

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 12-4226A

Kerwin B. Stephens seeks to amend Certificate of Adjudication No. 12-4226 to change the three currently authorized diversion points to four new diversion reaches on the Clear Fork Brazos River and add a place of use for agricultural purposes in Young and Stephens counties. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Kerwin B. Stephens, 515 4th Street, Graham, Texas 76450, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, *et seq.* Notice is being mailed to the interjacent water right holders of record pursuant to Title 30 TAC § 295.158(c)(3)(C).

Certificate of Adjudication No. 12-4226 (Certificate) authorizes Kerwin B. Stephens (Applicant/Owner) to divert and use not to exceed a total of 628 acre-feet of water per year from three points on the Clear Fork Brazos River, Brazos River Basin, at a maximum combined diversion rate of 24.44 cfs (11,000 gpm), for agricultural purposes to irrigate 350 acres of land out of 351.562 acres in Young County.

The time priority of the right is June 30, 1961.

Applicant seeks to amend Certificate of Adjudication No. 12-4226 to add a place of use for agricultural purposes to irrigate 2,113.837 acres of land in Young and Stephens counties.

Ownership of the land to be irrigated is evidenced by a *Warranty Deed* recorded as Volume 1056, Page 244; *Warranty Deed* recorded as Volume 1076, Page 384; *Warranty Deed* recorded as Volume 1046, Page 883; *Warranty Deed* recorded as Volume 1177, Page 412; *Warranty Deed* recorded as Volume 1049, Page 709; *Warranty Deed* recorded as Volume 1028, Page 798 in the official records of Young County.

Applicant also seeks to change the three currently authorized diversion points to four diversion reaches on Clear Fork Brazos River in Young County.

The upstream point of diversion reach A-A' is located at Latitude 32.968904° N, Longitude 98.772796° W and the downstream point is located at Latitude 32.970747° N, Longitude 98.760094° W, ZIP code 76481.

The upstream point of diversion reach B-B' is located at Latitude 32.964756° N, Longitude 98.723356° W and the downstream point is located at Latitude 32.968609° N, Longitude 98.722159° W, ZIP code 76481.

The upstream point of diversion reach C-C' is located at Latitude 32.974145° N, Longitude 98.723102° W and the downstream point is located at Latitude 32.980633° N, Longitude 98.707391° W, ZIP code 76481.

The upstream point of diversion reach D-D' is located at Latitude 33.002586° N, Longitude

98.684845° W and the downstream point is located at Latitude 33.002346° N, Longitude 98.680708° W, ZIP code 76450.

The 628 acre-feet of water authorized under the Certificate will not become appurtenant to the 2,113.837 acres of land added by this amendment.

The application and partial fees were received on October 7, 2020. Additional information and fees were received on December 1, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on December 30, 2020. Additional information was received on December 1, 2022.

The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions including, but not limited to streamflow restrictions. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at:

https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps.

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

PUBLIC COMMENT/PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by July 10, 2023. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by July 10, 2023. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by July 10, 2023.

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

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

INFORMATION. Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 4226 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: June 23, 2023

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-4226A

TYPE § 11.122

Owner: Kerwin B. Stephens

Address: 515 4th Street
Graham, Texas 76450

Filed: December 30, 2020

Granted:

Purpose: Agricultural

Counties: Young and Stephens

Watercourse: Clear Fork Brazos River

Watershed: Brazos River Basin

WHEREAS, Certificate of Adjudication No. 12-4226 (Certificate) authorizes Kerwin B. Stephens (Applicant/Owner) to divert and use not to exceed a total of 628 acre-feet of water per year from three points on the Clear Fork Brazos River, Brazos River Basin, at a maximum combined diversion rate of 24.44 cfs (11,000 gpm), for agricultural purposes to irrigate 350 acres of land out of 351.562 acres in Young County; and

WHEREAS, the time priority of the right is June 30, 1961; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 12-4226 to add a place of use for agricultural purposes to irrigate 2,113.837 acres of land in Young and Stephens counties; and

WHEREAS, ownership of the land to be irrigated is evidenced by a *Warranty Deed* recorded as Volume 1056, Page 244; *Warranty Deed* recorded as Volume 1076, Page 384; *Warranty Deed* recorded as Volume 1046, Page 883; *Warranty Deed* recorded as Volume 1177, Page 412; *Warranty Deed* recorded as Volume 1049, Page 709; *Warranty Deed* recorded as Volume 1028, Page 798 in the official records of Young County; and

WHEREAS, Applicant also seeks to change the three currently authorized diversion points to four diversion reaches on the Clear Fork Brazos River in Young County; and

WHEREAS, the upstream point of diversion reach A-A' is located at Latitude 32.968904° N, Longitude 98.772796° W and the downstream point is located at Latitude 32.970747° N, Longitude 98.760094° W; and

WHEREAS, the upstream point of diversion reach B-B' is located at Latitude 32.964756° N, Longitude 98.723356° W and the downstream point is located at Latitude 32.968609° N, Longitude 98.722159° W; and

WHEREAS, the upstream point of diversion reach C-C' is located at Latitude 32.974145° N, Longitude 98.723102° W and the downstream point is located at Latitude 32.980633° N, Longitude 98.707391° W; and

WHEREAS, the upstream point of diversion reach D-D' is located at Latitude 33.002586° N, Longitude 98.684845° W and the downstream point is located at Latitude 33.002346° N, Longitude 98.680708° W; and

WHEREAS, the 628 acre-feet of water authorized under the Certificate will not become appurtenant to the 2,113.837 acres of land added by this amendment; and

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

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

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-4226, designated Certificate of Adjudication No. 12-4226A, is issued to Kerwin B. Stephens, subject to the following terms and conditions:

1. USE

- A. In addition to previous authorizations, Owner is authorized to use its authorized 628 acre-feet of water per year for agricultural purposes to irrigate an additional 2,113.837 acres of land in Young and Stephens counties within the Brazos River Basin.
- B. Ownership of the land to be irrigated is evidenced by a *Warranty Deed* recorded as Volume 1056, Page 244; *Warranty Deed* recorded as Volume 1076, Page 384; *Warranty Deed* recorded as Volume 1046, Page 883; *Warranty Deed* recorded as Volume 1177, Page 412; *Warranty Deed* recorded as Volume 1049, Page 709; *Warranty Deed* recorded as Volume 1028, Page 798 in the official records of Young County.

2. DIVERSION

In lieu of the previous authorization, Owner is authorized to divert from four diversion reaches on Clear Fork Brazos River described as follows:

- A. The upstream point of diversion reach A-A' is located at Latitude 32.968904° N, Longitude 98.772796° W and the downstream point is located at Latitude 32.970747° N, Longitude 98.760094° W.
- B. The upstream point of diversion reach B-B' is located at Latitude 32.964756° N, Longitude 98.723356° W and the downstream point is located at Latitude 32.968609° N, Longitude 98.722159° W.

- C. The upstream point of diversion reach C-C' is located at Latitude 32.974145° N, Longitude 98.723102° W and the downstream point is located at Latitude 32.980633° N, Longitude 98.707391° W.
- D. The upstream point of diversion reach D-D' is located at Latitude 33.002586° N, Longitude 98.684845° W and the downstream point is located at Latitude 33.002346° N, Longitude 98.680708° W.
- E. Maximum combined diversion rate of 24.44 cfs (11,000 gpm).

3. CONSERVATION

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, and prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

5. SPECIAL CONDITIONS

- A. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).
- B. Diversion of water shall be restricted based on the following streamflows at USGS Gage No. 08088000 - Brazos River near South Bend, TX, as set forth in Paragraphs 5.C.-5.E. below.

Season	Subsistence	Base
Winter	1 cfs	36 cfs
Spring	1 cfs	29 cfs
Summer	1 cfs	16 cfs

cfs = cubic feet per second

- C. Seasons are defined as follows: Winter (November through February), Spring (March through June), and Summer (July through October).

Subsistence Flow Special Condition

- D. Owner shall not divert water from diversion reaches B-B', C-C', and D-D' if the average adjusted streamflow at USGS Gage No. 08088000 - Brazos River near South Bend, TX, is less than or equal to the applicable subsistence flow. The "average adjusted streamflow" at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The "adjusted streamflow" at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by Owner. Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.

Base Flow Special Condition

- E. If average adjusted streamflow at USGS Gage No. 08088000 – Brazos River near South Bend, TX, is greater than the applicable base flow, Owner shall not divert water from diversion reaches B-B', C-C', and D-D' in excess of the rate that would reduce average streamflow at the gage to the applicable base flow; provided, however, Owner is not required to adjust its diversion rate more frequently than once every 24 hours.
- F. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the reaches authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- G. Owner shall allow representatives of the Texas Commission on Environmental Quality reasonable access to the property to inspect the measuring device and records.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-4226 except as specifically amended herein.

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

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

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

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

Date issued:

For the Commission

From: [Richard George](#)
To: [Joshua Schauer](#)
Cc: [Corey Mullin](#); [Humberto Galvan](#)
Subject: RE: Kerwin B. Stephens; 12-4226A Drafts
Date: Friday, June 9, 2023 5:10:48 PM

Mr. Schauer, we have reviewed the draft notice and permit, everything looked good. We do not have any comments.

Thanks,
Richard

From: Joshua Schauer <Joshua.Schauer@Tceq.Texas.Gov>
Sent: Tuesday, June 06, 2023 11:24 AM
To: Richard George [REDACTED]
Subject: Kerwin B. Stephens; 12-4226A Drafts

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

Dear Mr. George:

Drafts, subject to revision, of the public notice, proposed amendment to Certificate of Adjudication No.12-4226, and the related technical memoranda are attached. Please review the attached drafts and provide comments by 6/20/23.

Regards,

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

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

From: [Joshua Schauer](#)
To: [Richard George](#)
Subject: Kerwin B. Stephens; 12-4226A Drafts
Date: Tuesday, June 6, 2023 11:24:00 AM
Attachments: [Kerwin B. Stephens 12-4226A Drafts.pdf](#)

Dear Mr. George:

Drafts, subject to revision, of the public notice, proposed amendment to Certificate of Adjudication No.12-4226, and the related technical memoranda are attached. Please review the attached drafts and provide comments by 6/20/23.

Regards,

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

Jon Niermann., *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 6, 2023

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

VIA E-MAIL

RE: Kerwin B. Stephens
ADJ 4226
CN604868729, RN108523903
Application No. 12-4226A to Amend Certificate of Adjudication No. 12-4226
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Clear Fork Brazos River, Brazos River Basin
Young County

Dear Mr. George:

Drafts, subject to revision, of the public notice, proposed amendment to Certificate of Adjudication No.12-4226, and the related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the attached drafts. Please review the drafts and contact me no later than June 20, 2023 with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

Please note this application requires a two-week comment period and once the comment period has closed, the proposed amendment to Certificate of Adjudication No. 12-4226 may be issued as drafted given no hearing requests are received.

If you have any questions concerning this matter, please contact me via email at Joshua.Schauer@tceq.texas.gov or by telephone at (512) 239-1371.

Sincerely,

A handwritten signature in cursive script that reads "Joshua Schauer".

Joshua Schauer, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachments

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 12-4226A

Kerwin B. Stephens seeks to amend Certificate of Adjudication No. 12-4226 to change the three currently authorized diversion points to four new diversion reaches on the Clear Fork Brazos River and add a place of use for agricultural purposes in Young and Stephens counties. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Kerwin B. Stephens, 515 4th Street, Graham, Texas 76450, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, *et seq.* Notice is being mailed to the interjacent water right holders of record pursuant to Title 30 TAC § 295.158(c)(3)(C).

Certificate of Adjudication No. 12-4226 (Certificate) authorizes Kerwin B. Stephens (Applicant/Owner) to divert and use not to exceed a total of 628 acre-feet of water per year from three points on the Clear Fork Brazos River, Brazos River Basin, at a maximum combined diversion rate of 24.44 cfs (11,000 gpm), for agricultural purposes to irrigate 350 acres of land out of 351.562 acres in Young County.

The time priority of the right is June 30, 1961.

Applicant seeks to amend Certificate of Adjudication No. 12-4226 to add a place of use for agricultural purposes to irrigate 2,113.837 acres of land in Young and Stephens counties.

Ownership of the land to be irrigated is evidenced by a *Warranty Deed* recorded as Volume 1056, Page 244; *Warranty Deed* recorded as Volume 1076, Page 384; *Warranty Deed* recorded as Volume 1046, Page 883; *Warranty Deed* recorded as Volume 1177, Page 412; *Warranty Deed* recorded as Volume 1049, Page 709; *Warranty Deed* recorded as Volume 1028, Page 798 in the official records of Young County.

Applicant also seeks to change the three currently authorized diversion points to four diversion reaches on Clear Fork Brazos River in Young County.

The upstream point of diversion reach A-A' is located at Latitude 32.968904° N, Longitude 98.772796° W and the downstream point is located at Latitude 32.970747° N, Longitude 98.760094° W, ZIP code 76481.

The upstream point of diversion reach B-B' is located at Latitude 32.964756° N, Longitude 98.723356° W and the downstream point is located at Latitude 32.968609° N, Longitude 98.722159° W, ZIP code 76481.

The upstream point of diversion reach C-C' is located at Latitude 32.974145° N, Longitude

98.723102° W and the downstream point is located at Latitude 32.980633° N, Longitude 98.707391° W, ZIP code 76481.

The upstream point of diversion reach D-D' is located at Latitude 33.002586° N, Longitude 98.684845° W and the downstream point is located at Latitude 33.002346° N, Longitude 98.680708° W, ZIP code 76450.

The 628 acre-feet of water authorized under the Certificate will not become appurtenant to the 2,113.837 acres of land added by this amendment.

The application and partial fees were received on October 7, 2020. Additional information and fees were received on December 1, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on December 30, 2020. Additional information was received on December 1, 2022.

The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions including, but not limited to streamflow restrictions. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

PUBLIC COMMENT/PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by [redacted] 2023. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by [redacted] 2023. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by [redacted] 2023.

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

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

INFORMATION. Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 4226 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040.

General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued:

DRAFT

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-4226A

TYPE § 11.122

Owner: Kerwin B. Stephens

Address: 515 4th Street
Graham, Texas 76450

Filed: December 30, 2020

Granted:

Purpose: Agricultural

Counties: Young and Stephens

Watercourse: Clear Fork Brazos River

Watershed: Brazos River Basin

WHEREAS, Certificate of Adjudication No. 12-4226 (Certificate) authorizes Kerwin B. Stephens (Applicant/Owner) to divert and use not to exceed a total of 628 acre-feet of water per year from three points on the Clear Fork Brazos River, Brazos River Basin, at a maximum combined diversion rate of 24.44 cfs (11,000 gpm), for agricultural purposes to irrigate 350 acres of land out of 351.562 acres in Young County; and

WHEREAS, the time priority of the right is June 30, 1961; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 12-4226 to add a place of use for agricultural purposes to irrigate 2,113.837 acres of land in Young and Stephens counties; and

WHEREAS, ownership of the land to be irrigated is evidenced by a *Warranty Deed* recorded as Volume 1056, Page 244; *Warranty Deed* recorded as Volume 1076, Page 384; *Warranty Deed* recorded as Volume 1046, Page 883; *Warranty Deed* recorded as Volume 1177, Page 412; *Warranty Deed* recorded as Volume 1049, Page 709; *Warranty Deed* recorded as Volume 1028, Page 798 in the official records of Young County; and

WHEREAS, Applicant also seeks to change the three currently authorized diversion points to four diversion reaches on the Clear Fork Brazos River in Young County; and

WHEREAS, the upstream point of diversion reach A-A' is located at Latitude 32.968904° N, Longitude 98.772796° W and the downstream point is located at Latitude 32.970747° N, Longitude 98.760094° W; and

WHEREAS, the upstream point of diversion reach B-B' is located at Latitude 32.964756° N, Longitude 98.723356° W and the downstream point is located at Latitude 32.968609° N, Longitude 98.722159° W; and

WHEREAS, the upstream point of diversion reach C-C' is located at Latitude 32.974145° N, Longitude 98.723102° W and the downstream point is located at Latitude 32.980633° N, Longitude 98.707391° W; and

WHEREAS, the upstream point of diversion reach D-D' is located at Latitude 33.002586° N, Longitude 98.684845° W and the downstream point is located at Latitude 33.002346° N, Longitude 98.680708° W; and

WHEREAS, the 628 acre-feet of water authorized under the Certificate will not become appurtenant to the 2,113.837 acres of land added by this amendment; and

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

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

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-4226, designated Certificate of Adjudication No. 12-4226A, is issued to Kerwin B. Stephens, subject to the following terms and conditions:

1. USE

- A. In addition to previous authorizations, Owner is authorized to use its authorized 628 acre-feet of water per year for agricultural purposes to irrigate an additional 2,113.837 acres of land in Young and Stephens counties within the Brazos River Basin.
- B. Ownership of the land to be irrigated is evidenced by a *Warranty Deed* recorded as Volume 1056, Page 244; *Warranty Deed* recorded as Volume 1076, Page 384; *Warranty Deed* recorded as Volume 1046, Page 883; *Warranty Deed* recorded as Volume 1177, Page 412; *Warranty Deed* recorded as Volume 1049, Page 709; *Warranty Deed* recorded as Volume 1028, Page 798 in the official records of Young County.

2. DIVERSION

In lieu of the previous authorization, Owner is authorized to divert from four diversion reaches on Clear Fork Brazos River described as follows:

- A. The upstream point of diversion reach A-A' is located at Latitude 32.968904° N, Longitude 98.772796° W and the downstream point is located at Latitude 32.970747° N, Longitude 98.760094° W.
- B. The upstream point of diversion reach B-B' is located at Latitude 32.964756° N, Longitude 98.723356° W and the downstream point is located at Latitude 32.968609° N, Longitude 98.722159° W.

- C. The upstream point of diversion reach C-C' is located at Latitude 32.974145° N, Longitude 98.723102° W and the downstream point is located at Latitude 32.980633° N, Longitude 98.707391° W.
- D. The upstream point of diversion reach D-D' is located at Latitude 33.002586° N, Longitude 98.684845° W and the downstream point is located at Latitude 33.002346° N, Longitude 98.680708° W.
- E. Maximum combined diversion rate of 24.44 cfs (11,000 gpm).

3. CONSERVATION

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, and prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

5. SPECIAL CONDITIONS

- A. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).
- B. Diversion of water shall be restricted based on the following streamflows at USGS Gage No. 08088000 - Brazos River near South Bend, TX, as set forth in Paragraphs 5.C.-5.E. below.

Season	Subsistence	Base
Winter	1 cfs	36 cfs
Spring	1 cfs	29 cfs
Summer	1 cfs	16 cfs

cfs = cubic feet per second

- C. Seasons are defined as follows: Winter (November through February), Spring (March through June), and Summer (July through October).

Subsistence Flow Special Condition

- D. Owner shall not divert water from diversion reaches B-B', C-C', and D-D' if the average adjusted streamflow at USGS Gage No. 08088000 - Brazos River near South Bend, TX, is less than or equal to the applicable subsistence flow. The "average adjusted streamflow" at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The "adjusted streamflow" at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by Owner. Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.

Base Flow Special Condition

- E. If average adjusted streamflow at USGS Gage No. 08088000 – Brazos River near South Bend, TX, is greater than the applicable base flow, Owner shall not divert water from diversion reaches B-B', C-C', and D-D' in excess of the rate that would reduce average streamflow at the gage to the applicable base flow; provided, however, Owner is not required to adjust its diversion rate more frequently than once every 24 hours.
- F. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the reaches authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- G. Owner shall allow representatives of the Texas Commission on Environmental Quality reasonable access to the property to inspect the measuring device and records.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-4226 except as specifically amended herein.

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

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

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

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

Date issued:


For the Commission

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Josh Schauer, Project Manager
Water Rights Permitting Team

Date: December 13, 2022

Through: Leslie Patterson, Team Leader 
Resource Protection Team

From: Kenneth Coonrod, Aquatic Scientist
Resource Protection Team

Subject: Kerwin B. Stephens
ADJ 4226
CN604868729
Clear Fork Brazos River, Brazos River Basin
Young and Stephens counties

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

APPLICATION SUMMARY

Certificate of Adjudication No. 12-4226 (Certificate) authorizes Kerwin B. Stephens (Owner/Applicant) to divert 628 acre-feet of water per year from three points on the Clear Fork Brazos River, Brazos River Basin, at a maximum combined diversion rate of 24.44 cfs (11,000 gpm) for agricultural purposes in Young County.

Applicant requests to amend the Certificate to change the three authorized diversion points to four diversion reaches on the Clear Fork Brazos River in Young County and add a place of use in Young and Stephens counties.

ENVIRONMENTAL ANALYSIS

Aquatic and Riparian Habitats: The Clear Fork Brazos River is considered a perennial stream, and the Applicant's proposed diversion reaches are located in the Western Cross Timbers ecoregion (Griffith et al. 2004).

The checklist for the Brazos River Basin identified 21 species of ichthyofauna occurring within the Lower Clear Fork Brazos hydrologic unit (United States Geologic Survey [USGS] code 12060104) (Hendrickson and Cohen 2015). The smalleye shiner (*Notropis buccula*), the sharpnose shiner (*N. oxyrhynchus*), the chub shiner (*N. potteri*), the Brazos heelsplitter (*Potamilus streckersoni*), and the

Texas fawnsfoot (*Truncilla macrodon*), high-interest aquatic species, and the Brazos water snake (*Nerodia harteri*), a high-interest aquatic-dependent species, are known to occur in Young County (TPWD 2015).

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

On February 12, 2014, the TCEQ adopted environmental flow standards for the Brazos River and its associated bay and estuary system (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter G). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC § 460). The Applicant does not request a new appropriation of water or an amendment that increases the amount of water stored, taken, or diverted. Resource Protection staff does not recommend a streamflow restriction for diversion reach A-A', because the proposed reach is a small distance from the currently authorized diversion points.

Resource Protection staff does recommend a streamflow restriction for the addition of diversion reaches B-B', C-C', and D-D'. Resource Protection staff utilized the subsistence and base environmental flow standards (Title 30 TAC § 298.480(6)) established at USGS Gage No. 08088000 – Brazos River near South Bend, TX for the streamflow restriction as shown in Table 1.

Table 1. Environmental Flow Values at USGS Gage No. 08088000 – Brazos River near South Bend, TX

Season	Subsistence	Base
Winter	1 cfs	36 cfs
Spring	1 cfs	29 cfs
Summer	1 cfs	16 cfs

The applicable subsistence or base flow values depend on the season. Seasons are defined in Title 30 TAC § 298.455 as follows: Winter (November through February), Spring (March through June), Summer (July through October). Staff recommend that diversion of water under this proposed amendment should be limited to comply with the applicable subsistence and base flow values.

Recreational Uses: The Clear Fork Brazos River (Segment 1232) has a designated primary contact recreation 1 use (TCEQ 2022). The Applicant’s request should not adversely impact recreational uses.

Water Quality: The Clear Fork Brazos River (Segment 1232) has a designated high aquatic life use (TCEQ 2022). The Applicant’s request should not adversely impact water quality.

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

RECOMMENDATIONS

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

1. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).
2. Diversion of water shall be restricted based on the following streamflows at USGS Gage No. 08088000 – Brazos River near South Bend, TX, as set forth in Special Conditions 3-5 below.

Season	Subsistence	Base
Winter	1 cfs	36 cfs
Spring	1 cfs	29 cfs
Summer	1 cfs	16 cfs

3. Seasons are defined as follows: Winter (November through February), Spring (March through June), and Summer (July through October).

Subsistence Flow Special Conditions

4. Owner shall not divert water from diversion reaches B-B', C-C', and D-D' if the average adjusted streamflow at USGS Gage No. 08088000 – Brazos

River near South Bend, TX, is less than or equal to the applicable subsistence flow. The "average adjusted streamflow" at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The "adjusted streamflow" at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by Owner. Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.

Base Flow Special Condition

5. If average adjusted streamflow at USGS Gage No. 08088000 – Brazos River near South Bend, TX, is greater than the applicable base flow, Owner shall not divert water from diversion reaches B-B', C-C', and D-D' in excess of the rate that would reduce average streamflow at the gage to the applicable base flow; provided, however, Owner is not required to adjust its diversion rate more frequently than once every 24 hours.

LITERATURE CITED

Griffith, G.E., S.A. Bryce, J.M. Omernik, J.A. Comstock, A.C. Rogers, B. Harrison, S.L. Hatch, and D. Bezanson. 2004. Ecoregions of Texas. (2-sided color poster with map, descriptive text, and photographs). U.S. Geological Survey, Reston, VA. Scale 1:2,500,000.

Hendrickson DA, Cohen AE. 2015. Fishes of Texas Project Database [Internet]. [cited 2022 Sep 21]; Version 2.0. Available from <http://www.fishesoftexas.org/home/> doi:10.17603/C3WC70

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

TPWD. 2015. TPWD County Lists of Texas Protected Species and Species of Greatest Conservation Need [Internet]. Austin (TX): Young County, revised July 12, 2022. [cited 2022 Sep 21]. Available from <http://tpwd.texas.gov/gis/rtest/>.

Kenneth Coonrod


Kenneth Coonrod, Aquatic Scientist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Joshua Schauer, Project Manager
Water Rights Permitting Team

Date: December 13, 2022

Through: Leslie Patterson, Team Leader
Resource Protection Team 

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

Subject: Kerwin B. Stephens
ADJ 4226
CN604868729
Clear Fork Brazos River, Brazos River Basin
Young and Stephens counties

APPLICATION SUMMARY

Certificate of Adjudication No. 12-4226 (Certificate) authorizes Kerwin B. Stephens (Applicant) to divert 628 acre-feet of water per year from three points on the Clear Fork Brazos River, Brazos River Basin, at a maximum combined diversion rate of 24.44 cfs (11,000 gpm) for agricultural purposes to irrigate 350 acres of land in Young County.

Applicant requests to amend the Certificate to change the three authorized diversion points to four diversion reaches on the Clear Fork Brazos River in Young County and add a place of use to irrigate 2,113.837 acres in Young and Stephens counties.

WATER CONSERVATION REVIEW

Pursuant to Title 30 Texas Administrative Code (TAC) §295.9(4), applications requesting to change the place of use require the submittal of a water conservation plan.

The water conservation plan for agricultural use was reviewed by Resource Protection staff and found to be administratively complete per 30 TAC §288.4.

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

RECOMMENDATIONS

The following water conservation language should be included in the proposed amendment, if granted:

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, and prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

Jennifer Allis

Jennifer Allis, Senior Water Conservation Specialist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Joshua Schauer, Project Manager Date: February 13, 2023
Water Rights Permitting Team

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

From: Alisa Patterson, P.E., Section Hydrologist
Water Rights Permitting & Availability Section

Subject: Kerwin B. Stephens
ADJ 4226
CN604868729
Clear Fork Brazos River, Brazos River Basin
Young and Stephens counties

Water Availability Review

Application Summary

Certificate of Adjudication No. 12-4226 (Certificate) authorizes Kerwin B. Stephens (Owner/Applicant) to divert 628 acre-feet of water per year from three points on the Clear Fork Brazos River, Brazos River Basin, at a maximum combined diversion rate of 24.44 cfs (11,000 gpm) for agricultural purposes in Young County. Applicant requests to amend the Certificate to change the three authorized diversion points to four diversion reaches on the Clear Fork Brazos River in Young County and add a place of use in Young and Stephens counties.

The application was declared administratively complete on December 30, 2020.

Water Availability Review

Resource Protection Staff recommended that the application be subject to instream flow requirements. Specific instream flow requirements are included in the Resource Protection Staff's December 13, 2022 memorandum.

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

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

Staff used the Full Authorization simulation of the Brazos WAM to evaluate impacts on other water rights as a result of the application. The period of record for the Brazos WAM is 1940 to 2018. Staff modeled the application with diversion of the authorized 628 acre-feet of water at a priority date of June 30, 1961 from each of the requested diversion reaches. Staff compared the pre- and post- application volume reliabilities of all water rights in the Brazos River Basin and found very small negative impacts to two small water rights with an average difference in volume reliability of 0.18 percent across all simulations.

Conclusion

Staff can support granting the application.

Alisa Patterson

Alisa Patterson, P.E., Section Hydrologist

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Joshua Schauer, Project Manager
Water Rights Permitting Team

DATE: December 30, 2020

SUBJECT: Kerwin B. Stephens
ADJ 12-4226
CN604868729, RN108523903
Application No. 12-4226A to Amend Certificate of Adjudication No. 12-4226
Texas Water Code § 11.122, Limited Mailed Notice Required
Clear Fork Brazos River and Brazos River, Brazos River Basin
Young County

The application and partial fees were received on October 7, 2020. Additional information and fees were received on December 1, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on December 30, 2020. Limited mailed notice is required pursuant to Title 30 Texas Administrative Code § 295.158 (c)(3)(C).

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

Joshua Schauer

Joshua Schauer, 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

December 30, 2020

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

VIA E-MAIL

RE: Kerwin B. Stephens
ADJ 12-4226
CN604868729, RN108523903
Application No. 12-4226A to Amend Certificate of Adjudication No. 12-4226
Texas Water Code § 11.122, Limited Mailed Notice Required
Clear Fork Brazos River and Brazos River, Brazos River Basin
Young County

Dear Mr. George:

This acknowledges receipt, December 1, 2020, of additional information and fees in the amount of \$377.10 (receipt No. M107143 copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on December 30, 2020. 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 Joshua.Schauer@tceq.texas.gov or at (512) 239-1371.

Sincerely,

A handwritten signature in cursive script that reads "Joshua Schauer".

Joshua Schauer, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



Basis2 Receipt Report by Endorsement Number

DEC-15-20 08:59 AM

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>
	M107143	124226	CLEAR FORK LAND & CATTLE CO	CK	16614		BS00084491	14-DEC-20	\$377.10



Corporate Office:
3404 Airway Blvd.
Amarillo TX 79118

Central Texas:
9855 FM 847
Dublin TX 76446

New Mexico:
203 East Main Street
Artesia NM 88210

December 1, 2020

TCEQ
Attn: Joshua Schauer
Water Rights Permitting & Availability (MC-160)
P.O. Box 13087
Austin, TX 78711-3087

Re: Kerwin B. Stephens
App. No. 12-4226A

Mr. Schauer,

Attached please find the response to the RFI dated November 9, 2020 for the above referenced application. Please call or email me if you have any questions.

Respectfully Submitted,

Richard George
Enviro-Ag Engineering, Inc.
Office # 254-233-9948



Kerwin B. Stephens

RFI Response:

1. The state and regional water plans generally do not address every possible change in individual water rights. The application is consistent with the 2016 Region G Water Plan and the 2017 State Water Plan because there is nothing in the plans that conflict with the application.

2. If we are showing the diversion reach upper and lower boundaries on the bank of the river at the corners of the property boundaries, the following coordinates are correct:

Name	Latitude	Longitude
A	32.968904°	-98.772796°
A'	32.970747°	-98.760094°
B	32.964756°	-98.723356°
B'	32.968609°	-98.722159°
C	32.974145°	-98.723102°
C'	32.980633°	-98.707391°
D	33.002586°	-98.684845°
D'	33.002346°	-98.680708°
E	33.019953°	-98.642314°
E'	33.010308°	-98.641089°
F	33.051253°	-98.598879°
F'	33.055431°	-98.581319°

3. Attached please find a check for \$377.10 for the fees due.

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 9, 2020

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

VIA E-MAIL

RE: Kerwin B. Stephens
ADJ 12-4226
CN604868729, RN108523903
Application No. 12-4226A to Amend Certificate of Adjudication No. 12-4226
Texas Water Code § 11.122, Limited Mailed Notice Required
Clear Fork Brazos River and Brazos River, Brazos River Basin
Young County

Dear Mr. George:

This acknowledges receipt, on October 7, 2020, of the application and partial fees in the amount of \$112.50 (Receipt No. M101264, copy attached).

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

1. Provide information regarding how the application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan (Section 4.a. of the *Technical Information Report*). Refer to the second example on page 15 from the *Instructions for Completing the Water Right Permitting Application* (Form TCEQ-10214A-inst) for assistance.
2. Confirm the coordinates for the diversion reaches. Staff has calculated the following coordinates on the bank of the Clear Fork Brazos River and the Brazos River:

Name	Latitude	Longitude
A	32.968898	-98.772807
A'	32.970726	-98.760117
B	32.964772	-98.723392
B'	32.968614	-98.722193
C	32.974145	-98.723112
C'	32.980650	-98.707416
D	33.002574	-98.684813
D'	33.002328	-98.680712
E	33.019933	-98.642299
E'	33.010321	-98.641054
F	33.051291	-98.598883
F'	33.055458	-98.581314

Mr. Richard George
Application No. 12-4226A
October 6, 2020
Page 2 of 2

3. Remit fees in the amount of \$377.10 as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee	\$	100.00
Recording Fee	\$	12.50
Notice Fee (\$2.94 x 90 WR Holders)	\$	264.60
<hr/>		
Total Fees	\$	377.10
Fees Received	\$	112.50
<hr/>		
Fees Due	\$	377.10

Please provide the requested information and fees by December 9, 2020 or the application may be returned pursuant to 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact me via email at joshua.schauer@tceq.texas.gov or by telephone at (512) 239-3071.

Sincerely,

Joshua Schauer, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



09-OCT-20 11:23 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP	M101263	137		BS00083058	09-OCT-20	-\$100.00
	WUP	ADJ141883	100820	N	D1800475		
WATER USE PERMITS		CRUMP, DORINDA L	VHERNAND	CK			
	WUP	M101264	16516		BS00083058	09-OCT-20	-\$112.50
	WUP	ADJ124226	100820	N	D1800475		
WATER USE PERMITS		CLEAR FORK LAND & CATTLE CO	VHERNAND	CK			
Total (Fee Code):							-\$212.50

RECEIVED

OCT 13 2020

Water Availability Division



09-OCT-20 11:23 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP	M101263	137		BS00083058	09-OCT-20	-\$100.00
	WUP	ADJ141883	100820	N	D1800475		
WATER USE PERMITS		CRUMP, DORINDA L	VHERNAND	CK			
	WUP	M101264	16516		BS00083058	09-OCT-20	-\$112.50
	WUP	ADJ124226	100820	N	D1800475		
WATER USE PERMITS		CLEAR FORK LAND & CATTLE CO	VHERNAND	CK			
Total (Fee Code):							-\$212.50

RECEIVED

OCT 13 2020

Water Availability Division



Corporate Office:
3404 Airway Blvd.
Amarillo TX 79118

Central Texas:
9855 FM 847
Dublin TX 76446

New Mexico:
203 East Main Street
Artesia NM 88210

10/1/2020

TCEQ
Water Availability Division (MC-160)
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED

OCT 07 2020

Water Availability Division

Re: Kerwin B. Stephens (CN 604868729)
App. to Amend COA 12-4226

To Whom It May Concern,

Enclosed please find the Amendment Application for the above referenced permit. A check for \$112.50 is enclosed for the required filing & recording fees. Please call me if you have any questions 254-233-9948. Please submit all correspondence regarding this application to me at the Central Texas Office addressed at the top of the page.

Sincerely,

Richard George
Environmental Consultant
Enviro-Ag. Engineering, Inc.

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): Kerwin B. Stephens

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).

RECEIVED

OCT 07 2020

Water Availability Division

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
- 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) 239-4691.**

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

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

New Appropriation of State Water

Amendment to a Water Right *

Bed and Banks

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

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

The applicant, Kerwin Stephens, would like to amend COA 12-4226 to change the diversion to 6 new diversion reaches (4 on Clear Fork Brazos River; 2 on Brazos River), change the place of use to be anywhere inside the property boundary of all land owned by the applicant for agricultural irrigation and livestock watering. The water authorized in this permit shall not be appurtenant to any new land being added as a place of use in this application.

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

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

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

Kerwin B. Stephens

(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 : 604868729 (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: **Kerwin B. Stephens**

Title: **Owner**

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

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: **Kerwin B. Stephens**

Mailing Address: **515 4th Street**

City: **Graham**

State: **TX**

ZIP Code: **76450-3036**

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: **N/A** SOS Charter (filing) Number: **N/A**

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

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

First and Last Name: **Richard George**

Title: **Environmental Consultant**

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

Mailing Address: **9855 FM 847**

City: **Dublin**

State: **TX**

ZIP Code: **76446**

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

Extension:

Fax No.:

E-mail Address: **[REDACTED]**

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

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

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

First and Last Name: **N/A**

Title:

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) 239-4691, prior to submitting your application.

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

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

Account number: **N/A**

Amount past due: **N/A**

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

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

Enforcement order number: **N/A**

Amount past due: **N/A**

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

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

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

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Kerwin B. Stephens

Owner

(Typed or printed name)

(Title)

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

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

Signature: [Handwritten Signature] Date: 9-16-20
(Use blue ink)

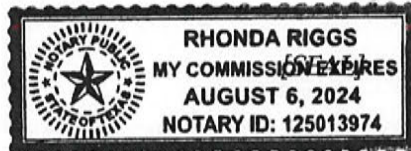
Subscribed and Sworn to before me by the said

on this 16 day of September, 2020.

My commission expires on the 6 day of August, 2024.

[Handwritten Signature]
Notary Public

Young
County, Texas



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

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

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

Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4691 to schedule a meeting. Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N **Y** (If yes, date : 6/10/2020).

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: N/A)

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

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: 12-4226

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
N/A	N/A

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

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

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

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

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

If yes, submit:

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 1.2 - Notice: “Marshall Criteria” [Attachment A](#)**

- 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)

- 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 **N** *If yes, call the Water Availability Division at (512) 239-4691 to discuss.*

Additionally, all amendments require:

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

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

- 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":

Conservation practices are implemented on-site which are consistent with the

Brazos (Region G) Water Planning Group for irrigation. These include irrigation timing,

brush/weed control practices and land leveling to utilize water usage and prevent

waste/runoff. *Conservation/management strategies (BMPs) can be located in the

2016 Brazos G Regional Water Plan Volume II-Water Conservation Section--pg. 2-29.

- 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**

Attachment B

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

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

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

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

1. Location Information Regarding the Lands to be Irrigated

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

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

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

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

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

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

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
628	Agricultural Irrigation	Agricultural Irrigation & Livestock Use	350 acres in Young County, Texas	2,677.778 acres in Young & Stephens Counties, Texas as outlined in the attached Deeds/Maps.

*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:
- i) Applicant proposes to irrigate a total of 2,677.778 acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of 2,677.778 acres in Young & Stephens Counties County, TX.
 - ii) Location of land to be irrigated: In the Attachment C Original Survey No. _____, Abstract No. _____.
A copy of the deed(s) describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds. If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other legal right for Applicant to use the land described. Deeds - Attachment D

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. Attachment A
- e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required. WCP - Attachment E

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.

WORKSHEET 1.2

NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

Attachment A

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

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

WORKSHEET 2.0

Impoundment/Dam Information

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

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

1. Storage Information (Instructions, Page. 21)

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

3. Applicants **shall** give notice by certified mail to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir to be constructed, will be located. (30 TAC § 295.42). Applicant must submit a copy of all the notices and certified mailing cards with this Application. Notices and cards are included? **Y / N**
- iii. Additional information required for **on-channel** storage:
1. Surface area (in acres) of on-channel reservoir at normal maximum operating level:_____.
 2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option.
Applicant has calculated the drainage area. **Y/N**
If yes, the drainage area is _____ sq. miles.
(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4691).

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name):_____
- b. Zip Code: _____
- c. In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.
**** A copy of the deed(s) with the recording information from the county records must be submitted describing the tract(s) that include the structure and all lands to be inundated.***
*****If the Applicant is not currently the sole owner of the land on which the structure is or will be built and sole owner of all lands to be inundated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.***
- d. A point on the centerline of the dam (on-channel) or anywhere within the impoundment (off-channel) is:
Latitude _____°N, Longitude _____°W.
****Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- di. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):_____
- dii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. **Y / N**

WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

1. _____ Diversion Point No.
2. A _____ Upstream Limit of Diversion Reach No. A-A'
3. _____ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 24.44 cfs (cubic feet per second) or 11,000 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N Yes**
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 24.44 cfs or 11,000 gpm

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

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

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

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

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

Applicant has calculated the drainage area. **Y / N No**

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Clear Fork Brazos River, Brazos River Basin
- b. Zip Code: 76481
- c. Location of point: In the T.E. & L. Co. Original Survey No. 1204, Abstract No. 849, Young County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude 32.968847°°N, Longitude -98.772765°°W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): TexasTopo! Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. [Attachment B](#)
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 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. A' _____ Downstream Limit of Diversion Reach No. A-A'
- b. Maximum Rate of Diversion for **this new point** ^{24.44} _____ cfs (cubic feet per second) or 11,000 gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / N Yes**
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* ^{24.44} _____ cfs or 11,000 gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / N No**

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

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

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

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

Applicant has calculated the drainage area. **Y / N No**

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Clear Fork Brazos River, Brazos River Basin
- b. Zip Code: 76481
- c. Location of point: In the T.E. & L. Co. Original Survey No. 1203, Abstract No. 848, Young County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude 32.970675° "N, Longitude -98.760063° "W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): TexasTopol Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. [Attachment B](#)
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 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. B _____ Upstream Limit of Diversion Reach No. B-B'
 3. _____ Downstream Limit of Diversion Reach No.
- b. Maximum Rate of Diversion for **this new point** 24.44 cfs (cubic feet per second) or 11,000 gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? Y / N **Yes**
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 24.44 cfs or 11,000 gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? Y / N **No**

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

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

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

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

Applicant has calculated the drainage area. Y / N **No**

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Clear Fork Brazos River, Brazos River Basin
- b. Zip Code: 76481
- c. Location of point: In the T.E. & L. Co. Original Survey No. 1115, Abstract No. 835, Young County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude 32.964840° °N, Longitude -98.723401° °W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): TexasTopo! Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 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. **B'** _____ Downstream Limit of Diversion Reach No. **B-B'**
- b. Maximum Rate of Diversion for **this new point** 24.44 cfs (cubic feet per second) or 11,000 gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / N Yes**
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 24.44 cfs or 11,000 gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / N No**

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

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

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

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

Applicant has calculated the drainage area. **Y / N No**

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Clear Fork Brazos River, Brazos River Basin
- b. Zip Code: 76481
- c. Location of point: In the T.E. & L. Co. Original Survey No. 1115, Abstract No. 835, Young County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude 32.968636°°N, Longitude -98.722280°°W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): TexasTopol Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 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. C _____ Upstream Limit of Diversion Reach No. C-C'
 3. _____ Downstream Limit of Diversion Reach No.
- b. Maximum Rate of Diversion for **this new point** 24.44 cfs (cubic feet per second) or 11,000 gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / N Yes**
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 24.44 cfs or 11,000 gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / N No**

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

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

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

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

Applicant has calculated the drainage area. **Y / N No**

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Clear Fork Brazos River, Brazos River Basin
- b. Zip Code: 76481
- c. Location of point: In the T.E. & L. Co. Original Survey No. 1114, Abstract No. 834, Young County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude 32.974264°°N, Longitude -98.723166°°W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): TexasTopol Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 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. C' _____ Downstream Limit of Diversion Reach No. C-C'
- b. Maximum Rate of Diversion for **this new point** 24.44 cfs (cubic feet per second) or 11,000 gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / N Yes**
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 24.44 cfs or 11,000 gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / N No**

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

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

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

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

Applicant has calculated the drainage area. **Y / N No**

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Clear Fork Brazos River, Brazos River Basin
- b. Zip Code: 76481
- c. Location of point: In the T.E. & L. Co. Original Survey No. 1112, Abstract No. 832, Young County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude 32.980764° °N, Longitude -98.707458° °W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): TexasTopol Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 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. D-D'
 3. _____ Downstream Limit of Diversion Reach No.
- b. Maximum Rate of Diversion for **this new point** 24.44 cfs (cubic feet per second) or 11,000 gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / N Yes**
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 24.44 cfs or 11,000 gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / N No**

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

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

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

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

Applicant has calculated the drainage area. **Y / N No**

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Clear Fork Brazos River, Brazos River Basin
- b. Zip Code: 76450
- c. Location of point: In the J. Tobin Original Survey No. _____, Abstract No. 279, Young County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude 33.002434° °N, Longitude -98.684846° °W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): TexasTopo! Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 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. D' _____ Downstream Limit of Diversion Reach No. D-D'
- b. Maximum Rate of Diversion for **this new point** 24.44 cfs (cubic feet per second) or 11,000 gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / N Yes**
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 24.44 cfs or 11,000 gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / N No**

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

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

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

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

Applicant has calculated the drainage area. **Y / N No**

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Clear Fork Brazos River, Brazos River Basin
- b. Zip Code: 76450
- c. Location of point: In the J. Tobin Original Survey No. _____, Abstract No. 279, Young County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude 33.002186° °N, Longitude -98.690714° °W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): TexasTopol Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 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. E _____ Upstream Limit of Diversion Reach No. E-E'
 3. _____ Downstream Limit of Diversion Reach No.
- b. Maximum Rate of Diversion for **this new point** 24.44 _____ cfs (cubic feet per second) or 11,000 _____ gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / N Yes**
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 24.44 _____ cfs or 11,000 _____ gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / N No**

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

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

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

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

Applicant has calculated the drainage area. **Y / N No**

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Brazos River
- b. Zip Code: 76450
- c. Location of point: In the T.E. & L. Co. Original Survey No. 1104, Abstract No. 827, Young County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude 33.019948°°N, Longitude -98.641927°°W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): TexasTopol Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 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. E' _____ Downstream Limit of Diversion Reach No. E-E'
- b. Maximum Rate of Diversion for **this new point** 24.44 _____ cfs (cubic feet per second) or 11,000 _____ gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / N Yes**
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 24.44 _____ cfs or 11,000 _____ gpm

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

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

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

Check one		Write: Existing or Proposed
X	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

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

Applicant has calculated the drainage area. **Y / N No**

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Brazos River
- b. Zip Code: 76450
- c. Location of point: In the John Daily Original Survey No. _____, Abstract No. 78, Young County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude 33.010299° °N, Longitude -98.640822° °W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): TexasTopol Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 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. F _____ Upstream Limit of Diversion Reach No. F-F'
 3. _____ Downstream Limit of Diversion Reach No.
- b. Maximum Rate of Diversion for **this new point** 24.44 cfs (cubic feet per second) or 11,000 gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? Y / N **Yes**
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 24.44 cfs or 11,000 gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? Y / N **No**

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

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

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

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

Applicant has calculated the drainage area. Y / N **No**

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Brazos River
- b. Zip Code: 76450
- c. Location of point: In the JW Horner Original Survey No. _____, Abstract No. 1319, Young County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude 33.051261°°N, Longitude -96.599129°°W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): TexasTopol Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 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. **F'** _____ Downstream Limit of Diversion Reach No. **F-F'**
- b. Maximum Rate of Diversion for **this new point** 24.44 cfs (cubic feet per second) or 11,000 gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / N Yes**
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 24.44 cfs or 11,000 gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / N No**

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

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

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

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

Applicant has calculated the drainage area. **Y / N No**

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Brazos River
- b. Zip Code: 76450
- c. Location of point: In the JW Horner Original Survey No. _____, Abstract No. 1319, Young County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude 33.055612° °N, Longitude -98.581177° °W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): TexasTopol Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 4.0 DISCHARGE INFORMATION

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

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

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

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

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

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

WORKSHEET 4.1 DISCHARGE POINT INFORMATION

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

For water discharged at this location provide:

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

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

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

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

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

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

Other, specify: River

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: Verification with landowner.

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 ungrazed 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. Attachment F
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure). 1/8" mesh screen on diversion pumps.
3. 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.

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

For all bed and banks applications:

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

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

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

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

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

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

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

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

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

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

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

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

Other, specify: River

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: Verification with landowner.

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 ungrazed 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. Attachment F
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure). 1/8" mesh screen on diversion pumps.
3. 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.

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

For all bed and banks applications:

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

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

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

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

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

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

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

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

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

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

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

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

Other, specify: River

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: Verification with landowner.

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 ungrazed 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. Attachment F
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure). 1/8" mesh screen on diversion pumps.
3. 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.

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

For all bed and banks applications:

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

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

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

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

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

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

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

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

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

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

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

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

Other, specify: River

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: Verification with landowner.

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 ungrazed 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. Attachment F
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure). 1/8" mesh screen on diversion pumps.
3. 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.

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

For all bed and banks applications:

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

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

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

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

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

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

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

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

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

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

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

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location), [For Diversion Reach E-E'](#)

a. Identify the appropriate description of the water body.

Stream

Reservoir

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

Other, specify: River

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: Verification with landowner.

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. Attachment F
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure). 1/8" mesh screen on diversion pumps.
3. 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.

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

For all bed and banks applications:

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

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

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

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

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

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

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

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

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

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

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

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

Other, specify: River

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: Verification with landowner.

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 ungrazed 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. Attachment F
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure). 1/8" mesh screen on diversion pumps.
3. 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.

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

For all bed and banks applications:

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

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

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

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

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

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

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

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

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans

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

The TCEQ has developed guidance and model plans to help applicants prepare plans. Applicants may use the model plan with pertinent information filled in. For assistance submitting a plan call the Resource Protection Team (Water Conservation staff) at 512-239-4691, or e-mail wras@tceq.texas.gov. 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 Attachment E

- a. The following applications must include a completed Water Conservation Plan (30 TAC § 295.9) for each use specified in 30 TAC, Chapter 288 (municipal, industrial or mining, agriculture - including irrigation, wholesale):
1. Request for a new appropriation or use of State Water.
 2. Request to amend water right to increase appropriation of State Water.
 3. Request to amend water right to extend a term.
 4. Request to amend water right to change a place of use.
**does not apply to a request to expand irrigation acreage to adjacent tracts.*
 5. Request to amend water right to change the purpose of use.
**applicant need only address new uses.*
 6. Request for bed and banks under TWC § 11.042(c), when the source water is State Water
**including return flows, contract water, or other State Water.*
- b. If Applicant is requesting any authorization in section (1)(a) above, indicate each use for which Applicant is submitting a Water Conservation Plan as an attachment:
1. Municipal Use. See 30 TAC § 288.2. **
 2. Industrial or Mining Use. See 30 TAC § 288.3.
 3. Agricultural Use, including irrigation. See 30 TAC § 288.4.
 4. Wholesale Water Suppliers. See 30 TAC § 288.5. **

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

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

appropriation; and evaluates any other feasible alternative to new water development.
See 30 TAC § 288.7.

Applicant has included this information in each applicable plan? Y / N Y

2. Drought Contingency Plans

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

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

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

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

- a. A **text file** that includes:
 1. an introduction explaining the water rights and what they authorize;
 2. an explanation of the fields in the accounting plan spreadsheet including how they are calculated and the source of the data;
 3. for accounting plans that include multiple priority dates and authorizations, a section that discusses how water is accounted for by priority date and which water is subject to a priority call by whom; and
 4. Should provide a summary of all sources of water.

- b. A **spreadsheet** that includes:
 1. Basic daily data such as diversions, deliveries, compliance with any instream flow requirements, return flows discharged and diverted and reservoir content;
 2. Method for accounting for inflows if needed;
 3. Reporting of all water use from all authorizations, both existing and proposed;
 4. An accounting for all sources of water;
 5. An accounting of water by priority date;
 6. For bed and banks applications, the accounting plan must track the discharged water from the point of delivery to the final point of diversion;
 7. Accounting for conveyance losses;
 8. Evaporation losses if the water will be stored in or transported through a reservoir. Include changes in evaporation losses and a method for measuring reservoir content resulting from the discharge of additional water into the reservoir;
 9. An accounting for spills of other water added to the reservoir; and
 10. Calculation of the amount of drawdown resulting from diversion by junior rights or diversions of other water discharged into and then stored in the reservoir.

WORKSHEET 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

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

2. AMENDMENT OR SEVER AND COMBINE

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

3. BED AND BANKS

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

Attachment A

Marshall Criteria

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

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

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

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

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

e. Kerwin Stephens's property is located within the Region G Planning Group (Brazos). The proposed amendment addresses a water supply need that is consistent with state and regional water plan management strategies pertaining to irrigation.

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

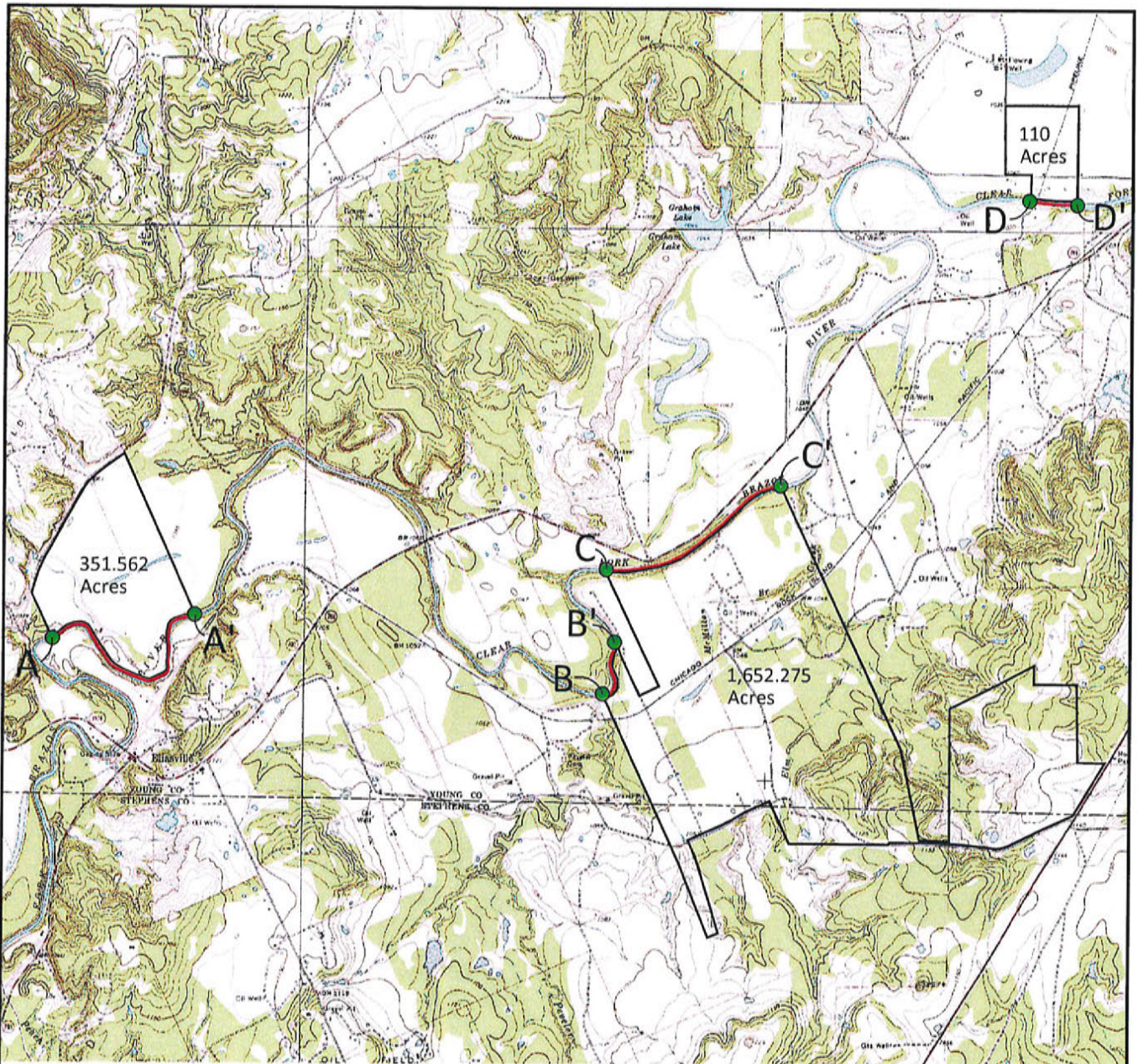
Brush/weed control is also practiced to aid in water conservation. Weeds and invasive species are killed or removed to reduce unwanted water consumption, thus leaving more irrigation water in the soil to be utilized by the production crop as intended.

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

*Conservation/management strategies (BMPs) can be located in the 2016 Brazos G Regional Water Plan Volume II-Water Conservation Section (Irrigation Water Conservation)-pg. 2-29

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

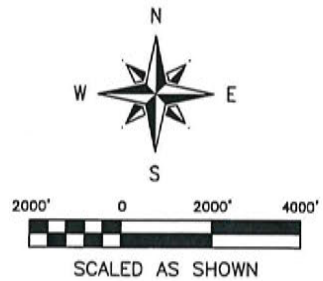
g. The proposed amendment adds new diversion reaches and increases the irrigable acreage for the total water allotted in the permit. No additional allocations of state water or diversion rate are being requested. As a result of the proposed amendment, no impact on water right holders or the environment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



Map Generated 6/10/2020

LEGEND:

- Denotes Diversion Reach
- Denotes Diversion Reach Upper/Lower Boundary
- Denotes Irrigable Acreage Field Boundary



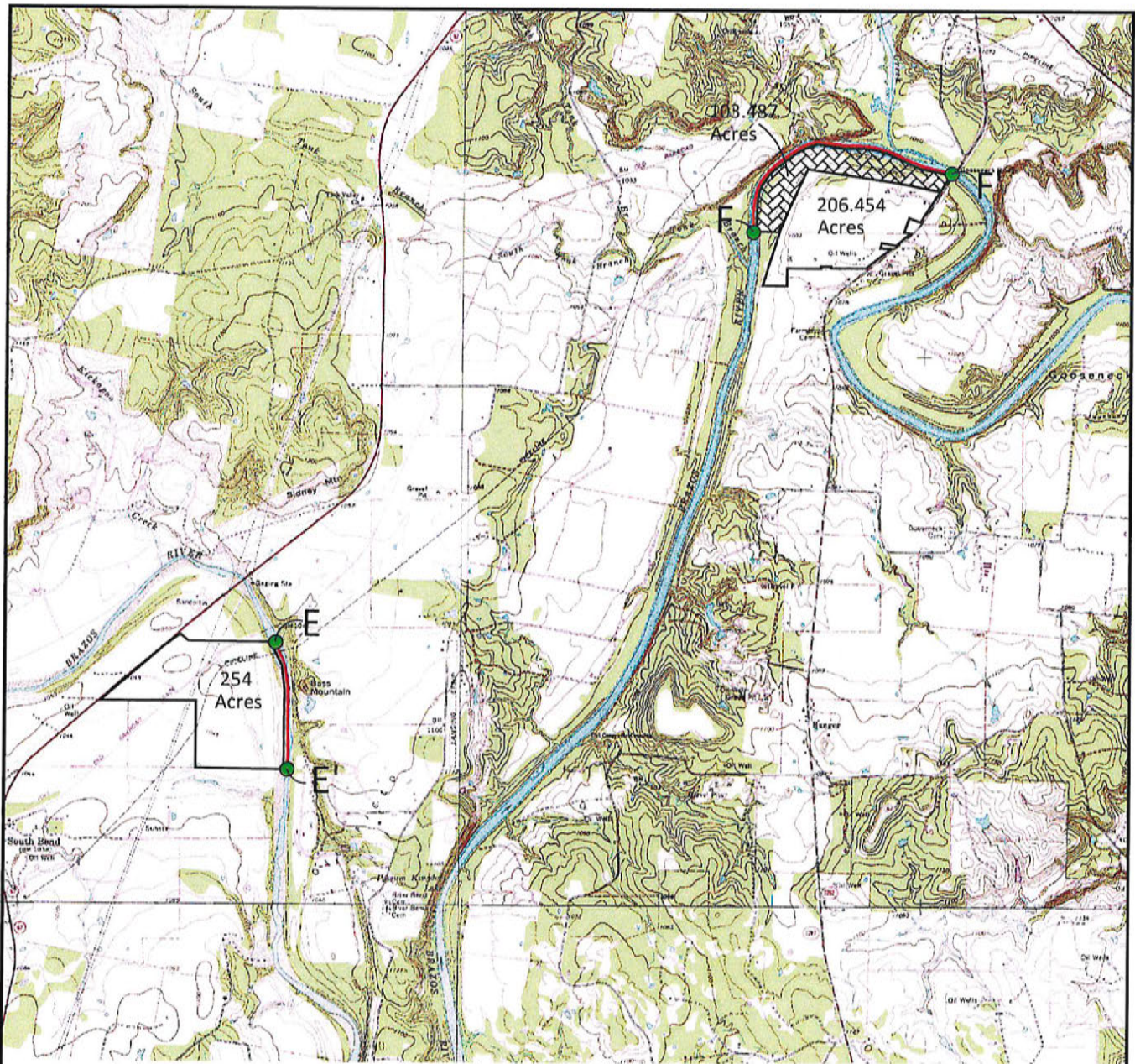
Source: USDA-NRCS. Geospatial Data Gateway. Available at: <http://datagateway.nrcs.usda.gov/>. Digital Raster Graphic County Mosaic by NRCS - Accessed June 2020.

Kerwin Stephens
Graham, TX
Young/Stephens Counties

Attachment B
Site Map 1
Clear Fork Brazos River



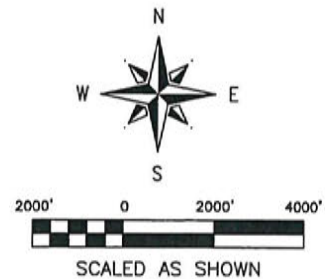
Enviro-Ag Engineering, Inc.
ENGINEERING CONSULTANTS
3404 Airway Boulevard
AMARILLO, TEXAS 79118
TEL (806) 353-6123 FAX (806) 353-4132



Map Generated 6/12/2020

LEGEND:

- Denotes Diversion Reach
- Denotes Diversion Reach Upper/Lower Boundary
- Denotes Irrigable Acreage Field Boundary
- ▨ Denotes Brazos River Land Outlined in Attachment D (Deed 1629, Vol. 1056, Pg. 19)



Source: USDA-NRCS. Geospatial Data Gateway. Available at: <http://datagateway.nrcs.usda.gov/>. Digital Raster Graphic County Mosaic by NRCS - Accessed June 2020.

Kerwin Stephens
Graham, TX
Young/Stephens Counties

Attachment B
Site Map 2
Brazos River



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

Attachment C

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

Location of land to be irrigated:

(2,677.778 Acres) In the T.E. & L. Company Survey No. 1203, Abstract No. 848 & 849, the T.E. & L. Company Survey No. 1111, Abstract No. 831, T.E. & L. Company Survey No. 1112, Abstract No. 832, the J.T. Mullinax Survey, Abstract No. 2044 & 2171, the T.E. & L. Company Survey No. 1115, Abstract No. 835, the I.N. Smith Survey, Abstract No. 1791, the Ruthy Campbell Survey, Abstract No. 2297 & Abstract No. 37, the T.E. & L. Company Survey No. 1113, Abstract No. 833, the Carl Peters Survey, Abstract No. 1787 & Abstract No. 1867, the T.E. & L. Company Survey No. 1114, Abstract No. 834, the T.E. & L. Company Survey No. 1118, the T.E. & L. Company Survey No. 1104, Abstract No. 827, the John Dailey Survey, Abstract No. 78, the James Tobin Survey, Abstract No. 279, the J.W. Horner Survey, Abstract No. 1319, the F.L. Thomas Survey, Abstract No. 1259 in Young County TX & Stephens County, TX – Brazos River Basin.

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

WARRANTY DEED

THE STATE OF TEXAS *
*
COUNTY OF YOUNG *

KNOW ALL MEN BY THESE PRESENTS:

THAT I, SILAS JOHN ROACH, Individually and as Independent Executor of the Estate of Laura Elizabeth Stokes Roach, Deceased (Grantor), of the County of Young and State of Texas (the following described property is not now and has never been the homestead of SILAS JOHN ROACH), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration to the undersigned paid by the Grantees herein named, the receipt of which is hereby acknowledged, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto KERWIN B. STEPHENS (Grantee), 515 Fourth Street, Graham, Texas 76450, of the County of Young and State of Texas, all of the following described real property in Young County, Texas, to-wit:

BEING 80.336 acres, more or less, out of T. E. & L. Company Survey No. 1203, Abstract No. 848, Young County, Texas. Said 80.336 acres being described by metes and bounds as follows:

BEGINNING at a 3/8 inch iron rod set for the northeast corner of said 80.336 acres in the east line of said survey, from which the northeast corner of said survey bears N 24° 44' 19" W 2,757.55 feet. Said iron rod also being in the south right-of-way line of FM Road 3109;

THENCE S 24° 30' 03" E 3,160.97 feet with the east line of said 80.336 acres and the east line of said survey to a fence found for corner;

THENCE S 64° 36' 08" W 1,150.85 feet with the south line of said 80.336 acres to a 3/8 inch iron rod set for corner;

THENCE N 24° 32' 57" W 2,881.91 feet with the west line of said 80.336 acres to a 3/8 inch iron rod set for corner in said right-of-way line;

THENCE with said right-of-way line a curve to the right having a Radius of 1,856.26 feet, Arc length of 442.45 feet and a Chord direction of N 47° 47' 45" E 441.40 feet to a 3/8 inch iron rod set for the end of said curve;

THENCE N 52° 58' 04" E 750.51 feet with said right-of-way line and with the north line of said 80.336 acres to the point of beginning containing 80.336 acres more or less.

This conveyance is made expressly subject to all valid and subsisting easements, restrictions, rights of way, conditions, exceptions, reservations and covenants of whatsoever nature of record, if any, and also to the zoning laws and other restrictions, regulations, ordinances and statutes of municipal or other governmental authorities applicable to and enforceable against the above described premises. Also subject to oil, gas and other mineral reservations, if any, affecting the above described property which are valid, existing and property of record.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, his heirs and assigns forever; and I do hereby bind myself, my heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this the 2nd day of June, 2009.

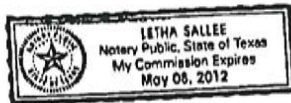
ESTATE OF LAURA ELIZABETH STOKES ROACH, Deceased

Silas John Roach
Silas John Roach, Individually

BY: Silas John Roach
Silas John Roach, Independent Executor

STATE OF TEXAS :
: COUNTY OF YOUNG :

This instrument was acknowledged before me on the 2nd day of June, 2009, by SILAS JOHN ROACH, Individually and as Independent Executor of the Estate of Laura Elizabeth Stokes Roach, Deceased.



Letha Sallee
Notary Public, State of Texas

CLERK'S NOTICE: ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE, IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

FILED
AT 4:25 O'CLOCK P M
ON THE 2 DAY OF June
A.D., 2009.

STATE OF TEXAS
COUNTY OF YOUNG
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the Official Public Records of Young County, Texas.

Shirley Choate
Shirley Choate
COUNTY CLERK, YOUNG CO., TEXAS
BY Sandra Kee
DEPUTY



Shirley Choate
County Clerk, Young County, Texas
VOL 1056 PAGE 244
RECORDED 6-5-09

Recorded By 1056-244
Compared By SK and CS
Indexed By _____

#100600084

1816

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

Warranty Deed

Date: June 22, 2010

Grantor and Grantor's Mailing Address:

SILAS JOHN ROACH, Individually and as Independent Executor of the Estate of
Laura Elizabeth Stokes Roach, Deceased
HC 75, Box 573
Eliasville, Texas 76481
Young County, Texas

Grantee and Grantee's Mailing Address:

KERWIN B. STEPHENS
515 Fourth Street
Graham, Texas 76450
Young County, Texas

Consideration:

TEN DOLLARS (\$10.00) cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

BEING 271.226 acres out of the T. E. & L. Company Survey No. 1203, Abstract No. 848 and T. E. & L. Company Survey No. 1204, Abstract No. 849, Young County, Texas. Said 271.226 acres being out of a tract of land described in Volume 961, Page 285, Official Public Records of said county. Said 271.226 acres being described in metes and bounds as follows:
BEGINNING at a point on the left bank of the Clear Fork of the Brazos River for the southwest corner of said T. E. & L. Company Survey No. 1204;
THENCE N 26° 31' 10" W 1,311.64 feet with the west line of said T. E. & L. Company Survey No. 1204 to a 1/2 inch iron rod set for corner in the southerly right-of-way line of F.M. Road 3109;
THENCE N 15° 59' 25" E 480.57 feet with said right-of-way line to a 1/2 inch iron rod set for the beginning of a curve to the right;
THENCE with said right-of-way line a curve to the right having a Radius of 2,864.76 feet, Arc length of 815.45 feet and a Chord direction of N 24° 01' 04" E 812.70 feet to a 1/2 inch iron rod set for the end of said curve;
THENCE N 28° 49' 18" E 1,762.66 feet with said right-of-way line to a 1/2 inch iron rod set for the beginning of a curve to the right;
THENCE with said right-of-way line a curve to the right having a Radius of 1,856.26 feet, Arc length of 441.03 feet and a Chord direction of N 34° 40' 50" E 440.0 feet to a 1/2 inch iron rod set for corner;
THENCE S 24° 32' 57" E 2,881.91 feet to a 3/8 inch iron rod found for corner;
THENCE N 64° 36' 08" E 1,150.85 feet to a fence corner post found for corner in the east line of said T. E. & L. Company Survey No. 1203;
THENCE S 24° 21' 43" E 1,639.18 feet with the east line of said T. E. & L. Company Survey No. 1203 to a point for corner on the left bank of river, same being the southeast corner of said survey;
THENCE westerly, southerly and northwesterly with the meander of the left bank of said river approximately 6,052 feet to the point of beginning containing 271.226 acres, more or less.

Reservations and Exceptions from and to Conveyance and Warranty:

Grantors reserve an undivided fifty percent (50%) of any interest they own in and to all of the oil, gas, and other minerals, however, the interest reserved by Grantors shall be non-participating, and Grantors are expressly conveying to Grantee, his heirs, successors, and assigns, any and all executive leasing rights so that it will never be necessary for Grantors, their heirs, successors, or assigns to join in the execution of an oil and gas lease and Grantee, his heirs, successors, and assigns, shall be entitled to and have the right to execute oil and gas leases with or

without pooling provisions or unitization agreements. Grantors expressly grant, sell, and convey to Grantee the other fifty percent (50%) of the oil, gas, and other minerals owned by Grantor.

This conveyance is made expressly subject to all valid and subsisting easements, rights-of-way, restrictions, conditions, exceptions, reservations, and covenants of whatsoever nature of record, if any, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and also to the zoning laws and other restrictions, regulations, ordinances, and statutes of municipal or other governmental authorities applicable to and enforceable against the above described premises. Also subject to oil, gas, and other mineral reservations, if any, affecting the above described property which are valid, existing, and properly of record.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto, including all water rights as to the property, 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.

Silas John Roach
SILAS JOHN ROACH, Individually and as
Independent Executor of the Estate of Laura
Elizabeth Stokes Roach, Deceased

STATE OF TEXAS §
COUNTY OF YOUNG §

This instrument was signed before me on the 22nd day of June, 2010, by SILAS JOHN ROACH, Individually and as Independent Executor of the Estate of Laura Elizabeth Stokes Roach, Deceased.



Vicki Bryant
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

Jarrold Stephens
Brazos Title, LLC
517 Fourth Street
Graham, Texas 76450

CLERK'S NOTICE: ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE, IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

FILED
AT 1:40 O'CLOCK P M
ON THE 23 DAY OF June
A.D., 2010.

STATE OF TEXAS
COUNTY OF YOUNG
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the Official Public Records of Young County, Texas.

Shirley Choate
Shirley Choate
COUNTY CLERK, YOUNG CO., TEXAS
BY Sandra Kee
DEPUTY



Shirley Choate
County Clerk, Young County, Texas
VOL 1076 PAGE 384
RECORDED 6-25-10

Recorded By 1076-384
Compared By SK and CW
Indexed By _____

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

WARRANTY DEED

THE STATE OF TEXAS *
COUNTY OF YOUNG *

KNOW ALL MEN BY THESE PRESENTS:

THAT We, JAMES C. HILL and wife, BETTY R. HILL and FREDDIE L. FORBUS and wife, SHERITA S. FORBUS, (Grantors), of the County of Young and State of Texas, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration paid to an intermediary as part of an I.R.C. Section 1031 Tax Deferred Exchange by the Grantee here in named, the receipt of which is hereby acknowledged, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto KERWIN B. STEPHENS (Grantee), 515 Fourth Street, Graham, Texas 76450, of the County of Young and State of Texas, all of the following described real property in Young County, Texas, to-wit:

Being the following tracts of land:

First Tract: Being the West 29.1 acres, more or less, out of T. E. & L. Co. Survey No. 1111, Abstract No. 831, Young County, Texas, the East line of which runs parallel to and is 175 feet from the West line of said survey.

Second Tract: Being all of T. E. & L. Co. Survey No. 1112, Abstract No. 832, Young County, Texas, containing 330.1 acres, more or less.

Third Tract: Being 62.5 acres, more or less, out of the W part of the J. T. Mullinax Survey, Abstract No. 2044 in Young County, Texas, and Abstract No. 2171 in Stephens County, Texas, described as: BEGINNING at the SW corner of said Mullinax Survey; THENCE N 24 deg. 53 min. W with the W line of said Survey 2272 feet to a point in the S line of TE&L Co. Survey No. 1112; THENCE N 65 deg. 23 min. E 1189 ft. with the S line of said TE&L Co. Survey No. 1112 to the SE corner thereof; THENCE N 24 deg. 46 min. W with the E line of said TE&L Co. Survey No. 1112, 687 feet to the SW corner of TE&L Co. Survey No. 1111; THENCE N 65 deg. 23 min. E with the N line of said Mullinax Survey 175 feet to a point; THENCE S 24 deg. 46 min. E 687 feet; THENCE S 11 deg. 5 min. E 2684 feet to a point in the S line of said Mullinax Survey; THENCE W with said S line 800 feet to the PLACE OF BEGINNING, and containing 62.5 acres, more or less.

This conveyance is made expressly subject to all valid and subsisting easements, restrictions, rights of way, conditions, exceptions, reservations and covenants of whatsoever nature of record, if any, and also to the zoning laws and other restrictions, regulations, ordinances and statutes of municipal or other governmental authorities applicable to and enforceable against the above described premises. Also subject to oil, gas and other mineral reservations, if any, affecting the above described property which are valid, existing and properly of record.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, his heirs and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this the 3rd day of December, 2008.

James C. Hill
James C. Hill

Freddie L. Forbus
Freddie L. Forbus

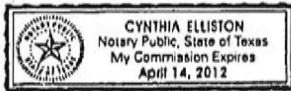
Betty R. Hill
Betty R. Hill

Sherita S. Forbus
Sherita S. Forbus

STATE OF TEXAS *
*
COUNTY OF YOUNG *

This instrument was acknowledged before me on the 3rd day of November, 2008, by JAMES C. HILL and wife, BETTY R. HILL and FREDDIE L. FORBUS and wife, SHERITA S. FORBUS.

Cynthia Ellison
Notary Public, State of Texas



CLERK'S NOTICE: ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE, IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

FILED
AT 4:17 O'CLOCK P M
ON THE 3 DAY OF Dec.
A.D., 2008.

STATE OF TEXAS
COUNTY OF YOUNG
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the Official Public Records of Young County, Texas.

Shirley Choate
Shirley Choate
COUNTY CLERK, YOUNG CO., TEXAS
BY Ann Davison
DEPUTY



Shirley Choate
County Clerk, Young County, Texas

VOL. 1046 PAGE 883
RECORDED 12-3-08

Recorded By 1046-883
Compared By [Signature] and [Signature]
Indexed By _____

3190

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

WARRANTY DEED

Date: October 10, 2014

Grantor and Grantor's Mailing Address:

STEWART HEIGHTEN
P.O. Box 686
Graham, Texas 76450
Young County, Texas

Grantee and Grantee's Mailing Address:

KERWIN B. STEPHENS, as his separate property and estate to the extent of an undivided 29.29% and as part of the community estate to the extent of an undivided 70.71%
515 Fourth Street
Graham, Texas 76450
Young County, Texas

Consideration:

TEN DOLLARS (\$10.00) cash and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

Property (including any improvements):

Tract One:

BEING 113.275 acres out of T. E. & L. Company Survey No. 1115, Abstract No. 835, Young County and Stephens County, Texas. Said 113.275 acres being described in metes and bounds as follows:

BEGINNING at a 3/8 inch iron rod set for corner in the south line of said survey, from which the southeast corner of said survey bears N 65°50'59"E 105.56 feet;
THENCE S 65°50'59"W 908.99 feet with the south line of said survey to a 1/2 inch iron rod set for corner;
THENCE N 25°00'06"W 5,054.15 feet with an existing fence to a point for corner on the Right Bank of the Brazos River;
THENCE northerly with the meander of said Right Bank approximately 1,593 feet to a point for corner;
THENCE S 25°03'04"E 6,150.11 feet with an existing fence to the point of beginning containing 113.275 acres more or less.

Tract Two:

BEING 361.275 acres out of the I.N. Smith Survey, Abstract No. 1791, Young County, Texas, J. T. Mulanox Survey, Abstract No. 2171, Stephens County, Texas and the Ruthy

Campbell Survey, Abstract No. 2297 and Abstract No. 37, Young County and Stephens County, Texas. Said 361.275 acres being under fence. Said 361.275 acres being described in metes and bounds as follows:

BEGINNING at fence corner found for the northwest corner of said Smith survey;
 THENCE N 64°20'02"E 2,736.75 feet with the northwest line of said Smith survey to a ½ inch iron rod set for the most northerly northeast corner of said Smith survey;
 THENCE S 00°15'W 522.22 feet to an iron pipe in stone mound found for the southwest corner of the R. G. Ficklin Survey, Abstract No. 1834, Young County, Texas;
 THENCE S 89°45'E 1,153.47 feet with the south line of said Ficklin survey to the most east northeast corner of said Smith survey;
 THENCE S 00°09'54"W 2,154.26 feet with the east line of said Smith survey to a fence corner found in the north line of said Campbell survey, Abstract No. 2297;
 THENCE S 89°19'38"E 767.59 feet with the north line of said Campbell survey, Abstract No. 2297, to a fence corner found in the west right-of-way line of State Highway No. 67;
 THENCE S 31°44'20"W 1,826.26 feet with said right-of-way line to a nail set in the centerline of County Line Road, (a public road);
 THENCE with said centerline the following calls: S 83°52'12"W 139.57 feet, S 64°44'17"W 1,643.47 feet, S 70°16'11"W 309.50 feet, S 85°45'28"W 250.03 feet and N 84°52'36"W 1,279.88 feet to a nail set for corner in the west line of said Campbell survey, Abstract No. 37;
 THENCE N 00°19'59" E 12.03 feet with the west line of Campbell survey to the southeast corner of said Mulanox survey in said County Line Road;
 THENCE N 89°58'54" W 348.32 feet with the south line of said Mulanox survey and along said road to a point for corner;
 THENCE N 3°40'34" E 52.88 feet to a fence corner;
 THENCE N 88°45'16" E 345.36 feet with an existing fence to a point in the west line of said Campbell survey;
 THENCE N 00°19'59"E 3,710.9 feet with along an existing fence, the west line of said Campbell survey, Abstract No. 37, the west line of said Campbell survey, Abstract No. 2297 and the west line of said Smith survey to the point of beginning containing 361.275 acres more or less.

Tract Three:

BEING 425.685 acres out of T. E. & L. Company Survey No. 1113, Abstract No. 833 and the Carl Peters Survey, Abstract No. 1787 and Abstract No. 1867, Young County and Stephens County, Texas. Said 425.685 acres being described in metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set for the most east northeast corner of said Peters survey;
 THENCE South 25°19'58"E 2,068.84 feet with the east line of said Peters survey and with an existing fence to a ½ inch iron rod set for the southeast corner of said Peters survey;
 THENCE N 89°58'54"W 2,805.97 feet with the south line of said Peters survey and with an existing fence to a ½ inch iron rod set for corner;
 THENCE N 25°34'20"W 1,268.18 feet to a nail set for corner in County Line Road, (a public road);
 THENCE S 65°W 55.0 feet along said road to a nail set for corner in the west line of said T. E. & L. survey;
 THENCE N 24°59'W 7,201.26 feet with the west line of said T. E. & L. survey and with an existing fence to a point for corner on the Right Bank of the Brazos River;
 THENCE northeasterly with the meander of said Right Bank approximately 1,971 feet to

a point for the northeast corner of said T. E. & L. survey;
THENCE S 25°03'28"E 7,839.42 feet with the east line of said T. E. & L. survey and
with and existing fence to a 1/2 inch iron rod set for the most easterly northwest corner of
said Peters survey;
THENCE N 65°E 653.49 feet with the most easterly north line of said Peters survey to
the point of beginning containing 425.685 acres more or less.

Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty

This conveyance is made expressly subject to all valid and subsisting easements, rights-of-way, restrictions, conditions, exceptions, reservations, and covenants of whatsoever nature of record, if any, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and also to the zoning laws and other restrictions, regulations, ordinances, and statutes of municipal or other governmental authorities applicable to and enforceable against the above described premises. Also subject to oil, gas, and other mineral reservations, if any, affecting the above described property which are valid, existing, and properly of record.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by through and under Grantor but not otherwise and except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

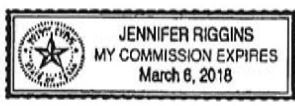
When the context requires, singular nouns and pronouns include the plural.

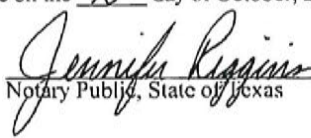
This is part of a I.R.C. Section 1031 Tax Deferred Exchange.


STEWART HEIGHTEN

STATE OF TEXAS
COUNTY OF YOUNG

This instrument was signed before me on the 10th day of October, 2012, by STEWART HEIGHTEN.




Notary Public, State of Texas

NO. 3190
AT 9:37 FILED A M
O'CLOCK ON THE 22 DAY OF Oct
A.D., 2014
Debra J. Taylor
Debra J. Taylor
COUNTY CLERK, YOUNG CO., TEXAS
BY Donna Wood
DEPUTY

STATE OF TEXAS
COUNTY OF YOUNG
I hereby certify that this instrument was FILED on
the date and at the time stamped hereon by me
and was duly RECORDED in the Volume and
Page of the Official Public Records of Young
County, Texas.



Debra J. Taylor
County Clerk, Young County, Texas
VOL. 1177 PAGE 412
RECORDED 10-23-14

Recorded By 1177-412
Compared By sm and sa
Indexed By _____

FILED FOR RECORD
9:37 O'CLOCK A M
OCT. 22 2014
DEBRA J. TAYLOR
COUNTY CLERK, YOUNG COUNTY TEXAS
BY sm DEPUTY

Stephens + Myers

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

WARRANTY DEED

THE STATE OF TEXAS *
*
COUNTY OF YOUNG *

KNOW ALL MEN BY THESE PRESENTS:

THAT I, ALLEN JACK WASHBURN, (the following described property is not now and has never been the homestead of ALLEN JACK WASHBURN) of the County of Harris and State of Texas (Grantor), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration paid to an intermediary as part of an ~~I.R.C. Section 1031 Tax Deferred Exchange~~, the receipt of which is hereby acknowledged, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto KERWIN B. STEPHENS, (Grantee) 515 Fourth Street, Graham, Texas 76450, of the County of Young and State of Texas, all of the following described real property in Young County, Texas, to-wit:

BEING four tracts of land described as tracts two through five as shown in a deed dated August 26, 2006, from Lynda Ann Bowling to Allen Jack Washburn, recorded in Vol. 998, Pg. 245, Official Public Records of Young County, Texas, and being further described as follows:

TRACT No. ONE:

BEING that certain 115 acres, more or less, out of T. E. & L. Company Survey No. 1114, Abstract No. 834, known as Lot No. FOUR (4), located in Young and Stephens Counties, Texas, allotted to the heirs of G. Y. Washburn, deceased, by decree of the District Court of Young County, Texas, dated September 22, 1933, recorded in Vol. 10, Pg. 139 of the Minutes of said court, to which decree and records reference is made for a more particular description of the metes and bounds of said land;

TRACT No. TWO:

BEING Lot No. SIX (6) out of T. E. & L. Company Survey No. 1114, Abstract No. 834 and T. E. & L. Company Survey No. 1115, Abstract No. 835, located and situated in Young and Stephens Counties, Texas, and said Lot 6 being fully described and set out in a decree of the District Court of Young County, Texas in cause number 9314 styled J. D. Washburn et al Vs. F. H. Washburn et al and recorded in Vol. 10, Pg. 139 of the minutes of said court and to which decree and records reference is made for a more particular description of said land SAVE AND EXCEPT the Surface of 23 acres described in a deed dated February 2, 1977, from J. G. Washburn et al to R. H. Washburn, recorded in Vol. 517, Pg. 319, Deed Records of Young County, Texas and the Surface to the North 35 acres described in a deed dated February 2, 1977, from R. H. Washburn et al to J. G. Washburn, recorded in Vol. 517, Pg. 317, Deed Records of Young County, Texas.

→ 75.34 Acres

TRACT No. THREE:

BEING 25 acres of land out of T. E. & L. Company Survey No. 1118, Stephens County, Texas, being the same land fully set out and described as Lot No. Two "A" in the Order of the District Court approving the report of the Commissioners Cause No. 9314 styled J. D. Washburn et al Vs. F. H. Washburn et al in the District Court of Young County, Texas, to which reference is made for all purposes;

TRACT No. FOUR:

BEING that certain 115 acres, more or less, out of T. E. & L. Company Survey No. 1114, Abstract No. 834, known as Lot No. FIVE (5), located in Young and Stephens Counties, Texas, and said Lot (5) being fully described and set out in a decree of the District Court of Young County, Texas, dated September 22, 1933, in the partition of the lands recorded in Vol. 10, Pg. 139 of the Minutes of said court, to which decree and records reference is made for a more particular description of the metes and bounds of said land.

Save and except, in addition to all outstanding oil, gas and mineral interest, grantor reserves unto himself his heirs and assigns one-half (1/2) of the oil, gas and minerals now owned by seller, notwithstanding the reservation of oil, gas and minerals, grantor conveys to grantee, grantees heirs and assigns the executive or leasing rights as to all oil, gas and minerals together with the right for grantee, his heirs and assigns to execute oil and gas leases with or without pooling provisions or unitization agreements.

This conveyance is made expressly subject to all valid and subsisting easements, restrictions, rights of way, conditions, exceptions, reservations and covenants of whatsoever nature of record, if any, and also to the zoning laws and other restrictions, regulations, ordinances and statutes of municipal or other governmental authorities applicable to and enforceable against the above described premises. Also subject to oil, gas and other mineral reservations, if any, affecting the above described property which are valid, existing and properly of record.

This deed is made and delivered as a part of an I.R.C. Section 1031 Exchange of real estate by Grantee.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, his heirs and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this the ____ day of January, 2009.

Allen Jack Washburn
Allen Jack Washburn

STATE OF TEXAS :
COUNTY OF Harris :

This instrument was acknowledged before me on the ____ day of January, 2009, by ALLEN JACK WASHBURN.

Veronica Quinon
Notary Public, State of Texas



Recorded By 1049-710
Compared By SLC and DJL
Indexed By _____

CLERK'S NOTICE: ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE, IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

FILED 4:33 O'CLOCK P M
ON THE 5 DAY OF Feb
A.D. 2009

STATE OF TEXAS
COUNTY OF YOUNG
I hereby certify that this instrument was FILED on the date and at the time stamped herein by me and was duly RECORDED in the Volume and Page of the Official Public Records of Young County, Texas.

Shirley Choate
Shirley Choate
COUNTY CLERK, YOUNG CO., TEXAS
BY Deborah Crow DEPUTY



Shirley Choate
County Clerk, Young County, Texas
VOL 1049 PAGE 710
RECORDED 2-6-09

08287828WASHBURNVVO

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

WARRANTY DEED

THE STATE OF TEXAS *
COUNTY OF YOUNG *

KNOW ALL MEN BY THESE PRESENTS:

THAT I, THOMAS WESLEY BURNETT (Grantor), of the County of Morgan and State of Colorado (the following described property is not now and has never been the homestead of THOMAS WESLEY BURNETT), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto KERWIN B. STEPHENS (Grantee), 515 Fourth Street, Graham, Texas 76450, of the County of Young and State of Texas, all of the following described real property in Young County, Texas, to-wit:

BEING the SURFACE and SURFACE ESTATE ONLY in and to 110 acres, more or less, being all of Blocks Nos. 33, 34, 35 and 36, of the E. C. Stovall's Irrigated Plantation Subdivision out of the James Tobin Survey, Abstract No. 279, Young County, Texas, SAVE AND EXCEPT the West 10 acres of Block No. 33.

This conveyance is made expressly subject to all valid and subsisting easements, restrictions, rights of way, conditions, exceptions, reservations and covenants of whatsoever nature of record, if any, and also to the zoning laws and other restrictions, regulations, ordinances and statutes of municipal or other governmental authorities applicable to and enforceable against the above described premises. Also subject to oil, gas and other mineral reservations, if any, affecting the above described property which are valid, existing and properly of record.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, his heirs and assigns forever; and I do hereby bind myself, my heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

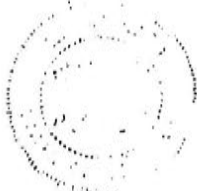
EXECUTED this the 30th day of January, 2008.

Thomas Wesley Burnett
Thomas Wesley Burnett

STATE OF COLORADO *
COUNTY OF MORGAN *

This instrument was acknowledged before me on the 30th day of January, 2008, by THOMAS WESLEY BURNETT.

Alexis Eddy
Notary Public, State of Colorado
Alexis Eddy



LESTER WESLEY BURNETT

My Commission Expires 07/31/2010

Recorded By FILED FOR RECORD THE 1 DAY OF February, 2008 A.D., AT 4:29 O'CLOCK P.M.
Compared By INSTRUMENT NO. 432, SHIRLEY CHOATE, COUNTY CLERK
Indexed By BY Kerwin Stephens DEPUTY YOUNG COUNTY TEXAS

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

Warranty Deed

Date: December 13, 2004

Grantor and Grantor's Mailing Address:

RANCHER'S INVESTMENTS, INC.
P.O. Box 686
Graham, Texas 76450
(Young County)

Grantee and Grantee's Mailing Address:

KERWIN B. STEPHENS,
as his separate property
515 Fourth Street
Graham, Texas 76450
(Young County)

Consideration:

Cash and other good and valuable consideration.

Property (including any improvements):

REAL PROPERTY

TRACT ONE:

197.0 acres, being within T.E. & L. Company Survey No. 1104, Abstract No. 827, and the John Dailey Survey, Abstract No. 78, and being all of a called 72 acre tract and all of a called 80 acre tract described as First Tract and Second Tract in a deed recorded in Volume 549, Page 97, of the deed Records of Young County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found in the south line of the John Dailey Survey, Abstract No. 78, marking the southeast corner of a called 26 acre tract described in a deed recorded in Volume 477, Page 107, of the Deed Records of Young County, Texas, and the southwest corner of a called 80 acre tract described in a deed recorded in Volume 549, Page 97, of the Deed Records of Young County, Texas;

THENCE with the east line of said 26 acre tract and the west line of said 80 acre tract, North 00 degrees 06 minutes 06 seconds East for a distance of 1862.00 feet to a 5/8 inch iron rod found in the north line of the John Dailey Survey, Abstract No. 78, marking the northeast corner of said 26 acre tract;

THENCE with the south line of the T.E. & L. Company Survey No. 1104, Abstract No. 827, and the north line of the John Dailey Survey, Abstract No. 78, North 89 degrees 45 minutes 55 seconds West for a distance of 96.87 feet to a 5/8 inch iron rod set marking the southwest corner of a called 72 acre tract described in a deed recorded in Volume 549, Page 97, of the deed Records of Young County, Texas;

THENCE with the west line of said 72 acre tract and the east line of a called 57 acre tract described in a deed recorded in Volume 477, Page 107, of the Deed Records of Young County, Texas, North 04 degrees 06 minutes 45 seconds West for a distance of 1638.13 feet to a 5/8 inch iron rod set at the base of a fence corner;

THENCE with the north line of said 72 acre tract and the south line of a called 47 acre tract described in a deed recorded in Volume 477, Page 107, of the Deed Records of Young County, South 89 degrees 45 minutes 00 seconds East for a distance of 2245.16 feet to an

unmarked point on the west bank of the Brazos River, from which a 5/8 inch iron rod set at an offset bears North 89 degrees 45 minutes 00 seconds West for a distance of 98.49 feet;

THENCE with the meanders of the west bank of the Brazos River for the following calls:

South 25 degrees 19 minutes 53 seconds East for a distance of 143.62 feet,
 South 28 degrees 15 minutes 35 seconds East for a distance of 99.35 feet,
 South 40 degrees 50 minutes 50 seconds East for a distance of 64.55 feet,
 South 30 degrees 05 minutes 39 seconds East for a distance of 43.58 feet,
 South 31 degrees 42 minutes 31 seconds East for a distance of 119.50 feet,
 South 21 degrees 07 minutes 14 seconds East for a distance of 125.59 feet,
 South 12 degrees 42 minutes 42 seconds East for a distance of 187.44 feet,
 South 08 degrees 33 minutes 09 seconds East for a distance of 591.86 feet,
 South 03 degrees 03 minutes 50 seconds West for a distance of 255.20 feet,
 South 02 degrees 58 minutes 42 seconds East for a distance of 207.02 feet,
 South 00 degrees 43 minutes 54 seconds West for a distance of 848.81 feet,
 South 00 degrees 27 minutes 06 seconds West for a distance of 181.17 feet,
 South 00 degrees 22 minutes 58 seconds East for a distance of 229.65 feet,
 South 08 degrees 47 minutes 14 seconds East for a distance of 110.49 feet,
 South 00 degrees 00 minutes 53 seconds West for a distance of 166.20 feet,
 and South 15 degrees 05 minutes 02 seconds West for a distance of 216.44 feet to an unmarked point on the west bank of the Brazos River in the south line of the John Dailey Survey, Abstract No. 78 from which a 5/8 inch iron rod set at an offset bears, North 89 degrees 45 minutes 56 seconds West for a distance of 211.18 feet;

THENCE with the South line of the John Dailey Survey, Abstract No. 78, and the South line of said 80 acre tract, North 89 degrees 45 minutes 56 seconds West for a distance of 2390.89 feet to the PLACE OF BEGINNING.

TRACT TWO:

57 acres out of T.E. & L. Co. Survey No. 1104, Abstract No. 827, in Young County, Texas, and described as follows:

BEGINNING in the SBL of said T.E. & L. Co. Survey No. 1104, at the SW corner of 72 acre tract described in Deed to J. R. McCluskey, recorded in Volume 46, Page 287, Deed records of Young County, Texas;

THENCE N 4-19 W 1635 feet to fence corner at NW corner of said 72 acre tract;

THENCE with fence N 48-52 W 323 feet to corner in SEBL of State Highway No. 67;

THENCE S 49-10 W with highway 2820 feet to SBL of said T.E. & L. Co. Survey No. 1104;

THENCE East 2500 feet to PLACE OF BEGINNING.

PERSONAL PROPERTY

All property constituting personal property located in, on or used in the enjoyment of the above described real property including rural water supply memberships.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing reservations, covenants, conditions, oil and gas leases, and mineral interest outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affects the property; validly existing rights of adjoining owners in any fences situated on a common boundary. Taxes for 2004 which Grantee assumes and agrees to pay but not for any subsequent assessments for prior years taxes due to change in land usage, ownership or both.

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.

RANCHER'S INVESTMENTS, INC.

By: [Signature]
Stewart Highten, President

STATE OF TEXAS
COUNTY OF YOUNG

021-109-1006

ACKNOWLEDGMENT

This instrument was acknowledged before me on the 13th day of December, 2004, by STEWART HEIGHTEN, President of RANCHER'S INVESTMENTS, INC., a Texas corporation, on behalf of said corporation.



Melissa Aitry
Notary Public, State of Texas

Recorded By FILED FOR RECORD THE 17 DAY OF Dec, 2004 A.D. AT 1:36 O'CLOCK PM
Compared By MA & DW RECORDED THE 23 DAY OF Dec, 2004 A.D. AT 10:00 O'CLOCK AM
INDEXED BY BY Shirley Choate INSTRUMENT NO. 4391 SHIRLEY CHOATE, COUNTY CLERK
DEPUTY YOUNG COUNTY TEXAS

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

WARRANTY DEED

THE STATE OF TEXAS *
*
COUNTY OF YOUNG *

KNOW ALL MEN BY THESE PRESENTS:

THAT RANCHERS INVESTMENTS, INC., a Texas corporation, and HORSE MOUNTAIN RANCH, LP, a limited partnership (Grantors), of the County of Young and State of Texas, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration paid to an intermediary as part of an I.R.C. Section 1031 Tax Deferred Exchange for the benefit of HORSE MOUNTAIN RANCH, LP., by the Grantee herein named, the receipt of which is hereby acknowledged, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto KERWIN B. STEPHENS (Grantee), 515 Fourth Street, Graham, Texas 76450, of the County of Young and State of Texas, all of the following described real property in Young County, Texas, to-wit:

TRACT No. ONE: BEING 197.302 acres out of the J. W. Horner Survey, Abstract No. 1319 and the F. L. Thomas Survey, Abstract No. 1259, Young County, Texas. Said 197.302 acres being described in metes and bounds as follows:

BEGINNING at a concrete monument found in the south line of said Thomas survey. Said monument being the southeast corner of a tract of land purchased by the Brazos River Conservation and Reclamation District from Roy Ribble and wife Wileth Ribble described in Volume 180, Page 270 of the Deed Records of said county;

THENCE with the easterly boundary line of the Brazos River Conservation and Reclamation District lands, the following calls: N 29° 19' 54" E 348.0 feet to an angle point, N 07° 40' 06" W 420.0 feet to an angle point, N 19° 03' 59" E 802.55 feet to a 5/8 inch iron rod set for angle point, N 32° 11' 19" E 1,263.34 feet to a 5/8 inch iron rod set for angle point, N 43° 41' 19" E 1,054.29 feet to a 5/8 inch iron rod set for angle point, S 84° 48' 41" E 1,275.19 feet to a 5/8 inch iron rod set for angle point, S 31° 48' 41" E 341.39 feet to a 5/8 inch iron rod set for angle point, S 81° 48' 41" E 583.99 feet to a 1/2 inch iron rod set for corner;

THENCE S 18° 54' 57" W 26.39 feet to a 1/2 inch iron rod set for corner;

THENCE S 80° 33' 03" E 504.50 feet to a steel fence post found for corner;

THENCE S 18° 54' 57" W 122.0 feet to a 1/2 inch iron rod set for angle point;

THENCE S 20° 01' 57" W 497.50 feet to a 1/2 inch iron rod set for angle point;

THENCE S 19° 16' 57" W 97.0 feet to a steel fence post found for corner;

THENCE S 63° 15' 31" E 324.37 feet to a 1/2 inch rod found for corner in the west right-of-way line of F.M. Road 1287;

THENCE S 34° 19' 57" W 40.35 feet with said right-of-way line to a 1/2 inch iron rod found for corner;

THENCE N 63° 15' 31" W 313.81 feet to a 1/2 inch iron rod found for corner;

THENCE S 19° 16' 57" W 617.80 feet to a steel fence post found for corner in the south line of said Horner survey, same being the north line of said Thomas survey;

THENCE S 89° 53' 03" E 119.60 feet with the south line of said Horner survey and the north line of said Thomas survey to steel fence post found for corner in said right-of-way line;

THENCE with said right-of-way line a curve to the right having a Radius of 2,790.0 feet, an Arc length of 131.78 feet and a Chord direction of S 52° 10' 58" W 131.77 feet to a 1/2 iron rod set for corner;

THENCE S 36° 55' 59" E 77.73 feet with said right-of-way line to a 1/2 inch iron rod set for corner;

THENCE S 51° 52' 34" W 451.11 feet with said right-of-way line to a 1/2 inch iron rod set for angle point;

THENCE S 52° 46' 32" W 901.51 feet with said right-of-way line to a 1/2 inch iron rod set for corner;

THENCE N 89° 20' 58" W 965.89 feet to a 1/2 inch iron rod set for corner;

THENCE N 00°02'32" E 36.0 feet to a ½ inch iron rod set for corner;
 THENCE N 89°57'28" W 290.95 feet to a ½ inch iron rod set for corner;
 THENCE S 00°21'48" W 62.91 feet to a point for corner;
 THENCE N 89°20'58" W 932.58 feet to a fence corner;
 THENCE S 00°54'32" W 485.38 feet to a fence corner in the south line of said Thomas survey;
 THENCE N 89°25'21" W 639.36 feet with the south line of said Thomas survey to the point of beginning containing 197.302 acres more or less.
 SAVE AND EXCEPT 1.0 acres recorded in Volume 491, Page 357, Deed Records of said county.

TRACT No. TWO: BEING 9.152 acres out of the J. W. Horner Survey, Abstract No. 1319, Young County, Texas. Said 9.152 acres being part of 20.0 acres of land described in Volume 833, Page 900, Official Public Records of said county. Said 9.152 acres being described in metes and bounds as follows:
 BEGINNING at a ½ inch iron rod found for the southeast corner of said 20.0 acres. Said iron rod also being in the west right-of-way line of F. M. Road 1287;
 THENCE N 63°15'31" W 324.37 feet with the south line of said 20.0 acres to a steel fence post found for corner;
 THENCE N 19°16'57" E 97.0 feet with the west line of said 20.0 acres to a ½ inch iron rod set for angle point;
 THENCE N 20°01'57" E 497.50 feet with the west line of said 20.0 acres to a ½ inch iron rod set for angle point;
 THENCE N 18°54'57" E 122.0 feet with the west line of said 20.0 acres to a steel fence post found for corner;
 THENCE N 80°33'03" W 504.50 feet with the most northerly south line of said 20.0 acres to a ½ inch iron rod set for corner;
 THENCE N 18°54'57" E 26.39 feet with the most west line of said 20.0 acres to a ½ inch iron rod set for corner;
 THENCE S 81°48'41" E 108.83 feet to an angle point;
 THENCE N 39°26'19" E 150.61 feet to an angle point;
 THENCE S 68°33'41" E 862.96 feet to a point for corner in the east line of said 20.0 acres and in said right-of-way line;
 THENCE S 32°21'57" W 854.34 feet with the east line of said 20.0 acres and with said right-of-way line to the point of beginning containing 9.152 acres more or less.

TRACT No. THREE: BEING the right of the owner of Tract No. ONE above to use, subject to reservations and grants as shown in a deed dated March 17, 1939, from Roy Ribble to Brazos River Conservation and Reclamation District, recorded in Vol. 180, Pg. 270, Deed Records of Young County, Texas, and a deed dated December 13, 1938, from L. B. Horner to Brazos River Conservation and Reclamation District, recorded in Vol. 177, Pg. 542, Deed Records of Young County, Texas, the following described property, to-wit: BEING 103.487 acres out of the J. W. Horner Survey, Abstract No. 1319 and the F. L. Thomas Survey, Abstract No. 1259, Young County, Texas. Said 103.487 acres being part of the land described in Volume 180, Page 270 and Volume 177, Page 542, Deed Records of said county. Said 103.487 acres being described in metes and bounds as follows:
 Beginning at a concrete monument found in the south line of said Thomas survey. Said monument being the southeast corner of said 103.487 acres and the land described in Volume 180, Page 270;
 THENCE N 89°25'21" W 337.87 feet with the south line of said Thomas survey to a point for corner on the right bank of the Brazos River;
 THENCE northerly and easterly with the meander of said right bank approximately 7,347 feet to a point for corner;
 THENCE with the boundary line of the land described in Volume 180, Page 270 and Volume 177, Page 542, the following calls: S 18°54'57" W 600.89 feet to a ½ inch iron rod set for corner, N 81°48'41" W 583.99 feet to a 5/8 inch iron rod set for angle point, N 31°48'41" W 341.39 feet to a 5/8 inch iron rod set for angle point, N 84°48'41" W 1,275.19 feet to a 5/8 inch iron rod set for angle point, S 43°41'19" W 1,054.29 feet to a 5/8 inch iron rod set for angle point, S 32°11'19" W 1,263.34 feet to a 5/8 inch iron rod set for angle point, S 19°03'59" W 802.55 feet to an angle point, S 07°40'08" E 420.0 feet to an angle point and S 29°19'54" W 348.0 feet to the point of beginning containing 103.487 acres more or less.

- BRA Land
(F-F' reach)

TRACT No. FOUR: BEING the right of the owner of Tract No. TWO above to use, subject to reservations and grants as shown in a deed dated December 13, 1938, from L. B. Horner to Brazos River Conservation and Reclamation District, recorded in Vol. 177, Pg. 542, Deed Records of Young County, Texas, the following described property, to-wit: BEING 11.895 acres out of the J. W. Horner Survey, Abstract No. 1319, Young County, Texas. Said 11.895 acres being part of 20.0 acres described in Volume 833, Page 900, Official Public Records of said county. Said 11.895 acres also being part of the land described in Volume 177, Page 542, Deed Records of said county. Said 11.895 acres being described in metes and bounds as follows:
 BEGINNING at point for corner in the east line of said 20.0 acres from which the southeast corner of said 20.0 acres bears S 32°21'57" W 854.34 feet. Said point also being in the west right-of-way line of F. M. Road 1287;
 THENCE N 68°33'41" W 862.96 feet to an angle point;
 THENCE S 39°26'19" W 150.81 feet to an angle point;
 THENCE N 81°48'41" W 108.83 feet to a 1/2 inch iron rod set for corner in the most west line of said 20.0 acres;
 THENCE N 18°54'57" E 600.89 feet with the most west line of said 20.0 acres to a point for corner on the right bank of the Brazos River;
 THENCE easterly with the meander of said right bank approximately 1,164 feet to a point for the northeast corner of said 20.0 acres and in said right-of-way line;
 THENCE S 33°37'57" W 542.87 feet with the east line of said 20.0 acres and with said right-of-way line to the point of beginning containing 11.895 acres more or less.

This conveyance is made expressly subject to all valid and subsisting easements, restrictions, rights of way, conditions, exceptions, reservations and covenants of whatsoever nature of record, if any, and also to the zoning laws and other restrictions, regulations, ordinances and statutes of municipal or other governmental authorities applicable to and enforceable against the above described premises. Also subject to oil, gas and other mineral reservations, if any, affecting the above described property which are valid, existing and properly of record.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, his heirs and assigns forever; and Grantors do hereby bind Grantors, their successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this the 29th day of May, 2009.

RANCHERS INVESTMENTS, INC.

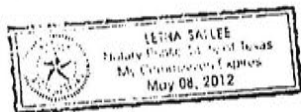
HORSE MOUNTAIN RANCH, LP

BY: [Signature]
 Stewart Heighten, President

BY: [Signature]
 Stewart Heighten, General Partner

STATE OF TEXAS :
 :
 COUNTY OF YOUNG :

This instrument was acknowledged before me on the 29th day of May, 2009, by STEWART HEIGHTEN, President of RANCHERS INVESTMENTS, INC., a Texas corporation, and on behalf of said corporation.



[Signature]
 Notary Public, State of Texas

STATE OF TEXAS *
*
COUNTY OF YOUNG *

This instrument was acknowledged before me on the 29th day of May, 2009, by STEWART HEIGHTEN, General Partner of HORSE MOUNTAIN RANCH, LP, a limited partnership, and on behalf of said limited partnership.



Letha Sallee
Notary Public, State of Texas

CLERK'S NOTICE: ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE, IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

Recorded By 1056-18
Compared By SAC and CS
Indexed By _____
AT 3:40 FILED P M
ON THE 29 DAY OF May
A.D. 2009

STATE OF TEXAS
COUNTY OF YOUNG
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the Official Public Records of Young County, Texas.

Shirley Choate
Shirley Choate
COUNTY CLERK, YOUNG CO., TEXAS
By *Stephanie Crail*
DEPUTY



Shirley Choate
County Clerk, Young County, Texas

VOL. 1056 PAGE 18
RECORDED 6-5-2009



Texas Commission on Environmental Quality

Water Availability Division

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

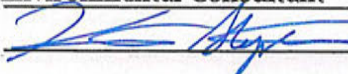
Telephone (512) 239-4691, FAX (512) 239-2214

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

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

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

Contact Information

Name: Kerwin B. Stephens
Address: 515 4th Street, Graham, TX 76450-3036
Telephone Number: 940-549-4758 Fax: (940) 549-3967
Form Completed By: Richard George
Title: Environmental Consultant
Signature:  Date: 09/15/2020

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

I. BACKGROUND DATA

A. Water Use

1. Annual diversion appropriated or requested (in acre-feet): 628
2. In the table below, list the amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year.

Actual totals may vary monthly depending on weather conditions (i.e. heat, precipitation, wind, etc... not to exceed 258 acre-feet annually)

January	February	March	April
<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>
May	June	July	August
<u>40</u>	<u>85</u>	<u>85</u>	<u>98</u>
September	October	November	December
<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>
Total All Months			<u>628</u>

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

<u>Type of crop</u>	<u>Growing Season (Months)</u>	<u>Acres irrigated/year</u>
<u>Coastal Bermuda</u>	<u>April-September</u>	<u>500</u>
<u>Haygrazer</u>	<u>April-August</u>	<u>30</u>
<u>Small Grain (Wheat)</u>	<u>September-March</u>	<u>640</u>
<u>Native</u>	<u>January-December</u>	<u>1,507.778</u>
Total acres irrigated		<u>2,677.778</u>

4. Are crops rotated seasonally or annually? Yes No

If yes, please describe: Cultivated crops are rotated seasonally. All crops may be rotated seasonally/annually depending on economic feasibility and nutritional demand.

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

Dominant soils are silty clay loams, loamy fine sands & very fine sandy loams.

B. Irrigation system information

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

Existing irrigation systems consist of (5) center pivots fitted with LESA (Low Elevation Spray Application) drop nozzles for increased efficiency in application and reduced evaporation losses and a reel gun for irrigation on land not under center pivot. The systems are fed by submersible pumps and water is conveyed from the pumps to the systems via sealed underground pvc pipelines. If more than one diversion pump is utilized simultaneously, the diversion rate will not exceed 11,000 gpm as authorized in COA 12-4226.

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

A flowmeter is utilized on diversion pipes with +/- accuracy ratings of 3-5%.

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

The 5 current pivot efficiency ratings are estimated at 97% and the reel gun is estimated at 60% efficiency for an average efficiency rating of 90.83%. Although not currently planned, any future modifications made to the equipment will maintain or increase the current efficiency of the existing systems and any new systems installed will target a 90.83% or higher efficiency rating as well.

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

- a. 5-year goal:

Savings in acre-feet or system efficiency as a percentage 90.83 %

- b. 10-year goal:

Savings in acre-feet or system efficiency as a percentage 90.83 %

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

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

Yes No

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

C. Conservation practices

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

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

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

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

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

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

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

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

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

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

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

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

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

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

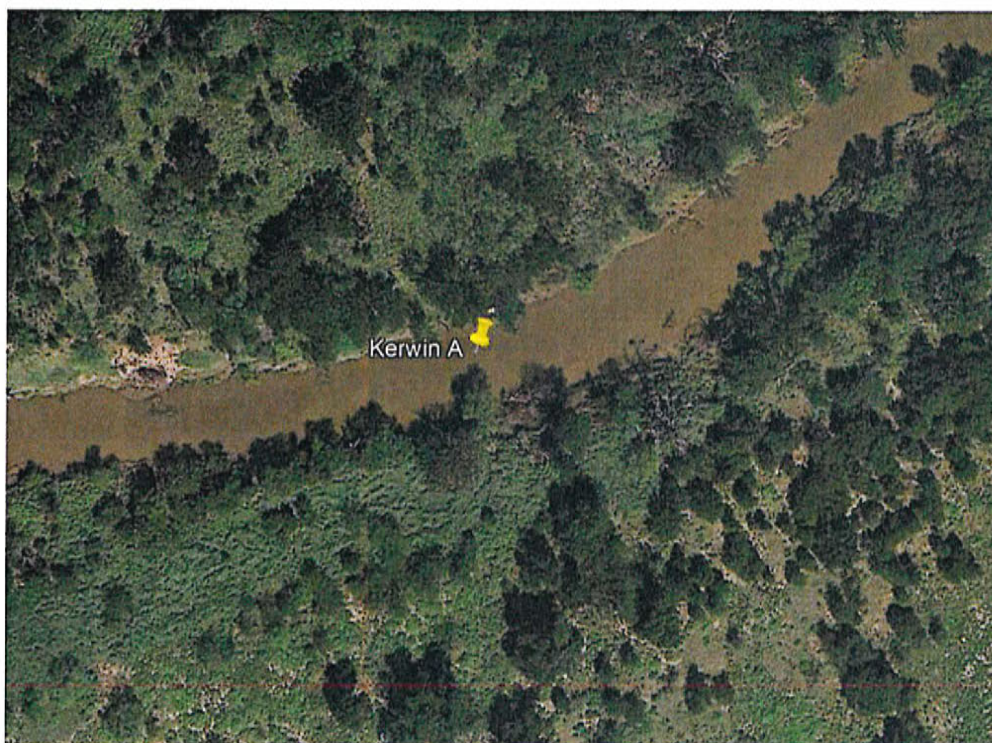
1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;
2. evaluates conservation as an alternative to the proposed appropriation; and
3. evaluates any other feasible alternative to new water development including, but not limited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

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

Attachment F

Note: All site photos in Attachment F were taken on the bank as close to the upstream and downstream diversion limit locations as possible (1 photo facing upstream and 1 photo facing downstream.) All photos correspond with the upstream and downstream limits as noted in the maps (Attachment B Site Maps 1 & 2 – limits marked as green dots.)

Note: No photos were taken at points A & D' due to the riverbank being inaccessible from the applicant's property. Heavy tree/brush growth inhibited access to these points at this time. A Google Earth aerial image is shown for these two points.



Google Earth Aerial: (Reach A-A') Upstream Limit A



Photo 1: (Reach A-A') Downstream Limit A' Looking Upstream



Photo 2: (Reach A-A') Downstream Limit A' Looking Downstream



Photo 3: (Reach B-B') Upstream Limit B Looking Upstream



Photo 4: (Reach B-B') Upstream Limit B Looking Downstream

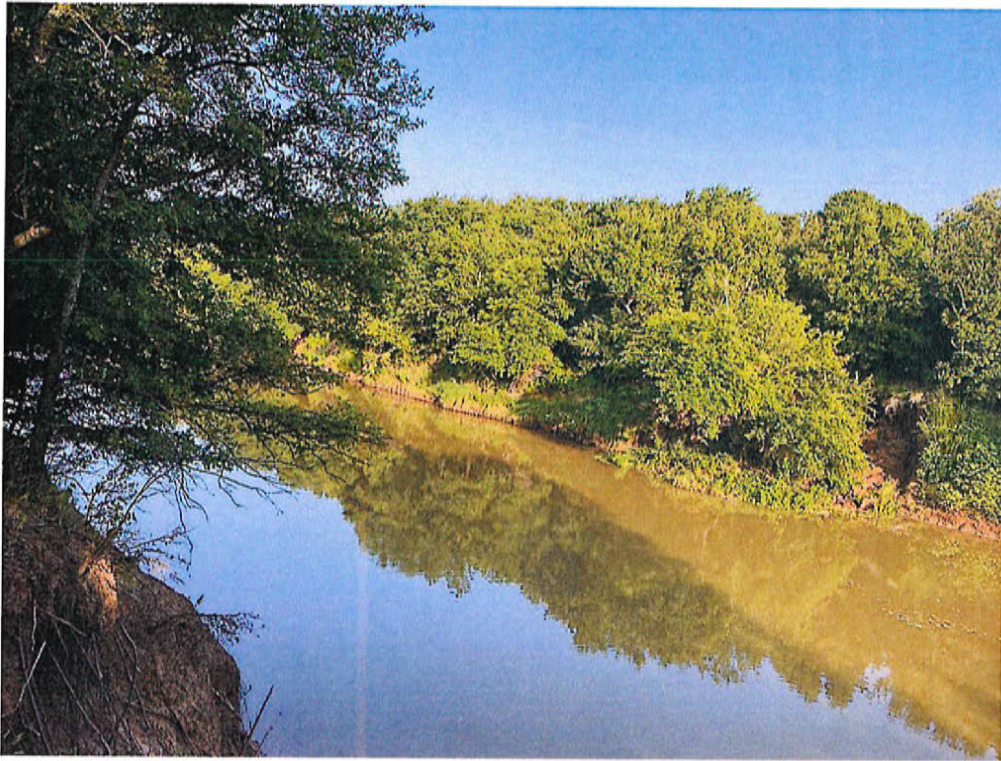


Photo 5: (Reach B-B') Downstream Limit B' Looking Upstream



Photo 6: (Reach B-B') Downstream Limit B' Looking Downstream

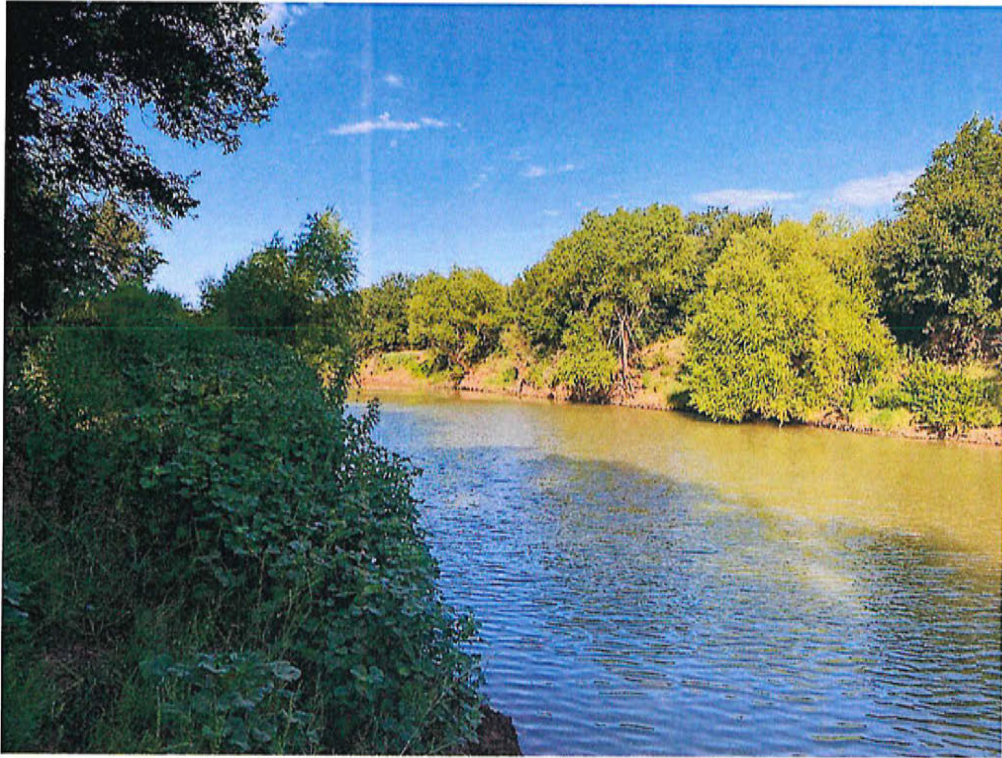


Photo 7: (Reach C-C') Upstream Limit C Looking Upstream



Photo 8: (Reach C-C') Upstream Limit C Looking Downstream

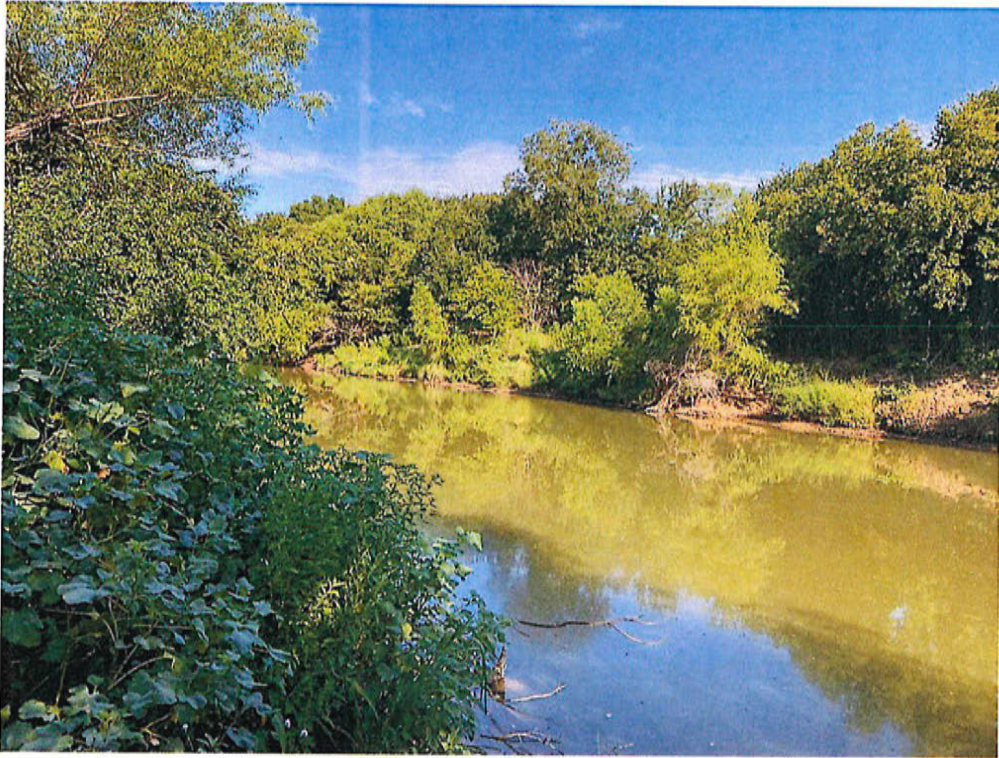


Photo 9: (Reach C-C') Downstream Limit C' Looking Upstream



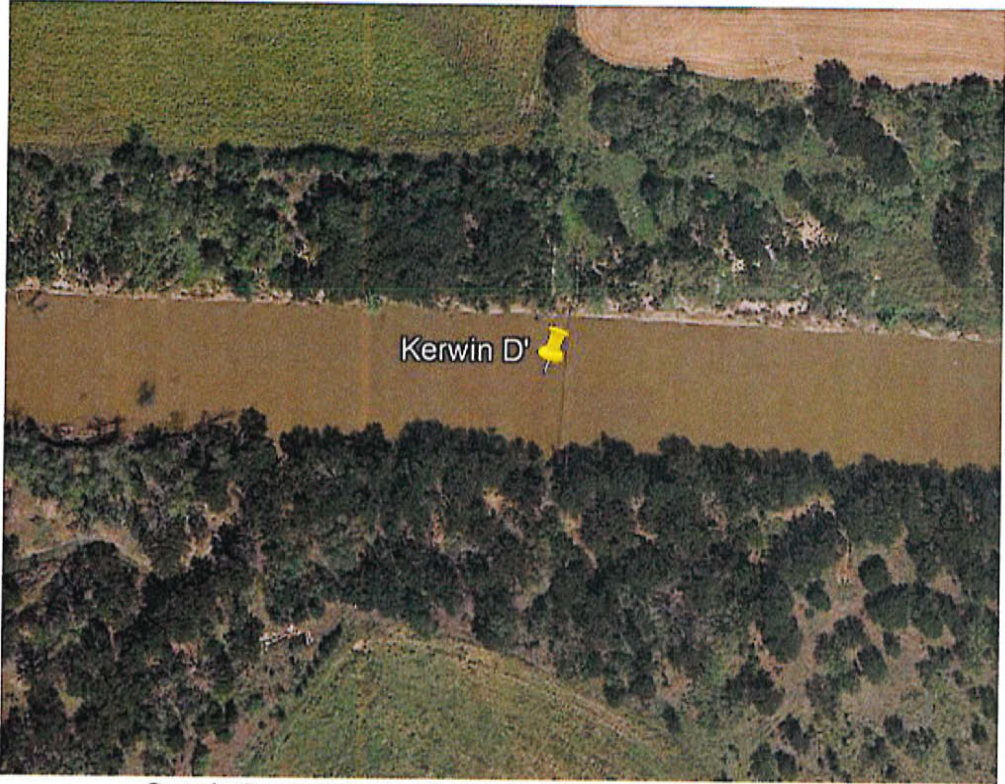
Photo 10: (Reach C-C') Downstream Limit C' Looking Downstream



Photo 11: (Reach D-D') Upstream Limit D Looking Upstream



Photo 12: (Reach D-D') Upstream Limit D Looking Downstream



Google Earth Aerial: (Reach D-D') Downstream Limit D'

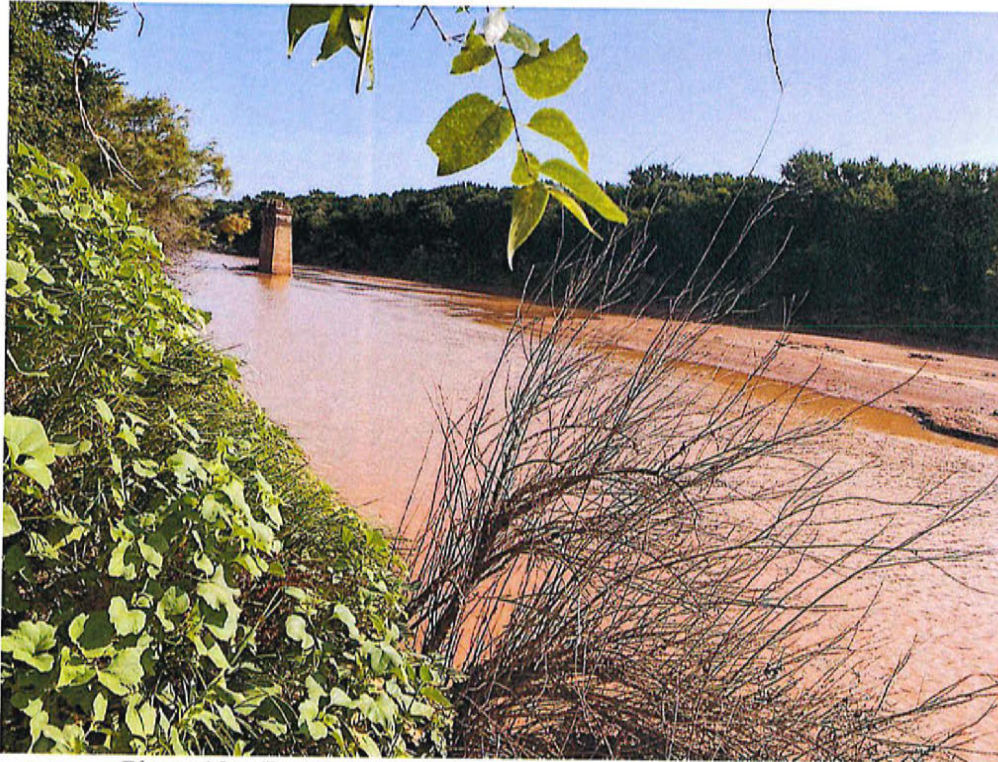


Photo 13: (Reach E-E') Upstream Limit E Looking Upstream



Photo 14: (Reach E-E') Upstream Limit E Looking Downstream



Photo 15: (Reach E-E') Downstream Limit E' Looking Upstream

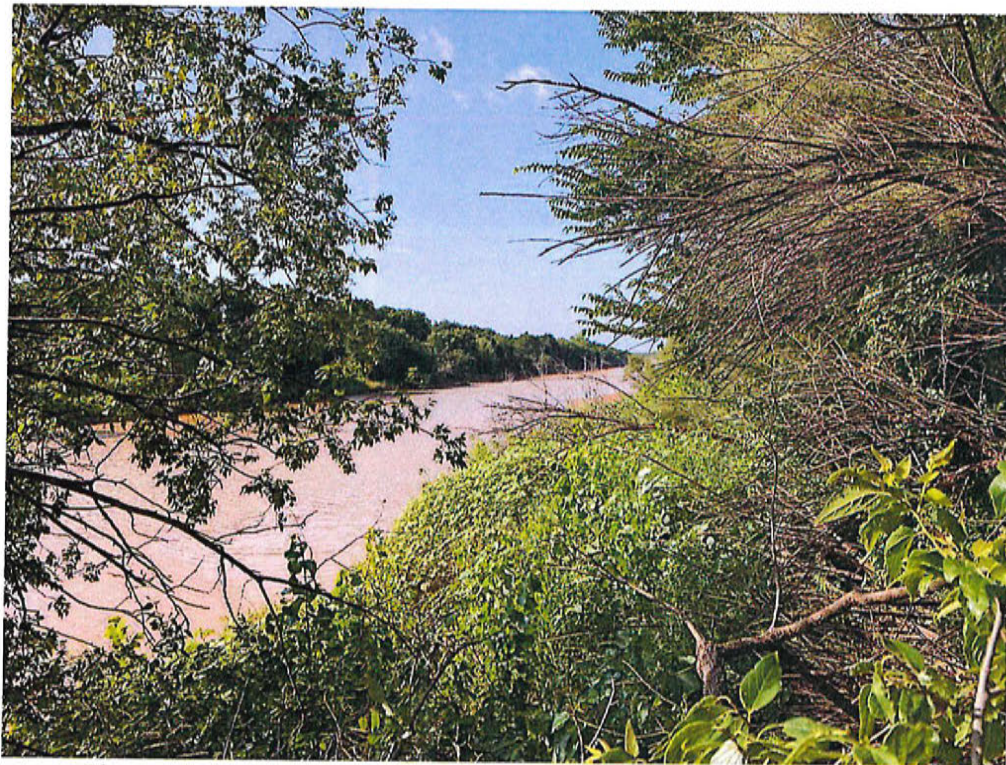


Photo 16: (Reach E-E') Downstream Limit E' Looking Downstream



Photo 17: (Reach F-F') Upstream Limit F Looking Upstream



Photo 18: (Reach F-F') Upstream Limit F Looking Downstream



Photo 19: (Reach F-F') Downstream Limit F' Looking Upstream



Photo 20: (Reach F-F') Downstream Limit F' Looking Downstream