, Attorney at Law

Title:

Organization Name: Lynn Sherman Law Firm and Consulting

Mailing Address: P. O. Box 5605

City: Austin

State: Texas

ZIP Code: 78763

Phone No.: 512/431-6515

Extension:

Fax No.:

E-mail Address:



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

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

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

First and Last Name: N. A.

Title:

Organization Name:

Mailing Address:

City:

State:

ZIP Code:

Phone No.:

Extension:

Fax No.:

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**

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**

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

Enforcement order number:

Amount past due:

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

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

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

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

**N.A. Applicant's ownership of CA 14-2643 has just be effectuated.**



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

Applicant:

I, Doyle R. Simons, Manager of General Partner, Gridiron Creek Ranch GP, LLC  
(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: Doyle R. Simons Date: 7/27/21  
(Use blue ink)

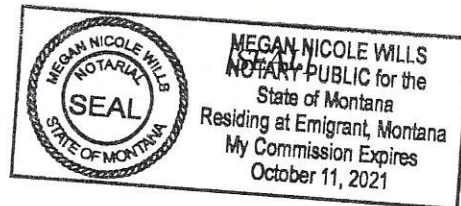
Subscribed and Sworn to before me by the said

on this 27<sup>th</sup> day of July, 20 21.

My commission expires on the 11 day of October, 20 21.

Megan Nicole Wills  
Notary Public

Park County, Montana



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



**JOINT WRITTEN CONSENT  
OF  
THE MEMBERS AND MANAGERS  
OF  
GRIDIRON CREEK RANCH GP, LLC,  
a Texas limited liability company  
AND  
THE GENERAL PARTNER AND LIMITED PARTNERS OF  
GRIDIRON CREEK RANCH, LTD,  
a Texas limited partnership**

February 5, 2020

The undersigned, being all of the Members and Managers of Gridiron Creek Ranch GP, LLC, a Texas limited liability company (the "**Company**"), and the General Partner and all of the Limited Partners of Gridiron Creek Ranch, Ltd, a Texas limited partnership (the "**Partnership**"), hereby, pursuant to the provisions of the Texas Business Organizations Code, and the Company Agreement of the Company dated as of December 29, 2008, and the Agreement of Limited Partnership of the Partnership dated as of December 29, 2008, hereby consent to and approve the following resolutions and each and every action effected thereby.

1. General Authorization of Doyle R. Simons, President of the Company.

RESOLVED, that Doyle R. Simons, the President of the Company, is hereby authorized to act on behalf of the Company, both for the Company itself and in the Company's capacity as the General Partner of the Partnership, to (a) take, or cause to be taken, any and all such action, in the name and on behalf of the Company (for itself or the Partnership), as in his judgment shall be necessary, desirable or appropriate in connection with the property owned by the Partnership; and (b) sign, execute, certify to, verify, acknowledge, deliver, accept, file, and record any and all instruments and documents in connection therewith.

RESOLVED, that any and all action taken by any manager, officer or member of the Company and any partner of the Partnership in effecting the purposes of the foregoing resolutions prior to the date this written consent is actually executed is hereby ratified, approved, confirmed, and adopted in all respects.

2. Counterparts and Facsimile Signatures.

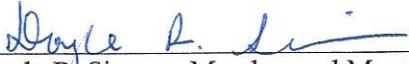
RESOLVED, that this written consent may be executed in multiple counterparts, each of which shall be deemed an original for all purposes, and all of which together shall constitute one and the same instrument; and further.


RESOLVED, that each such multiple counterpart of this written consent may be transmitted via facsimile or other similar electronic means and executed by one or more of the undersigned, and a facsimile of the signature of one or more of the undersigned shall be deemed an original signature for all purposes and have the same force and effect as a manually-signed original.

*[Signature Page Follows]*

Executed on the dates set forth below to be effective as of the date first set forth above.

**MEMBERS AND MANAGERS OF  
GRIDIRON CREEK RANCH GP, LLC:**

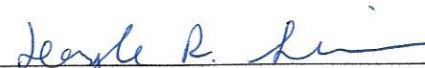
  
Doyle R. Simons, Member and Manager


  
Joan Alane Simons, Member and Manager

**GENERAL PARTNER AND LIMITED PARTNERS OF  
GRIDIRON CREEK RANCH, LTD:**

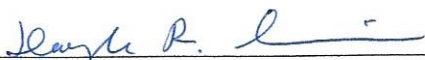
General Partner:


GRIDIRON CREEK RANCH GP, LLC,  
a Texas limited liability company

By:   
Doyle R. Simons, Member and Manager

By:   
Joan Alane Simons, Member and Manager

Limited Partners:

  
Doyle R. Simons, Limited Partner

  
Joan Alane Simons, Limited Partner

**Signature Page for Joint Written Consent of the Members and Managers of  
Gridiron Creek Ranch GP, LLC and the General Partner and Limited Partners of Gridiron Creek  
Ranch, Ltd**

**FILED**  
In the Office of the  
Secretary of State of Texas

DEC 29 2008

Corporations Section

**CERTIFICATE OF FORMATION  
OF  
GRIDIRON CREEK RANCH, LTD  
A Texas Limited Partnership**

1. The name of the limited partnership is GRIDIRON CREEK RANCH, LTD (the "Partnership").
2. The type of entity being formed is a limited partnership.
3. The address of the initial registered office of the Partnership is 1300 S. Mopac Expy, Third Floor, Austin, Texas 78746, and the name of the initial registered agent of the Partnership at such address is Doyle R. Simons.
4. The name, the mailing address, and the street address of the business or residence of the general partner of the Partnership are as follows:

GRIDIRON CREEK RANCH GP, LLC  
1300 S. Mopac Expy  
Third Floor  
Austin, Texas 78746

5. The address of the principal office of the Partnership in the United States where its partnership records are to be kept or made available under Section 153.511 of the Texas Business Organizations Code is 1300 S. Mopac Expy, Third Floor, Austin, Texas 78746.

EXECUTED on this the 29<sup>th</sup> day of December, 2008.

**GENERAL PARTNER:**

GRIDIRON CREEK RANCH GP, LLC,  
a Texas limited liability company

By: Doyle R. Simons  
Doyle R. Simons, Manager

By: Joan Alane Simons  
Joan Alane Simons, Manager

**RECEIVED**

DEC 29 2008

Secretary of State



DEC 29 2008

**Corporations Section**

**CERTIFICATE OF FORMATION  
OF  
GRIDIRON CREEK RANCH GP, LLC  
A Texas Limited Liability Company**

The undersigned, acting as the sole organizer of a limited liability company under the Texas Business Organizations Code (the "TBOC"), does hereby adopt the following Certificate of Formation for GRIDIRON CREEK RANCH GP, LLC (the "**Company**");

**ARTICLE ONE**

The name of the Company is GRIDIRON CREEK RANCH GP, LLC.

**ARTICLE TWO**

The Company is a domestic limited liability company.

**ARTICLE THREE**

The Company is organized for the purpose of transacting any and all lawful business for which limited liability companies may be organized under the TBOC.

**ARTICLE FOUR**

The address of the initial registered office of the Company is 1300 S. Mopac Expy, Third Floor, Austin, Texas 78746, and the name of the initial registered agent of the Company at that address is Doyle R. Simons.

**ARTICLE FIVE**

The name and address of the sole organizer of the Company are:

Michele A. Mobley  
DuBois, Bryant & Campbell, LLP  
700 Lavaca Street, Suite 1300  
Austin, Texas 78701

**ARTICLE SIX**

The Company is to be managed by one or more managers. The number of initial managers, who shall serve as managers until the first annual meeting of members of the Company, or until their successors are duly elected, shall be two (2). The names and addresses of such initial managers are as follows:

Doyle R. Simons  
1300 S. Mopac Expy  
Third Floor  
Austin, Texas 78746

**RECEIVED**

DEC 29 2008

**Secretary of State**

Joan Alane Simons  
1300 S. Mopac Expy  
Third Floor  
Austin, Texas 78746

## **ARTICLE SEVEN**

Any action required by the TBOC to be taken at any annual or special meeting of members, or any action that may be taken at any annual or special meeting of members, may be taken without a meeting, without prior notice, and without a vote, if a consent or consents in writing, setting forth the action so taken, shall be signed by the holder or holders of membership interests having not less than the minimum number of votes that would be necessary to take such action at a meeting at which the holders of all membership interests entitled to vote on the action were present and voted. Prompt notice of the taking of any action by the members without a meeting by less than unanimous written consent shall be given to those members who did not consent in writing to the action.

## **ARTICLE EIGHT**

A manager of the Company shall not be liable to the Company or its members for monetary damages for an act or omission in the manager's capacity as a manager, except that this Article Eight does not eliminate or limit the liability of a manager to the extent the manager is found liable for (i) a breach of the manager's duty of loyalty to the Company or its members; (ii) an act or omission not in good faith that constitutes a breach of duty of the manager to the Company or an act or omission that involves intentional misconduct or a knowing violation of the law; (iii) a transaction from which the manager received an improper benefit, whether or not the benefit resulted from an action taken within the scope of the manager's office; or (iv) an act or omission for which the liability of a manager is expressly provided in an applicable statute. Any repeal or amendment of this Article Eight by the members of the Company shall be prospective only and shall not adversely affect any limitation on the liability of a manager of the Company existing at the time of such repeal or amendment. In addition to the circumstances in which the manager of the Company is not liable as set forth in the preceding sentences, the manager shall not be liable to the fullest extent permitted by any provision of the statutes of Texas hereafter enacted that further limits the liability of a manager or of a director of a corporation.

## **ARTICLE NINE**

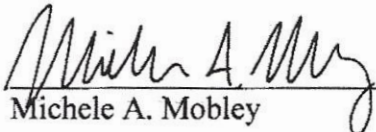
The Company shall indemnify any person who was, is, or is threatened to be made a named defendant or respondent in a proceeding (as hereinafter defined) because the person (i) is or was a manager or officer of the Company or (ii) while a manager or officer of the Company, is or was serving at the request of the Company as a director, manager, officer, partner, venturer, proprietor, trustee, employee, agent, or similar functionary of another foreign or domestic corporation, partnership, joint venture, sole proprietorship, trust, employee benefit plan, or other enterprise, to the fullest extent that a limited liability company may grant indemnification to a



manager under the TBOC, as the same exists or may hereafter be amended. Such right shall be a contract right and as such shall run to the benefit of any manager or officer who is elected and accepts the position of manager or officer of the Company or elects to continue to serve as a manager or officer of the Company while this Article Nine is in effect. Any repeal or amendment of this Article Nine shall be prospective only and shall not limit the rights of any such manager or officer or the obligations of the Company with respect to any claim arising from or related to the services of such manager or officer in any of the foregoing capacities prior to any such repeal or amendment of this Article Nine. Such right shall include the right to be paid or reimbursed by the Company for expenses incurred in defending any such proceeding in advance of its final disposition to the maximum extent permitted under the TBOC, as the same exists or may hereafter be amended. If a claim for indemnification or advancement of expenses hereunder is not paid in full by the Company within 90 days after a written claim has been received by the Company, the claimant may at any time thereafter bring suit against the Company to recover the unpaid amount of the claim, and if successful in whole or in part, the claimant shall be entitled to be paid also the expenses of prosecuting such claim. It shall be a defense to any such action that such indemnification or advancement of costs of defense are not permitted under the TBOC, but the burden of proving such defense shall be on the Company. Neither the failure of the Company (including its managers or any committee thereof, special legal counsel, or members) to have made its determination prior to the commencement of such action that indemnification of, or advancement of costs of defense to, the claimant is permissible in the circumstances nor an actual determination by the Company (including its managers or any committee thereof, special legal counsel, or members) that such indemnification or advancement is not permissible, shall be a defense to the action or create a presumption that such indemnification or advancement is not permissible. In the event of the death of any person having a right of indemnification under the foregoing provisions, such right shall inure to the benefit of his heirs, executors, administrators, and personal representatives. The rights conferred above shall not be exclusive of any other right which any person may have or hereafter acquire under any statute, regulation, resolution of members or managers, agreement, or otherwise. The Company may additionally indemnify any person covered by the grant of mandatory indemnification contained above to such further extent as is permitted by law and may indemnify any other person to the fullest extent permitted by law. To the extent permitted by then applicable law, the grant of mandatory indemnification to any person pursuant to this Article Nine shall extend to proceedings involving the negligence of such person. As used herein, the term "proceeding" means any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, arbitral, or investigative, any appeal in such an action, suit, or proceeding, and any inquiry or investigation that could lead to such an action, suit, or proceeding.

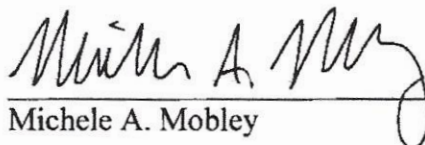
IN WITNESS WHEREOF, this Certificate of Formation has been executed on the 29th day of December, 2008, by the undersigned.

SOLE ORGANIZER

  
Michele A. Mobley

DISCLAIMER

I, the undersigned organizer of Gridiron Creek Ranch GP, LLC, a limited liability company to be organized in the State of Texas, do hereby disclaim any and all interests in said limited liability company.

  
Michele A. Mobley

# CERTIFICATE OF ADJUDICATION

ADJ # **002643**

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☒ C = Certificate of Adjudication

☐ CO = Correspondence

☐ EX = Exhibits

☐ MA = Maps

☐ RP = Reports

☐ TR = Transcripts

VOLUME # **001**

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INCLUSIVE DATES: **1983-97**

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CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 14-2643    OWNER: Costillo C. Lewis  
Route 2, Box 12-J  
Marble Falls, TX 78654

COUNTY: Burnet

PRIORITY DATE: April 30, 1967

WATERCOURSE: Colorado River  
(Lake Travis)

BASIN: Colorado River

WHEREAS, by final decree of the 33rd Judicial District Court of Burnet County, in Cause No. 8605, In Re: The Adjudication of Water Rights in the Middle Colorado River Segment of the Colorado River Basin, dated March 18, 1982, a right was recognized under Claim 2328 authorizing Costillo C. Lewis to appropriate waters of the State of Texas as set forth below;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Colorado River Basin is issued to Costillo C. Lewis, subject to the following terms and conditions;

1. USE

Owner is authorized to divert and use not to exceed 80 acre-feet of water per annum from the Colorado River (Lake Travis) to irrigate a maximum of 80 acres of land out of that portion of a 481.4 acre tract located in the Benjamin J. White Survey 443, Abstract 991, Burnet County, Texas, said 481.4 acre tract being described as follows:

- (1) BEGINNING at a point in the middle division line of the W. Roberts Survey 13, said point is the same as described in second tract in Deed from Sherman Wall to Henry G. Barsch as recorded in Volume 94, Page 452, and Correction Deed recorded in Volume 95, Page 129, Deed Records of Burnet County, Texas;
- (2) THENCE S 05°E, 468.7 varas to a fence corner;
- (3) THENCE east, 566.6 varas to a fence corner;
- (4) THENCE N 47°E, 5.0 varas to a fence corner;
- (5) THENCE N 88°30'E, 541.8 varas to a fence corner;
- (6) THENCE North, 302.4 varas to a fence corner;
- (7) THENCE East, 1192.0 varas to a point on the west bank of the Colorado River;
- (8) THENCE up the west bank of said river N 03°W, 412.9 varas and N 08°E, 501.7 varas to a point for a corner hereof;
- (9) THENCE N 80°W, 1146.6 varas to a fence corner;
- (10) THENCE S 62°W, 123.5 varas to a fence corner;
- (11) THENCE S 71°W, 11.0 varas to a fence corner;
- (12) THENCE S 87°W, 747.0 varas to a fence corner;
- (13) THENCE West, 438.0 varas to a fence corner;
- (14) THENCE South, 848.7 varas to the place of beginning.

2. DIVERSION

A. Location:

At a point on the Colorado River (Lake Travis) in the Benjamin J. White Survey 443, Abstract 991, Burnet County, Texas.

B. Maximum Rate: 1.11 cfs (500 gpm).

3. PRIORITY

The time priority of owner's right is April 30, 1967.

The locations of pertinent features related to this certificate are shown on Page 24 of the Middle Colorado River Segment Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Department of Water Resources and the office of the County Clerk.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 33rd Judicial District Court of Burnet County, Texas, in Cause No. 8605, In Re: The Adjudication of Water Rights in the Middle Colorado River Segment of the Colorado River Basin, dated March 18, 1982, and supersedes all rights of the owner asserted in that cause.

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

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

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

TEXAS WATER COMMISSION

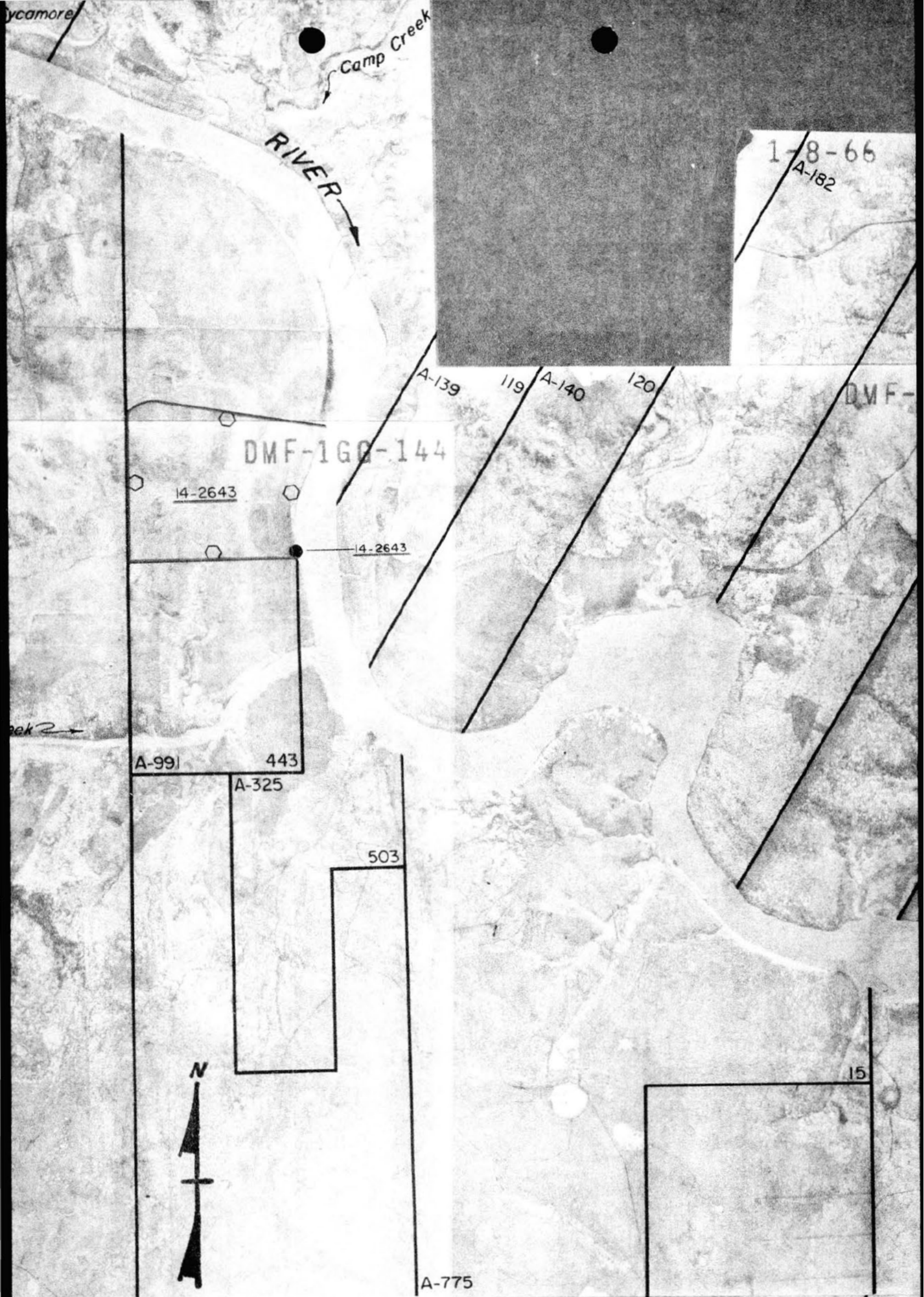
/s/ Felix McDonald  
Felix McDonald, Chairman

DATE ISSUED:

AUG 31 1983

ATTEST:

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

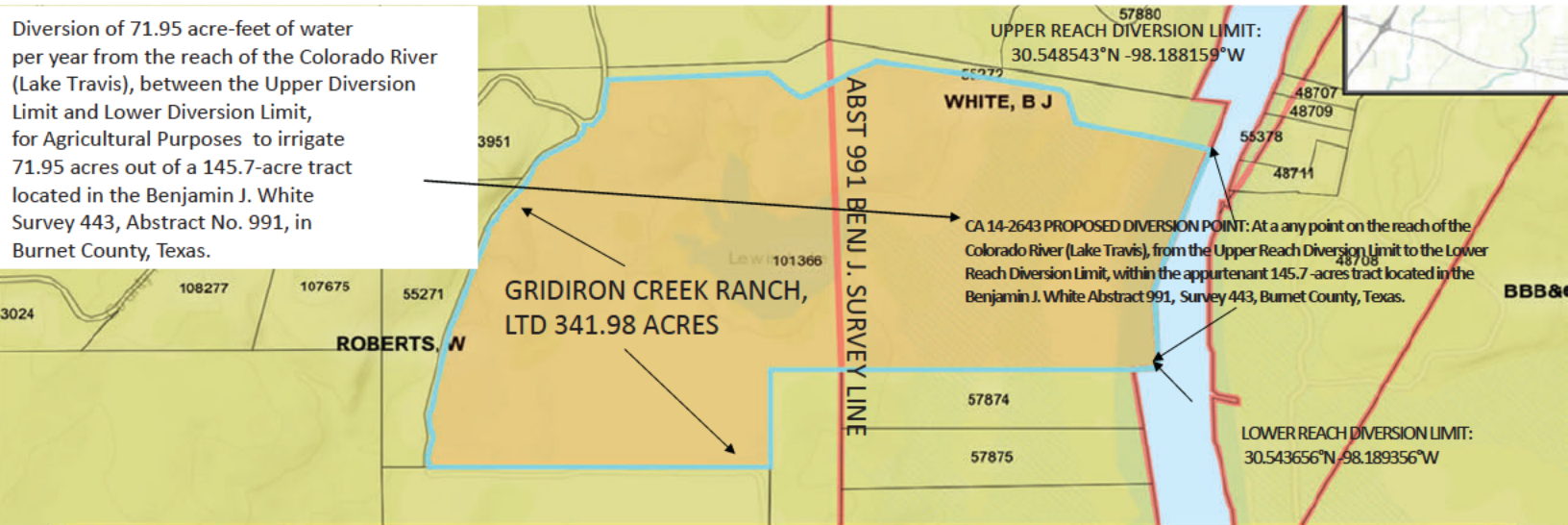


THIS MAP IS A PORTION OF PAGE  
NO. 24 OF 31 PAGES OF THE MIDDLE  
COLORADO RIVER SEGMENT CERTIFICATES  
OF ADJUDICATION MAPS.

SCALE: 1" = 1770' APPROX.



Diversion of 71.95 acre-feet of water per year from the reach of the Colorado River (Lake Travis), between the Upper Diversion Limit and Lower Diversion Limit, for Agricultural Purposes to irrigate 71.95 acres out of a 145.7-acre tract located in the Benjamin J. White Survey 443, Abstract No. 991, in Burnet County, Texas.



Search Results 1

Search Type: Property Account # Search | Search Term: 101366

Export

Property ID	Options	Geo ID	Owner ID	Owner Name	Legal Description	Situs Address	Doing
101366		B0714-0000-00012-200	179128	GRIDIRON CREEK RANCH LTD	ABS A0714 WM. ROBERTS, TRACT & ABST 991 BENJ J WHITE, 341.98 ACRES	1541 CR 402 MARBLE FALLS, TX 78654	Null

## **GRIDIRON CREEK RANCH, LTD. – PHOTO 1: COLORADO RIVER/LAKE TRAVIS**

**PHOTO TAKEN FROM GRIDIRON CREEK RANCH  
LOOKING EAST ILLUSTRATING THE COLORADO  
RIVER/LAKE TRAVIS RIVER ON MARCH 18,  
2021.**

NOTE: Existing water intake line is being  
used to divert water purchased from the  
LCRA via existing contract between Gridiron  
Creek Ranch and LCRA.



**GRIDIRON CREEK RANCH, LTD. – PHOTO 2: COLORADO RIVER/LAKE  
TRAVIS LOOKING UPSTREAM**

**PHOTO TAKEN FROM GRIDIRON CREEK RANCH  
LOOKING NORTH ILLUSTRATING THE WEST  
BANK OF THE COLORADO RIVER/LAKE TRAVIS  
RIVER ON MARCH 18, 2021.**





**GRIDIRON CREEK RANCH, LTD. – PHOTO 3: COLORADO RIVER/LAKE TRAVIS LOOKING DOWNSTREAM**

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**PHOTO TAKEN FROM GRIDIRON CREEK RANCH  
LOOKING SOUTH ILLUSTRATING THE WEST  
BANK OF THE COLORADO RIVER/LAKE TRAVIS  
RIVER ON MARCH 18, 2021.**



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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 12, 2021

Gridiron Creek Ranch LTD  
Attn: Lynn Sherman  
P.O. Box 5605  
Austin, TX 78705-

RE: Change of Ownership  
Certificate of Adjudication No. 14-2643

Dear Lynn Sherman:

This acknowledges receipt of the Change of Ownership for Certificate of Adjudication No. 14-2643 on March 3, 2021.

Enclosed is a copy of the TCEQ Water Rights Change of Ownership Memorandum and receipt for the \$100.00 recording fee (Voucher No. 501879).

If you have any questions concerning this matter, please contact **Zowey Lidyard** by e-mail at [Zowey.Lidyard@tceq.texas.gov](mailto:Zowey.Lidyard@tceq.texas.gov).

Sincerely,

A handwritten signature in cursive script that reads "R. Joseph Nicosia".

R. Joseph Nicosia, Team Leader, MC-160  
Water Rights Compliance Assurance Team  
Water Availability Division

JN/zl  
Enclosures

cc: Shawn Stewart, TCEQ Region 11



Print this voucher for your records. If you are sending the TCEQ hardcopy documents related to this payment, include a copy of this voucher.

**Transaction Information**

**Voucher Number:** 501879  
**Trace Number:** 582EA000423301  
**Date:** 03/02/2021 09:25 PM  
**Payment Method:** CC - Authorization 000005309G  
**Voucher Amount:** \$100.00  
**Fee Type:** WATER RIGHTS CHANGE OF OWNERSHIP-RECORDING FEE  
**ePay Actor:** CINDY SMILEY  
**Actor Email:** [REDACTED]  
**IP:** 172.2.65.207

**Payment Contact Information**

**Name:** CYNTHIA SMILEY  
**Company:** SMILEY LAW FIRM  
**Address:** 6000 SHEPHERD MT CV 2107, AUSTIN, TX 78730  
**Phone:** 512-394-7121

**Site Information**

**Site Name:** LEWIS LAKE PROPERTY  
**Site Location:** 1541 COUNTY ROAD 402 MARBLE FALLS TX

**Customer Information**

**Customer Name:** GRIDIRON CREEK RANCH LTD  
**Customer Address:** P O BOX 758, SPICEWOOD, TX 78669

**Billing Information**

**Billing Name:** GRIDIRON CREEK RANCH LTD  
**Billing Address:** P O BOX 758, SPICEWOOD, TX 78669

**Other Information**

**Program Area ID:** 142463  
**Comments:** Change of Ownership Fee

[Close](#)

# **TCEQ Water Rights Change of Ownership Memorandum**

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**To:** Records Management

**Date:** May 12, 2021

**From:** Compliance Assurance and  
Business Support Section  
Water Availability Division

**Certificate of Adjudication** No. 14-2643

**Source County:** Burnet

**Source Basin:** Colorado

**Subject:** Change of Ownership

**Add:** Gridiron Creek Ranch, Ltd., as owner

## **Conveyance Documents Reviewed:**

Title	Dated	Doc. No.	Vol. No.	Page No.
<i>Gift Deed</i>	12/21/1990	6837	492	916
<i>Gift Deed</i>	12/21/1990	6838	492	920
<i>Gift Deed</i>	1/3/1991	0085	493	587
<i>Gift Deed</i>	1/3/1991	0086	493	591
<i>Gift Deed</i>	1/2/1992	989	518	735
<i>Gift Deed</i>	1/2/1992	990	518	740
<i>Gift Deed</i>	1/2/1993	1303	555	111
<i>Gift Deed</i>	1/2/1993	1304	555	116
<i>Gift Deed</i>	1/2/1994	1466	594	731
<i>Gift Deed</i>	1/2/1994	1467	594	736
<i>Gift Deed</i>	1/2/1995	2028	639	714
<i>Gift Deed</i>	1/2/1995	2029	639	719
<i>Gift Deed</i>	1/2/1996	4153	695	602
<i>Gift Deed</i>	1/2/1996	4154	695	607
<i>Warranty Deed with Vendor's Lien</i>	10/1/2003	012639	1190	511

<i>Warranty Deed with Vendor's Lien</i>	10/1/2003	012641	1190	527
<i>Warranty Deed with Vendor's Lien</i>	10/1/2003	012643	1190	542
<i>Warranty Deed with Vendor's Lien</i>	10/1/2003	012645	1190	557
<i>Last Will and Testament of Melvin R. Mathis</i>	12/23/2003	200809631		
<i>Probate Order</i>	12/11/2007	200809632		
<i>Oath of Independent Executor</i>	12/11/2007	200809633		
<i>Inventory and List of Claims</i>	4/4/2008	200809634		
<i>Special Warranty Deed with Vendor's Lien</i>	9/12/2008	20080937		
<i>General Warranty Deed</i>	1/28/2013	201300978		

The change of ownership form and \$100.00 recording fee (Voucher No. 501879) was received from Cindy Smiley, Smiley Law Firm (Applicant Representative) on March 3 and April 27, 2021. The review of the application was completed on May 12, 2021. The conclusions in this memo are based upon a review of the above-mentioned conveyance documents submitted by the applicant from the Official Public Records of Burnet County, Texas. The conclusions are subject to change if additional information is received.

Ownership of Record with Addresses and Remarks:

- |  |   |
|--|---|
| 1. Costillo C. Lewis<br>P.O. Box 421149<br>Del Rio, Texas 78842-1149 | 2. Gridiron Creek Ranch, Ltd.<br>P.O. Box 1829<br>Lake City, Florida 32056-1829 |
|--|---|

The ownership interest has been apportioned as follows:

**Authorization 1: Diversion of 8.05 acre-feet of water per year for Agricultural Purposes** from the Colorado River to **irrigate** 8.05 acres out of a 16.3-acre tract located in the Benjamin J. White Survey 443, Abstract No. 991, in Burnet County, Texas.

Owner Name	Amount	Purpose
Costillo C. Lewis	8.05 acre-feet	Irrigation of 8.05 acres out of a 16.3-acre tract

**Authorization 2: Diversion of 71.95 acre-feet of water per year for Agricultural Purposes** from the Colorado River to **irrigate** 71.95 acres out of a 145.7-acre tract located in the Benjamin J. White Survey 443, Abstract No. 991, in Burnet County, Texas.

Owner Name	Amount	Purpose
Gridiron Creek Ranch, Ltd.	71.95 acre-feet	Irrigation of 71.95 acres out of a 145.7-acre tract

The acreage appurtenant to this water right is located only within the Benjamin J. White Survey 443, Abstract No. 991. Based upon a review of the Original Certificate of Adjudication, historical maps and current parcel boundaries in Burnet county, the total acreage associated to this water right has been found to contain 162 acres.

Please be aware that a permanent water right is an easement and passes with title to the land to which it is appurtenant, unless the water right is expressly reserved or excepted from conveyance, or is conveyed separately from the land. See Texas Water Code §11.040(a) and 30 Texas Administrative Code §297.81(a) and (d). However, also be aware that a permanent water right must be expressly conveyed if the water right is held by a water corporation, water district, river authority, or governmental entity authorized to supply water to others. See 30 Texas Administrative Code § 297.81(b).



R. Joseph Nicosia



## 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, Applicant are directed to submit additional Worksheets (provided herein). A completed Administrative Information Report is also required for each application.

***Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4600 to schedule a meeting.*** Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N Y (If yes, date July 21, 2021)

### 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 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 N (If yes, indicate the Certificate or Permit number: \_\_\_\_\_)

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

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

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

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

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

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

## 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: CA 14-2643

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 *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 Y  
*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 Y *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

*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 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 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 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 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 K Water Plan and the 2022 State Water Plan because there is nothing in the plans that conflict with the application. Also, see ATTACHMENT 4.a.**

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

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

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

a. Location Information Regarding the Lands to be Irrigated

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

ii) Location of land to be irrigated: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. <sup>991</sup>\_\_\_\_\_.

***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**
Same as currently specified CA 14-2643	Same as currently specified in CA 14-2643	In addition to the authorized diversion of 71.95 acre-feet of water per year for agricultural purposes to irrigate 145.7 acres, add the authorization to use that amount for all other agricultural purposes, by amending CA 14-2643 to change the "use" language from "irrigate" to "agriculture", as defined in Section 11.002(12) of the Texas Water Code.	Same as currently specified in CA 14-2643	Same as currently specified in CA 14-2643
		For the purposes of diverting the authorized diversion of 71.95 acre-feet of water per year for agricultural purposes to irrigate 145.7 acres, simply reference the existing language in Section 2.A. of CA14-2643, with the sole exception of changing the word "a" to "any".		

\*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 145.7 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 341.98 acres Burnet County, TX. See Attached May 12, 2021 TCEQ Letter
  - Location of land to be irrigated: In the Benjamin J. White Survey 443, Abstract No. 991 Original Survey No. 443, Abstract No. 991.  
*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.*
- c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
- d. See Worksheet 1.2, Marshall Criteria, and submit if required.
- e. 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)

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

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

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

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

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

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

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

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



N.A.

## WORKSHEET 1.2

### NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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

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



N.A.  
**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: \_\_\_\_\_
- 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 \_\_\_\_\_

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***

- di. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):\_\_\_\_\_
- dii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N\_\_\_\_\_

## WORKSHEET 3.0

### DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

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

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

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

Same as currently in CA 14-2643

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

Same as currently in CA 14-2643

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

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

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

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

Check one		Write: Existing or Proposed
X	Directly from stream Colorado River/Lake Travis	Proposed: See Description Below.
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

For the purposes of diverting the authorized diversion of 71.95 acre-feet of water per year for agricultural purposes to irrigate 145.7 acres, simply reference the existing language in Section 2.A. of CA 14-2643, with the sole exception of changing the word "a" to "any", as provided below:

- Location: At a any point on the reach of the Colorado River (Lake Travis), from the Upper Reach Diversion Limit (located at 30.548543°N -98.188159°W) to the Lower Reach Diversion Limit (located at 30.543656°N -98.189356°W), within the appurtenant 145.7-acre tract located in the Benjamin J. White Abstract 991, Survey 443, Burnet County, Texas. (See Attachment 3.0.1.3) NOTE: UPPER REACH DIVERSION LIMIT LOCATED AT 30 548543°N -98 188159°W

f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. Y / N N

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

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

## WORKSHEET 3.0

### DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

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

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

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

Same as currently in CA 14-2643

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

Same as currently in CA 14-2643

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

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

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

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

Check one		Write: Existing or Proposed
<input checked="" type="checkbox"/>	Directly from stream Colorado River/Lake Travis	Proposed: See Description Below.
<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)	

For the purposes of diverting the authorized diversion of 71.95 acre-feet of water per year for agricultural purposes to irrigate 145.7 acres, simply reference the existing language in Section 2.A. of CA 14-2643, with the sole exception of changing the word "a" to "any", as provided below:

Location: - At a any point on the reach of the Colorado River (Lake Travis), from the Upper Reach Diversion Limit (located at 30.548543°N -98.188159°W) to the Lower Reach Diversion Limit (located at 30.543656°N - 98.189356°W), within the appurtenant 145.7-acre tract located in the Benjamin J. White Survey 443, Abstract 991, Burnet County, Texas. (See Attachment 3.0.1.e.)  
NOTE: LOWER REACH DIVERSION LIMIT LOCATED AT 30.543656°N -98.189356°W

f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. Y / ☒ N

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

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



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

- a. On watercourse (USGS name): Colorado River/Lake Travis
- b. Zip Code: 78669
- c. Location of point: In the Benjamin J. White Original Survey No. 443, Abstract No. 991, Burnet County, Texas.

### Deeds Attached

*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.*

At any point on the reach of the Colorado River (Lake Travis), from the Upper Reach Diversion Limit (30.548543°N 98.188159°W) to the Lower Reach Diversion Limit (30.543656°N -98.189356°W), within the appurtenant 145.7-acre tract located in the Benjamin J. White Survey 443, Abstract 991, Burnet County, Texas. (See ATTACHMENT 3.0.1.e and USGS Quad).

- d. Point is at: Latitude \_\_\_\_\_°N, Longitude \_\_\_\_\_°W. See Inserted Paragraph Immediately Above.  
*\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): \_\_\_\_\_
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. **See Attached USGS Smithwick 7.5 Minute Quad Map**
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion. N. A.

N.A.  
**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\_\_\_\_\_ % and explain the method of calculation:\_\_\_\_\_

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

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

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

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



N.A.  
**WORKSHEET 4.1**  
**DISCHARGE POINT INFORMATION**

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

**Instructions, Page 27.**

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

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

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

## WORKSHEET 5.0

### ENVIRONMENTAL INFORMATION

#### 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 29.**

Submersible pump intake(s) will be screened based on USDA and/or TPWD guidelines to avoid/minimize impingement and entrainment of aquatic organisms. Design parameters will include, approach velocity, screen sweeping velocity, ratio of approach to sweeping velocities, percent of open area (typically 27 – 50 percent), size of the screen opening, location of the screen (in Lake Travis), screen mesh size, and screen flow through velocity.

#### 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.** N.A.

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

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 map 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\_\_\_\_\_.

N.A.  
**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](mailto:wras@tceq.texas.gov). The model plans can also be downloaded from the TCEQ webpage. Please use the most up-to-date plan documents available on the webpage.*

**1. Water Conservation Plans**

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

1. Request for a new appropriation or use of State Water. **N.A.**
2. Request to amend water right to increase appropriation of State Water. **N.A.**
3. Request to amend water right to extend a term. **N.A.**
4. Request to amend water right to change a place of use. **N.A.**  
*\*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. **N.A.**  
*\*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. **N.A.***

- 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: **N.A.**

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\_\_\_\_ **N.A.****

- 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\_\_\_ N.A.

## 2. Drought Contingency Plans N.A.

- 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\_\_\_

N.A.  
**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 (\$)
<b>Filing Fee</b>	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under <b>Amount (\$)</b> . <u>In Acre-Feet</u> a. Less than 100 \$100.00 b. 100 - 5,000 \$250.00 c. 5,001 - 10,000 \$500.00 d. 10,001 - 250,000 \$1,000.00 e. More than 250,000 \$2,000.00	\$0.00
<b>Recording Fee</b>		\$25.00
<b>Agriculture Use Fee</b>	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x <u>71.95</u> Number of acres that will be irrigated with State Water. **	
<b>Use Fee</b>	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x <u>71.95</u> Maximum annual diversion of State Water in acre-feet. **	
<b>Recreational Storage Fee</b>	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	\$0.00
<b>Storage Fee</b>	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	\$0.00
<b>Mailed Notice</b>	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	<u>\$0.00</u>
<b>TOTAL</b>		<b>\$ 25.00</b>

### 2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
<b>Filing Fee</b>	Amendment: \$100 OR Sever and Combine: \$100 x ____ of water rights to combine	<b>\$100.00</b>
<b>Recording Fee</b>		\$12.50
<b>Mailed Notice</b>	Additional notice fee to be determined once application is submitted.	<u>\$0.00</u>
<b>TOTAL INCLUDED</b>		<b>\$ 112.50</b>

### 3. BED AND BANKS

	Description	Amount (\$)
<b>Filing Fee</b>		\$0.00
<b>Recording Fee</b>		\$0.00
<b>Mailed Notice</b>	Additional notice fee to be determined once application is submitted.	
<b>TOTAL INCLUDED</b>		<b>\$ 0.00</b>

## **Attachment 4.a**

### **Addendum Regarding the State and Regional Water Plans**

The amendment sought in this Application seeks to add all other agricultural uses to the agricultural use of irrigation already authorized in Certificate of Adjudication ("CA") 14-2643.

CA 14-2643 authorizes the use 80 acre-feet of water per year for irrigation, which is defined as being one of the uses and activities constituting "agricultural use" in Sec. 11.002 (13) of the Texas Water Code. Sec. 297.1(1) of the TCEQ's Substantive Rules regarding Water Rights lists seven categories of "agricultural activities," and Section 297.1(2) of the Substantive Rules mirrors Sec. 11.002(13) of the Texas Water Code and defines "agricultural use" as "any use or activity involving agriculture, including irrigation."

CA 14-2643 has a priority date of April 30, 1967, which pre-dates the enactment of Sec. 11.002 of the Texas Water Code by over 10 years. Notably, Section 11.122(a) of the Texas Water Code allows "the holder of a . . . certificate of adjudication that includes . . . irrigation" to "use or supply water for an agricultural use that was classified as . . . irrigation before September 1, 2001" and to do so "[w]ithout obtaining an amendment." Nevertheless, such an amendment is requested in this Application, and it simply seeks to add all other agricultural uses contemplated by Sec. 11.002(13) of the Texas Water Code and 30 TAC Sec. 297.1(1) & (2).

In light of the above, the Applicant is requesting a waiver of the requirement to provide information regarding consistency with the state or regional water plan, and such a waiver is warranted because the amendment requested in this Application will not "cause adverse impact on other water right holders or the environment on the stream of greater magnitude than under circumstances in which the . . . certificate of adjudication that is sought to be amended was fully exercised according to its terms and conditions as they existed before the requested amendment," as provided in Sec. 11.122(b) of the Texas Water Code. Moreover, consistent with Sec. 11.122(b-3) of the Texas Water Code, the amendment merely:

- "adds a purpose of use that does not substantially alter . . . a pattern of use that is explicitly authorized in or required by the original right;" and
- "changes the point of diversion, [and]
  - (A) the authorized rate of diversion is not increased;
  - (B) the original point of diversion and the new point of diversion are located in the same contiguous tract of land;
  - (C) the original point of diversion and the new point of diversion are from the same source of supply;
  - (D) there are no points of diversion from the same source of supply associated with other water rights that are located between the original point of diversion and the new point of diversion;
  - (E) there are no streamflow gauges located on the source of supply between the original point of diversion and the new point of diversion that are referenced in the original water right or in another water right authorizing a diversion from the same source of supply; and
  - (F) there are no tributary watercourses that enter the watercourse that is the source of supply located between the original point of diversion and the new point of diversion."

In addition, 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 K Water Plan and the 2022 State Water Plan because there is nothing in the plans that conflict with the application.

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 12, 2021

Gridiron Creek Ranch LTD  
Attn: Lynn Sherman  
P.O. Box 5605  
Austin, TX 78705-

RE: Change of Ownership  
Certificate of Adjudication No. 14-2643

Dear Lynn Sherman:

This acknowledges receipt of the Change of Ownership for Certificate of Adjudication No. 14-2643 on March 3, 2021.

Enclosed is a copy of the TCEQ Water Rights Change of Ownership Memorandum and receipt for the \$100.00 recording fee (Voucher No. 501879).

If you have any questions concerning this matter, please contact **Zowey Lidyard** by e-mail at [Zowey.Lidyard@tceq.texas.gov](mailto:Zowey.Lidyard@tceq.texas.gov).

Sincerely,

A handwritten signature in cursive script that reads "R. Joseph Nicosia".

R. Joseph Nicosia, Team Leader, MC-160  
Water Rights Compliance Assurance Team  
Water Availability Division

JN/zl  
Enclosures

cc: Shawn Stewart, TCEQ Region 11



Print this voucher for your records. If you are sending the TCEQ hardcopy documents related to this payment, include a copy of this voucher.

**Transaction Information**

**Voucher Number:** 501879  
**Trace Number:** 582EA000423301  
**Date:** 03/02/2021 09:25 PM  
**Payment Method:** CC - Authorization 000005309G  
**Voucher Amount:** \$100.00  
**Fee Type:** WATER RIGHTS CHANGE OF OWNERSHIP-RECORDING FEE  
**ePay Actor:** CINDY SMILEY  
**Actor Email:** [REDACTED]  
**IP:** 172.2.65.207

**Payment Contact Information**

**Name:** CYNTHIA SMILEY  
**Company:** SMILEY LAW FIRM  
**Address:** 6000 SHEPHERD MT CV 2107, AUSTIN, TX 78730  
**Phone:** 512-394-7121

**Site Information**

**Site Name:** LEWIS LAKE PROPERTY  
**Site Location:** 1541 COUNTY ROAD 402 MARBLE FALLS TX

**Customer Information**

**Customer Name:** GRIDIRON CREEK RANCH LTD  
**Customer Address:** P O BOX 758, SPICEWOOD, TX 78669

**Billing Information**

**Billing Name:** GRIDIRON CREEK RANCH LTD  
**Billing Address:** P O BOX 758, SPICEWOOD, TX 78669

**Other Information**

**Program Area ID:** 142463  
**Comments:** Change of Ownership Fee

[Close](#)

# TCEQ Water Rights Change of Ownership Memorandum

---

**To:** Records Management

**Date:** May 12, 2021

**From:** Compliance Assurance and  
Business Support Section  
Water Availability Division

**Certificate of Adjudication** No. 14-2643

**Source County:** Burnet

**Source Basin:** Colorado

**Subject:** Change of Ownership

**Add:** Gridiron Creek Ranch, Ltd., as owner

## Conveyance Documents Reviewed:

Title	Dated	Doc. No.	Vol. No.	Page No.
<i>Gift Deed</i>	12/21/1990	6837	492	916
<i>Gift Deed</i>	12/21/1990	6838	492	920
<i>Gift Deed</i>	1/3/1991	0085	493	587
<i>Gift Deed</i>	1/3/1991	0086	493	591
<i>Gift Deed</i>	1/2/1992	989	518	735
<i>Gift Deed</i>	1/2/1992	990	518	740
<i>Gift Deed</i>	1/2/1993	1303	555	111
<i>Gift Deed</i>	1/2/1993	1304	555	116
<i>Gift Deed</i>	1/2/1994	1466	594	731
<i>Gift Deed</i>	1/2/1994	1467	594	736
<i>Gift Deed</i>	1/2/1995	2028	639	714
<i>Gift Deed</i>	1/2/1995	2029	639	719
<i>Gift Deed</i>	1/2/1996	4153	695	602
<i>Gift Deed</i>	1/2/1996	4154	695	607
<i>Warranty Deed with Vendor's Lien</i>	10/1/2003	012639	1190	511

<i>Warranty Deed with Vendor's Lien</i>	10/1/2003	012641	1190	527
<i>Warranty Deed with Vendor's Lien</i>	10/1/2003	012643	1190	542
<i>Warranty Deed with Vendor's Lien</i>	10/1/2003	012645	1190	557
<i>Last Will and Testament of Melvin R. Mathis</i>	12/23/2003	200809631		
<i>Probate Order</i>	12/11/2007	200809632		
<i>Oath of Independent Executor</i>	12/11/2007	200809633		
<i>Inventory and List of Claims</i>	4/4/2008	200809634		
<i>Special Warranty Deed with Vendor's Lien</i>	9/12/2008	20080937		
<i>General Warranty Deed</i>	1/28/2013	201300978		

The change of ownership form and \$100.00 recording fee (Voucher No. 501879) was received from Cindy Smiley, Smiley Law Firm (Applicant Representative) on March 3 and April 27, 2021. The review of the application was completed on May 12, 2021. The conclusions in this memo are based upon a review of the above-mentioned conveyance documents submitted by the applicant from the Official Public Records of Burnet County, Texas. The conclusions are subject to change if additional information is received.

Ownership of Record with Addresses and Remarks:

- |  |   |
|--|---|
| 1. Costillo C. Lewis<br>P.O. Box 421149<br>Del Rio, Texas 78842-1149 | 2. Gridiron Creek Ranch, Ltd.<br>P.O. Box 1829<br>Lake City, Florida 32056-1829 |
|--|---|

The ownership interest has been apportioned as follows:

**Authorization 1: Diversion of 8.05 acre-feet of water per year for Agricultural Purposes** from the Colorado River to **irrigate** 8.05 acres out of a 16.3-acre tract located in the Benjamin J. White Survey 443, Abstract No. 991, in Burnet County, Texas.

Owner Name	Amount	Purpose
Costillo C. Lewis	8.05 acre-feet	Irrigation of 8.05 acres out of a 16.3-acre tract

**Authorization 2: Diversion of 71.95 acre-feet of water per year for Agricultural Purposes** from the Colorado River to **irrigate** 71.95 acres out of a 145.7-acre tract located in the Benjamin J. White Survey 443, Abstract No. 991, in Burnet County, Texas.

Owner Name	Amount	Purpose
Gridiron Creek Ranch, Ltd.	71.95 acre-feet	Irrigation of 71.95 acres out of a 145.7-acre tract

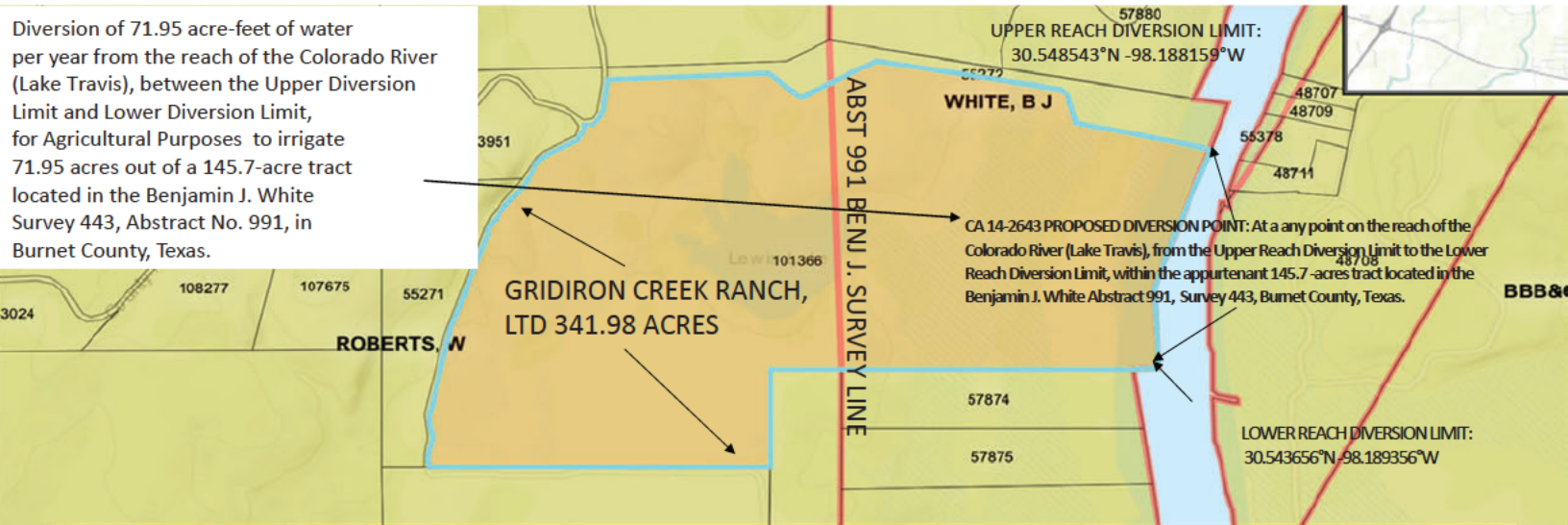
The acreage appurtenant to this water right is located only within the Benjamin J. White Survey 443, Abstract No. 991. Based upon a review of the Original Certificate of Adjudication, historical maps and current parcel boundaries in Burnet county, the total acreage associated to this water right has been found to contain 162 acres.

Please be aware that a permanent water right is an easement and passes with title to the land to which it is appurtenant, unless the water right is expressly reserved or excepted from conveyance, or is conveyed separately from the land. See Texas Water Code §11.040(a) and 30 Texas Administrative Code §297.81(a) and (d). However, also be aware that a permanent water right must be expressly conveyed if the water right is held by a water corporation, water district, river authority, or governmental entity authorized to supply water to others. See 30 Texas Administrative Code § 297.81(b).



R. Joseph Nicosia

Diversion of 71.95 acre-feet of water per year from the reach of the Colorado River (Lake Travis), between the Upper Diversion Limit and Lower Diversion Limit, for Agricultural Purposes to irrigate 71.95 acres out of a 145.7-acre tract located in the Benjamin J. White Survey 443, Abstract No. 991, in Burnet County, Texas.



Search Results 1

Search Type: Property Account # Search | Search Term: 101366

Export

Property ID	Options	Geo ID	Owner ID	Owner Name	Legal Description	Situs Address	Doing
101366		B0714-0000-00012-200	179128	GRIDIRON CREEK RANCH LTD	ABS A0714 WM. ROBERTS, TRACT & ABST 991 BENJ J WHITE, 341.98 ACRES	1541 CR 402 MARBLE FALLS, TX 78654	Null



# 13-56



D  
5 PGS

201300978

2013010005B-OC

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

---

**General Warranty Deed**

**Date:** January 28, 2013

**Grantor:** CEWY Limited Partnership, a Texas limited partnership

**Grantor's Mailing Address:**

CEWY Limited Partnership  
504 Lavaca Street, Suite 160  
Austin, Texas 78701

**Grantee:** Gridiron Creek Ranch, Ltd., a Texas limited partnership

**Grantee's Mailing Address:**

Gridiron Creek Ranch, Ltd.  
P. O. Box 758  
Spicewood, TX 78669

**Consideration:**

Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

**Property (including any improvements):**

A 341.98 acre tract of land out of the William R. Roberts Survey No. 13, Abstract No. 714 and the Benjiman J. White Survey No. 443, Abstract No. 991 in Burnet County, Texas; said 341.98 acre tract of land being more specifically described by metes and bounds in Exhibit "A" attached hereto and made a part hereof by reference.

**Reservations from Conveyance:**

None

**Exceptions to Conveyance and Warranty:**

- a. Terms and obligations as contained in deed from Lower Colorado River Authority recorded in Volume 89, Page 585, Deed Records of Burnet County, Texas.
- b. Inundation easement as granted to Lower Colorado River Authority recorded in Volume 89, Page 600, Deed Records of Burnet County, Texas.
- c. Regulations and ordinances of Burnet County, The State of Texas and all departments and political subdivision thereof, including Burnet County Subdivision Regulations, dated April 25, 2000, recorded in Volume 943, Page 399, and amended in Volume 993, Page 620, Volume 1043, Page 85, Volume 1377, Page 722, Clerk's File No. 201100417, and corrected in Clerk's File No. 201100547, Official Public Records of Burnet County, Texas.

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

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

CEWY Limited Partnership, a Texas limited partnership, acting by and through its general partner, CEWY GP, LLC, a Texas limited liability company,

By:   
Christopher T. Ellis, Manager

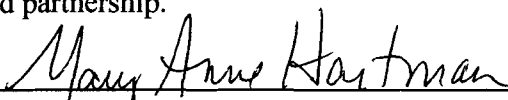
STATE OF TEXAS §

COUNTY OF Texas §

This instrument was acknowledged before me on January 28<sup>th</sup>, 2013, by Christopher T. Ellis, Manager of CEWY GP, LLC, a Texas limited liability company general partner, on behalf of CEWY Limited Partnership, a Texas limited partnership.



(seal)

  
Notary Public, State of Texas  
My commission expires: 2/8/13

PREPARED IN THE OFFICE OF:

THE HURST LAW FIRM PLLC

P. O. Box 1540

404 South Avenue M

Marble Falls, Texas 78654

Tel: (830) 693-3344

Fax: (830) 798-9194

AFTER RECORDING RETURN TO:

Gridiron Creek Ranch, Ltd.

P. O. Box 758

Spicewood, TX 78669

# **HAMBRIGHT LAND SURVEYING**

P.O. BOX 1226  
JOHNSON CITY, TEXAS 78636

PHONE: (830) 868-2574  
FAX: (830) 868-2576

JANUARY 8, 2013, JOB NO. 013-001, FIELD NOTE NO. 013-001,  
PROJECT: 341.98 ACRES

## **FIELD NOTES**

A DESCRIPTION OF A 341.98 ACRE TRACT OF LAND BEING ALL OF THAT 341.995 ACRE TRACT OF LAND DESCRIBED IN CLERKS FILE NO. 200809637 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SITAUTED IN THE WILLIAM R.ROBERTS SURVEY NO. 13, ABSTRACT NO. 714 AND THE BENJIMAN J. WHITE SURVEY NO. 443, ABSTRACT NO. 991 IN SAID COUNTY, SAID 341.98 ACRES AS SHOWN ON THE ACCOMPANYING MAP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½ inch iron rod found for the southwest corner of said 341.98 acres, being in the north line of tract of land conveyed to Lower Colorado River Authority (LCRA) being described in Volume 546, Page 901 of the Official Public Records of said County and being the southeast corner of remaining portion of that certain 481.4 acre tract of land described in Volume 113, Page 443 of the Deed Records of said County;

THENCE along the west line of said 341.98 acres, being the east line of said remaining portion of 481.4 acres, the following five (5) courses;

1. N07°10'27"E, 1060.02 feet to a ½ inch iron rod found,
2. N19°33'34"E, 1087.11 feet to a ½ inch iron rod found,
3. N37°49'27"E, 774.62 feet to a ½ inch iron rod found,
4. N60°56'54"E, 493.18 feet to a ½ inch iron rod found,
5. N05°53'27"E, 383.82 feet to a ½ inch iron found for the northwest corner of said 341.98 acres, being the southwest corner of that certain tract of land described in Volume 1209, Page 1010 of the Official Public Records of said County;

THENCE along the north line of said 341.98 acres, being the south line of said tract described in Volume 1209, Page 1010, the following six (6) courses;

1. N87°37'30"E, 1257.02 feet to a ½ inch iron rod set,
2. S51°20'33"E, 305.00 feet to a ½ inch iron rod found,
3. N62°22'10"E, 682.01 feet to a ½ inch iron rod found,
4. S80°32'33"E, 1561.03 feet to a ½ inch iron rod found,
5. S18°39'53"E, 265.02 feet to a ½ inch iron rod found,
6. S78°49'02"E, at 631.27 feet pass a 60d nail found, a total distance of 1100.00 feet to a calculated point in the original low bank of the Colorado River (Lake Travis) for the northeast corner of said 341.98 acres, being the southeast corner of said tract described in Volume 1209, Page 1010;

# **HAMBRIGHT LAND SURVEYING**

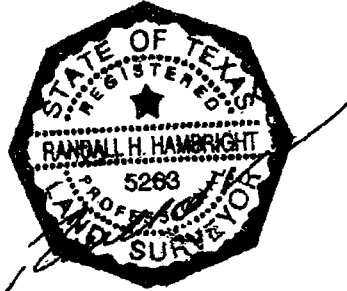
P.O. BOX 1226  
JOHNSON CITY, TEXAS 78636

PHONE: (830) 868-2574  
FAX: (830) 868-2576

THENCE along the east line of said 341.98 acres, being the original low bank of said River, S20°35'14"W, 1260.00 feet to a point and S03°45'37"E, 675.37 feet to a point for the southeast corner of said 341.98 acres, being the northeast corner of said LCRA tract described in Volume 546, Page 901;

THENCE along the south line of said 341.98 acres, being the north line of said LCRA tract described in Volume 546, Page 901, the following ten (10) courses;

1. S86°10'54"W, 226.87 feet to a ½ inch iron rod found,
2. N89°35'47"W, 111.39 feet to a ½ inch iron rod found,
3. S89°17'49"W, 1281.55 feet to a ½ inch iron rod found,
4. N85°14'03"W, 100.63 feet to a ½ inch iron rod found,
5. S89°17'52"W, 1387.08 feet to a 3 inch metal post,
6. S00°14'30"W, 839.57 feet to a 3 inch metal post,
7. S89°32'06"W, 541.92 feet to a calculated point,
8. S89°32'06"W, 964.46 feet to a 3 inch metal post,
9. S47°19'12"W, 13.99 feet to a 3 inch metal post,
10. S89°23'48"W, 1218.48 feet to the POINT OF BEGINNING containing 341.98 acres of land, more or less.



01-08-13

Page 2 of 2

**FILED AND RECORDED**



OFFICIAL PUBLIC RECORDS

*Janet Parker*

201300978

FN 013-001

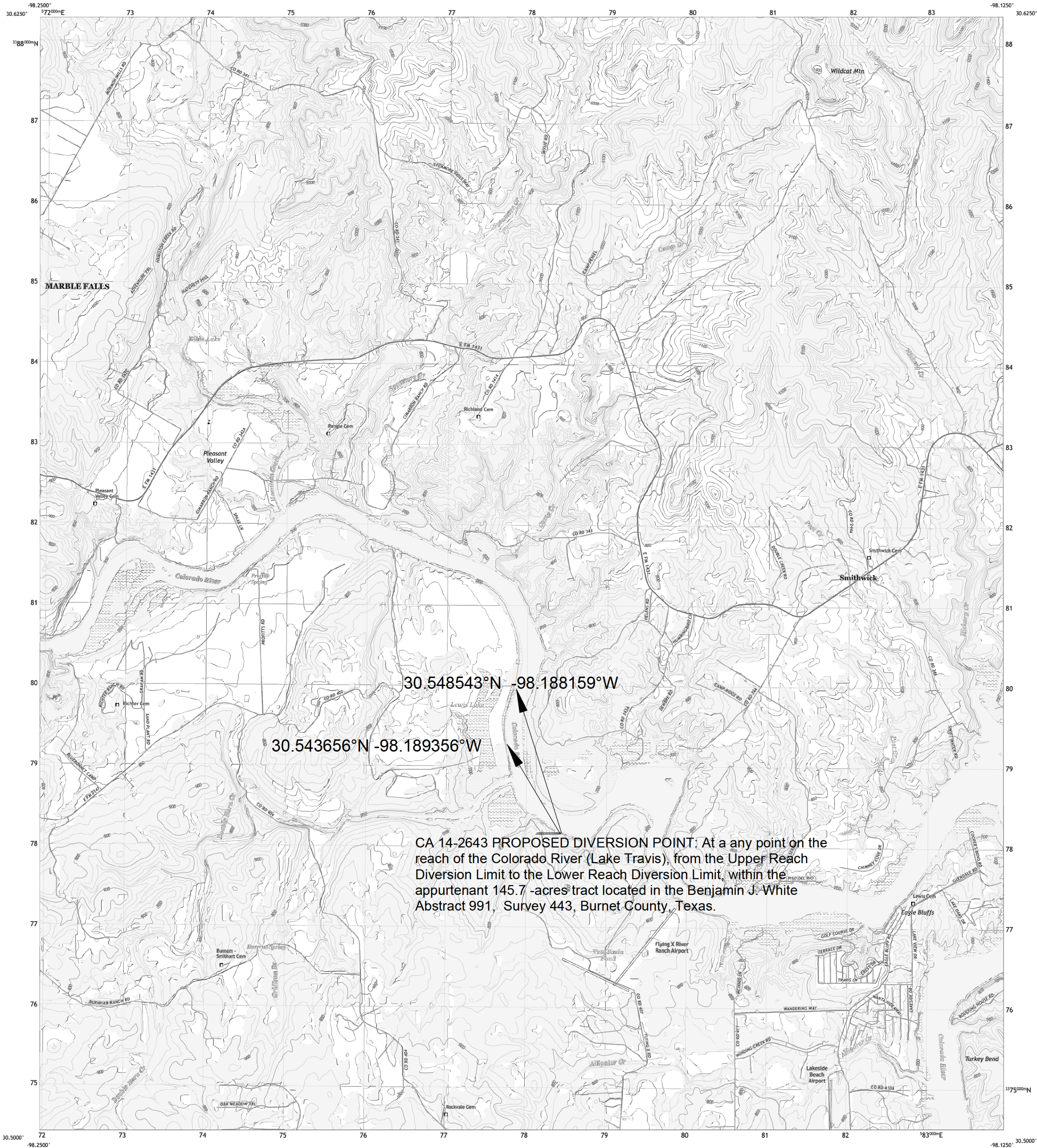
January 30, 2013 03:05:26 PM

FEE: \$32.00

Janet Parker, County Clerk

Burnet County, Texas



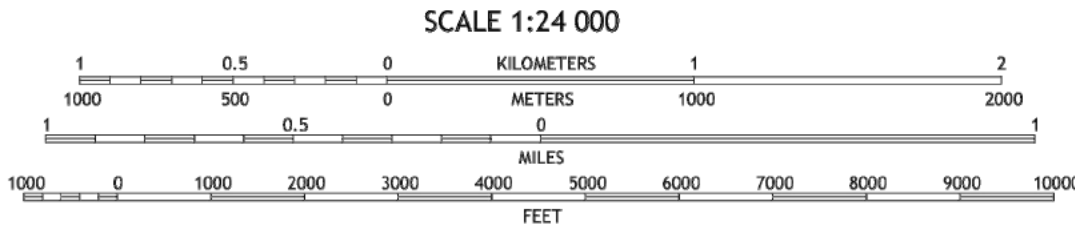
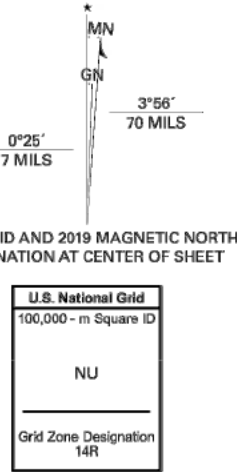


CA 14-2643 PROPOSED DIVERSION POINT: At a any point on the reach of the Colorado River (Lake Travis), from the Upper Reach Diversion Limit to the Lower Reach Diversion Limit, within the appurtenant 145.7 -acres tract located in the Benjamin J. White Abstract 991, Survey 443, Burnet County, Texas.

Produced by the United States Geological Survey

North American Datum of 1983 (NAD83)  
World Geodetic System of 1984 (WGS84), Projection and  
1 000-meter grid/Universal Transverse Mercator, Zone 14R  
This map is not a legal document. Boundaries may be  
generalized for this map scale. Private lands within government  
reservations may not be shown. Obtain permission before  
entering private lands.

Imagery.....NAP, September 2016 - November 2016  
Roads.....U.S. Census Bureau, 2015 - 2018  
Names.....GNIS, 1979 - 2018  
Hydrography.....National Hydrography Dataset, 2002 - 2018  
Contours.....National Elevation Dataset, 2010  
Boundaries.....Multiple sources see metadata file 2016 - 2017  
Wetlands.....FWS National Wetlands Inventory 1983



CONTOUR INTERVAL 20 FEET  
NORTH AMERICAN VERTICAL DATUM OF 1988  
This map was produced to conform with the  
National Geospatial Program US Topo Product Standard, 2011.  
A metadata file associated with this product is draft version 0.6.18

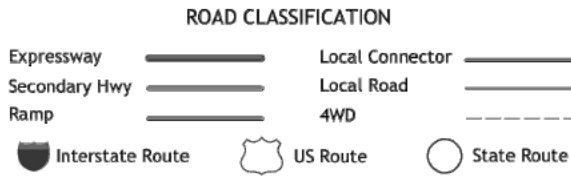


QUADRANGLE LOCATION

1	2	3
4	5	6
7	8	9

ADJOINING QUADRANGLES

1 Longhorn Cavern  
2 Mormon Mill  
3 Bertram  
4 Marble Falls  
5 Travis Peak  
6 Round Mountain  
7 Spicewood  
8 Pace Bend



SMITHWICK, TX  
2019



## 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): Gridiron Creek Ranch, Ltd. - CA 14-2643 (ATTACHED)

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

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

Y/N

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

**For Commission Use Only:**

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

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

# ADMINISTRATIVE INFORMATION REPORT

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

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

## 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."

1. In addition to the authorized diversion of 71.95 acre-feet of water per year for agricultural purposes to irrigate 145.7 acres, add the authorization to use that amount for all other agricultural purposes, by amending CA 14-2643 to change the "use" language from "irrigate" to "agriculture", as defined in Section 11.002(12) of the Texas Water Code.
2. For the purposes of diverting the authorized diversion of 71.95 acre-feet of water per year for agricultural purposes to irrigate 145.7 acres, simply reference the existing language in Section 2.A. of CA 14-2643, with the sole exception of changing the word "a" to "any", as provided below:

-Location:

-At a any point on the reach of the Colorado River (Lake Travis), from the Upper Reach Diversion Limit (located at 30.548543°N -98.188159W) to the Lower Reach Diversion Limit (located at 30.543656°N -98.189356°W), within the appurtenant 145.7 -acre tract located in the Benjamin J. White Abstract 991, Survey 443, Burnet County, Texas.

## 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?  
Gridiron Creek Ranch, Ltd.

*(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 : 605864099 ( 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: Doyle R. Simons

Title: Manager of General Partner, Gridiron Creek Ranch GP, LLC.

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

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: Gridiron Creek Ranch, Ltd. c/o Doyle R. Simons

Mailing Address: P.O. Box 758

City: Spicewood

State: Texas

ZIP Code: 78669

See Attached:

1. Joint Written Consent; and
2. Certificates of Formation.

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 Ltd. Partnership

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: 32038584697 SOS Charter (filing) Number: 801067913

See Attached Texas SOS Gridiron Creek Ranch, Ltd. Certificate of Formation executed by Doyle R. Simons.

### 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: Lynn Sherman, Attorney at Law

Title:

Organization Name: Lynn Sherman Law Firm and Consulting

Mailing Address: P. O. Box 5605

City: Austin

State: Texas

ZIP Code: 78763

Phone No.: 512/431-6515

Extension:

Fax No.:

E-mail Address:





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

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

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

First and Last Name: N. A.

Title:

Organization Name:

Mailing Address:

City:

State:

ZIP Code:

Phone No.:

Extension:

Fax No.:

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**

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**

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

Enforcement order number:

Amount past due:

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

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

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

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

**N.A. Applicant's ownership of CA 14-2643 has just be effectuated.**

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

Applicant:

I, Doyle R. Simons, Manager of General Partner, Gridiron Creek Ranch GP, LLC  
(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: Doyle R. Simons Date: 7/27/21  
(Use blue ink)

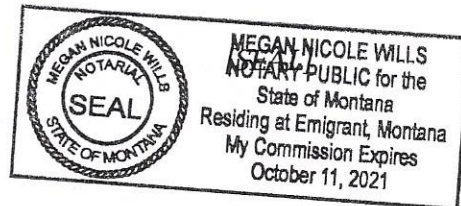
Subscribed and Sworn to before me by the said

on this 27<sup>th</sup> day of July, 20 21.

My commission expires on the 11 day of October, 20 21.

Megan Nicole Wills  
Notary Public

Park County, Montana



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

**JOINT WRITTEN CONSENT  
OF  
THE MEMBERS AND MANAGERS  
OF  
GRIDIRON CREEK RANCH GP, LLC,  
a Texas limited liability company  
AND  
THE GENERAL PARTNER AND LIMITED PARTNERS OF  
GRIDIRON CREEK RANCH, LTD,  
a Texas limited partnership**

February 5, 2020

The undersigned, being all of the Members and Managers of Gridiron Creek Ranch GP, LLC, a Texas limited liability company (the "**Company**"), and the General Partner and all of the Limited Partners of Gridiron Creek Ranch, Ltd, a Texas limited partnership (the "**Partnership**"), hereby, pursuant to the provisions of the Texas Business Organizations Code, and the Company Agreement of the Company dated as of December 29, 2008, and the Agreement of Limited Partnership of the Partnership dated as of December 29, 2008, hereby consent to and approve the following resolutions and each and every action effected thereby.

1. General Authorization of Doyle R. Simons, President of the Company.

RESOLVED, that Doyle R. Simons, the President of the Company, is hereby authorized to act on behalf of the Company, both for the Company itself and in the Company's capacity as the General Partner of the Partnership, to (a) take, or cause to be taken, any and all such action, in the name and on behalf of the Company (for itself or the Partnership), as in his judgment shall be necessary, desirable or appropriate in connection with the property owned by the Partnership; and (b) sign, execute, certify to, verify, acknowledge, deliver, accept, file, and record any and all instruments and documents in connection therewith.

RESOLVED, that any and all action taken by any manager, officer or member of the Company and any partner of the Partnership in effecting the purposes of the foregoing resolutions prior to the date this written consent is actually executed is hereby ratified, approved, confirmed, and adopted in all respects.

2. Counterparts and Facsimile Signatures.

RESOLVED, that this written consent may be executed in multiple counterparts, each of which shall be deemed an original for all purposes, and all of which together shall constitute one and the same instrument; and further.

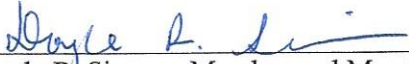
RESOLVED, that each such multiple counterpart of this written consent may be transmitted via facsimile or other similar electronic means and executed by one or more of the undersigned, and a facsimile of the signature of one or more of the undersigned shall be deemed an original signature for all purposes and have the same force and effect as a manually-signed original.


*[Signature Page Follows]*



Executed on the dates set forth below to be effective as of the date first set forth above.

**MEMBERS AND MANAGERS OF  
GRIDIRON CREEK RANCH GP, LLC:**

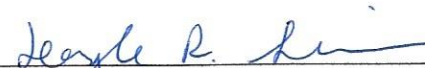
  
Doyle R. Simons, Member and Manager


  
Joan Alane Simons, Member and Manager

**GENERAL PARTNER AND LIMITED PARTNERS OF  
GRIDIRON CREEK RANCH, LTD:**

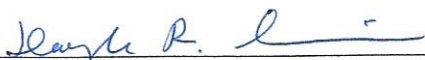
General Partner:


GRIDIRON CREEK RANCH GP, LLC,  
a Texas limited liability company

By:   
Doyle R. Simons, Member and Manager

By:   
Joan Alane Simons, Member and Manager

Limited Partners:

  
Doyle R. Simons, Limited Partner

  
Joan Alane Simons, Limited Partner

**Signature Page for Joint Written Consent of the Members and Managers of  
Gridiron Creek Ranch GP, LLC and the General Partner and Limited Partners of Gridiron Creek  
Ranch, Ltd**

**FILED**  
In the Office of the  
Secretary of State of Texas

DEC 29 2008

Corporations Section

**CERTIFICATE OF FORMATION  
OF  
GRIDIRON CREEK RANCH, LTD  
A Texas Limited Partnership**

1. The name of the limited partnership is GRIDIRON CREEK RANCH, LTD (the "Partnership").
2. The type of entity being formed is a limited partnership.
3. The address of the initial registered office of the Partnership is 1300 S. Mopac Expy, Third Floor, Austin, Texas 78746, and the name of the initial registered agent of the Partnership at such address is Doyle R. Simons.
4. The name, the mailing address, and the street address of the business or residence of the general partner of the Partnership are as follows:

GRIDIRON CREEK RANCH GP, LLC  
1300 S. Mopac Expy  
Third Floor  
Austin, Texas 78746

5. The address of the principal office of the Partnership in the United States where its partnership records are to be kept or made available under Section 153.511 of the Texas Business Organizations Code is 1300 S. Mopac Expy, Third Floor, Austin, Texas 78746.

EXECUTED on this the 29<sup>th</sup> day of December, 2008.

**GENERAL PARTNER:**

GRIDIRON CREEK RANCH GP, LLC,  
a Texas limited liability company

By: Doyle R. Simons  
Doyle R. Simons, Manager

By: Joan Alane Simons  
Joan Alane Simons, Manager

**RECEIVED**

DEC 29 2008

Secretary of State

DEC 29 2008

**Corporations Section**

**CERTIFICATE OF FORMATION  
OF  
GRIDIRON CREEK RANCH GP, LLC  
A Texas Limited Liability Company**

The undersigned, acting as the sole organizer of a limited liability company under the Texas Business Organizations Code (the "TBOC"), does hereby adopt the following Certificate of Formation for GRIDIRON CREEK RANCH GP, LLC (the "**Company**");

**ARTICLE ONE**

The name of the Company is GRIDIRON CREEK RANCH GP, LLC.

**ARTICLE TWO**

The Company is a domestic limited liability company.

**ARTICLE THREE**

The Company is organized for the purpose of transacting any and all lawful business for which limited liability companies may be organized under the TBOC.

**ARTICLE FOUR**

The address of the initial registered office of the Company is 1300 S. Mopac Expy, Third Floor, Austin, Texas 78746, and the name of the initial registered agent of the Company at that address is Doyle R. Simons.

**ARTICLE FIVE**

The name and address of the sole organizer of the Company are:

Michele A. Mobley  
DuBois, Bryant & Campbell, LLP  
700 Lavaca Street, Suite 1300  
Austin, Texas 78701

**ARTICLE SIX**

The Company is to be managed by one or more managers. The number of initial managers, who shall serve as managers until the first annual meeting of members of the Company, or until their successors are duly elected, shall be two (2). The names and addresses of such initial managers are as follows:

Doyle R. Simons  
1300 S. Mopac Expy  
Third Floor  
Austin, Texas 78746

**RECEIVED**

DEC 29 2008

**Secretary of State**



Joan Alane Simons  
1300 S. Mopac Expy  
Third Floor  
Austin, Texas 78746

## **ARTICLE SEVEN**

Any action required by the TBOC to be taken at any annual or special meeting of members, or any action that may be taken at any annual or special meeting of members, may be taken without a meeting, without prior notice, and without a vote, if a consent or consents in writing, setting forth the action so taken, shall be signed by the holder or holders of membership interests having not less than the minimum number of votes that would be necessary to take such action at a meeting at which the holders of all membership interests entitled to vote on the action were present and voted. Prompt notice of the taking of any action by the members without a meeting by less than unanimous written consent shall be given to those members who did not consent in writing to the action.

## **ARTICLE EIGHT**

A manager of the Company shall not be liable to the Company or its members for monetary damages for an act or omission in the manager's capacity as a manager, except that this Article Eight does not eliminate or limit the liability of a manager to the extent the manager is found liable for (i) a breach of the manager's duty of loyalty to the Company or its members; (ii) an act or omission not in good faith that constitutes a breach of duty of the manager to the Company or an act or omission that involves intentional misconduct or a knowing violation of the law; (iii) a transaction from which the manager received an improper benefit, whether or not the benefit resulted from an action taken within the scope of the manager's office; or (iv) an act or omission for which the liability of a manager is expressly provided in an applicable statute. Any repeal or amendment of this Article Eight by the members of the Company shall be prospective only and shall not adversely affect any limitation on the liability of a manager of the Company existing at the time of such repeal or amendment. In addition to the circumstances in which the manager of the Company is not liable as set forth in the preceding sentences, the manager shall not be liable to the fullest extent permitted by any provision of the statutes of Texas hereafter enacted that further limits the liability of a manager or of a director of a corporation.

## **ARTICLE NINE**

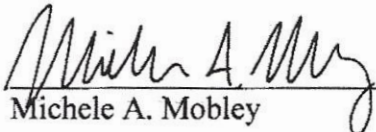
The Company shall indemnify any person who was, is, or is threatened to be made a named defendant or respondent in a proceeding (as hereinafter defined) because the person (i) is or was a manager or officer of the Company or (ii) while a manager or officer of the Company, is or was serving at the request of the Company as a director, manager, officer, partner, venturer, proprietor, trustee, employee, agent, or similar functionary of another foreign or domestic corporation, partnership, joint venture, sole proprietorship, trust, employee benefit plan, or other enterprise, to the fullest extent that a limited liability company may grant indemnification to a



manager under the TBOC, as the same exists or may hereafter be amended. Such right shall be a contract right and as such shall run to the benefit of any manager or officer who is elected and accepts the position of manager or officer of the Company or elects to continue to serve as a manager or officer of the Company while this Article Nine is in effect. Any repeal or amendment of this Article Nine shall be prospective only and shall not limit the rights of any such manager or officer or the obligations of the Company with respect to any claim arising from or related to the services of such manager or officer in any of the foregoing capacities prior to any such repeal or amendment of this Article Nine. Such right shall include the right to be paid or reimbursed by the Company for expenses incurred in defending any such proceeding in advance of its final disposition to the maximum extent permitted under the TBOC, as the same exists or may hereafter be amended. If a claim for indemnification or advancement of expenses hereunder is not paid in full by the Company within 90 days after a written claim has been received by the Company, the claimant may at any time thereafter bring suit against the Company to recover the unpaid amount of the claim, and if successful in whole or in part, the claimant shall be entitled to be paid also the expenses of prosecuting such claim. It shall be a defense to any such action that such indemnification or advancement of costs of defense are not permitted under the TBOC, but the burden of proving such defense shall be on the Company. Neither the failure of the Company (including its managers or any committee thereof, special legal counsel, or members) to have made its determination prior to the commencement of such action that indemnification of, or advancement of costs of defense to, the claimant is permissible in the circumstances nor an actual determination by the Company (including its managers or any committee thereof, special legal counsel, or members) that such indemnification or advancement is not permissible, shall be a defense to the action or create a presumption that such indemnification or advancement is not permissible. In the event of the death of any person having a right of indemnification under the foregoing provisions, such right shall inure to the benefit of his heirs, executors, administrators, and personal representatives. The rights conferred above shall not be exclusive of any other right which any person may have or hereafter acquire under any statute, regulation, resolution of members or managers, agreement, or otherwise. The Company may additionally indemnify any person covered by the grant of mandatory indemnification contained above to such further extent as is permitted by law and may indemnify any other person to the fullest extent permitted by law. To the extent permitted by then applicable law, the grant of mandatory indemnification to any person pursuant to this Article Nine shall extend to proceedings involving the negligence of such person. As used herein, the term "proceeding" means any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, arbitral, or investigative, any appeal in such an action, suit, or proceeding, and any inquiry or investigation that could lead to such an action, suit, or proceeding.

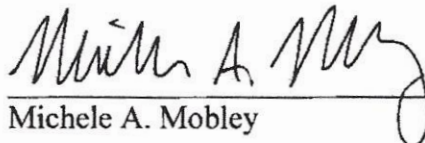
IN WITNESS WHEREOF, this Certificate of Formation has been executed on the 29th day of December, 2008, by the undersigned.

SOLE ORGANIZER

  
Michele A. Mobley

DISCLAIMER

I, the undersigned organizer of Gridiron Creek Ranch GP, LLC, a limited liability company to be organized in the State of Texas, do hereby disclaim any and all interests in said limited liability company.

  
Michele A. Mobley

# CERTIFICATE OF ADJUDICATION

ADJ # **002643**

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☒ C = Certificate of Adjudication

☐ CO = Correspondence

☐ EX = Exhibits

☐ MA = Maps

☐ RP = Reports

☐ TR = Transcripts

VOLUME # **001**

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INCLUSIVE DATES: **1983-97**

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CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 14-2643    OWNER: Costillo C. Lewis  
Route 2, Box 12-J  
Marble Falls, TX 78654

COUNTY: Burnet

PRIORITY DATE: April 30, 1967

WATERCOURSE: Colorado River  
(Lake Travis)

BASIN: Colorado River

WHEREAS, by final decree of the 33rd Judicial District Court of Burnet County, in Cause No. 8605, In Re: The Adjudication of Water Rights in the Middle Colorado River Segment of the Colorado River Basin, dated March 18, 1982, a right was recognized under Claim 2328 authorizing Costillo C. Lewis to appropriate waters of the State of Texas as set forth below;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Colorado River Basin is issued to Costillo C. Lewis, subject to the following terms and conditions;

1. USE

Owner is authorized to divert and use not to exceed 80 acre-feet of water per annum from the Colorado River (Lake Travis) to irrigate a maximum of 80 acres of land out of that portion of a 481.4 acre tract located in the Benjamin J. White Survey 443, Abstract 991, Burnet County, Texas, said 481.4 acre tract being described as follows:

- (1) BEGINNING at a point in the middle division line of the W. Roberts Survey 13, said point is the same as described in second tract in Deed from Sherman Wall to Henry G. Barsch as recorded in Volume 94, Page 452, and Correction Deed recorded in Volume 95, Page 129, Deed Records of Burnet County, Texas;
- (2) THENCE S 05°E, 468.7 varas to a fence corner;
- (3) THENCE east, 566.6 varas to a fence corner;
- (4) THENCE N 47°E, 5.0 varas to a fence corner;
- (5) THENCE N 88°30'E, 541.8 varas to a fence corner;
- (6) THENCE North, 302.4 varas to a fence corner;
- (7) THENCE East, 1192.0 varas to a point on the west bank of the Colorado River;
- (8) THENCE up the west bank of said river N 03°W, 412.9 varas and N 08°E, 501.7 varas to a point for a corner hereof;
- (9) THENCE N 80°W, 1146.6 varas to a fence corner;
- (10) THENCE S 62°W, 123.5 varas to a fence corner;
- (11) THENCE S 71°W, 11.0 varas to a fence corner;
- (12) THENCE S 87°W, 747.0 varas to a fence corner;
- (13) THENCE West, 438.0 varas to a fence corner;
- (14) THENCE South, 848.7 varas to the place of beginning.

2. DIVERSION

A. Location:

At a point on the Colorado River (Lake Travis) in the Benjamin J. White Survey 443, Abstract 991, Burnet County, Texas.

B. Maximum Rate: 1.11 cfs (500 gpm).



3. PRIORITY

The time priority of owner's right is April 30, 1967.

The locations of pertinent features related to this certificate are shown on Page 24 of the Middle Colorado River Segment Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Department of Water Resources and the office of the County Clerk.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 33rd Judicial District Court of Burnet County, Texas, in Cause No. 8605, In Re: The Adjudication of Water Rights in the Middle Colorado River Segment of the Colorado River Basin, dated March 18, 1982, and supersedes all rights of the owner asserted in that cause.

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

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

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

TEXAS WATER COMMISSION

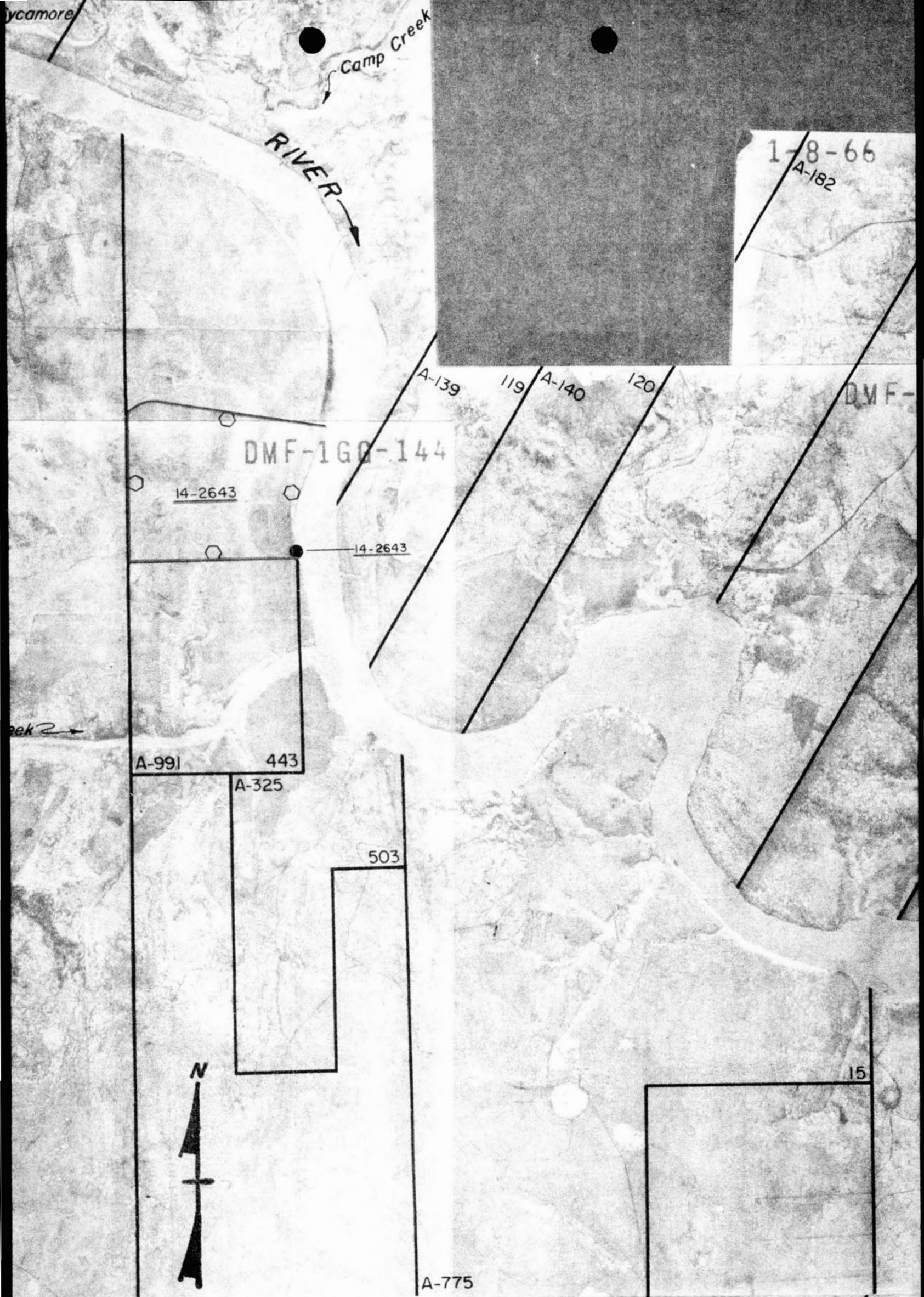
/s/ Felix McDonald  
Felix McDonald, Chairman

DATE ISSUED:

AUG 31 1983

ATTEST:

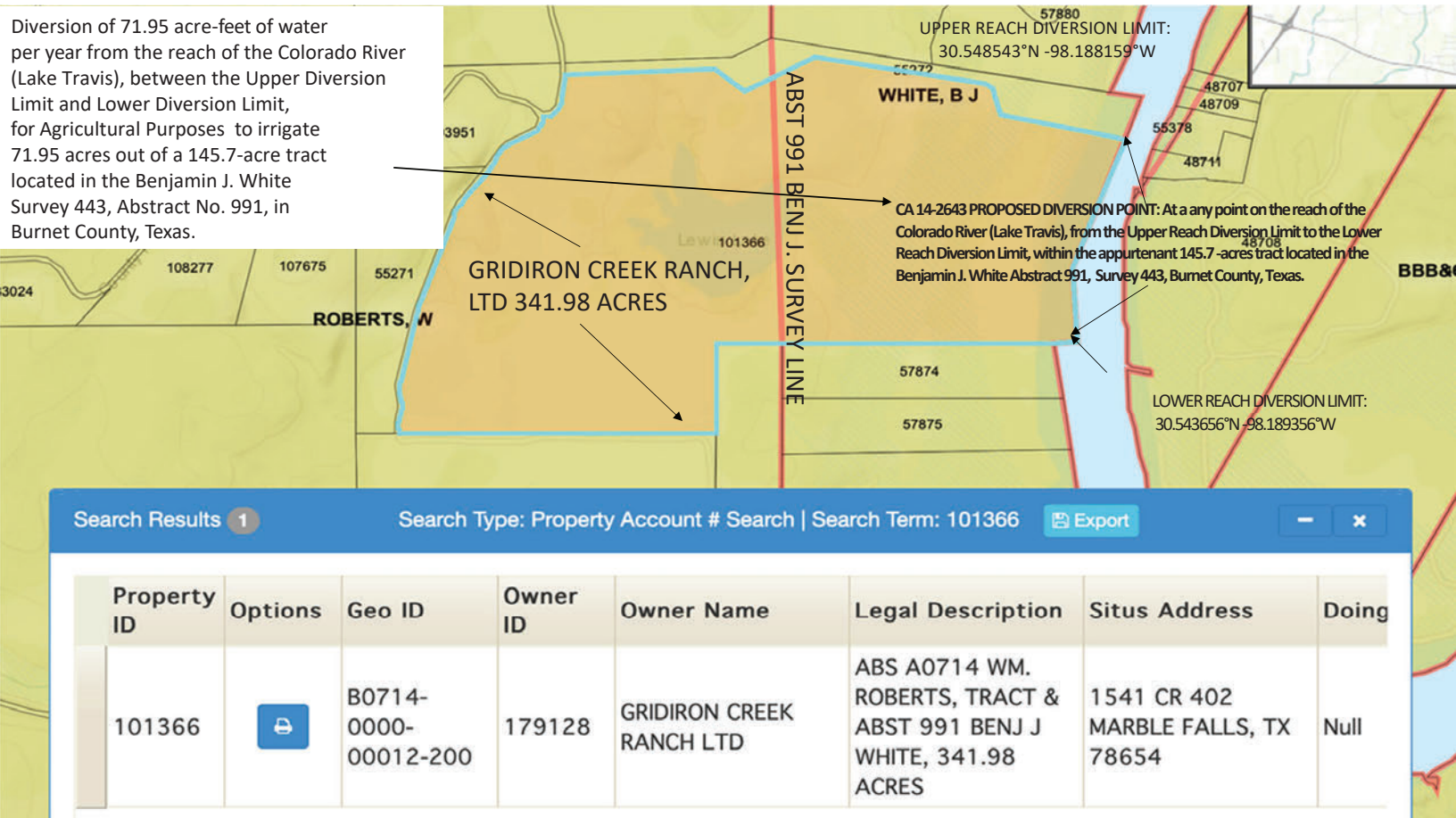
/s/ Mary Ann Hefner  
Mary Ann Hefner, Chief Clerk



THIS MAP IS A PORTION OF PAGE  
NO. 24 OF 31 PAGES OF THE MIDDLE  
COLORADO RIVER SEGMENT CERTIFICATES  
OF ADJUDICATION MAPS.

SCALE: 1" = 1770 \* APPROX.

Diversion of 71.95 acre-feet of water per year from the reach of the Colorado River (Lake Travis), between the Upper Diversion Limit and Lower Diversion Limit, for Agricultural Purposes to irrigate 71.95 acres out of a 145.7-acre tract located in the Benjamin J. White Survey 443, Abstract No. 991, in Burnet County, Texas.



Search Results 1

Search Type: Property Account # Search | Search Term: 101366

Export

Property ID	Options	Geo ID	Owner ID	Owner Name	Legal Description	Situs Address	Doing
101366		B0714-0000-00012-200	179128	GRIDIRON CREEK RANCH LTD	ABS A0714 WM. ROBERTS, TRACT & ABST 991 BENJ J WHITE, 341.98 ACRES	1541 CR 402 MARBLE FALLS, TX 78654	Null



## **GRIDIRON CREEK RANCH, LTD. – PHOTO 1: COLORADO RIVER/LAKE TRAVIS**

**PHOTO TAKEN FROM GRIDIRON CREEK RANCH  
LOOKING EAST ILLUSTRATING THE COLORADO  
RIVER/LAKE TRAVIS RIVER ON MARCH 18,  
2021.**

NOTE: Existing water intake line is being  
used to divert water purchased from the  
LCRA via existing contract between Gridiron  
Creek Ranch and LCRA.





**GRIDIRON CREEK RANCH, LTD. – PHOTO 2: COLORADO RIVER/LAKE  
TRAVIS LOOKING UPSTREAM**

**PHOTO TAKEN FROM GRIDIRON CREEK RANCH  
LOOKING NORTH ILLUSTRATING THE WEST  
BANK OF THE COLORADO RIVER/LAKE TRAVIS  
RIVER ON MARCH 18, 2021.**



**GRIDIRON CREEK RANCH, LTD. – PHOTO 3: COLORADO RIVER/LAKE TRAVIS LOOKING DOWNSTREAM**

.

**PHOTO TAKEN FROM GRIDIRON CREEK RANCH  
LOOKING SOUTH ILLUSTRATING THE WEST  
BANK OF THE COLORADO RIVER/LAKE TRAVIS  
RIVER ON MARCH 18, 2021.**



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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 12, 2021

Gridiron Creek Ranch LTD  
Attn: Lynn Sherman  
P.O. Box 5605  
Austin, TX 78705-

RE: Change of Ownership  
Certificate of Adjudication No. 14-2643

Dear Lynn Sherman:

This acknowledges receipt of the Change of Ownership for Certificate of Adjudication No. 14-2643 on March 3, 2021.

Enclosed is a copy of the TCEQ Water Rights Change of Ownership Memorandum and receipt for the \$100.00 recording fee (Voucher No. 501879).

If you have any questions concerning this matter, please contact **Zowey Lidyard** by e-mail at [Zowey.Lidyard@tceq.texas.gov](mailto:Zowey.Lidyard@tceq.texas.gov).

Sincerely,

A handwritten signature in cursive script that reads "R. Joseph Nicosia".

R. Joseph Nicosia, Team Leader, MC-160  
Water Rights Compliance Assurance Team  
Water Availability Division

JN/zl  
Enclosures

cc: Shawn Stewart, TCEQ Region 11

Print this voucher for your records. If you are sending the TCEQ hardcopy documents related to this payment, include a copy of this voucher.

**Transaction Information**

**Voucher Number:** 501879  
**Trace Number:** 582EA000423301  
**Date:** 03/02/2021 09:25 PM  
**Payment Method:** CC - Authorization 000005309G  
**Voucher Amount:** \$100.00  
**Fee Type:** WATER RIGHTS CHANGE OF OWNERSHIP-RECORDING FEE  
**ePay Actor:** CINDY SMILEY  
**Actor Email:** cindy@smileylawfirm.com  
**IP:** 172.2.65.207

**Payment Contact Information**

**Name:** CYNTHIA SMILEY  
**Company:** SMILEY LAW FIRM  
**Address:** 6000 SHEPHERD MT CV 2107, AUSTIN, TX 78730  
**Phone:** 512-394-7121

**Site Information**

**Site Name:** LEWIS LAKE PROPERTY  
**Site Location:** 1541 COUNTY ROAD 402 MARBLE FALLS TX

**Customer Information**

**Customer Name:** GRIDIRON CREEK RANCH LTD  
**Customer Address:** P O BOX 758, SPICEWOOD, TX 78669

**Billing Information**

**Billing Name:** GRIDIRON CREEK RANCH LTD  
**Billing Address:** P O BOX 758, SPICEWOOD, TX 78669

**Other Information**

**Program Area ID:** 142463  
**Comments:** Change of Ownership Fee

[Close](#)



# TCEQ Water Rights Change of Ownership Memorandum

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**To:** Records Management

**Date:** May 12, 2021

**From:** Compliance Assurance and  
Business Support Section  
Water Availability Division

**Certificate of Adjudication** No. 14-2643

**Source County:** Burnet

**Source Basin:** Colorado

**Subject:** Change of Ownership

**Add:** Gridiron Creek Ranch, Ltd., as owner

## Conveyance Documents Reviewed:

Title	Dated	Doc. No.	Vol. No.	Page No.
<i>Gift Deed</i>	12/21/1990	6837	492	916
<i>Gift Deed</i>	12/21/1990	6838	492	920
<i>Gift Deed</i>	1/3/1991	0085	493	587
<i>Gift Deed</i>	1/3/1991	0086	493	591
<i>Gift Deed</i>	1/2/1992	989	518	735
<i>Gift Deed</i>	1/2/1992	990	518	740
<i>Gift Deed</i>	1/2/1993	1303	555	111
<i>Gift Deed</i>	1/2/1993	1304	555	116
<i>Gift Deed</i>	1/2/1994	1466	594	731
<i>Gift Deed</i>	1/2/1994	1467	594	736
<i>Gift Deed</i>	1/2/1995	2028	639	714
<i>Gift Deed</i>	1/2/1995	2029	639	719
<i>Gift Deed</i>	1/2/1996	4153	695	602
<i>Gift Deed</i>	1/2/1996	4154	695	607
<i>Warranty Deed with Vendor's Lien</i>	10/1/2003	012639	1190	511

<i>Warranty Deed with Vendor's Lien</i>	10/1/2003	012641	1190	527
<i>Warranty Deed with Vendor's Lien</i>	10/1/2003	012643	1190	542
<i>Warranty Deed with Vendor's Lien</i>	10/1/2003	012645	1190	557
<i>Last Will and Testament of Melvin R. Mathis</i>	12/23/2003	200809631		
<i>Probate Order</i>	12/11/2007	200809632		
<i>Oath of Independent Executor</i>	12/11/2007	200809633		
<i>Inventory and List of Claims</i>	4/4/2008	200809634		
<i>Special Warranty Deed with Vendor's Lien</i>	9/12/2008	20080937		
<i>General Warranty Deed</i>	1/28/2013	201300978		

The change of ownership form and \$100.00 recording fee (Voucher No. 501879) was received from Cindy Smiley, Smiley Law Firm (Applicant Representative) on March 3 and April 27, 2021. The review of the application was completed on May 12, 2021. The conclusions in this memo are based upon a review of the above-mentioned conveyance documents submitted by the applicant from the Official Public Records of Burnet County, Texas. The conclusions are subject to change if additional information is received.

Ownership of Record with Addresses and Remarks:

- |  |   |
|--|---|
| 1. Costillo C. Lewis<br>P.O. Box 421149<br>Del Rio, Texas 78842-1149 | 2. Gridiron Creek Ranch, Ltd.<br>P.O. Box 1829<br>Lake City, Florida 32056-1829 |
|--|---|

The ownership interest has been apportioned as follows:

**Authorization 1: Diversion of 8.05 acre-feet of water per year for Agricultural Purposes** from the Colorado River to **irrigate** 8.05 acres out of a 16.3-acre tract located in the Benjamin J. White Survey 443, Abstract No. 991, in Burnet County, Texas.

<b>Owner Name</b>	<b>Amount</b>	<b>Purpose</b>
Costillo C. Lewis	8.05 acre-feet	Irrigation of 8.05 acres out of a 16.3-acre tract

**Authorization 2: Diversion of 71.95 acre-feet of water per year for Agricultural Purposes** from the Colorado River to **irrigate** 71.95 acres out of a 145.7-acre tract located in the Benjamin J. White Survey 443, Abstract No. 991, in Burnet County, Texas.

Owner Name	Amount	Purpose
Gridiron Creek Ranch, Ltd.	71.95 acre-feet	Irrigation of 71.95 acres out of a 145.7-acre tract

The acreage appurtenant to this water right is located only within the Benjamin J. White Survey 443, Abstract No. 991. Based upon a review of the Original Certificate of Adjudication, historical maps and current parcel boundaries in Burnet county, the total acreage associated to this water right has been found to contain 162 acres.

Please be aware that a permanent water right is an easement and passes with title to the land to which it is appurtenant, unless the water right is expressly reserved or excepted from conveyance, or is conveyed separately from the land. See Texas Water Code §11.040(a) and 30 Texas Administrative Code §297.81(a) and (d). However, also be aware that a permanent water right must be expressly conveyed if the water right is held by a water corporation, water district, river authority, or governmental entity authorized to supply water to others. See 30 Texas Administrative Code § 297.81(b).



R. Joseph Nicosia

## 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, Applicant are directed to submit additional Worksheets (provided herein). A completed Administrative Information Report is also required for each application.

***Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4600 to schedule a meeting.*** Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N Y (If yes, date :July 21, 2021)

### 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 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 N (If yes, indicate the Certificate or Permit number: \_\_\_\_\_)

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

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

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

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

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

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



## 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: CA 14-2643

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 *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 Y  
*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 Y *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

*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 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 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 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 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 K Water Plan and the 2022 State Water Plan because there is nothing in the plans that conflict with the application. Also, see ATTACHMENT 4.a.**

- b. Did the Applicant perform its own Water Availability Analysis? Y / N N  
*If the Applicant performed its own Water Availability Analysis, provide electronic copies of any modeling files and reports.*

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

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

### 1. New Authorizations (Instructions, Page. 16)

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

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

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

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

a. Location Information Regarding the Lands to be Irrigated

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

ii) Location of land to be irrigated: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. <sup>991</sup>\_\_\_\_\_.

***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**
Same as currently specified CA 14-2643	Same as currently specified in CA 14-2643	In addition to the authorized diversion of 71.95 acre-feet of water per year for agricultural purposes to irrigate 145.7 acres, add the authorization to use that amount for all other agricultural purposes, by amending CA 14-2643 to change the "use" language from "irrigate" to "agriculture", as defined in Section 11.002(12) of the Texas Water Code.	Same as currently specified in CA 14-2643	Same as currently specified in CA 14-2643
		For the purposes of diverting the authorized diversion of 71.95 acre-feet of water per year for agricultural purposes to irrigate 145.7 acres, simply reference the existing language in Section 2.A. of CA14-2643, with the sole exception of changing the word "a" to "any".		

*\*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 145.7 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 341.98 acres Burnet County, TX. See Attached May 12, 2021 TCEQ Letter
  - Location of land to be irrigated: In the Benjamin J. White Survey 443, Abstract No. 991 Original Survey No. 443, Abstract No. 991.  
***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.***
- c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
- d. See Worksheet 1.2, Marshall Criteria, and submit if required.
- e. 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.twdb.texas.gov/waterplanning/swp/index.asp>);
- e. address the factors identified in the applicable most recently approved regional water plans which address the following:
  - (i) the availability of feasible and practicable alternative supplies in the receiving basin to the water proposed for transfer;
  - (ii) the amount and purposes of use in the receiving basin for which water is needed;
  - (iii) proposed methods and efforts by the receiving basin to avoid waste and implement water conservation and drought contingency measures;
  - (iv) proposed methods and efforts by the receiving basin to put the water proposed for transfer to beneficial use;
  - (v) the projected economic impact that is reasonably expected to occur in each basin as a result of the transfer; and
  - (vi) the projected impacts of the proposed transfer that are reasonably expected to occur on existing water rights, instream uses, water quality, aquatic and riparian habitat, and bays and estuaries that must be assessed under Sections 11.147, 11.150, and 11.152 in each basin (*if applicable*). If the water sought to be transferred is currently authorized to be used under an existing permit, certified filing, or certificate of adjudication, such impacts shall only be considered in relation to that portion of the permit, certified filing, or certificate of adjudication proposed for transfer and shall be based on historical uses of the permit, certified filing, or certificate of adjudication for which amendment is sought;
- f. proposed mitigation or compensation, if any, to the basin of origin by the applicant; and
- g. the continued need to use the water for the purposes authorized under the existing Permit, Certified Filing, or Certificate of Adjudication, if an amendment to an existing water right is sought.

N.A.

## WORKSHEET 1.2

### NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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



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

N.A.  
**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: \_\_\_\_\_
- 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** \_\_\_\_\_

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***

- di. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):\_\_\_\_\_
- dii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N\_\_\_\_\_

## WORKSHEET 3.0

### DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

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

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

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

Same as currently in CA 14-2643

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

Same as currently in CA 14-2643

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

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

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

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

Check one		Write: Existing or Proposed
X	Directly from stream Colorado River/Lake Travis	Proposed: See Description Below.
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

For the purposes of diverting the authorized diversion of 71.95 acre-feet of water per year for agricultural purposes to irrigate 145.7 acres, simply reference the existing language in Section 2.A. of CA 14-2643, with the sole exception of changing the word "a" to "any", as provided below:

- Location: At a any point on the reach of the Colorado River (Lake Travis), from the Upper Reach Diversion Limit (located at 30.548543°N -98.188159°W) to the Lower Reach Diversion Limit (located at 30.543656°N -98.189356°W), within the appurtenant 145.7-acre tract located in the Benjamin J. White Abstract 991, Survey 443, Burnet County, Texas. (See Attachment 3.0.1.3) NOTE: UPPER REACH DIVERSION LIMIT LOCATED AT 30.548543°N -98.188159°W

f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. Y / N N

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

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



## WORKSHEET 3.0

### DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

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

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

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

Same as currently in CA 14-2643

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

Same as currently in CA 14-2643

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

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

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

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

Check one		Write: Existing or Proposed
X	Directly from stream Colorado River/Lake Travis	Proposed: See Description Below.
<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)	

For the purposes of diverting the authorized diversion of 71.95 acre-feet of water per year for agricultural purposes to irrigate 145.7 acres, simply reference the existing language in Section 2.A. of CA 14-2643, with the sole exception of changing the word "a" to "any", as provided below:

Location: - At a any point on the reach of the Colorado River (Lake Travis), from the Upper Reach Diversion Limit (located at 30.548543°N -98.188159°W) to the Lower Reach Diversion Limit (located at 30.543656°N - 98.189356°W), within the appurtenant 145.7-acre tract located in the Benjamin J. White Survey 443, Abstract 991, Burnet County, Texas. (See Attachment 3.0.1.e.)  
NOTE: LOWER REACH DIVERSION LIMIT LOCATED AT 30.543656°N -98.189356°W

f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. Y / ☒ N

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

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

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

- a. On watercourse (USGS name): Colorado River/Lake Travis
- b. Zip Code: 78669
- c. Location of point: In the Benjamin J. White Original Survey No. 443, Abstract No. 991, Burnet County, Texas.

### Deeds Attached

*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.*

At any point on the reach of the Colorado River (Lake Travis), from the Upper Reach Diversion Limit (30.548543°N 98.188159°W) to the Lower Reach Diversion Limit (30.543656°N -98.189356°W), within the appurtenant 145.7-acre tract located in the Benjamin J. White Survey 443, Abstract 991, Burnet County, Texas. (See ATTACHMENT 3.0.1.e and USGS Quad).

- d. Point is at: Latitude \_\_\_\_\_°N, Longitude \_\_\_\_\_°W. See Inserted Paragraph Immediately Above.  
*\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): \_\_\_\_\_
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. **See Attached USGS Smithwick 7.5 Minute Quad Map**
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion. N. A.

N.A.  
**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\_\_\_\_\_ % and explain the method of calculation:\_\_\_\_\_

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

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

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

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

N.A.  
**WORKSHEET 4.1**  
**DISCHARGE POINT INFORMATION**

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

**Instructions, Page 27.**

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

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

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

## WORKSHEET 5.0

### ENVIRONMENTAL INFORMATION

#### 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 29.**

Submersible pump intake(s) will be screened based on USDA and/or TPWD guidelines to avoid/minimize impingement and entrainment of aquatic organisms. Design parameters will include, approach velocity, screen sweeping velocity, ratio of approach to sweeping velocities, percent of open area (typically 27 – 50 percent), size of the screen opening, location of the screen (in Lake Travis), screen mesh size, and screen flow through velocity.

#### 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.** N.A.

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

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 map 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\_\_\_\_\_.

N.A.  
**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](mailto:wras@tceq.texas.gov). The model plans can also be downloaded from the TCEQ webpage. **Please use the most up-to-date plan documents available on the webpage.***

## 1. Water Conservation Plans

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

1. Request for a new appropriation or use of State Water. **N.A.**
2. Request to amend water right to increase appropriation of State Water. **N.A.**
3. Request to amend water right to extend a term. **N.A.**
4. Request to amend water right to change a place of use. **N.A.**  
*\*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. **N.A.**  
*\*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. **N.A.***

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: **N.A.**

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\_\_\_\_ **N.A.****

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\_\_\_ N.A.

## 2. Drought Contingency Plans N.A.

- 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\_\_\_

N.A.  
**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 (\$)
<b>Filing Fee</b>	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under <b>Amount (\$)</b> . <u>In Acre-Feet</u> a. Less than 100 \$100.00 b. 100 - 5,000 \$250.00 c. 5,001 - 10,000 \$500.00 d. 10,001 - 250,000 \$1,000.00 e. More than 250,000 \$2,000.00	\$0.00
<b>Recording Fee</b>		\$25.00
<b>Agriculture Use Fee</b>	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x <u>71.95</u> Number of acres that will be irrigated with State Water. **	
<b>Use Fee</b>	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x <u>71.95</u> Maximum annual diversion of State Water in acre-feet. **	
<b>Recreational Storage Fee</b>	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	\$0.00
<b>Storage Fee</b>	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	\$0.00
<b>Mailed Notice</b>	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	<u>\$0.00</u>
<b>TOTAL</b>		<b>\$ 25.00</b>

### 2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
<b>Filing Fee</b>	Amendment: \$100	<b>\$100.00</b>
	<b>OR</b> Sever and Combine: \$100 x ____ of water rights to combine	
<b>Recording Fee</b>		\$12.50
<b>Mailed Notice</b>	Additional notice fee to be determined once application is submitted.	<u>\$0.00</u>
<b>TOTAL INCLUDED</b>		<b>\$ 112.50</b>

### 3. BED AND BANKS

	Description	Amount (\$)
<b>Filing Fee</b>		\$0.00
<b>Recording Fee</b>		\$0.00
<b>Mailed Notice</b>	Additional notice fee to be determined once application is submitted.	
<b>TOTAL INCLUDED</b>		<b>\$ 0.00</b>

## Attachment 4.a

### Addendum Regarding the State and Regional Water Plans

The amendment sought in this Application seeks to add all other agricultural uses to the agricultural use of irrigation already authorized in Certificate of Adjudication ("CA") 14-2643.

CA 14-2643 authorizes the use 80 acre-feet of water per year for irrigation, which is defined as being one of the uses and activities constituting "agricultural use" in Sec. 11.002 (13) of the Texas Water Code. Sec. 297.1(1) of the TCEQ's Substantive Rules regarding Water Rights lists seven categories of "agricultural activities," and Section 297.1(2) of the Substantive Rules mirrors Sec. 11.002(13) of the Texas Water Code and defines "agricultural use" as "any use or activity involving agriculture, including irrigation."

CA 14-2643 has a priority date of April 30, 1967, which pre-dates the enactment of Sec. 11.002 of the Texas Water Code by over 10 years. Notably, Section 11.122(a) of the Texas Water Code allows "the holder of a . . . certificate of adjudication that includes . . . irrigation" to "use or supply water for an agricultural use that was classified as . . . irrigation before September 1, 2001" and to do so "[w]ithout obtaining an amendment." Nevertheless, such an amendment is requested in this Application, and it simply seeks to add all other agricultural uses contemplated by Sec. 11.002(13) of the Texas Water Code and 30 TAC Sec. 297.1(1) & (2).

In light of the above, the Applicant is requesting a waiver of the requirement to provide information regarding consistency with the state or regional water plan, and such a waiver is warranted because the amendment requested in this Application will not "cause adverse impact on other water right holders or the environment on the stream of greater magnitude than under circumstances in which the . . . certificate of adjudication that is sought to be amended was fully exercised according to its terms and conditions as they existed before the requested amendment," as provided in Sec. 11.122(b) of the Texas Water Code. Moreover, consistent with Sec. 11.122(b-3) of the Texas Water Code, the amendment merely:

- "adds a purpose of use that does not substantially alter . . . a pattern of use that is explicitly authorized in or required by the original right;" and
- "changes the point of diversion, [and]
  - (A) the authorized rate of diversion is not increased;
  - (B) the original point of diversion and the new point of diversion are located in the same contiguous tract of land;
  - (C) the original point of diversion and the new point of diversion are from the same source of supply;
  - (D) there are no points of diversion from the same source of supply associated with other water rights that are located between the original point of diversion and the new point of diversion;
  - (E) there are no streamflow gauges located on the source of supply between the original point of diversion and the new point of diversion that are referenced in the original water right or in another water right authorizing a diversion from the same source of supply; and
  - (F) there are no tributary watercourses that enter the watercourse that is the source of supply located between the original point of diversion and the new point of diversion."

In addition, 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 K Water Plan and the 2022 State Water Plan because there is nothing in the plans that conflict with the application.

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 12, 2021

Gridiron Creek Ranch LTD  
Attn: Lynn Sherman  
P.O. Box 5605  
Austin, TX 78705-

RE: Change of Ownership  
Certificate of Adjudication No. 14-2643

Dear Lynn Sherman:

This acknowledges receipt of the Change of Ownership for Certificate of Adjudication No. 14-2643 on March 3, 2021.

Enclosed is a copy of the TCEQ Water Rights Change of Ownership Memorandum and receipt for the \$100.00 recording fee (Voucher No. 501879).

If you have any questions concerning this matter, please contact **Zowey Lidyard** by e-mail at [Zowey.Lidyard@tceq.texas.gov](mailto:Zowey.Lidyard@tceq.texas.gov).

Sincerely,

A handwritten signature in cursive script that reads "R. Joseph Nicosia".

R. Joseph Nicosia, Team Leader, MC-160  
Water Rights Compliance Assurance Team  
Water Availability Division

JN/zl  
Enclosures

cc: Shawn Stewart, TCEQ Region 11

Print this voucher for your records. If you are sending the TCEQ hardcopy documents related to this payment, include a copy of this voucher.

**Transaction Information**

**Voucher Number:** 501879  
**Trace Number:** 582EA000423301  
**Date:** 03/02/2021 09:25 PM  
**Payment Method:** CC - Authorization 000005309G  
**Voucher Amount:** \$100.00  
**Fee Type:** WATER RIGHTS CHANGE OF OWNERSHIP-RECORDING FEE  
**ePay Actor:** CINDY SMILEY  
**Actor Email:** cindy@smileylawfirm.com  
**IP:** 172.2.65.207

**Payment Contact Information**

**Name:** CYNTHIA SMILEY  
**Company:** SMILEY LAW FIRM  
**Address:** 6000 SHEPHERD MT CV 2107, AUSTIN, TX 78730  
**Phone:** 512-394-7121

**Site Information**

**Site Name:** LEWIS LAKE PROPERTY  
**Site Location:** 1541 COUNTY ROAD 402 MARBLE FALLS TX

**Customer Information**

**Customer Name:** GRIDIRON CREEK RANCH LTD  
**Customer Address:** P O BOX 758, SPICEWOOD, TX 78669

**Billing Information**

**Billing Name:** GRIDIRON CREEK RANCH LTD  
**Billing Address:** P O BOX 758, SPICEWOOD, TX 78669

**Other Information**

**Program Area ID:** 142463  
**Comments:** Change of Ownership Fee

[Close](#)

# TCEQ Water Rights Change of Ownership Memorandum

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**To:** Records Management

**Date:** May 12, 2021

**From:** Compliance Assurance and  
Business Support Section  
Water Availability Division

**Certificate of Adjudication** No. 14-2643

**Source County:** Burnet

**Source Basin:** Colorado

**Subject:** Change of Ownership

**Add:** Gridiron Creek Ranch, Ltd., as owner

## Conveyance Documents Reviewed:

Title	Dated	Doc. No.	Vol. No.	Page No.
<i>Gift Deed</i>	12/21/1990	6837	492	916
<i>Gift Deed</i>	12/21/1990	6838	492	920
<i>Gift Deed</i>	1/3/1991	0085	493	587
<i>Gift Deed</i>	1/3/1991	0086	493	591
<i>Gift Deed</i>	1/2/1992	989	518	735
<i>Gift Deed</i>	1/2/1992	990	518	740
<i>Gift Deed</i>	1/2/1993	1303	555	111
<i>Gift Deed</i>	1/2/1993	1304	555	116
<i>Gift Deed</i>	1/2/1994	1466	594	731
<i>Gift Deed</i>	1/2/1994	1467	594	736
<i>Gift Deed</i>	1/2/1995	2028	639	714
<i>Gift Deed</i>	1/2/1995	2029	639	719
<i>Gift Deed</i>	1/2/1996	4153	695	602
<i>Gift Deed</i>	1/2/1996	4154	695	607
<i>Warranty Deed with Vendor's Lien</i>	10/1/2003	012639	1190	511



<i>Warranty Deed with Vendor's Lien</i>	10/1/2003	012641	1190	527
<i>Warranty Deed with Vendor's Lien</i>	10/1/2003	012643	1190	542
<i>Warranty Deed with Vendor's Lien</i>	10/1/2003	012645	1190	557
<i>Last Will and Testament of Melvin R. Mathis</i>	12/23/2003	200809631		
<i>Probate Order</i>	12/11/2007	200809632		
<i>Oath of Independent Executor</i>	12/11/2007	200809633		
<i>Inventory and List of Claims</i>	4/4/2008	200809634		
<i>Special Warranty Deed with Vendor's Lien</i>	9/12/2008	20080937		
<i>General Warranty Deed</i>	1/28/2013	201300978		

The change of ownership form and \$100.00 recording fee (Voucher No. 501879) was received from Cindy Smiley, Smiley Law Firm (Applicant Representative) on March 3 and April 27, 2021. The review of the application was completed on May 12, 2021. The conclusions in this memo are based upon a review of the above-mentioned conveyance documents submitted by the applicant from the Official Public Records of Burnet County, Texas. The conclusions are subject to change if additional information is received.

Ownership of Record with Addresses and Remarks:

- |  |   |
|--|---|
| 1. Costillo C. Lewis<br>P.O. Box 421149<br>Del Rio, Texas 78842-1149 | 2. Gridiron Creek Ranch, Ltd.<br>P.O. Box 1829<br>Lake City, Florida 32056-1829 |
|--|---|

The ownership interest has been apportioned as follows:

**Authorization 1: Diversion of 8.05 acre-feet of water per year for Agricultural Purposes** from the Colorado River to **irrigate** 8.05 acres out of a 16.3-acre tract located in the Benjamin J. White Survey 443, Abstract No. 991, in Burnet County, Texas.

Owner Name	Amount	Purpose
Costillo C. Lewis	8.05 acre-feet	Irrigation of 8.05 acres out of a 16.3-acre tract

**Authorization 2: Diversion of 71.95 acre-feet of water per year for Agricultural Purposes** from the Colorado River to **irrigate** 71.95 acres out of a 145.7-acre tract located in the Benjamin J. White Survey 443, Abstract No. 991, in Burnet County, Texas.

Owner Name	Amount	Purpose
Gridiron Creek Ranch, Ltd.	71.95 acre-feet	Irrigation of 71.95 acres out of a 145.7-acre tract

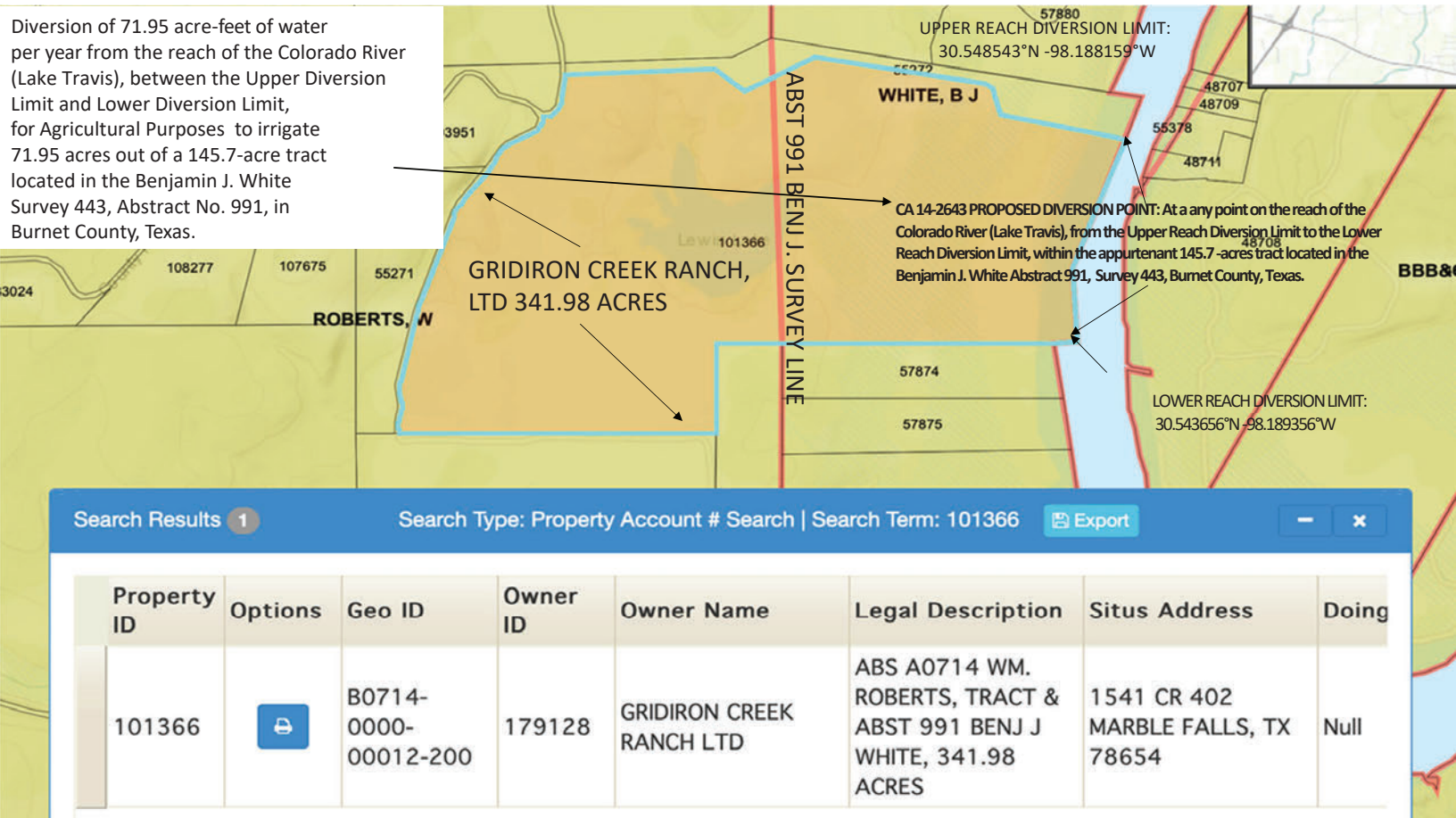
The acreage appurtenant to this water right is located only within the Benjamin J. White Survey 443, Abstract No. 991. Based upon a review of the Original Certificate of Adjudication, historical maps and current parcel boundaries in Burnet county, the total acreage associated to this water right has been found to contain 162 acres.

Please be aware that a permanent water right is an easement and passes with title to the land to which it is appurtenant, unless the water right is expressly reserved or excepted from conveyance, or is conveyed separately from the land. See Texas Water Code §11.040(a) and 30 Texas Administrative Code §297.81(a) and (d). However, also be aware that a permanent water right must be expressly conveyed if the water right is held by a water corporation, water district, river authority, or governmental entity authorized to supply water to others. See 30 Texas Administrative Code § 297.81(b).



R. Joseph Nicosia

Diversion of 71.95 acre-feet of water per year from the reach of the Colorado River (Lake Travis), between the Upper Diversion Limit and Lower Diversion Limit, for Agricultural Purposes to irrigate 71.95 acres out of a 145.7-acre tract located in the Benjamin J. White Survey 443, Abstract No. 991, in Burnet County, Texas.



# 13-56



D  
5 PGS

201300978

2013010005B-OC

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

---

**General Warranty Deed**

**Date:** January 28, 2013

**Grantor:** CEWY Limited Partnership, a Texas limited partnership

**Grantor's Mailing Address:**

CEWY Limited Partnership  
504 Lavaca Street, Suite 160  
Austin, Texas 78701

**Grantee:** Gridiron Creek Ranch, Ltd., a Texas limited partnership

**Grantee's Mailing Address:**

Gridiron Creek Ranch, Ltd.  
P. O. Box 758  
Spicewood, TX 78669

**Consideration:**

Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

**Property (including any improvements):**

A 341.98 acre tract of land out of the William R. Roberts Survey No. 13, Abstract No. 714 and the Benjiman J. White Survey No. 443, Abstract No. 991 in Burnet County, Texas; said 341.98 acre tract of land being more specifically described by metes and bounds in Exhibit "A" attached hereto and made a part hereof by reference.

**Reservations from Conveyance:**

None

**Exceptions to Conveyance and Warranty:**

- a. Terms and obligations as contained in deed from Lower Colorado River Authority recorded in Volume 89, Page 585, Deed Records of Burnet County, Texas.
- b. Inundation easement as granted to Lower Colorado River Authority recorded in Volume 89, Page 600, Deed Records of Burnet County, Texas.
- c. Regulations and ordinances of Burnet County, The State of Texas and all departments and political subdivision thereof, including Burnet County Subdivision Regulations, dated April 25, 2000, recorded in Volume 943, Page 399, and amended in Volume 993, Page 620, Volume 1043, Page 85, Volume 1377, Page 722, Clerk's File No. 201100417, and corrected in Clerk's File No. 201100547, Official Public Records of Burnet County, Texas.

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

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

CEWY Limited Partnership, a Texas limited partnership, acting by and through its general partner, CEWY GP, LLC, a Texas limited liability company,

By:   
Christopher T. Ellis, Manager

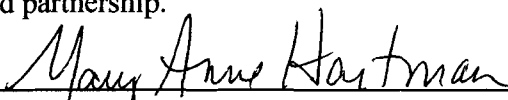
STATE OF TEXAS §

COUNTY OF Texas §

This instrument was acknowledged before me on January 28<sup>th</sup>, 2013, by Christopher T. Ellis, Manager of CEWY GP, LLC, a Texas limited liability company general partner, on behalf of CEWY Limited Partnership, a Texas limited partnership.



(seal)

  
Notary Public, State of Texas  
My commission expires: 2/8/13



PREPARED IN THE OFFICE OF:

THE HURST LAW FIRM PLLC

P. O. Box 1540

404 South Avenue M

Marble Falls, Texas 78654

Tel: (830) 693-3344

Fax: (830) 798-9194

AFTER RECORDING RETURN TO:

Gridiron Creek Ranch, Ltd.

P. O. Box 758

Spicewood, TX 78669

# **HAMBRIGHT LAND SURVEYING**

P.O. BOX 1226  
JOHNSON CITY, TEXAS 78636

PHONE: (830) 868-2574  
FAX: (830) 868-2576

JANUARY 8, 2013, JOB NO. 013-001, FIELD NOTE NO. 013-001,  
PROJECT: 341.98 ACRES

## **FIELD NOTES**

A DESCRIPTION OF A 341.98 ACRE TRACT OF LAND BEING ALL OF THAT 341.995 ACRE TRACT OF LAND DESCRIBED IN CLERKS FILE NO. 200809637 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SITAUTED IN THE WILLIAM R.ROBERTS SURVEY NO. 13, ABSTRACT NO. 714 AND THE BENJIMAN J. WHITE SURVEY NO. 443, ABSTRACT NO. 991 IN SAID COUNTY, SAID 341.98 ACRES AS SHOWN ON THE ACCOMPANYING MAP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½ inch iron rod found for the southwest corner of said 341.98 acres, being in the north line of tract of land conveyed to Lower Colorado River Authority (LCRA) being described in Volume 546, Page 901 of the Official Public Records of said County and being the southeast corner of remaining portion of that certain 481.4 acre tract of land described in Volume 113, Page 443 of the Deed Records of said County;

THENCE along the west line of said 341.98 acres, being the east line of said remaining portion of 481.4 acres, the following five (5) courses;

1. N07°10'27"E, 1060.02 feet to a ½ inch iron rod found,
2. N19°33'34"E, 1087.11 feet to a ½ inch iron rod found,
3. N37°49'27"E, 774.62 feet to a ½ inch iron rod found,
4. N60°56'54"E, 493.18 feet to a ½ inch iron rod found,
5. N05°53'27"E, 383.82 feet to a ½ inch iron found for the northwest corner of said 341.98 acres, being the southwest corner of that certain tract of land described in Volume 1209, Page 1010 of the Official Public Records of said County;

THENCE along the north line of said 341.98 acres, being the south line of said tract described in Volume 1209, Page 1010, the following six (6) courses;

1. N87°37'30"E, 1257.02 feet to a ½ inch iron rod set,
2. S51°20'33"E, 305.00 feet to a ½ inch iron rod found,
3. N62°22'10"E, 682.01 feet to a ½ inch iron rod found,
4. S80°32'33"E, 1561.03 feet to a ½ inch iron rod found,
5. S18°39'53"E, 265.02 feet to a ½ inch iron rod found,
6. S78°49'02"E, at 631.27 feet pass a 60d nail found, a total distance of 1100.00 feet to a calculated point in the original low bank of the Colorado River (Lake Travis) for the northeast corner of said 341.98 acres, being the southeast corner of said tract described in Volume 1209, Page 1010;

# **HAMBRIGHT LAND SURVEYING**

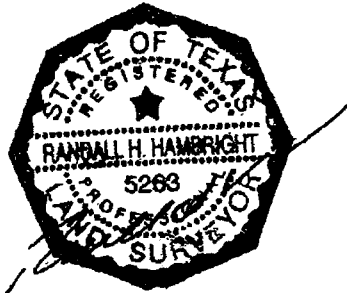
P.O. BOX 1226  
JOHNSON CITY, TEXAS 78636

PHONE: (830) 868-2574  
FAX: (830) 868-2576

THENCE along the east line of said 341.98 acres, being the original low bank of said River, S20°35'14"W, 1260.00 feet to a point and S03°45'37"E, 675.37 feet to a point for the southeast corner of said 341.98 acres, being the northeast corner of said LCRA tract described in Volume 546, Page 901;

THENCE along the south line of said 341.98 acres, being the north line of said LCRA tract described in Volume 546, Page 901, the following ten (10) courses;

1. S86°10'54"W, 226.87 feet to a ½ inch iron rod found,
2. N89°35'47"W, 111.39 feet to a ½ inch iron rod found,
3. S89°17'49"W, 1281.55 feet to a ½ inch iron rod found,
4. N85°14'03"W, 100.63 feet to a ½ inch iron rod found,
5. S89°17'52"W, 1387.08 feet to a 3 inch metal post,
6. S00°14'30"W, 839.57 feet to a 3 inch metal post,
7. S89°32'06"W, 541.92 feet to a calculated point,
8. S89°32'06"W, 964.46 feet to a 3 inch metal post,
9. S47°19'12"W, 13.99 feet to a 3 inch metal post,
10. S89°23'48"W, 1218.48 feet to the POINT OF BEGINNING containing 341.98 acres of land, more or less.



01-08-13

Page 2 of 2

**FILED AND RECORDED**



OFFICIAL PUBLIC RECORDS

*Janet Parker*

201300978

FN 013-001

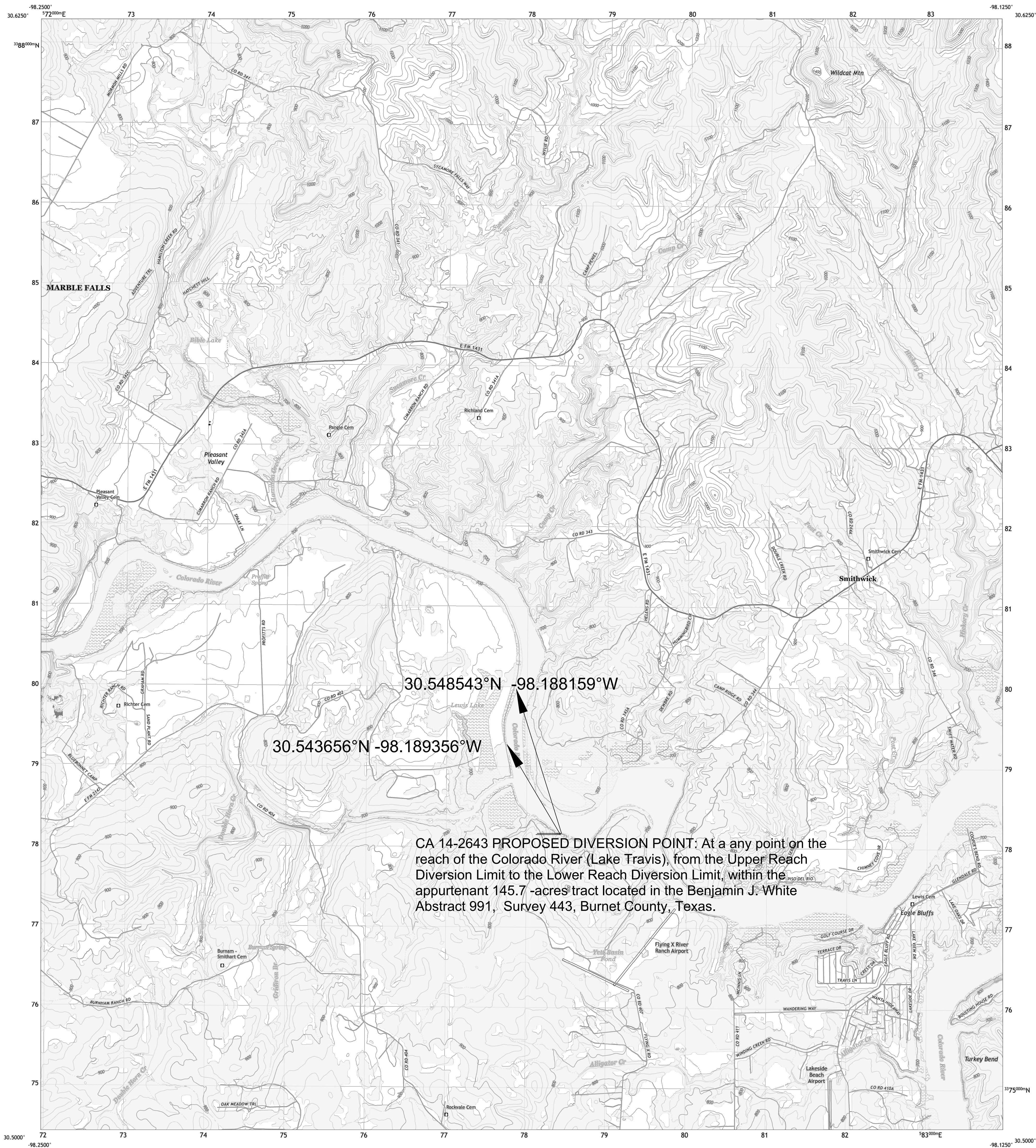
January 30, 2013 03:05:26 PM

FEE: \$32.00

Janet Parker, County Clerk

Burnet County, Texas



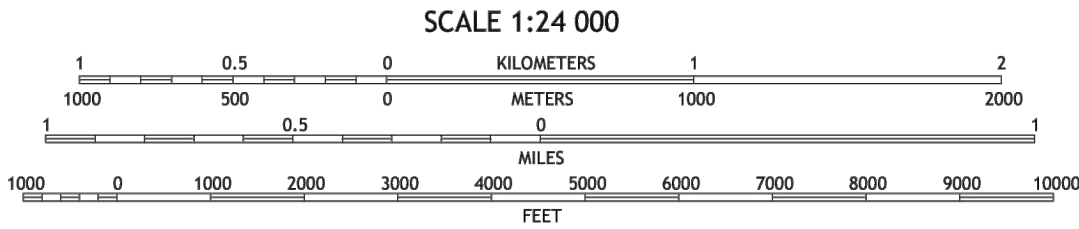
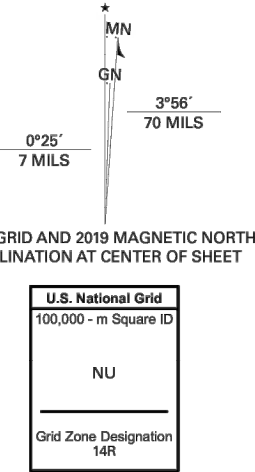


CA 14-2643 PROPOSED DIVERSION POINT: At a any point on the reach of the Colorado River (Lake Travis), from the Upper Reach Diversion Limit to the Lower Reach Diversion Limit, within the appurtenant 145.7 -acres tract located in the Benjamin J. White Abstract 991, Survey 443, Burnet County, Texas.

Produced by the United States Geological Survey

North American Datum of 1983 (NAD83)  
World Geodetic System of 1984 (WGS84), Projection and  
1 000-meter grid/Universal Transverse Mercator, Zone 14R  
This map is not a legal document. Boundaries may be  
generalized for this map scale. Private lands within government  
reservations may not be shown. Obtain permission before  
entering private lands.

Imagery.....NAP, September 2016 - November 2016  
Roads.....U.S. Census Bureau, 2015 - 2018  
Names.....GNIS, 1979 - 2018  
Hydrography.....National Hydrography Dataset, 2002 - 2018  
Contours.....National Elevation Dataset, 2010  
Boundaries.....Multiple sources; see metadata file 2016 - 2017  
Wetlands.....FWS National Wetlands Inventory 1983



CONTOUR INTERVAL 20 FEET  
NORTH AMERICAN VERTICAL DATUM OF 1988  
This map was produced to conform with the  
National Geospatial Program US Topo Product Standard, 2011.  
A metadata file associated with this product is draft version 0.6.18

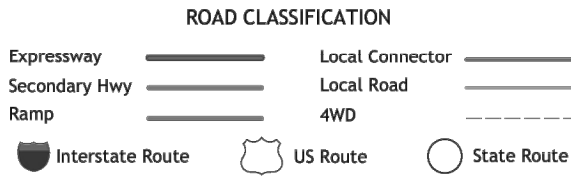


QUADRANGLE LOCATION

1	2	3
4	5	6
7	8	9

ADJOINING QUADRANGLES

1 Longhorn Cavern  
2 Mormon Mill  
3 Bertram  
4 Marble Falls  
5 Travis Peak  
6 Round Mountain  
7 Spicewood  
8 Pace Bend



SMITHWICK, TX  
2019