TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 12-4318E

Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 (Owners/Applicants) seek to amend their portion of Certificate of Adjudication No. 12-4318, to remove mining purposes of use, change the place of use for agricultural purposes to irrigate 600 acres out of a 667.31-acre tract of land in Falls County, and add a diversion point on the Brazos River, Brazos River Basin, in Falls County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust, 7736 Central Park Dr., Waco, TX 76712, Applicants, have applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code § 11.122 and Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, *et seq.* Notice is being mailed to the interjacent water right holders of record in the Brazos River Basin pursuant to Title 30 TAC § 295.158(c)(3)(C).

A portion of Certificate of Adjudication No. 12-4318 (Certificate), as amended, authorizes Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust (Owners/ Applicants) to divert and use not to exceed 150 acre-feet of water per year from a point on the Brazos River at a maximum combined diversion rate of 8.89 cfs (4,000 gpm) for agricultural and mining purposes in Hill County.

The time priority of the owners' right is December 31, 1921.

Applicants seek to amend their 150-acre-foot portion of the Certificate to remove mining purposes of use and to change the place of use for agricultural purposes to irrigate 600 acres out of a 667.31 acre-tract of land in Falls County.

Ownership of the land to be irrigated is evidenced by a *Warranty Deed with Vendor's Lien* recorded as Volume 140, Page 128, on December 2, 2002, in the official records of Falls County.

Applicants also seek to amend the Certificate to change the diversion point to divert for their portion of water to a point on the Brazos River in Falls County located at Latitude 31.283594° N, Longitude 96.965053° W in ZIP code 76661.

The application and fees were received on June 3, 2021. Additional information was received on December 7, 2021. The application was declared administratively complete and filed with the Office of the Chief Clerk on January 14, 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 25, 2025. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by July 25, 2025. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by July 25, 2025.

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

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

INFORMATION. Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at https://www14.tceq.texas.gov/epic/eComment/ by entering ADJ 4318 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: July 11, 2025

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-4318E

TYPE § 11.122

Owners: Amy S. Neuhaus 1994 Trust,

Address: 7736 Central Park Dr.

Brent A. Neuhaus 1994 Trust,

Waco, TX 76712

and Ryan S. Neuhaus 1994 Trust

January 14, 2022 Granted:

Purpose: Agriculture

Filed:

County: Falls

Watercourse: Brazos River

Watershed: Brazos River Basin

WHEREAS, a portion of Certificate of Adjudication No. 12-4318 (Certificate), as amended, authorizes Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust (Owners/Applicants) to divert and use not to exceed 150 acre-feet of water per year from a point on the Brazos River at a maximum combined diversion rate of 8.89 cfs (4,000 gpm), for agricultural and mining purposes in Hill County; and

WHEREAS, the time priority of the owners' right is December 31, 1921; and

WHEREAS, Applicants seek to amend their 150 acre-foot portion of the Certificate to remove mining purposes of use and to change the place of use for agricultural purposes to irrigate 600 acres out of a 667.31-acre tract of land in Falls County; and

WHEREAS, ownership of the land to be irrigated is evidenced by a *Warranty Deed with Vendor's Lien* recorded as Volume 140, Page 128, on December 2, 2002, in the official records of Falls County; and

WHEREAS, Applicants also seek to amend the Certificate to change the diversion point for their portion of water to a point on the Brazos River, in Falls County located at Latitude 31.283594° N, Longitude 96.965053° W; and

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

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

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

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-4318, designated Certificate of Adjudication No. 12-4318E, is issued to the Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust, subject to the following terms and conditions:

USE

In lieu of previous authorizations:

- A. Owners are authorized to divert and use not to exceed 150 acre-feet of water per year for agricultural purposes to irrigate 600 acres out of a 667.31 acre-tract of land in Falls County.
- B. Ownership of the land to be irrigated by is evidenced by a *Warranty Deed with Vendor's Lien* recorded as Volume 140, Page 128, on December 2, 2002, in the official records of Falls County.

2. DIVERSION

In lieu of the previous authorization, Owners are authorized to divert from a point on the Brazos River in Falls County, located at Latitude 31.283594° N, Longitude 96.965053° W at a maximum diversion rate of 8.89 cfs (4,000 gpm).

3. CONSERVATION

Owners 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.

4. SPECIAL CONDITIONS

- A. Owners shall implement reasonable measures to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens at the diversion structure.
- B. Diversions shall be restricted based on the following streamflows at USGS Gage No. 08096500 Brazos River at Waco, TX, as set forth in Paragraphs 4.C-4.E below.

Season	Subsistence	Base
Winter	56 cfs	120 cfs
Spring	56 cfs	150 cfs
Summer	56 cfs	140 cfs

cfs = cubic feet per second

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

Subsistence Flow Special Condition:

D. Owners shall not divert water if the average streamflow at USGS Gage No. 08096500 – Brazos River at Waco, TX is less than or equal to the applicable subsistence flow in Paragraph 4.B. The "average streamflow" at the gage is the average of measured streamflows at the gage for the previous 24 hours.

Base Flow Special Condition:

- E. If average streamflow at USGS Gage No. 08096500 Brazos River at Waco, TX is greater than the applicable base flow, Owners shall not divert in excess of the difference between the average streamflow at the gage and the applicable base flow; provided, however, Owners are not required to adjust its diversion rate more frequently than once every 24 hours.
- F. Owners shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point authorized.
- G. Owners shall allow representatives of the Brazos Watermaster reasonable access to the property to inspect the measuring device and records.
- H. Owners shall contact the Brazos Watermaster prior to diversion of water authorized by this amendment.

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

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-4318, as amended, except as specifically amended herein.

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

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

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

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

For the Commission

DATE ISSUED:



Heather Zuo

Heather Zuo

Project Manager

From: Sent: To: Cc: Subject:	Eugene Vaughan < Monday, July 7, 2025 9:17 AM Heather Zuo Chris Kozlowski; Joshua Schauer; Humberto Galvan RE: Neuhaus Application No. 12-4318E Draft Amendment	
Heather,		
Good morning.		
	ting back to you, but my client was on vacation. We approve of the draft of forward the notice to the Office of the Chief Clerk. Thanks for your help with	
Gene		
From: Heather Zuo < Heather. Zuo Sent: Tuesday, June 24, 2025 3:02 To: Eugene Vaughan < Cc: Chris Kozlowski < chris.kozlows Galvan < Humberto. Galvan@tceq. Subject: Neuhaus Application No.	2 PM > ski@tceq.texas.gov>; Joshua Schauer < Joshua.Schauer@Tceq.Texas.Gov>; Humberto .texas.gov>	
Total Tech		
	Zuo@tceq.texas.gov has never sent any emails to your organization. ying or clicking/downloading the attachment and URLs. Report Phishing Mark this email as Safe	
V	powered by Graphu	S®
CAUTION: This email origi	heather.zuo@tceq.texas.gov. Learn why this is important inated from outside the organization. Do not click links or open attachments ender and know the content is safe.	
Good afternoon Mr. Vaughan	,	
Attached is the copy of the dr	raft amendment. Please let me know if you have any questions.	
Best,		

Water Rights Permitting Team, Water Availability Division

Texas Commission on Environmental Quality

heather.zuo@tceq.texas.gov | (512)-239-4636

Heather Zuo

From: Heather Zuo

Sent: Tuesday, June 24, 2025 3:02 PM

To:

Cc:Chris Kozlowski; Joshua Schauer; Humberto GalvanSubject:Neuhaus Application No. 12-4318E Draft AmendmentAttachments:Neuhaus_12-4318E_Draft Amendment Package.pdf

Good afternoon Mr. Vaughan,

Attached is the copy of the draft amendment. Please let me know if you have any questions.

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

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 24, 2025

Mr. Eugene R. Vaughan, Attorney Jones, Galligan, Key, & Loz P.O. Box 1247 Weslaco, TX 78599-1247 VIA E-MAIL

RE: Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust

ADJ 4318

CN604584003, CN604584011, CN604584029, RN105136790

Application No. 12-4318E to Amend Certificate of Adjudication No. 12-4318

Texas Water Code § 11.122, Requiring Limited Mailed Notice

Brazos River, Brazos River Basin

Falls County

Dear Mr. Vaughan:

Drafts, subject to revision, of the public notice, proposed amendment to Certificate of Adjudication No. 12-4318, 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 July 8, 2025, with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

Please note this application requires a two-week comment period and once the comment period has closed, the proposed amendment to Certificate of Adjudication No. 12-4318 may be issued as drafted given no hearing requests are received.

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

Sincerely,
Heather The

Heather Zuo, Project Manager Water Rights Permitting Team

Water Rights Permitting and Availability Section

Attachments

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 12-4318E

Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 (Owners/Applicants) seek to amend their portion of Certificate of Adjudication No. 12-4318, to remove mining purposes of use, change the place of use for agricultural purposes to irrigate 600 acres out of a 667.31-acre tract of land in Falls County, and add a diversion point on the Brazos River, Brazos River Basin, in Falls County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust, 7736 Central Park Dr., Waco, TX 76712, Applicants, have applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code § 11.122 and Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, *et seq.* Notice is being mailed to the interjacent water right holders of record in the Brazos River Basin pursuant to Title 30 TAC § 295.158(c)(3)(C).

A portion of Certificate of Adjudication No. 12-4318 (Certificate), as amended, authorizes Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust (Owners/ Applicants) to divert and use not to exceed 150 acre-feet of water per year from a point on the Brazos River at a maximum combined diversion rate of 8.89 cfs (4,000 gpm) for agricultural and mining purposes in Hill County.

The time priority of the owners' right is December 31, 1921.

Applicants seek to amend their 150-acre-foot portion of the Certificate to remove mining purposes of use and to change the place of use for agricultural purposes to irrigate 600 acres out of a 667.31 acre-tract of land in Falls County.

Ownership of the land to be irrigated is evidenced by a *Warranty Deed with Vendor's Lien* recorded as Volume 140, Page 128, on December 2, 2002, in the official records of Falls County.

Applicants also seek to amend the Certificate to change the diversion point to divert for their portion of water to a point on the Brazos River in Falls County located at Latitude 31.283594° N, Longitude 96.965053° W in ZIP code 76661.

The application and fees were received on June 3, 2021. Additional information was received on December 7, 2021. The application was declared administratively complete and filed with the Office of the Chief Clerk on January 14, 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 2025. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

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

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

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

INFORMATION. Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at https://www14.tceq.texas.gov/epic/eComment/ by entering ADJ 4318 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al http://www.tceq.texas.gov.

Issued:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-4318E

TYPE § 11.122

Owners: Amy S. Neuhaus 1994 Trust,

Address: 7736 Central Park Dr.

Brent A. Neuhaus 1994 Trust,

Waco, TX 76712

and Ryan S. Neuhaus 1994 Trust

January 14, 2022 Granted:

Purpose: Agriculture

Filed:

County: Falls

Watercourse: Brazos River

Watershed: Brazos River Basin

WHEREAS, a portion of Certificate of Adjudication No. 12-4318 (Certificate), as amended, authorizes Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust (Owners/Applicants) to divert and use not to exceed 150 acre-feet of water per year from a point on the Brazos River at a maximum combined diversion rate of 8.89 cfs (4,000 gpm), for agricultural and mining purposes in Hill County; and

WHEREAS, the time priority of the owners' right is December 31, 1921; and

WHEREAS, Applicants seek to amend their 150 acre-foot portion of the Certificate to remove mining purposes of use and to change the place of use for agricultural purposes to irrigate 600 acres out of a 667.31-acre tract of land in Falls County; and

WHEREAS, ownership of the land to be irrigated is evidenced by a *Warranty Deed with Vendor's Lien* recorded as Volume 140, Page 128, on December 2, 2002, in the official records of Falls County; and

WHEREAS, Applicants also seek to amend the Certificate to change the diversion point for their portion of water to a point on the Brazos River, in Falls County located at Latitude 31.283594° N, Longitude 96.965053° W; and

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

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

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

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-4318, designated Certificate of Adjudication No. 12-4318E, is issued to the Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust, subject to the following terms and conditions:

USE

In lieu of previous authorizations:

- A. Owners are authorized to divert and use not to exceed 150 acre-feet of water per year for agricultural purposes to irrigate 600 acres out of a 667.31 acre-tract of land in Falls County.
- B. Ownership of the land to be irrigated by is evidenced by a *Warranty Deed with Vendor's Lien* recorded as Volume 140, Page 128, on December 2, 2002, in the official records of Falls County.

2. DIVERSION

In lieu of the previous authorization, Owners are authorized to divert from a point on the Brazos River in Falls County, located at Latitude 31.283594° N, Longitude 96.965053° W at a maximum diversion rate of 8.89 cfs (4,000 gpm).

3. CONSERVATION

Owners 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.

4. SPECIAL CONDITIONS

- A. Owners shall implement reasonable measures to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens at the diversion structure.
- B. Diversions shall be restricted based on the following streamflows at USGS Gage No. 08096500 Brazos River at Waco, TX, as set forth in Paragraphs 4.C-4.E below.

Season	Subsistence	Base
Winter	56 cfs	120 cfs
Spring	56 cfs	150 cfs
Summer	56 cfs	140 cfs

cfs = cubic feet per second

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

Subsistence Flow Special Condition:

D. Owners shall not divert water if the average streamflow at USGS Gage No. 08096500 – Brazos River at Waco, TX is less than or equal to the applicable subsistence flow in Paragraph 4.B. The "average streamflow" at the gage is the average of measured streamflows at the gage for the previous 24 hours.

Base Flow Special Condition:

- E. If average streamflow at USGS Gage No. 08096500 Brazos River at Waco, TX is greater than the applicable base flow, Owners shall not divert in excess of the difference between the average streamflow at the gage and the applicable base flow; provided, however, Owners are not required to adjust its diversion rate more frequently than once every 24 hours.
- F. Owners shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point authorized.
- G. Owners shall allow representatives of the Brazos Watermaster reasonable access to the property to inspect the measuring device and records.
- H. Owners shall contact the Brazos Watermaster prior to diversion of water authorized by this amendment.

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

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-4318, as amended, except as specifically amended herein.

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

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

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

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

For the Commission

DATE ISSUED:



Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Heather Zuo, Project Manager **Date:** November 6, 2024

Water Rights Permitting Team

Through: Leslie Patterson, Team Leader

Resource Protection Team

From: Nathalie Montes, Aquatic Scientist

Resource Protection Team

Subject: Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan

S. Neuhaus 1994 Trust

ADJ 4318

CN604584003, CN604584011, CN604584029

Brazos River, Brazos River Basin

Falls County

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

APPLICATION SUMMARY

A portion of Certificate of Adjudication No. 12-4318 (Certificate) authorizes, among other things, Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust (Applicants) to divert 150 acre-feet of water per year from three diversion points on the Brazos River, Brazos River Basin, at a maximum combined diversion rate of 8.89 cfs (4,000 gpm), for agricultural and mining purposes in Hill County.

Applicants request to amend their portion of the Certificate to add a diversion point on the Brazos River, to remove mining purposes, and to add a place of use for agricultural purposes to irrigate 600 acres out of a 667.31 acre-tract in Falls County.

ENVIRONMENTAL ANALYSIS

Aquatic and Riparian Habitats: The Applicants' requested diversion point is located on the Brazos River, a perennial stream, in the Floodplains and Low Terraces ecoregion (Griffith et al. 2007).

The checklist for the Brazos River Basin identified 83 species of ichthyofauna occurring within the Lower Brazos-Little Brazos hydrologic unit (United States

Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust, 12-4318E Brazos River, Brazos River Basin Page 2 of 4

Geologic Survey [USGS] code 12070101) (Hendrickson and Cohen 2022). The Brazos heelsplitter (*Potamilus streckersoni*) and Texas fawnsfoot (*Truncilla macrodon*), high-interest aquatic species, are known to occur in Falls County (TPWD 2024).

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

On February 12, 2014, the TCEQ adopted environmental flow standards for the Brazos River and its associated bay and estuary system (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter G). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC §298.460). The Applicants do not request a new appropriation of water or an amendment that increases the amount of water stored, taken, or diverted. Resource Protection staff recommend a streamflow restriction for this addition of a diversion point. Resource Protection staff utilized the subsistence and base flow standards (Title 30 TAC §298.48(10)) established at USGS Gage No. 08096500 – Brazos River at Waco, TX, for the streamflow restriction as shown in Table 1.

Table 1. Environmental Flow Values at USGS Gage No. 08096500 - Brazos River at Waco, TX

Season	Subsistence	Base
Winter	56 cfs	120 cfs
Spring	56 cfs	150 cfs
Summer	56 cfs	140 cfs

cfs = cubic feet per second

The applicable 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 be limited to comply with the applicable subsistence and base flow values.

Recreational Uses: The Brazos River above Navasota River (Segment 1242) has a designated primary contact recreation 1 use. (TCEQ 2022). The Applicants' request should not adversely impact recreational uses.

Water Quality: The Brazos River Above Navasota River (Segment 1242) has a designated high aquatic life use and public water supply use (TCEQ 2022).

Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust, 12-4318E
Brazos River, Brazos River Basin
Page 3 of 4

The portion of the Brazos River from the confluence with Deer Creek in Falls County upstream to the confluence with Tehuacana Creek in McLennan County, is identified in the Texas Integrated Report with a concern for screening levels of nitrate and chlorophyll-a in the water (TCEQ 2024). The Applicants' request should not adversely impact water quality.

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

RECOMMENDATIONS

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

- Owners shall implement reasonable measures to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens at the diversion structure.
- 2. Diversions shall be restricted based on the following streamflows at USGS Gage No. 08096500 Brazos River at Waco, TX, as set forth in Special Conditions 3-5 below.

Season	Subsistence	Base
Winter	56 cfs	120 cfs
Spring	56 cfs	150 cfs
Summer	56 cfs	140 cfs

cfs = cubic feet per second

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

Subsistence Flow Special Condition:

4. Owners shall not divert water if the average streamflow at USGS Gage No. 08096500 – Brazos River at Waco, TX is less than or equal to the applicable

Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust, 12-4318E Brazos River, Brazos River Basin Page 4 of 4

subsistence flow in Special Condition 2. The "average streamflow" at the gage is the average of measured streamflows at the gage for the previous 24 hours.

Base Flow Special Condition:

5. If average streamflow at USGS Gage No. 08096500 – Brazos River at Waco, TX is greater than the applicable base flow, Owners shall not divert in excess of the difference between the average streamflow at the gage and the applicable base flow; provided, however, Owners are not required to adjust its diversion rate more frequently than once every 24 hours.

LITERATURE CITED

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

Hendrickson, Dean A., & Cohen, Adam E. (2022). Fishes of Texas Project Database (version 3.00). Texas Advanced Computing Center, University of Texas at Austin. http://doi.org/10.17603/C3WC70. Accessed 2024 October 21.

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

TCEQ. 2024. Texas Integrated Report of Surface Water Quality. Austin (TX): Texas Commission on Environmental Quality.

TPWD. 2024 Texas Parks and Wildlife Department, Wildlife Division, Diversity and Habitat Programs. TPWD County Lists of Protected Species and Species of Greatest Conservation Need [Internet]. Austin (TX): Falls County, revised August 22, 2024. [21 October 2024]. Available from http://tpwd.texas.gov/gis/rtest/.

Nathalia Montes
Nathalie Montes, Aquatic Scientist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Heather Zuo, Project Manager **Date:** November 6, 2024

Water Rights Permitting Team

Through: Leslie Patterson, Team Leader

Resource Protection Team

From: Kristin Wang, Senior Water Conservation Specialist

Resource Protection Team

Subject: Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S.

Neuhaus 1994 Trust

ADJ 4318

CN604584003, CN604584011, CN604584029

Brazos River, Brazos River Basin

Falls County

APPLICATION SUMMARY

Certificate of Adjudication No. 12-4318 (Certificate) authorizes, among other things, Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust (Applicants) to divert 150 acre-feet of water per year from three diversion points on the Brazos River, Brazos River Basin, at a maximum combined diversion rate of 8.89 cfs (4,000 gpm) for agricultural and mining purposes in Hill County.

Applicants request to amend their portion of the Certificate to add a diversion point on the Brazos River, to remove mining purposes, and to add a place of use for agricultural purposes to irrigate 600 acres out of a 667.31 acre-tract in Falls County.

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.

Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust, 12-4318E Brazos River, Brazos River Basin Page 2 of 2

RECOMMENDATIONS

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

Owners 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.

Listen Wang

Kristin Wang, Senior Water Conservation Specialist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Heather Zuo, Project Manager Date: April 9, 2025

Water Rights Permitting Team

Surface Water Availability Team

Through: Kathy Alexander, Ph.D., Policy and Technical Analyst

Water Availability Division

Trent Gay, Team Leader

From: Andrew Maria, Hydrologist
Surface Water Availability Team

Subject: Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan

S. Neuhaus 1994 Trust

ADJ 4318

CN604584003, CN604584011, CN604584029

Brazos River, Brazos River Basin

Falls County

WATER AVAILABILITY REVIEW

Application Summary

A portion of Certificate of Adjudication No. 12-4318 (Certificate) authorizes, among other things, Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust (Applicants) to divert 150 acre-feet of water per year from three diversion points on the Brazos River, Brazos River Basin, at a maximum combined diversion rate of 8.89 cfs (4,000 gpm), for agricultural and mining purposes in Hill County.

Applicants request to amend their portion of the Certificate to add a diversion point on the Brazos River, to remove mining purposes, and to add a place of use for agricultural purposes to irrigate 600 acres out of a 667.31 acre-tract in Falls County.

The application was declared administratively complete on January 14, 2022.

Water Availability Review

Resource Protection staff recommends that the application be subject to instream flow requirements. Specific instream flow requirements are included in the Resource Protection staff's November 6, 2024, memorandum.

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

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

Staff used the Full Authorization simulation of the Brazos River WAM to evaluate impacts on other water rights as a result of diverting the authorized water from the requested diversion point. The period of record for the Brazos River WAM is 1940 to 2018. Staff modeled the application with diversion of the authorized 150 acre-feet of water at a priority date of December 31, 1921, at the requested diversion point. The environmental flow requirements recommended by Resource Protection staff are for USGS Gage No. 08096500 – Brazos River near Waco, TX, which is located upstream of the applicant's location. Therefore, Staff modeled the environmental flow requirements at the new diversion point. 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 eight water rights with an average difference in volume reliability of -0.03 percent.

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

Conclusion

Hydrology staff can support granting the application.

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

Andrew Maria, Hydrologist

Andrew Maria

TCEQ Interoffice Memorandum

To: Office of the Chief Clerk

Texas Commission on Environmental Quality

Thru: Chris Kozlowski, Team Leader

Water Rights Permitting Team

From: Lillian E. Beerman, Ph.D., Project Manager

Water Rights Permitting Team

Date: January 14, 2022

Subject: Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and

Ryan S. Neuhaus 1994 Trust

ADJ 4318

CN604584003, CN604584011, CN604584029, RN105136790 Application No. 12-4318E to Amend Certificate of Adjudication

No. 12-4318

Texas Water Code § 11.122, Requiring Limited Mailed Notice

Brazos River, Brazos River Basin

Falls County

The application and fees were received on June 3, 2021. Additional information was received on December 7, 2021. The application was declared administratively complete and filed with the Office of the Chief Clerk on January 14, 2022. Mailed notice to the interjacent water rights holders of record in the Brazos River Basin and to the co-owners of the Certificate is required pursuant to Title 30 Texas Administrative Code §§ 295.158(c)(3)(C) and 295.158(c)(2)(B).

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

Lillian C. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager

Water Rights Permitting Team

Water Rights Permitting and Availability Section

OCC Mailed Notice Required X YES

Neuhaus_1994_Trusts_12-4318E_Administratively Complete

Lillian Beerman < Lillian.Beerman@Tceq.Texas.Gov>

Fri 1/14/2022 3:50 PM

To:

Cc: Lillian Beerman < Lillian.Beerman@Tceq.Texas.Gov>

1 attachments (207 KB)

Nehaus_1994_Trusts_12-4318E_ADC_Letter_01.14.2022.pdf;

Mr. Vaughan,

Application No. 12-4318E, submitted by Neuhaus_1994_Trusts, is Administratively Complete as of January 14, 2022.

The application to amend ADJ 4318 is now in Technical Review.

Please see attached letter.

Thank You,

Lillian E. Beerman, Ph.D. Water Rights Permitting Team Water Availability Division 512-239-4019 lillian.beerman@tceq.texas.gov 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

January 14, 2022

Mr. Eugene R. Vaughan, III, Attorney Jones, Galligan, Key & Lozano P.O. Box 1247 Weslaco, TX 78599-1247

VIA F-MAII.

Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and RE: Rvan S. Neuhaus 1994 Trust

ADJ 4318

Application No. 12-4318E to Amend Certificate of Adjudication No. 12-4318

Texas Water Code § 11.122, Requiring Limited Mailed Notice

CN604584003, CN604584011, CN604584029, RN105136790

Brazos River, Brazos River Basin

Falls County

Dear Mr. Vaughan:

This acknowledges receipt of additional information on December 7, 2021.

The application was declared administratively complete and filed with the Office of the Chief Clerk on January 14, 2022. 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 at lillian.beerman@tceq.texas.gov or by phone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D., Project Manager

Lillian C. Beerman, Ph.D.

Water Rights Permitting Team

Water Rights Permitting and Availability Section

Re: Neuhaus_1994_Trusts_Application_No._12-4318E_Request_for_Information

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Fri 1/7/2022 6:56 PM

To:

Cc: Lillian Beerman < Lillian.Beerman@Tceq.Texas.Gov>

Mr. Vaughan,

We have received your response to our request for information for Neuhaus 1994 Trusts' Application No. 12-4318E to amend ADJ 4318.

The technical staff are completing their review of your submission. Once the review is complete and the application is deemed administratively complete, the Application will go into Technical Review. During Technical Review, the conservation, hydrology, and instream staff will review your application in the order of the date the application was received and by the river basin. Once their review is complete, I will draft the amendment, staff will review the amendment, and the Applicants, the Neuhaus Family, will have the opportunity to review the draft amendment. The applicant comment period is two weeks. Once your comments have been received, Notice will be sent to interjacent water right holders for 15-day comment period. If the draft amendment is not protested, it will go to the TCEQ Executive Director for signature.

I hope this answers your question. I assure you that I am doing my best to ensure that the Neuhaus 1994 Trust's amendment to ADJ 4318 is given prompt consideration. Thank you,

Lillian E. Beerman, Ph.D. Water Rights Permitting Team Water Availability Division 512-239-4019

lillian.beerman@tceq.texas.gov

From: Eugene Vaughan

Sent: Friday, January 7, 2022 3:13 PM

To: Lillian Beerman < Lillian.Beerman@Tceq.Texas.Gov>

Cc: Beatriz Velasquez < Herbert Bristow

Subject: RE: Neuhaus_1994_Trusts_Application_No._12-4318E_Request_for_Information

Lillian.

Good afternoon.

I just wanted to follow up since I had not heard anything on this matter following our transmission of the information requested in the Request for Information. Could you let me know what our timing looks like to finalize this matter, if possible? I have copied the attorney for the seller of these water rights on this email so that he can be in the loop as well.

Thanks for your help with this.

Gene

From: Lillian Beerman < Lillian.Beerman@Tceq.Texas.Gov>

Sent: Monday, November 22, 2021 2:59 PM

To: Eugene Vaughan

Cc: Lillian Beerman < Lillian.Beerman@Tceq.Texas.Gov>

Subject: Neuhaus_1994_Trusts_Application_No._12-4318E_Request_for_Information

Mr. Eugene R. Vaughan, III:

Attached is a Request for Information for the Application to Amend Certificate of Adjudication No. 12-4318 by Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust.

Please provide the requested information by COB, Wednesday, December 22, 2021. If you have any questions, do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

RE: Neuhaus_1994_Trusts_Application_No._12-4318E_Request_for_Information

Eugene Vaughan

Tue 12/7/2021 3:19 PM

To: Lillian Beerman < Lillian.Beerman@Tceq.Texas.Gov>

Cc: Beatriz Velasquez



Worksheet 5.0.pdf; field view looking north.jpeg; field view looking south.jpeg; field view looking west.jpeg; river bank looking north.jpeg; riverbank looking south.jpeg; diversion point lookin west.jpeg;

Ms. Beerman,

Good afternoon.

In response to the RFI dated November 22, 2021, I have attached a completed Worksheet 5.0 and the accompanying photographs. Please let me know if you need anything further.

Also, assuming that this information is satisfactory to allow the application to be declared administratively complete, could you give me an estimate of how much time will remain for final approval of the amendment? The only reason I ask is that I need to give the seller's attorney some idea of how much time remains to finalize this transaction.

I appreciate all of your help with this matter.

Gene

Eugene R. Vaughan, III Attorney at-law

Jones, Galligan, Key & Lozano, L.L.P.
2300 West Pike Blvd., Suite 300
P.O. Drawer 1247
Weslaco, Texas 78599-1247
Website: www.jgkl.com
Switchboard: (956) 968-5402

Direct Line: (Fax: (956) 968-6089

Brownsville Office:

1400 East Madison, Suite 4 Brownsville, Texas 78520 Phone: (956) 621-0710



* * * Notice * * *

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telephone (Collect [956] 968 5402), and destroy the original message. Thank you.

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). Instructions, Page 29.

Applicant utilizes a river screen so that aquatic plants and animals are not pulled into the nozzles of Applicant's irrigation system.	em.
 New Appropriations of Water (Canadian, Red, Sulphur, and Cypt Creek Basins only) and Changes in Diversion Point(s) 	ress
This section is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins and in all basins for requests to change a diversion point. Instructions, Page 30.	
Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location),	
a. Identify the appropriate description of the water body.	
⊠ Stream	
□ Reservoir	
Average depth of the entire water body, in feet:	
Other, specify:	
b. Flow characteristics	
If a stream, was checked above, provide the following. For new diversion locations, one of the following that best characterize the area downstream of the diversion (chone).	
☐ 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 ICEQ-10214C (08/12/2020) Water Rights Permitting Availability Technical Information Sheet Page 17 of 2	23

Personal observation	
Other, specify:	
c. Waterbody aesthetics	
Check one of the following that best describes the aesthetics of the strea affected by the application and the area surrounding those stream segm	
Wilderness: outstanding natural beauty; usually wooded or unpastured clarity exceptional	area; water
Natural Area: trees and/or native vegetation common; some developme fields, pastures, dwellings); water clarity discolored	ent evident (from
Common Setting: not offensive; developed but uncluttered; water may turbid	be colored or
Offensive: stream does not enhance aesthetics; cluttered; highly develo areas; water discolored	ped; dumping
d. Waterbody Recreational Uses	
Are there any known recreational uses of the stream segments affected application?	by the
☐ 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 Worksheet 5.0:	d Addendum to
 Photographs of the stream at the diversion point or dam location should be in color and show the proposed point or reservoir and downstream views of the stream, including riparian vegetation al Include a description of each photograph and reference the photosubmitted with the application indicating the location of the photosubmitted. 	upstream and ong the banks. ograph to the ma

- direction of the shot. SEE ATTACHED PHOTOS
- 2. If the application includes a proposed reservoir, also include:
 - A brief description of the area that will be inundated by the reservoir. i.
 - If a United States Army Corps of Engineers (USACE) 404 permit is ii. required, provide the project number and USACE project manager.
 - A description of how any impacts to wetland habitat, if any, will be iii. mitigated if the reservoir is greater than 5,000 acre-feet.













RE: Neuhaus_1994_Trusts_Application_No._12-4318E_Request_for_Information

Eugene Vaughan

Mon 11/22/2021 4:37 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Thank you, Lillian.

I will go through this and get the requested information back to you ASAP.

Gene

Eugene R. Vaughan, III Attorney at-law

Jones, Galligan, Key & Lozano, L.L.P. 2300 West Pike Blvd., Suite 300 P.O. Drawer 1247 Weslaco, Texas 78599-1247

Website: www.jgkl.com Switchboard: (956) 968-5402 Direct Line: (956) 973-1138

Fax: (956) 968-6089

Brownsville Office:

1400 East Madison, Suite 4 Brownsville, Texas 78520 Phone: (956) 621-0710



* * * Notice * * *

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From: Lillian Beerman < Lillian.Beerman@Tceq.Texas.Gov>

Sent: Monday, November 22, 2021 2:59 PM

To: Eugene Vaughan <

Cc: Lillian Beerman < Lillian.Beerman@Tceq.Texas.Gov>

Subject: Neuhaus_1994_Trusts_Application_No._12-4318E_Request_for_Information

Mr. Eugene R. Vaughan, III:

Attached is a Request for Information for the Application to Amend Certificate of Adjudication No. 12-4318 by Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994

Trust, and Ryan S. Neuhaus 1994 Trust.

Please provide the requested information by COB, Wednesday, December 22, 2021.

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

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

<u>lillian.beerman@tceq.texas.gov</u>

Neuhaus_1994_Trusts_Application_No._12-4318E_Request_for_Information

Lillian Beerman < Lillian.Beerman@Tceq.Texas.Gov>

Mon 11/22/2021 2:59 PM

To:

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

1 attachments (152 KB)

Neuhaus_12-4318_RFI_Sent.pdf;

Mr. Eugene R. Vaughan, III:

Attached is a Request for Information for the Application to Amend Certificate of Adjudication No. 12-4318 by Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust.

Please provide the requested information by COB, Wednesday, December 22, 2021. If you have any questions, do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
Iillian.beerman@tceq.texas.gov

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 22, 2021

Mr. Eugene R. Vaughan, III, Attorney Jones, Galligan, Key & Lozano P.O. Box 1247 Weslaco, TX 78599-1247 VIA E-MAIL

RE: Amy S. Neuhaus 1994 Trust, Brent A. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994

Trust ADJ 4318

CN604584003, CN604584011, CN604584029, RN105136790

Application No. 12-4318E to Amend Certificate of Adjudication No. 12-4318

Texas Water Code § 11.122, Requiring Limited Mailed Notice

Brazos River, Brazos River Basin

Falls County

Dear Mr. Vaughan:

This acknowledges receipt, on June 3, 2021, of the referenced application and fees in the amount of \$212.50 (Receipt No. M118560B, copy attached).

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

1. Complete Item 2 in Worksheet 5.0 Environmental Information.

Please submit the requested information by December 22, 2021 or the application may be returned pursuant to Title 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via email at lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D., Project Manager

Lillian C. Beerman, Ph.D.

Water Rights Permitting Team

Water Rights Permitting and Availability Section

Attachment



TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

Fee Description	Fee Code Account# Account Name	Ref#1 Ref#2 Paid In By	Check Number Card Auth. User Data	CC Type Tran Code Rec Code	Slip Key Document#	Tran Date	Tran Amount
NOTICE FEES-WUP- WATER USE PERM F. Hernaudley	PTGU PTGU NOTICE FEES WUP WATER USE PERMITS	M118560B 124318 JONES GALLIGAN KEY & LOZANO	24165 060321 RHDAVIS	N CK	BS00087237 D1803483	04-JUN-21	-\$212.50
				Total	(Fee Code):		-\$212.50

RECEIVED

JUN 07 2021

Water Availability Division



TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

Fee Description	Fee Code Account# Account Name	Ref#1 Ref#2 Paid In By	Check Number Card Auth. User Data	CC Type Tran Code Rec Code	Slip Key Document#	Tran Date	Tran Amount
WTR USE PERMITS	WUP WATER USE PERMITS	M118560A 124318 JONES GALLIGAN KEY & LOZANO LLP	24165 060321 RHDAVIS	N CK	BS00087237 D1803483	04-JUN-21	-\$100.00

RECEIVED

Total (Fee Code):

JUN 07 2021

Water Availability Division

-\$100.00

Neuhaus_1994_Trust_COA_No._12-4318E_COO_Documents

Lillian Beerman < Lillian.Beerman@Tceq.Texas.Gov>

Mon 10/25/2021 5:20 PM

To:

Cc: Lillian Beerman < Lillian.Beerman@Tceq.Texas.Gov>

3 attachments (7 MB)

Neuhaus_12-4318E_COO_07.01.2021.pdf; Neuhaus_12-4318E_COO_&_Amendment_Applications.pdf; COA No. 12-4318.pdf;

Mr. Eugune R. Vaughan,

I, Lillian, am the project manager for you client, Neuhaus 1994 Trust's Application to amend COA No. 12-4318.

Attached are the Change of Ownership (COO) Memorandum, the Application for a COO and Amendment to ADJ 4318, and Certificate of Adjudication No. 12-4318, as amended.

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

Thank You,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

TCEQ Water Rights Change of Ownership Memorandum

To: Records Management Date: July 1, 2021

From: Compliance Assurance and Water Right No. 12-4318

Business Support Section
Water Availability Division

Water Availability Division Source County: Bosque, Hill, and McLennan

Source Basin: Brazos River Basin

Subject: Change of Ownership

Delete: Hard Investments LLC; as part-owner

Add: Brent A. Neuhaus 1994 Trust, Amy S. Neuhaus 1994 Trust, and Ryan S.

Neuhaus 1994 Trust; as part-owners

Conveyance Documents Reviewed

Title	Dated	Doc. No.	Vol. No.	Page No.
Water Rights Conveyance	2/12/2021	00121432	2103	572

The water rights change of ownership form and \$100 recording fees (Receipt Nos. M118560A and M118560B) were received on June 3, 2021. The conclusions in this memo are based upon a review of the above mentioned conveyance document submitted by the applicant from the Official Public Records of Hill County, Texas. The conclusions are subject to change if additional information is received.

Ownership of Record with Addresses and Remarks:

- CHS Farms Ltd 4057 Northview Ln Dallas, Texas 75229-2855
- Smith Bend Ranch Ltd
 Cascade Caverns Rd
 Boerne, Texas 78015-8308
- Amy S. Neuhaus 1994 Trust Attn: Brent A. Neuhaus 7736 Central Park Dr Waco, Texas 76712-6535

- Lakeview Recreation Association, Inc. P.O. Box 759 Meridian, Texas 76665-0759
- Brent A. Neuhaus 1994 Trust Attn: Brent A. Neuhaus 7736 Central Park Dr Waco, Texas 76712-6535
- 6. Ryan S. Neuhaus 1994 Trust Attn: Brent A. Neuhaus 7736 Central Park Dr Waco, Texas 76712-6535

The ownership interest has been apportioned as follows:

Authorization 1: 8.54 acre-foot on-channel reservoir complex on Rock Branch, tributary of the North Bosque River, tributary of the Brazos River, in the Brazos River Basin, located in the John W. Mayberry Survey in Bosque County, Texas.

Owner Name

Lakeview Recreation Association, Inc.

Authorization 2: 288 acre-foot off-channel reservoir located in the John W. Carpenter Survey, Abstract No. 128, Bosque County, Texas.

Owner Name

Smith Bend Ranch, Ltd.

Authorization 3: 150 acre-foot off-channel reservoir in the J. H. Chambers Survey, Abstract No. 165, Hill County, Texas.

Owner Names

Brent A. Neuhaus 1994 Trust, Amy S. Neuhaus 1994 Trust, Ryan S. Neuhaus 1994 Trust (100% undivided interest)

Authorization 4: Diversion of 497 acre-feet of water per year for Agricultural Purposes from the Brazos River, Brazos River Basin, for irrigation of 373.78 acres being a 7-acre tract and 366.68-acre tract located in the William H. Smith Survey, Abstract No. 775, Bosque County, Texas.

Owner Name	Amount	Purpose
CHS Farms Ltd	497 acre-feet	Agriculture purposes

Authorization 5: Diversion of 150 acre-feet of water per year for Agriculture and Mining Purposes from the Brazos River, Brazos River Basin, in Hill County, Texas. No land was conveyed. Subject to Amendment.

Owner Names	Amount	Purpose
Brent A. Neuhaus 1994 Trust, Amy S. Neuhaus 1994 Trust, Ryan S. Neuhaus 1994 Trust (100% undivided interest)	150 acre-feet	Agriculture and Mining purposes

Authorization 6: Diversion of 20 acre-feet of water per year for Agricultural Purposes from the above referenced reservoir for irrigation of 30 acres of land in the John W. Mayberry Survey known as the Bosque Valley Golf Club, approximately 3 miles southeast of Meridian in Bosque County, Texas.

Owner Name	Amount	Purpose
Lakeview Recreation Association Inc.	20 acre-feet	Agricultural purposes

Authorization 7: Diversion of 2,153 acre-feet of water per year for Agricultural Purposes from the Brazos River, Brazos River Basin, for irrigation of 628.85 acres of land in Bosque County, Texas. And Municipal, and Mining Purposes in Bosque, McLennan, and those portions within the Brazos River Basin of Hill County, Texas.

Owner Name	Amount	Purpose
Smith Bend Ranch Ltd	2,153 acre-feet	Agriculture, Municipal, Mining purposes

Brent A. Neuhaus 1994 Trust is the customer and reporting contact for Amy S. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust.

Multiple Special Conditions and Time Priorities apply, see Certificate and subsequent amendments.

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

to supply water to others. See 30 Texas Administrative Code § 297.81(b).

This water right falls under the jurisdiction of the Brazos Watermaster's Program. Prior to diverting, please contact the Brazos Watermaster's Office at **(254) 761-3006**.

R. Joseph Nicosia

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 12-4318 OWNERS: Daniel M. Leonard

P. O. Box 1718

Fort Worth, Texas 76101

H. L. Hunt, Jr., Trust

Estate

2800 Thanksgiving Tower Dallas, Texas 75201

COUNTY: Bosque

PRIORITY DATE: December 31, 1921

WATERCOURSE: Brazos River

BASIN: Brazos River

WHEREAS, by final decree of the 20th Judicial District Court of Milam County, in Cause No. 20,266, In Re: The Adjudication of Water Rights in the Brazos III River Segment of the Brazos River Basin dated November 7, 1985, a right was recognized under Claim 431 authorizing N. L. Hunt, Jr., Trust Estate to appropriate waters of the State of Texas as set forth below;

WHEREAS, by Trustee's Deed dated March 5, 1979, recorded in Volume 251, Page 547, Deed Records of Bosque County, Texas, Daniel M. Leonard acquired part ownership of Claim 431;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Brazos River Basin is issued to Daniel M. Leonard and H. L. Hunt, Jr., Trust Estate, subject to the following terms and conditions:

1. IMPOUNDMENT

Owners are authorized to maintain an existing 288 acre-foot capacity off-channel reservoir located in the John W. Carpenter Survey, Abstract 128, Bosque County, Texas.

2. USE

Owners are authorized to divert and use not to exceed 2820 acre-feet of water per annum from the Brazos River to irrigate a maximum of 752 acres of land out of a 823.66 acre tract located in the John W. Carpenter Survey, Abstract 128, Bosque County, Texas, said 823.66 acre tract being described as follows:

- (1) BEGINNING in the eastern right-of-way line of F.M. Road 2114, being the Southwest corner of a 137.54 acre tract described in a deed recorded in Volume 221, Page 648 of Deed Records of Bosque County, Texas.
- (2) THENCE N 58°08'E, 834.5 feet to a 5/8" iron pin;
- (3) THENCE N 57°38'E, 6461.5 feet to a point on the west bank of the Brazos River;
- (4) THENCE along said west bank with its meanders as follows: S 78°E, 1115 feet; S 62°E, 70 feet; S 75°E, 300 feet; S 69°E, 700 feet; S 66°E, 220 feet; S 86°E, 80 feet; S 60°E, 180 feet; S 43°E, 240 feet; S 30°E, 380 feet; S 22°E, 220 feet; S 12°E, 140 feet; S 35°W, 60 feet, S 22°E, 340 feet; S 17°E, 740 feet; S 12°E, 300 feet; S 14°E, 600 feet and S 05°41'E, 269.7 feet to a point, being the southeast corner of this tract;
- (5) THENCE S 57°08'W, 715.8 feet to a 5/8"iron pin;
- (6) THENCE S 57°48'W, 1544.1 feet to a point for corner;
- (7) THENCE N 32°21'W, 2642.5 feet to a point for corner;
- (8) THENCE S 57°38'W, 2499.1 feet to a point for corner;

- (9) THENCE S 32°20'E, 2626.8 feet to a point for corner;
- (10) THENCE S 57°39'W, 942.6 feet to a point in the east line of a county road;
- (11) THENCE N 85°54'W, 55.4 feet to a 5/8" iron pin;
- (12) THENCE S 57°35'W, 2769.4 feet to an iron pin in the east R.O.W. line of F.M. Road 2114;
- (13) THENCE with the east R.O.W. line of F.M. Road 2114 as follows: N 65°18'W, 54.3 feet; N 08°10'W, 988.3 feet; N 09°08'W 961.6 feet to the beginning of a curve to the left having a radius of 1685.08 feet and thence along said curve a distance of 1136.2 feet to a 2" pipe;
- (14) THENCE N 47°46'W 1505.3 feet to a 2" pipe at the beginning of a curve to the right having a radius of 5657.98 feet and thence along said curve a distance of 480.9 feet to a 2" pipe;
- (15) THENCE N 43°W, 253.9 feet to the place of beginning.

3. DIVERSION

- A. Location
 At a point on the Brazos River in the John W. Carpenter
 Survey, Abstract 128, Bosque County, Texas.
- B. Maximum rate: 8.89 cfs (4000 gpm).

4. PRIORITY

The time priority of owners' right is December 31, 1921.

5. SPECIAL CONDITION

Owners are authorized to store water diverted from the Brazos River in the aforesaid off-channel reservoir for subsequent diversion and use to the extent authorized herein.

The locations of pertinent features related to this certificate are shown on Page 1 of the Brazos III River Segment Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Water Commission, Austin, Texas and the Bosque County Clerk.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 20th Judicial District Court of Milam County, Texas, in Cause No. 20,266, In Re: The Adjudication of Water Rights in the Brazos III River Segment of the Brazos River Basin dated November 7, 1985 and supersedes all rights of the owner asserted in that cause.

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

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

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

TEXAS WATER COMMISSION

Paul Hopkins, Chairman

DATE ISSUED:

JUN 1 6 1986

ATTEST:

Mary Ann Defner, Chief Glerk

AMENDMENT TO CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-4318A TYPE: AMENDMENT

Name: Helen S. Hodge Address: 1043 N. Plymoth Road

Dallas, Texas 75208

Filed: August 14, 1987 Granted: September 8, 1987

Purpose: Jrrigation Counties: Bosque and Hill

Watercourse: Brazos River Watershed: Brazos River Basin

WHEREAS, Certificate of Adjudication No. 12-4318 was issued to Daniel Leonard and H. L. Hunt, Jr., Trust Estate on June 16, 1986, and authorizes the certificate owners to maintain a 288 acre-foot capacity off-channel reservoir, about 2300 feet south of the Brazos River and to divert and use not to exceed 2820 acre-feet of water per annum from the Brazos River for the irrigation of a maximum of 752 acres of land out of 823.66 acres in Bosque County, Texas. Certificate No. 12-4318 authorizes a diversion point on the Brazos River in the John W. Carpenter Survey, Abstract No. 128, approximately 23 miles southeast of Meridian, Bosque County at a maximum diversion rate of 8.89 cfs (4000 gpm); and

WHEREAS, Daniel M. Leonard and H. L. Hunt, Jr., Trust Estate entered into an agreement whereby the aforesaid 2820 acre-feet of water rights were divided and as a result Daniel M. Leonard has the right to divert 667 acre-feet of water per annum and H. L. Hunt, Jr., Trust Estate has the right to divert 2153 acre-feet of water per annum authorized by Certificate No. 12-4318; and

WHEREAS, Helen S. Hodge has acquired the aforesaid 667 acre-feet of water rights and the land to which the rights attach from Daniel M. Leonard; and

WHEREAS, Helen S. Hodge has requested an amendment to this part of Certificate No. 12-4318 to authorize a change in the place of use, the irrigation of additional acreage and to add two diversion points; and

WHEREAS, the Texas Water Commission finds that jurisdiction over the application is established; and

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

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

NOW, THEREFORE, this amendment to Certificate No. 12-4318 is issued to Helen S. Hodge, subject to the following provisions:

1. USE

Certificate owner is authorized to divert and use not to exceed 667 acre-feet of water per annum from the Brazos River to irrigate two separate tracts of land totaling 522.366 acres: one tract being comprised of two parcels, a 7-acre tract and a 366.68-acre tract in the William H. Smith Survey, Abstract No. 775, Bosque County, Texas, the conveyance of which tracts to certificate owner is recorded in Volume 239, page 330 and Volume 221, page 945 of the Bosque County Deed Records, respectively, and a 148.586-acre tract in the James H. Chambers Survey, Abstract No. 165, Hill County, Texas, the conveyance of which tract to certificate owner is recorded in Volume 547, page 729 of the Hill County Deed Records.

2. DIVERSION

a) Point No. 1: Certificate owner is authorized to divert water from the southwest, or right, bank of the Brazos River, at a point which is N 48°45' W, 9000 feet from the southeast corner of the aforesaid Carpenter survey, approximately 21.5 miles southeast of Meridian, Bosque County, Texas.

Point No. 2: Certificate owner is authorized to divert water from the east, or left, bank of the Brazos River, at a point which is S 39°15' W, 23,200 feet from the aforesaid survey corner, approximately 19.5 miles southwest of Hillsboro, Hill County, Texas.

b) The maximum combined rate of diversion for all diversion points on the Brazos River authorized by Certificate No. 12-4318, as amended, is 8.89 cfs (4000 gpm).

3. PRIORITY

The time priority of this amendment is December 31, 1921.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate No. 12-4318, except as specifically amended herein.

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

Certificate 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 Water Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS WATER COMMISSION

DATE ISSUED:

/s/ Paul Hopkins Paul Hopkins, Chairman

November 2, 1987

ATTEST:

/s/ John O. Houchins John O. Houchins, Commissioner

/s/ Karen A. Phillips Karen A. Phillips, Chief Clerk

/s/ B.J. Wynne, III
B. J. Wynne, III, Commissioner

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 12-4318B

CERTIFICATE NO. 12-4318B

TYPE: §11.122

Permittee:

Lakeview Recreation

Address:

P.O. Box 759

Association, Inc., DBA Bosque Valley

Meridian, Texas 76665

Golf Club

January 18, 2001

Granted:

APR 03 2003

Purpose:

Filed:

Agriculture

Counties:

Bosque and Hill

Watercourse: Rock Branch tributary

Watershed:

Brazos River Basin

of the North Bosque River, and the North Bosque River, tributary of the Brazos River

WHEREAS, Certificate of Adjudication No. 12-4318, as amended, authorizes the Owner to maintain a 288 acre-foot capacity off-channel reservoir and to divert and use, with a time priority of December 31, 1921, not to exceed 2,820 acre-feet of water per annum from the Brazos River at a maximum diversion rate of 8.89 cfs (4,000 gpm) to irrigate a maximum of 752 acres of land out of an 823.66 acre tract in the John Carpenter Survey, Abstract No. 128, approximately 23 miles southeast of Meridian in Bosque County; and

WHEREAS, Helen S. Hodge acquired a portion of the aforesaid 2,820 acre-feet of water authorization and amended the Certificate to authorize diversion and use of not to exceed 667 acrefeet of water per annum at a maximum diversion rate of 8.89 cfs (4,000 gpm) from two additional points on the Brazos River in combination with the diversion points previously authorized by the Certificate to irrigate 522.366 acres of land out of two tracts in the William H. Smith Survey, Abstract No. 775 in Bosque County and one tract in the James H. Chambers Survey, Abstract No. 165, in Hill County; and

WHEREAS, Lakeview Recreation Association, Inc., DBA Bosque Valley Golf Club, Applicant, pursuant to a Gift Deed dated March 23, 2000, acquired a portion of the aforesaid 667 acre-feet of water owned by Helen S. Hodge, which authorizes the Applicant to divert and use not to exceed 20 acre-feet of water per annum for irrigation at a (proportionate) diversion rate of 0.062 cfs (28 gpm); and RECEIVED

APR 1 4 2003

MATERIAL STATE

WHEREAS, no diversion point or place of use was granted in the Gift Deed; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 12-4318, as amended, by adding an additional diversion point on the east, or left, bank of the North Bosque River, located at 31.89°N Latitude and 97.64°W Longitude, also bearing S 69° W, 4,950 feet from the southwest corner of the John W. Mayberry Survey in Bosque County; and

WHEREAS, Applicant also seeks authorization to increase the diversion rate of the water authorized from 0.062 cfs (28 gpm) to 0.67 cfs (300 gpm); and

WHEREAS, Applicant seeks authorization to add 30 acres of land in the John W. Mayberry Survey known as the Bosque Valley Golf Club, approximately 3 miles southeast of Meridian in Bosque County, as a place of use for the aforesaid water; and

WHEREAS, Applicant seeks authorization to maintain an existing on-channel reservoir complex of two reservoirs having a total surface area of 1.22 acres and storage capacity of 8.54 acrefeet of water on Rock Branch, tributary of the North Bosque River, tributary of the Brazos River, in the Brazos River Basin and;

WHEREAS, the center point of the aforesaid reservoir complex is located at 32.47°N Latitude and 98.06°W Longitude, approximately 3 miles southeast of Meridian; and

WHEREAS, Applicant will pipe the water authorized by this amendment, if granted, from the North Bosque River to the aforesaid reservoirs for storage and subsequent diversion for agricultural purposes to irrigate 30 acres of land in the John W. Mayberry Survey; and

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

WHEREAS, the Executive Director finds that in order to protect instream uses and water quality certain streamflow restrictions should be required; and

WHEREAS, the City of Waco (Protester) on or about September 25, 2001, filed a protest to the granting of this amendment; and

WHEREAS, the Applicant and the Protester reached a signed agreement on points of concern, including the site for streamflow measurement, meters for diversion, streamflow restrictions, and access to pump sites and records, and

WHEREAS, The Executive Director finds that the Applicant may divert and use for agricultural purposes only that amount of water that is pumped from the Bosque River and piped to the on-channel reservoirs, less evaporative loss; 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. 12-4318, as amended, designated Certificate of Adjudication No. 12-4318B, is issued to Lakeview Recreation Association, Inc., DBA Bosque Valley Golf Club, subject to the following terms and conditions:

IMPOUNDMENT

Lakeview Recreation Association, Inc., DBA Bosque Valley Golf Club (Owner) is authorized to maintain an existing on-channel reservoir complex of two reservoirs having a total surface area of 1.22 acres and storage capacity of 8.54 acre-feet of water on Rock Branch, tributary of the North Bosque River, tributary of the Brazos River, in the Brazos River Basin. The center point of the reservoir complex is located at 32.47°N Latitude and 98.06°W Longitude, approximately 3 miles southeast of Meridian.

2. USE

Owner is authorized to divert from the North Bosque River and pipe to the aforesaid reservoir complex for storage and subsequent diversion not to exceed 20 acre-feet of water per annum for agricultural purposes to irrigate 30 acres of land in the John W. Mayberry Survey known as the Bosque Valley Golf Club, approximately 3 miles southeast of Meridian in Bosque County.

3. DIVERSION

- A Owner may divert the water authorized herein from a point, Diversion Point 1, on the east, or left, bank of the North Bosque River, located at 31.89°N Latitude and 97.64°W Longitude, also bearing S 69°W, 4,950 feet from the southwest corner of the John W. Mayberry Survey, in Bosque County to the on-channel reservoir complex for subsequent diversion for agricultural purposes.
- B. Owner may divert the water authorized herein from the perimeter of the aforesaid on-channel reservoir complex.
- C. Owner may divert the water authorized herein at a maximum rate of 0.67 cfs (300 gpm).

PRIORITY

The time priority of Owner's right is December 31, 1921, except it shall be junior in priority to the water rights owners of record, at the date of issuance of this

amendment, with diversion points in the North Bosque River watershed between the new diversion point and the confluence of the North Bosque River with the Brazos River.

SPECIAL CONDITIONS

- A. Prior to diversion of the water authorized herein, Owner shall install a meter at Diversion Point No. 1 to record the amount of water diverted from the North Bosque River to the on-channel reservoirs for subsequent diversion for agricultural purposes.
- B. In order to provide maintenance flows for existing instream uses, including water quality, Owner may only divert water when the streamflow of the North Bosque River measured at USGS Gauge No. 08095000 at Clifton, Texas equals or exceeds:
 - 1. 12 cfs during the months of January, February, and July,
 - 2. 37 cfs during the months of March, April, and June,
 - 3. 70 cfs during the month of May, and
 - 4. 6.5 cfs during the months of August through December.
 - C. Owner must pass all inflows of state water through the reservoir complex.
 - D. Owner may divert from the reservoir complex only that amount of water that has been piped from the diversion point on the North Bosque River less evaporative loss.
 - E. Owner shall record diversion meter measurements at least weekly.
 - F. Owner shall record the streamflow measurement at USGS Gauge No. 08095000 daily beginning the day prior to river pumping operations and continuing one day after pumping ceases.
 - G. During normal business hours, and upon request, representatives of the TCEQ shall be provided physical access to the diversion sites, including pumping and metering facilities, and recorded data for review, inspection, and verification purposes.

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, or prevent the pollution of water, so that a water supply is made available for future or alternative uses.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 12-4318, as amended, except as specifically amended herein.

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

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

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

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

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.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date Issued: APR 0 3 2003

Texas Commission on Environmental Quality



AMENDMENT TO CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-4318C

TYPE: 11.122

Owner:

Smith Bend Ranch, Ltd.

Address:

20475 Highway 46 West

Suite No. 180-619

Spring Branch, Texas 78070

Filed:

January 11, 2007

Granted:

MAR 13 2007

Purpose:

Agricultural (Irrigation),

Municipal, and Mining

Counties:

Bosque, McLennan and Hill

Watercourse: Brazos River

Watershed:

Brazos River Basin

WHEREAS, Applicant owns a portion of Certificate of Adjudication No. 12-4318 which authorizes the diversion and use of not to exceed 2,153 acre-feet of water per year from the Brazos River, Brazos River Basin at a maximum combined diversion rate of 8.89 cfs (4,000 gpm) for agricultural purposes to irrigate 628.85 acres in Bosque County. Owner is also authorized to maintain an off-channel reservoir with a capacity of 288 acre-feet of water. Diverted water may be placed directly on the authorized lands or stored in the off-channel reservoir for subsequent diversion and use, the time priority for this right is of December 31, 1921; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 12-4318 to add municipal and mining uses to the 2,153 acre-feet of water per year from the Brazos River, Brazos River Basin, and to add a place of use to anywhere in Bosque and McLennan Counties and those portions of Hill County within the Brazos River Basin; and

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

WHEREAS, no one protested the granting of this application; and

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-4318, designated Certificate of Adjudication No. 12-4318C, is issued to Smith Bend Ranch, Ltd., subject to the following terms and conditions:

1. USE

In addition to the authorization to divert and use not to exceed 2,153 acre-fect of water per year from the Brazos River, Brazos River Basin for agricultural purposes to irrigate 628.85 acres in Bosque County, Owner is also authorized to use the water for municipal and mining purposes anywhere in Bosque, McLennan, and those portions of Hill County within the Brazos River Basin.

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, or prevent the pollution of water, so that a water supply is made available for future or alternative uses.

SPECIAL CONDITIONS

- a.) Owner shall complete and submit to TCEQ, within 180 days prior to delivery of water to, or diversion of water by, any wholesale customer, a water conservation and drought contingency plan for use by a wholesale water supplier to meet the minimum requirements of Title 30 TAC 288.5 and 288.22.
- b.) Within 90 days prior to the diversion of water for industrial/mining purposes, the owner or contract customer shall submit an industrial/mining water conservation plan to the TCEQ to comply with Title 30 TAC Chapter 288.3.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 12-4318, as amended, except as specifically amended herein.

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

Certificate 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.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date Issued:

MAR 13 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-4318D

TYPE: 11.122

Owner:

John McPherson and

Address:

127 Thousand Oaks Drive

Wendell McPherson,

Whitney, Texas 76692

dba McPherson Farms

Filed:

April 22, 2009

Granted:

MAY 1 5 2009

Purpose:

Agricultural & Mining

County:

Hill

Watercourse: The Brazos River

Watershed:

Brazos River Basin

WHEREAS, John and Wendell McPherson own a portion of Certificate of Adjudication No. 12-4318, authorizing the Owners to divert and use not to exceed 150 acre-feet of water with a combined diversion rate of 8.89 cfs (4,000 gpm) from three diversion points on the Brazos River, Brazos River Basin, for agricultural purposes to irrigate land out of a 148.586-acre tract in Hill County, Texas, with a time priority of December 31, 1921; and

WHEREAS, Owners seek to amend their portion of Certificate of Adjudication No. 12-4318 to add mining purposes to their current authorization in Hill County; and

WHEREAS, Owners also seek to amend their portion of Certificate of Adjudication No. 12-4318 to add a 10 acre-foot off-channel reservoir with a surface area of one acre, located approximately 19.5 miles southwest of the Town of Hillsboro, Texas, in Hill County, at Latitude 31.794887°N, Longitude 97.299365°W, for storage and subsequent mining and agricultural uses; and

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

WHEREAS, no requests for a contested case hearing were received for this application; 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. 12-4318, designated Certificate of Adjudication No. 12-4318D, is issued to John and Wendell McPherson, dba McPherson Farms, subject to the following terms and conditions:

1. USE

In lieu of Owners previous authorization to divert and use not to exceed 150 acre-feet of water from the Brazos River, Brazos River Basin, for agricultural purposes to irrigate land out of a 148.586-acre tract in Hill County, Texas; Owners are now authorized to divert 150 acre-feet of water per year from the Brazos River, Brazos River Basin, for storage in an off-channel reservoir for subsequent mining purposes in Hill County and agricultural purposes to irrigate land out of a 148.586-acre tract in the J.H. Chambers Survey, Abstract No. 165 in Hill County, Texas.

2. CONSERVATION

Owners 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 of waste or maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future use or alternative uses.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate No. 12-4318, as amended, except as specifically amended herein.

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

Owners agree 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 resources exercised by the Commission.

For the Commission

Date Issued: MAY 1 5 2009

JONES, GALLIGAN, KEY & LOZANO, L.L.P.

F. L. Jones (1939-2007) Robert L. Galligan Terry D. Key (Retired) Anita G. Lozano Matthew L. Jones Lance A. Kirby Rebecca Gay Jones Rudy Salinas. Jr.

ATTORNEYS AT LAW

Town Center Tower
2300 West Pike Blvd., Suite 300, Weslaco, Texas 78596
P.O Drawer 1247, Weslaco, Texas 78599-1247
Telephone: (956) 968-5402
General Fax: (956) 968-6089 — Litigation Fax: (956) 969-9402

Ivan F. Pérez
Eugene R. Vaughan, III
Paola R. Guerrero
Gregory P. Kerr
Juan M. Pequeño, Jr. *
Lauren K. Christy
David Lozano
Alexandro Benavides

*1400 E. Madison, Suite 4, Brownsville, Texas 78520 Telephone: (956) 621-0710

E-mail: evaughan@jgkl.com File No. 40089

June 1, 2021

Texas Commission on Environmental Quality P.O. Box 13088, MC-160 Austin, Texas 78711-3088

Via CMRRR #7019 2970 0000 3571 7004

Re: Certificate of

Certificate of Adjudication No. 12-4318; Change of Ownership and Application for Amendment to a Water Right

To Whom It May Concern:

Please be advised that our firm represents BRENT A. NEUHAUS & RYAN S. NEUHAUS, Co-Trustees of the BRENT A. NEUHAUS 1994 TRUST, AMY S. KAUFMANN & MARTY KAUFMANN Co-Trustees of the AMY S. NEUHAUS 1994 TRUST, and RYAN S. NEUHAUS & JILL NEUHAUS, Co-Trustees of the RYAN S. NEUHAUS 1994 TRUST (collectively, "Neuhaus"). Neuhaus has purchased water rights representing the right to divert and use 150 acre-feet per year from the Brazos River from HARD INVESTMENTS, LLC, as evidenced by Certificate of Adjudication No. 12-4318 (the "Water Rights"). On behalf of Neuhaus, we hereby submit the following documents for the purpose of changing the ownership of the Water Rights and amending the Water Rights to change their point of diversion and place of use:

- 1. Change of Ownership Form (Form TCEQ-10204) transferring ownership of the Water Rights to Neuhaus, which is supported by the following documents establishing chain of title:
 - Water Rights Sales Agreement, dated February 18, 2021, by and between HARD INVESTMENTS, LLC, as Seller, and Neuhaus, as Buyer, for the sale and purchase of the Water Rights;
 - b. Water Rights Conveyance dated February 12, 2021, from HARD INVESTMENTS, LLC, as Grantor, to Neuhaus, as Grantee, for the conveyance of a total of 150 acre-feet of water rights evidenced by Certificate of Adjudication No. 12-4318, recorded under Document No. 00121432, Vol. 2103, Pg. 572, Official Records, Hill County, Texas;

RECEIVED
JUN 03 2021

Water Availability Division

Assignment of Water Rights from C&G REALTY E, LLC and C&G REALTY B, LLC to HARD INVESTMENTS, LLC, recorded under Document No. 00116712, in Volume 2076, Page 773, in the Official Public Records of Hill County, Texas; and

d. Assignment of Water Rights from **C&G REALTY B, LLC**, to **HARD INVESTMENTS, LLC**, recorded under Document No. 00116713, in

Volume 2076, Page 785, in the Official Public Records of Hill County, Texas

- 2. Original TCEQ Water Rights Permitting Application (Form TCEQ-10214B) for Cert. Adj. No. 12-4318, which includes the following:
 - Original Technical Information Report (Form TCEQ-10214C) requesting that the point of diversion from the Brazos River be changed;
 - b. **Exhibit "A"** Copy of the Diversion Point Location and Topo Map for Marlin Quadrangle;
 - c. **Exhibit "B"** Warranty Deed With Vendor's Lien from David Mack Jameson to Brent A. Neuhaus 1994 Trust, Amy S. Neuhaus 1994 Trust, and Ryan S. Neuhaus 1994 Trust in Fall County;
 - d. Exhibit "C" Copy of Marshall Criteria;
 - e. **Exhibit "D"** Copy System Inventory and Water Conservation Plan for Individually-Operated Irrigation Systems;
- 3. A check in the amount of \$312.50, payable to the Texas Commission on Environmental Quality.

Time is of the essence in this transaction. I realize that you process applications in the order in which they arrive at TCEQ; however, I would appreciate your prompt attention to this matter. I believe, based on prior transactions of this nature, that we have attached all of the documents that you will need. If you need anything further, though, or if you have any questions or comments, please do not hesitate to contact me.

Yours very truly,

JONES, GALLIGAN, KEY & LOZANO, L.L.P.

=110+11= 1

FUGENE R. VAUGHAN. III

For the Firm

SURFACE WATER RIGHTS CHANGE OF OWNERSHIP FORM

This Form is required to update the TCEQ ownership records of surface water rights in Texas. Submit a separate form for each water right. See accompanying instructions regarding completion of this Form. If you require additional assistance, you may contact the Water Rights Compliance Assurance Team (WRCAT) at (512) 239-4600.

1.	Indicate: Water Rights Permit No and River Basin No, or Certificate of Adjudication No,						
2.	Provide the contact information for the person TCEQ may contact while processing this form. Please verify that the mailing address is recognized by the US Postal Service (USPS) on the USPS website at https://tools.usps.com/go/ZipLookupActionlinput.action . Contact Name: BRENT A. NEUHAUS						
	Mailing Address: 7736 Central Park						
	City: Waco State: Texas ZIP Code + four: 76712-6535						
	Telephone No(s). Home: 254-749-7301 Office: 254-732-0623						
	Email Address: BrentNeuhaus@unitedagt.com						
	each owner (for Notices and communications once the water right ownership has been updated) in the spaces below. *Note · The names of the new owner(s) must match the legal recorded conveyance documents that prove the change of ownership. Additionally, if a new owner is an entity, the legal name must match the name as filed with the Texas Secretary of State, County, or any other legal documents forming the entity.						
	Please verify that the mailing address is recognized by the USPS website at https://tools.usps.com/go/ZipLookupActionlinput.action .						
	First New Owner's Name(s): BRENT A. NEUHAUS 1994 TRUST						
	Mailing Address: 7736 Central Park						
	City: Waco State: Texas ZIP Code + four: 76712-6535						
	Telephone No(s). Home: 254-749-7301 Office: 254-732-0623						
	Email Address: BrentNeuhaus@unitedagt.com						
	Submit additional new owners name(s) and address(es) below or on a supplemental sheet.						
	Additional New Owner(s) Contact Information:						
	AMY S. NEUHAUS 1994 TRUST [same contact information as above]						
	RYAN S. NEUHAUS 1994 TRUST [same contact information as above]						

a. Is any new owner a Corporation, a Limited Partnership, a Limited Liability Company, or Limited Liability Partnership registered with the Texas Secretary of State?

Yes or No No ___.

If yes, provide Secretary of State Filing Number(s):_____. You may verify an entity's name and filing number at http://www.sos.state.tx.us/corp/sosda/index.shtml

4. If a new owner is currently a customer with the TCEQ, provide the Customer Number (CN) below. You may search for an Owner's CN on the TCEQ website at http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch

CN: CN604584011; CN604584003; CN604584029 (leave blank if the new owner does not yet have a CN).

- 5. Pursuant to <u>Title 30 Texas Administrative Code (TAC) Sections 297.81-297.83</u>, relating to Conveyances of Land and Water Rights, the following additional items must be submitted or the Form may be returned without processing.
 - a. This "Change of Ownership" Form fully completed, signed.
 - b. Documents establishing a **complete chain of title** from the owner of record to the new owner. All such conveyance documents must be copies of **Certified** and/or **Recorded** documents on file in applicable county property records. (These documents usually consist of **deeds and other such conveyances or**, in case of an inheritance usually, the (a) **will**, (b) **probate order** and (c) **will inventory**.) Include as attachments to this submission copies of these conveyance documents. If your files are too large to be submitted via e-mail, utilize TCEQ's FTP (<u>FTP Help Site</u>), and e-mail <u>WRCAT</u> for directions on how to transfer these files.
 - c. \$100 recording fee for processing the Change of Ownership Form for the water right. Make your remittance payable at <u>TCEO ePay</u>. Please indicate your voucher number or provide a copy in the submission e-mail.
- 6. Please Note if the water right is located in an area of a river basin under the jurisdiction of a TCEQ Watermaster, the water right may not be used if there are any outstanding penalties, fees, or interest related to the water right. You may contact the applicable Watermaster to verify there are no outstanding fees, penalties, and interest related to the water right. Rio Grande Watermaster, (956) 430-6046; Concho Watermaster and South Texas Watermaster, (210) 490-3096; Brazos Watermaster, (254) 761-3006.

I certify that the Surface Water Rights Change of Ownership Form submitted is complete and accurate to the best of my knowledge. By entering my name below and pressing the "Sign and Submit" button, I certify that:

- 1. I, BRENT A. NEUHAUS ____, am of sound mind.
- 2. I have the authority to submit this information.
- 3. I am knowingly and intentionally submitting a Surface Water Rights Change of Ownership Form for the above state Surface Water Right.
- 4. I am aware that an owner of a water right or his or her agent shall promptly inform the Executive Director of any transfer of water right or change of the owner's address.
- 5. I am aware that intentionally or knowingly making or causing to be made false material statements or representation in this Surface Water Rights Change of Ownership Form is a criminal offense subject to criminal penalties.
- 6. By entering my name and pressing the "Sign and Submit" button, I am executing an electronic signature equivalent to my written signature.

This signature co	nstitutes, an electronic signature legally equivalent to my written signature.
	Λ\\
Signature (Required)	(AW)
	BRENT A. NEUHAUS, Co-Trustee, BRENT A. NEUHAUS 1994 TRUST

SIGN and SUBMIT

Submit, E-mail, or Mail this completed form and all required items to:

Texas Commission on Environmental Quality
Water Rights Compliance Assurance Team (WRCAT)
PO Box 13088, MC-160
Austin, Texas 78711-3088

Telephone (512) 239-4600

WRCOO@tceq.texas.gov

I certify that the Surface Water Rights Change of Ownership Form submitted is complete and accurate to the best of my knowledge. By entering my name below and pressing the "Sign and Submit" button, I certify that:

- 1. I, RYAN S. NEUHAUS ____, am of sound mind.
- 2. I have the authority to submit this information.
- 3. I am knowingly and intentionally submitting a Surface Water Rights Change of Ownership Form for the above state Surface Water Right.
- 4. I am aware that an owner of a water right or his or her agent shall promptly inform the Executive Director of any transfer of water right or change of the owner's address.
- 5. I am aware that intentionally or knowingly making or causing to be made false material statements or representation in this Surface Water Rights Change of Ownership Form is a criminal offense subject to criminal penalties.
- 6. By entering my name and pressing the "Sign and Submit" button, I am executing an electronic signature equivalent to my written signature.

This signature co	nstitutes an electronic signature legally equivalent to my written signature.
Signature (Required)	AM

RYAN S. NEUHAUS, Co-Trustee, BRENT A. NEUHAUS 1994 TRUST

SIGN and SUBMIT

Submit, E-mail, or Mail this completed form and all required items to:

Texas Commission on Environmental Quality
Water Rights Compliance Assurance Team (WRCAT)
PO Box 13088, MC-160
Austin, Texas 78711-3088

Telephone (512) 239-4600

WRCOO@tceq.texas.gov

- 1. I, RYAN S. NEUHAUS ____, am of sound mind.
- 2. I have the authority to submit this information.
- 3. I am knowingly and intentionally submitting a Surface Water Rights Change of Ownership Form for the above state Surface Water Right.
- 4. I am aware that an owner of a water right or his or her agent shall promptly inform the Executive Director of any transfer of water right or change of the owner's address.
- 5. I am aware that intentionally or knowingly making or causing to be made false material statements or representation in this Surface Water Rights Change of Ownership Form is a criminal offense subject to criminal penalties.
- 6. By entering my name and pressing the "Sign and Submit" button, I am executing an electronic signature equivalent to my written signature.

This signature constitutes an electronic signature legally equivalent to my written signature.				
Signature (Required)	6M			
	DVAN S NEIHAUS CO-Trustee DVAN S NEIHAUS 1994 TRUST			

SIGN and SUBMIT

Submit, E-mail, or Mail this completed form and all required items to:

Texas Commission on Environmental Quality Water Rights Compliance Assurance Team (WRCAT) PO Box 13088, MC-160 Austin, Texas 78711-3088

Telephone (512) 239-4600

1. I, JILL NEUHAUS	. am of sound mind
1. 1.	. aui oi sounu niinu

- 2. I have the authority to submit this information.
- 3. I am knowingly and intentionally submitting a Surface Water Rights Change of Ownership Form for the above state Surface Water Right.
- 4. I am aware that an owner of a water right or his or her agent shall promptly inform the Executive Director of any transfer of water right or change of the owner's address.
- 5. I am aware that intentionally or knowingly making or causing to be made false material statements or representation in this Surface Water Rights Change of Ownership Form is a criminal offense subject to criminal penalties.
- 6. By entering my name and pressing the "Sign and Submit" button, I am executing an electronic signature equivalent to my written signature.

This signature co	nstitutes an electronic signature legally equivalent to my written signature.
Signature (Required)	Oll Neuhaus
	JILL NEUHAUS, Co-Trustee, RYAN S. NEUHAUS 1994 TRUST
	SIGN and SUBMIT

Submit, E-mail, or Mail this completed form and all required items to:

Texas Commission on Environmental Quality
Water Rights Compliance Assurance Team (WRCAT)
PO Box 13088, MC-160
Austin, Texas 78711-3088

Telephone (512) 239-4600

- 1. I, AMY S. KAUFMANN am of sound mind.
- 2. I have the authority to submit this information.
- 3. I am knowingly and intentionally submitting a Surface Water Rights Change of Ownership Form for the above state Surface Water Right.
- 4. I am aware that an owner of a water right or his or her agent shall promptly inform the Executive Director of any transfer of water right or change of the owner's address.
- 5. I am aware that intentionally or knowingly making or causing to be made false material statements or representation in this Surface Water Rights Change of Ownership Form is a criminal offense subject to criminal penalties.
- 6. By entering my name and pressing the "Sign and Submit" button, I am executing an electronic signature equivalent to my written signature.

This signature constitutes an electronic signature legally equivalent to my written signature.					
Signature (Required)	Amy S. Kaufmann				

AMY S. KAUFMANN, Co-Trustee, AMY S. NEUHAUS 1994 TRUST

SIGN and SUBMIT

Submit, E-mail, or Mail this completed form and all required items to:

Texas Commission on Environmental Quality
Water Rights Compliance Assurance Team (WRCAT)
PO Box 13088, MC-160
Austin, Texas 78711-3088

Telephone (512) 239-4600

- 1. I, MARTY KAUFMANN am of sound mind.
- 2. I have the authority to submit this information.
- 3. I am knowingly and intentionally submitting a Surface Water Rights Change of Ownership Form for the above state Surface Water Right.
- 4. I am aware that an owner of a water right or his or her agent shall promptly inform the Executive Director of any transfer of water right or change of the owner's address.
- 5. I am aware that intentionally or knowingly making or causing to be made false material statements or representation in this Surface Water Rights Change of Ownership Form is a criminal offense subject to criminal penalties.
- 6. By entering my name and pressing the "Sign and Submit" button, I am executing an electronic signature equivalent to my written signature.

This signature constitutes an electronic signature legally equivalent to my written signature.					
Signature (Required)	Monty Kaylmann				

MARTY KAUFMANN, Co-Trustee, AMY S. NEUHAUS 1994 TRUST

SIGN and SUBMIT

Submit, E-mail, or Mail this completed form and all required items to:

Texas Commission on Environmental Quality
Water Rights Compliance Assurance Team (WRCAT)
PO Box 13088, MC-160
Austin, Texas 78711-3088

Telephone (512) 239-4600

Water Rights Purchase and Sale Agreement

Seller:

HARD INVESTMENTS, LLC, a Texas limited liability company

Seller's

Address:

P.O. Box 222

Meridian, Texas 76666

Buyer:

BRENT A. NEUHAUS and RYAN S. NEUHAUS, Co-Trustees of the BRENT A.

NEUHAUS 1994 TRUST:

AMY S. KAUFMANN and MARTY KAUFMANN, Co-Trustees of the AMY S.

NEUHAUS 1994 TRUST; and

RYAN S. NEUHAUS and JILL NEUHAUS, Co-Trustees of the RYAN S.

NEUHAUS 1994 TRUST

Buyer's Address: c/o Brent Neuhaus

7736 Central Park Waco, Texas 76712

1. The Water Rights. Seller owns the right to divert and use water from the Brazos River in a maximum amount not to exceed 150 acre-feet per annum for irrigation use on land in Hill County, Texas, being those water rights evidenced by Certificate of Adjudication No. 12-4318. BUYER desires to purchase an amount of water rights equal to 150 acre-feet per annum (the "Water Rights") from SELLER. Subject to the terms and conditions of this Agreement, SELLER agrees to sell and transfer said water rights to BUYER and BUYER agrees to purchase and accept title to the Water Rights.

SELLER represents the following:

- a) The Water Rights are owned by **SELLER** and are appurtenant to the real property described on **Exhibit "A"** attached hereto and have not been previously severed from this appurtenance.
- b) SELLER understands that BUYER intends to institute amendment proceedings with the Texas Commission on Environmental Quality (the "TCEQ") to amend the Water Rights to change the point of diversion and place of use.
- 2. The Purchase Price. For and in consideration of ONE HUNDRED FIFTY THOUSAND AND NO/100THS DOLLARS (\$150,000.00) (the "Purchase Price") to be paid by BUYER as hereinafter provided, SELLER sells and will transfer to BUYER and BUYER hereby purchases the Water Rights from SELLER consistent with all necessary proceedings before the TCEQ and subject to the terms and conditions provided in this Agreement.

The Purchase Price is payable in cash to SELLER according to the terms hereof and at closing of this transaction upon the TCEQ's approval of the change of ownership, place and of

Water Rights Sale Agreement

use, and points of diversion to the Water Rights as requested by **BUYER** and **SELLER's** transfer of the Water Rights to **BUYER**, all as provided for below.

- 3. The Earnest Money. It is agreed that BUYER will deposit or will have deposited the sum of TWENTY-FIVE THOUSAND AND NO/100THS DOLLARS (\$25,000.00) (the "Earnest Money") with EUGENE R. VAUGHAN, III (the "Escrow Agent"), with the firm of JONES, GALLIGAN, KEY & LOZANO, L.L.P., 2300 West Pike Blvd., Suite 300, P.O. Drawer 1247, Weslaco, Texas, as Escrow Agent, which sum shall be held by him in trust and paid to SELLER along with the balance of the Purchase Price when this transaction is closed, or refunded to BUYER if this transaction is not closed, as provided herein. The Earnest Money is deposited with Escrow Agent with the understanding that Escrow Agent:
 - a) Is not a party to this Contract and does not assume or have any liability for performance or non-performance of any signatory;
 - b) Has the right to require from all signatories a written release of liability of the Escrow Agent which authorizes the disbursement of the Earnest Money;
 - c) Is not liable for interest or other charge on the funds held: and
 - d) Is not liable for any losses of escrow funds caused by the failure of any banking institution in which such funds have been deposited, unless such banking institution is acting as Escrow Agent.

If any signatory unreasonably fails to deliver promptly the documents described in (b) above, then such signatory shall be liable to the other signatories as provided herein. At the Closing, the Earnest Money shall be applied to the Purchase Price.

- 4. <u>TCEQ Proceedings and Closing</u>. The parties acknowledge that the essence of this transaction is that the TCEQ approve the change of ownership, place of use, and points of diversion of the Water Rights to those desired by **BUYER**; and, because of this condition, it is especially agreed as follows:
 - a) Final closing of this transaction and delivery of the Purchase Price from the Escrow Agent to SELLER are subject to and dependent on the approval by the TCEQ of the change of ownership, place of use, and points of diversion of the Water Rights as requested by BUYER; and the issuance by the TCEQ of an Amended Certificate of Adjudication evidencing such approval, or such other orders as are necessary under the circumstances to authorize the transfer of the Water Rights, as amended consistent with the provisions of this Agreement, to BUYER.
 - b) SELLER hereby authorizes BUYER to file an application (the "Application") with the TCEQ for its desired approval of this transfer, change of ownership, place of use, and point of diversion and agrees to execute the necessary documents required of SELLER for such proceeding. BUYER shall commence such proceedings as soon as is possible but within thirty (30) calendar days following Escrow Agent's receipt of the Conveyance, as defined and provided for in subparagraph (c) below. The expenses of this proceeding shall be borne by BUYER, including the expenses of any public hearings or proceedings before said TCEQ and all required filing and recording fees. BUYER agrees to initiate and pursue said proceedings, and SELLER agrees to cooperate with BUYER in connection therewith, with all due diligence and care so as to complete same

and procure approval of this transfer in such TCEQ proceedings within two hundred seventy (270) calendar days following the initial filing of the Application with the TCEQ, but any delay brought about by the TCEQ proceedings, including any technical review, that is not attributable to the conduct of the **BUYER**, which causes a delay of Closing beyond the two hundred seventy (270) day period, shall not be grounds for cancellation of this Agreement.

- In order to properly seek and obtain said approval of the TCEQ and to accomplish the transfer and amendment of the Water Rights. SELLER agrees to execute and deliver the Conveyance, the form of which is attached hereto as Exhibit "B" to the Escrow Agent for any appropriate use by BUYER or its authorized representative (including the Escrow Agent) in the TCEQ approval proceeding. SELLER shall fully support BUYER's Application before the TCEQ and, in connection therewith, participate in any public notice or hearing that is required in the context of the TCEQ approval proceeding. SELLER also agrees to execute, or have executed, such other applications or documents necessary to accomplish the transfer of the Water Rights, all of which documents shall be in form and substance acceptable to BUYER and SELLER and TCEQ. Even though the Conveyance is signed and delivered by SELLER to the Escrow Agent and recorded in the Official Records of Hill County, Texas, SELLER shall not receive or be entitled to receive the Purchase Price from the Escrow Agent until the TCEQ has issued an Amendment to the Certificate of Adjudication involved herein or such other order or orders approving the amendment and this transfer so as to allow the diversion and use of the Water Rights as sought by BUYER. The Escrow Agent shall deliver the Purchase Price as adjusted in accordance to the terms hereof, if applicable, to SELLER within ten (10) calendar days following the issuance and delivery of the said TCEQ approval order(s) and Amended Certificate of Adjudication to Escrow Agent, at his offices located at 2300 West Pike Blvd, Suite 300, P.O. Drawer 1247, Weslaco, Texas.
- SELLER agrees to provide authentic copies of all title documents within SELLER'S possession or known to SELLER evidencing SELLER's interest in the Water Rights within thirty (30) days of the Effective Date of this Agreement. Within that same time period, SELLER shall also provide an affidavit to BUYER stating that there are no liens or claims that encumber the Water Rights. Notwithstanding any other provision hereof, BUYER's performance under this Agreement is subject to receipt of the aforementioned documents evidencing SELLER'S interest in the Water Rights and SELLER's affidavit regarding the non-existence of liens or claims that encumber the Water Rights. It is agreed that BUYER or its authorized representative shall file and prosecute the necessary Application(s) with the TCEQ as provided above. If it shall be determined that SELLER owns less than the represented 150 acre-feet of Water Rights, the Purchase Price shall be adjusted on the basis of \$1,000.00 per acre-foot, such adjustment to be made at Closing by a reduction in the Purchase Price in accordance with the terms hereof; provided however, if SELLER is determined to own less than 150 acrefeet per annum of water rights, BUYER shall have the right, but not the obligation, to cancel this Agreement and receive the return of the Earnest Money and be under no further obligation to SELLER other than the re-conveyance of the Water Rights as such were conveyed to BUYER In accordance with the terms of a conveyance instrument in the same form as attached Exhibit "B" with the effect being the reconveyance of all such Water Rights by the grantee to the original grantor.
- e) In the event the TCEQ does not issue an Amendment to the Certificate of Adjudication involved herein and its final approval order of such amendment(s) and

transfer to BUYER on or before the expiration of two hundred seventy (270) days from the date of this Agreement, and assuming no delay caused by BUYER or SELLER, unless the parties otherwise agree to an extension, then said Conveyance shall be returned to SELLER by the Escrow Agent and all portions of the transaction shall be cancelled by appropriate legal means, including any re-conveyance of the Water Rights back to the SELLER, and the Earnest Money shall be returned and paid to BUYER. In such event, no party shall have any further obligation to the other and the parties agree to sign such instruments and take such actions as are required to place the parties in the position each was in with respect to the Water Rights prior to entering into this Agreement.

- 5. <u>Water Allocations</u>. Prior to or at the Closing of this transaction contemplated hereby, **SELLER** agrees to pay any penalty, interest, or assessments accrued and owing to the TCEQ, or any other interest, taxes, or assessments due that pertain to the Water Rights or water allocation attributable thereto. **SELLER** further agrees that upon the closing of this transaction, **BUYER** shall receive a water allocation attributable to the Water Rights in the records of the TCEQ Brazos River Watermaster for use in 2020, or such later year, as the case may be, amounting to a minimum of acre-feet of water allocation based upon a calendar year proration, assuming a full annual water allocation, as calculated by the Brazos River Watermaster, remaining in the year involved, from the date of issuance of the Amendment to the Certificate of Adjudication involved herein.
- 6. <u>Severance</u>. It is agreed that **BUYER** is hereby purchasing the Water Rights as a right separate and apart from (a) its current point of diversion or use and appurtenant facilities; and (b) any other water rights which may be appurtenant to the existing point of diversion or use and attendant facilities, and no interest in same is intended to be sold, transferred, or conveyed hereby.

7. Default and Remedies.

- a) <u>Seller's Default</u>. Unless **SELLER's** Default relates to: (i) the untruth or incorrectness of **SELLER's** representations for reasons not reasonably within **SELLER's** control, (ii) a defect in **SELLER's** title to the Water Rights, or (iii) the failure of the TCEQ or other water rights authority to approve the transfer of the Water Rights (unless such failure is due to the acts of **SELLER**), **BUYER** may enforce specific performance, as **BUYER's** sole and exclusive remedy, of **SELLER's** obligations under this Agreement, but any such action must be initiated, if at all, within ninety (90) days after the breach or alleged breach of this Agreement.
- b) <u>Buyer's Default.</u> If **BUYER** fails to perform any of its obligations under this Agreement, **SELLER** may enforce specific performance, as **SELLER's** sole and exclusive remedy, of **BUYER's** obligations under this Agreement, but any such action must be initiated, if at all, within ninety (90) days after the breach or alleged breach of this Agreement.
- c) If either party retains an attorney to enforce this Agreement, the party prevailing in litigation is entitled to recover reasonable attorney's fees and court and other costs.

8. Seller's and Buyer's Representations.

a) Seller's Representations to Buyer. SELLER represents to BUYER that

the following are true and correct as of the Effective Date and will be true and correct on the Final Closing:

- i) <u>Litigation</u>. **SELLER** has not received written notice and has no actual knowledge of any litigation pending or threatened against **SELLER** that might affect the Water Rights or **SELLER's** ability to perform its obligations under this Agreement.
- ii) <u>Violation of Laws</u>. **SELLER** has not received written notice of violation of any law, ordinance, regulation, or requirements affecting the Water Rights or **SELLER's** use of the Water Rights.
- iii) <u>Licenses, Permits, and Approvals.</u> **SELLER** has not received written notice that any license, permit, or approval necessary to use the Water Rights in the manner in which they are currently used will not be renewed on expiration or that any material condition will be imposed in order to obtain their renewal.
- iv) <u>No Liens</u>. On the Final Closing, the Water Rights will be free and clear of all liens and encumbrances of any nature except the Permitted Exceptions or liens to which **BUYER** has given its consent.
- v) Good Title. **SELLER** has good and indefeasible fee simple title to the Water Rights, free and clear of all mortgages, liens, licenses, encumbrances, leases, tenancies, security interests, covenants, conditions, restrictions, rights-of-way, easements, judgments, and other matters affecting title.
- vi) No Bills or Claims. There will be no unpaid bills or claims in connection with any repair or work performed or material furnished or otherwise relating to the Water Rights for the benefit of **SELLER** as of the date of Closing, and all bills attributable to or affecting the Water Rights will be paid by **SELLER** in full before Closing.
- vii) No Adverse Matters. To the best of SELLER's knowledge, there is no (a) change contemplated in any applicable laws, ordinances or restrictions; (b) judicial or administrative action threatened or pending against the Water Rights or SELLER; (c) action pending or threatened against the Water Rights or SELLER; or (d) natural or artificial conditions relating to the Water Rights that would have a material adverse effect on the Water Rights.
- viii) <u>Compliance with Laws</u>. To the best of **SELLER's** knowledge, **SELLER** has at all times complied with and operated in compliance with all applicable federal, state, and local laws, regulations, and ordinances regarding the Water Rights, including rules of any applicable Water Authority. **SELLER** will promptly notify **BUYER** of any noncompliance notice received by Seller.
- ix) <u>No Other Representation</u>. Except as stated above, **SELLER** makes no representation with respect to the Water Rights.
- x) "As Is, Where Is". THIS AGREEMENT IS AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE PURCHASE PRICE WAS

BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES, EXCEPT THOSE IN THIS AGREEMENT AND THE CLOSING DOCUMENTS.

BUYER IS NOT RELYING ON ANY REPRESENTATIONS, DISCLOSURES, OR EXPRESS OR IMPLIED WARRANTIES OTHER THAN THOSE EXPRESSLY CONTAINED IN THIS AGREEMENT AND THE CLOSING DOCUMENTS. BUYER IS NOT RELYING ON ANY INFORMATION REGARDING THE PROPERTY PROVIDED BY ANY PERSON, OTHER THAN BUYER'S OWN INSPECTION AND THE REPRESENTATIONS AND WARRANTIES CONTAINED IN THIS AGREEMENT AND THE CLOSING DOCUMENTS.

b) <u>Buyer's Representations to Seller</u>. **BUYER** represents to **SELLER** that the following is true and correct as of the Effective Date and will be true and correct on the Closing Date. **BUYER** is an individual with authority to perform its obligations under this Agreement. This Agreement is binding on **BUYER**. This Agreement is, and all documents required by this Agreement to be executed and delivered to **SELLER** at closing will be, duly authorized, executed, and delivered by **BUYER**.

9. Miscellaneous Provisions.

- a) Notices. Any notice required by or permitted under this Agreement must be in writing. Any notice required by this Agreement will be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address shown in this Agreement. Notice may also be given by regular mail, personal delivery, courier delivery, facsimile transmission, or other commercially reasonable means and will be effective when actually received, provided that (a) any notice received on a Saturday, Sunday, or national holiday will be deemed to have been received on the next day that is not a Saturday, Sunday, or national holiday; and (b) any notice received after 5:00 P.M. local time at the place of delivery on a day that is not a Saturday, Sunday, or national holiday will be deemed to have been received on the next day that is not a Saturday, Sunday, or national holiday. Any address for notice may be changed by written notice delivered as provided herein. Copies of each notice must be given by one of these methods to the attorney of the party to whom notice is given.
- b) <u>Entire Agreement</u>. This Agreement, together with its exhibit(s), and any documents delivered at Closing constitute the entire agreement of the parties concerning the sale of the Water Rights by **SELLER** to **BUYER**. There are no oral representations, warranties, agreements, or promises pertaining to the sale of the Water Rights by **SELLER** to **BUYER** not incorporated in writing in this Agreement.
- c) <u>Amendment</u>. This Agreement may be amended only by an instrument in writing signed by the parties.
- d) <u>Assignment</u>. **BUYER** may assign this Agreement and **BUYER**'s rights under it only to an entity in which **BUYER** possesses, directly or indirectly, the power to direct or cause the direction of its management and policies, whether through the ownership of voting securities or otherwise, and any other assignment is void. No such

assignment will relieve **BUYER** of its obligations under this Agreement, and **BUYER** and the assignee will be jointly and severally liable for the performance of such obligations after any such assignment.

- e) <u>Survival</u>. The obligations of this Agreement that cannot be performed before termination of this Agreement or before closing will survive termination of this Agreement or closing, and the legal doctrine of merger will not apply to these matters.
- f) <u>Choice of Law; Venue</u>. This Agreement will be construed under the laws of the state of Texas, without regard to choice-of-law rules of any jurisdiction. Venue is in Hill County.
- g) <u>Waiver of Default</u>. It is not a waiver of default if the non-defaulting party fails to declare immediately a default or delays taking any action with respect to the default.
- h) <u>No Third-Party Beneficiaries</u>. There are no third-party beneficiaries of this Agreement.
- i) <u>Severability</u>. If a provision of this Agreement is unenforceable for any reason, to the extent the unenforceability does not destroy the basis of the bargain among the parties, the unenforceability does not affect any other provision of this Agreement, and this Agreement is to be construed as if the unenforceable provision is not a part of the Agreement.
- j) <u>Ambiguities Not Construed against Drafter</u>. The rule of construction that ambiguities in a document will be construed against the party who drafted it will not be applied in interpreting this Agreement.
- k) <u>No Special Relationship</u>. The parties' relationship is an ordinary commercial relationship, and they do not intend to create the relationship of principal and agent, partnership, joint venture, or any other special relationship.
- I) <u>Counterparts</u>. If this Agreement is executed in multiple counterparts, all counterparts taken together will constitute this Agreement. Copies of signatures to this Agreement are effective as original signatures.
- m) <u>Confidentiality</u>. The parties will keep confidential this Agreement, this transaction, and all information learned in the course of this transaction, except to the extent disclosure is required by law or court order or to enable third parties to advise or assist **BUYER** to investigate the Water Rights or either party to close this transaction. Remedies for violations of this provision are limited to injunctions, and no damages or rescission may be sought or recovered as a result of any such violations.
- n) <u>Binding Effect</u>. This Agreement binds, benefits, and may be enforced by the parties and their respective heirs, successors, and permitted assigns.
- o) <u>Authority</u>. The persons signing below on behalf of **SELLER** and **BUYER** personally represent and warrant that each has full right and authority to execute this Agreement on behalf of the **SELLER** or **BUYER**, as the case may be.
 - p) <u>Seller's Knowledge</u>. Any reference in this Agreement to "SELLER's

knowledge" shall refer only to the personal knowledge or recollection of LANCE ${\bf M}$. REINHARD.

SELLER:

HARD INVESTMENTS, LLC, a Texas limited liability company

By:

Date: February 12, 2021

BUYE	R: /
BREN	T A. NEUHAUS 1994 TRUST
Ву:	BRENT A. NEUHAUS, Co-Trustee
Date:	
Ву:	RYAN S. NEUHAUS, Co-Trustee
Datas	

BUYE	R:
BREN	T A. NEUHAUS 1994 TRUST
By:	BRENT A. NEUHAUS, Co-Trustee
Date:	
Ву:	RYAN S. NEUHAUS, Co-Trustee
Date:	2/9/21

AMY S. NEUHAUS 1994 TRUST; and

By: AMY S. KAUFMANN, Co-Trustee

Date: 2-9-202/

By: Matry Kaufmann, Co-Trustee

Date: 2-9-202 |

KIAN	13. NEURAUS 1334 INGOI
By:	RYAN S. NEUHAUS, Co-Trustee
Date:	2/9/21
Ву:	Jill W. Neuhaus Jill NEUHAUS, Co-Trustee
	JILL NEUHAUS, Co-Trustee
	2/9/21
Date:	~191d1

Escrow Agent's Receipt of Earnest Money

	JONES	, GALLIG	AN, KEY	& LOZAN	O, L.L.P. h	ereby ad	cknowledg	ges rece	ipt of a	check
in the	sum of	TWENTY	FIVE TH	OUSAND	AND NO/	100THS	DOLLAR	RS (\$25	,000.00) from
BUYE	R under	the terms	and cond	ditions as s	set forth in	the Agre	eement to	which	this rec	eipt is
attache	ed.									

Dated: February 18 , 2021.

JONES, GALLIGAN, KEY & LOZANO, L.L.P.

BY: THE R. VAUGHAN, III

EXHIBIT "A"

Appurtenant Property

Tract 1:

Field notes for the survey of a certain lot, tract, or parcel of land being 117.480 acres out of the J. Chambers Survey A-165 and 125.666 acres out of the William H. Nelson Survey A-678 in Hill County, Texas. Said land is a part of that certain 278.146 acre tract described in a deed from John Artie McPherson et ux, Linda Carolyn McPherson to C&G Realty E, LLC recorded in Volume 1771, Page 332 of the Official Public Records of Hill County, more particularly described as follows:

BEGINNING at a cotton spindle found in the center of HCR #2200 and in the east line of that certain 254.826 acre tract described in a deed to G&C Realty B, LLC recorded in Volume 1808, Page 734 of the Official Public Records of Hill County for the northwest corner of said 278.146 acre tract and for the northwest corner of this, said spindle being \$30°20'19"E 51.05 feet from a 1/2" from rod found in the north line of said Chambers Survey and in the south line of the William Brooks Survey A-1 for the northeast corner of said 254.826 acre tract, from which a 6' cadar fence corner post found for the occupied northwest corner of said Chambers Survey on the east bank of the Brazos River bears \$58°51'10"W 2077.42 feet, \$59°45'48"W 1833.56 feet, and \$53°47'34"W 2395.35 feet

THENCE N55°29'47"E, at 53.60 feet passing a 1.2° from rod found for the southwest corner of that certain 0.82 scre tract described in a dead to the State of Texas recorded in Volume 512, Page 369 of the Deed Records of Hill County, in all a distance of 201.40 feet to a 5/8° from rod with cap stamped "INCE RPLS #5175" found in the south fine of sald 0.82 scre tract and in the south line of F.M. Highway 1304 for the beginning of a curve to the right;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 0.82 acre tract, generally along a fence, and along said curve having a radius of 5689.58 feet, N57°29'48"E for a chord distance of 395.73 feet, an arc distance of 395.8' feet, to a 6/8" from rod with cap stamped "INCE RPLS #5175" found for the end of said curve:

THENCE continuing with the south line of F.M. Highway 1304 and generally along a fence, N59°34'00"E 1424.97 feet to a 4" iron pipe fence comer post found at the intersection of the south line of F.M. Highway 1304 with the west line of that certain 10.0 acre tract described in a deed to Michael McKibben recorded in Volume 2045, Page 601 of the Official Public Records of Hill County for the southeast corner of said 0.82 acre tract, for the an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE generally along a fence, S31°04'08"E 1031.02 feet to a 4" iron pipe fence comer post found for the southwest comer of said McKibben tract, for an inside eli comer of said 278.148 acre tract, and for an inside eli comer of this:

THENCE generally along a fence, N60°39'11"E 412.94 feet to a 4" fron pipe fence corner post found for the southeast corner of said McKibben tract, for an inside eli corner of said 278.146 acre tract, and for an inside eli corner of this;

THENCE with the east line of said McKibben tract and generally along a fence, N31°04'04'W 766.08 feet to a 5/8" iron rod found in a fence line for the southwest comer of that certain 2.000 acre tract described

in a deed to Louis L. Thiele recorded in Volume 1624, Page 808 of the Official Public Records of Hill County and for an outside eli comer of this;

THENCE generally along a fence, N59°38'22"E 319.09 feet to a 4° cedar fence corner post found for the southeast corner of said Thiele tract and for an inside ell corner of said 278,146 acre tract and for an inside ell corner of this:

THENCE generally along a fence, N31°04'24"W 273.20 feet to a 5/8" iron rod found at a fence corner in the south line of FM. Highway 1304, and in the south line of that certain 2.16 acre tract described in a deed to the State of Texas recorded in Volume 5:1, Page 806 of the Deed Records of Hill County for the northeast corner of said Thiele tract, for an outside sill corner of said 278.146 acre tract, and for an outside ell corner of this:

THENCE with the south line of F. M. Highway 1304 and with the south line of said 2.16 acre tract, N59°34'00°E 728.77 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found and N59°44'00°E 1172.60 feet to a 5/8" iron rod with cap stamped "INCE RPLS #6176" found for the beginning of a curve to the left

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 2.16 acre tract, and along said curve having a radius of 11519.16 feet, N59°05'00"E for a chord distance of 271.30 feet, an arc distance of 271.31 feet, to a 5/8° Iron rod with cap stamped "INCE RPLS #5175" found for the end of said curve:

THENCE continuing with the south line of F.M. Highway 1304 and with the south line of said 2.16 acre tract, N58°26'00'E 338.20 feet to a 5/8° fron rod with cap stamped "INCE RPLS #5175° found for the beginning of a curve to the right

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 2.16 acre tract, and along said curve having a radius of 11398.16 feet, N58*29'03*E for a chord distance of 175.55 feet, an arc distance of 175.55 feet to a 12" cedar fence corner post found for the northwest corner of that certain 1.01 acre tract described in a deed to Donald Hom recorded in Volume 561, Page 636 of the Deed Records of Hill County, for the northeast corner of said 278.146 acre tract, and for the northeast corner of this;

THENCE generally along a fence, S30°09'45"E 1418.20 fast to a 5/8" from rod with cap stamped TNCE RPLS #5175" found at a fence corner for the southwest corner of said Horn 1.01 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along a fence, N58*31*13"E 31.01 feet to a 5/8" from rod with cap stamped "INCE RPLS #5175" found at an old fence comer post in the west line of that certain 65 acre tract described in a deed to Donald Dean Hom recorded in Volume 453, Page 184 of the Deed Records of Hill County for the southeast corner of said 1.01 acre tract, for an outside ell comer of said 278.146 acre tract, and for an outside ell comer of this:

THENCE with the west line of said 85 acre Horn tract, with the east line of said 278.148 acre tract, and generally along a fence, S28°35'29°E 378.95 feel to a 6/8° iron rod set for the northeast corner of that certain 35.000 acre tract described in a deed to Armando Ortega recorded in Volume 2046, Page 148 of the Official Public Records of Hill County and for the southeast corner of this, said rod being N28°35'29'W 1038.78 feet from a 4" iron pipe fence corner post found for the southeast corner of said 278.146 acre tract

THENCE 959°40′56°W 1478.31 feet to a 1/2" iros rod set in the east line of that certain 24 foot easement tract described in a deed recorded in Volume 1771, Page 332 of the Official Public Records of Hill County

for the northwest corner of said 35.000 acre tract and for an inside ell corner of this, said rod being \$29°33'42"E 11.03 feet from a bend in the east like of said 24 foot easement.

THENCE with the east line of said easement, \$29°33'42"E 36.77 feet to a 5/8" fron rod with cap stamped "INCE RPLS #5175" found, \$29°45'47"E 452,74 leet to a 5/8" fron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said 24 foot easement;

THENCE with the east line of an existing access road, \$32"08'20"E 263,92 feet to a 1/2" fron rod set.

THENCE 808°11'13"E 69.59 feet to a 1/2" fron red set in the east line of that certain tract described in a deed to Methodist Episcopal Church South (Old Lebanon Cemelery) recorded in Volume "N", Page 421 of the Deed Records of Hill County, said rod being N30°53'35"W 229.84 feet from a cotton spindle found set in top of an old cedar fence comer post broken off flush with the ground for the southeast comer of said Cemetery trac and for an outside ell comer of said 278.148 acre tract.

THENCE N30°53'36'W 689.16 feet to a 6° cedar lence comer post found for the northeast comer of that certain 200 acre tract described in a deed to Andrea Holt recorded in Volume 1128, Page 772 of the Official Public Records of Hill County, for an inside ell comer of said 278.146 acre tract, and for an inside ell comer of this;

THENCE generally along a fence and with the occupied north line of said Holt tract, \$59°38'33'W 4782.87 feet to a 6" cedar fence comer post found in the east line of HCR #2200, \$60°46'12'W 44.86 feet to a 4" cedar fence comer post found in the west line of HCR #2200, and \$59°40'16'W 5893.55 feet to a 4" cedar fence corner post found on the east bank of the Brazos River for the southwest comer of said 278.146 acre tract and for the southwest comer of this:

THENCE with the east bank of the Brazos River, N21°55'38"W 50.54 feet to a 5/8" from rod with cap stamped "INCE RPLS #5175" found for the southwest corner of said 254.826 acre tract, for the most westerly northwest corner of said 278.146 acre tract, and for the most westerly northwest corner of this:

THENCE N59°40'16°E 5166.16 feet to a railroad spike found for an outside ell corner of said 254.826 acre tract, for an inside ell corner of said 278.146 acre tract, and for inside ell corner of this:

THENCE N30°19'44"W 150.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for an inside ell corner of said 254,826 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this:

THENCE N59°40°16°E, at 373.94 feet passing a 5/8° fron rod with cap stamped "INCE RPLS #5175° found for the southeast comer of said 254.826 acre tract and for an outside ell comer of that certain 5.342 acre tract described in a deed to C&G Reality B, LLC recorded in Volume 1863, Page 635 of the Official Public Records of Hill County, in all a distance of 420.00 feet to a 5/8° fron rod with cap stamped "INCE RPLS #5176" found for an inside ell comer of said 5.342 acre tract, for an outside ell comer of said 278.146 acre tract, and for an outside ell comer of this;

THENCE S30*19'44"E 150.00 feet to a 5/8" fron rod with cap stamped "INCE RPLS #5175" found for the southwest corner of said 5.342 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE N69°40'16"E, at 311.61 feet passing a 5/8" from rod with cap stamped "INCE RPLS #5175" found for reference, in all a distance of 332,78 feet to a 1/2" from rod found in the center of HCR #2200 for the southeast corner of said 5.342 acre tract, for an inside ell corner of said 278,146 acre tract, and for an inside ell corner of this;

THENCE generally along the center of HCR #2200 the following courses and distances:

N18°52'34"W 139.01 feet to a 1/2" iron rod found;

N18°31'29"W 161.23 feet to a 5/8" iron rod found; and

N12°07'43°E, at 176.61 feet passing a 1/2" fron red found for the northeast corner of said 5.342 acre tract and for the southeast corner of that certain 2.040 acre tract described in said deed recorded in Volume 1863, Page 535, in all a distance of 346.67 feet to a railroad spike set in the south line of that certain 2.830 acre tract described in a deed to George Albert Withite, Jr. recorded in Volume 1760, Page 663 for the northeast corner of said 2.040 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this:

THENCE N50°24'45"E, at 171.06 feet passing a 5/8" from rod with cap stamped "INCE RPLS #5175" found for the southwest corner of that certain 2.401 acre tract described in a deed to Janet Elizabeth Anderson recorded in Volume 1735, Page 13 of the Official Public Records of Hill County, in all a distance of 251.60 feat to a 5/8" from rod with cap stamped "INCE RPLS #5175" found in the south line of HCR #2240 and N58°54'04"E 291.02 feet to a 1/2" from rod found at a fence corner for the southeast corner of said Hill Tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE with the east line of HCR #2200, N27°55'42"W 249.10 feet to a 5/8" fron rod with cap stamped "INCE RPLS #6175" found for the northeast comer of said Hill tract, for an outside ell comer of said 278.146 acre tract and for an inside ell comer of fitis;

THENCE S59°3613"W 12.73 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of that certain 3,000 acre tract described in a deed to Ronnie Hasty recorded in Volume 1283, Page 178 of the Official Public Records of Hill County, for an outside ell corner of said 278,146 acre tract, and for an outside ell corner of this;

THENCE with the center of HCR #2200, N30°17'10'W, at 275.07 feet passing a 1/2" fron rod found for the northeast corner of said Hasty tract, in all a distance of 830.10 feet to a 1/2" fron rod found and N26°13'24"W 166.80 feet to the point of beginning containing 243.146 acres of land, of which approximately 0.866 acres lies in a public road.

Tract 2:

Field notes for the survey of a certain lot, tract, or parcel of land being 146.710 acres out of the J. Chambers Survey A-165 and 108.116 acres out of the William H. Nelson Survey A-678 in Hill County, Texas. Said land is a part of that certain 260.208 acre tract described in a deed from John Artie McPherson et ux, Linda Carolyn McPherson to Wendell Ray McPherson recorded in Volume 727, Page 510, a part of that certain 148.586 acre tract described in a deed from Helen S. Hodge and J. Calvin Hodge to John McPherson and Wendell McPherson recorded in Volume 732, Page 359, and a part of that certain 2.0 acre tract described in a deed from W. T. Hom et ux, Charleie Horn to W. L. McPherson, et al recorded in Volume 581, Page 833 of the Deed Records of Hill County, more particularly described as follows:

BEGINNING at a 6" cedar fence comer post found on the east bank of the Brazos River for the occupied northwest corner of the J. Chambers Survey A-165, for the occupied southwest corner of the William Brooks Survey A-1, for the southwest corner of that certain 106.47 scre tract described in a deed to Charles Matthews recorded in Volume 557, Page 537 of the Deed Records of Hill County, for the northwest corner of said 260.208 acre tract, and tor the northwest corner of this;

THENCE with the occupied south line of said Brooks Survey, with the occupied north line of said Chambers Survey, with the north line of said 260 208 zore tract, and partially along a fence, N59°47'34"E

2395.35 feet to a 1/2" Iron red found in the north line of HCR #2201 for the southeast corner of said Matthews tract and for the southwest corner of that certain 80 acre tract described in a deed to Kenneth H. Burleson recorded in Volume 513, Page 652 of the Deed Records of Hill County;

THENCE continuing with the occupied south line of said Brooks Survey, with the occupied north line of said Chambers survey, and with the north line of said 260.208 acre tract, N59*45'48"E 1833.56 feat to a 1/2" iron rod found in the center of said county road for the southeast comer of said Burleson tract and for the southwest comer of that certain 20.20 acre tract described in a deed to Garland R. Lively recorded in Volume 669, Page 323 of the Deed Records of Hill County;

THENCE continuing with said occupied Survey lines and generally along the center of HCR #2201, N58"51"10"E, at 1394.03 feet passing a 1/2" iron rod found for the southeast corner of that certain 2.248 acre tract described in a deed to Jeanne C. Dickson recorded in Volume 1673, Page 813 of the Official Public Records of Hill County, in all a distance of 2077.42 feet to a 1/2" iron rod found at the Intersection of the center of HCR #2201 with the center of HCR #2200 for the northeast corner of said 280.208 acre tract and for the northeast corner of this:

THENCE generally along the center of HCR #2200 S30"20"19"E 51.05 feet to a cotton spindle found for the northwest corner of that certain 278.146 acretract described in a deed to C & G Realty E, LLC recorded in Volume 1771, Page 332 of the Official Public Records of Hill County;

THENCE continuing with the center of HCR #2200 and with the west line of said C & G Realty E, LLC tract, \$26°13′24″E 156.80 feet to a 1/2″ fron rod found, and \$30°17′10″E 555.03 feet to /2″ fron rod found for the northeast corner of that certain 3.000 acre tract described in a deed to Ronnie Hasty recorded in Volume 1283, Page 178 of the Official Public Records of Hill County, for an outside ell corner of said 260.208 acre tract, and for the most easterly southeast corner of this;

THENCE generally along a fence as oxiended, \$59°35'44"W at 15.50 feet passing a 5/8" iron rod found at a fence corner for reference, in all a distance of 475.20 feet to a 6" cedar fence corner post found for the northwest corner of said Hasty tract, for an inside ell corner of said 260.208 acre tract, and for an inside ell corner of this:

THENCE generally along a fence and with the extension thereof, \$30°17'09"E 275.00 feet to 5/8" iron rod found in the south line of said Chambers Survey, in the north line of the W. Nelson Survey A-678, and in in the north line of that certain 2.830 acre tract described in a deed to George Albert Wilhite, Jr. recorded in Volume 1760, Page 863 of the Official Public Records of Hill County for the southwest comer of said Hasty tract, for an outside ell comer of said 260.208 acre tract and for an outside ell corner of this:

THENCE with said survey line and partially along a fence, S59*35'20'W 534.58 feet to a 2" iron pipe fence corner post found for the northwest corner of said Wilhite tract, for an inside ell corner of said 260.208 acre tract, and for an outside ell corner of that certain 2.040 acre tract described in a deed to Lucas Weyne Montgomery recorded in Volume '725, Page 272 of the Official Public Records of Hill County and S60*04'15"W 70.77 feet to a 5/8" iron red found for the northwest corner of said 2.040 acre tract and for an inside ell corner of this:

THENCE S19*42'18*E, at 207.64 feet passing the southwest comer of said 2.040 acre tract and the northwest corner of that certain 5.342 acre tract described in a deed to Lucas Wayna Montgomery recorded in Volume 1725, Page 278 of the Official Public Records of Hill County, in all a distance of 704.35 feet to a 5/8" iron rod found in the south line of said 260.208 acre tract and in a north line of said C & G Realty E tract for an outside ell corner of said 5.342 acre tract and for an outside ell corner of this:

THENCE S59°40'16"W 373.94 feet to a 5/8° iror rod found for an outside ell corner of said C & G tract, for an outside ell corner of said 260,208 acre trax, and for an inside ell corner of this;

THENCE S30°19'44"E 150.00 feet to a railroad spike found for an inside ell comer of said C & G tract, for an outside ell comer of said 260.208 agre tract, and for the most southeast comer of this;

THENCE S59°40'18"W 5166.16 feet to a 5/8" for rod found on the east bank of the Brazos River for the most westerly northwest corner of said C & G trad, for the southwest corner of said 260.208 acre tract, and for the southwest corner of this, said rod being N21°55'36"W 50.54 feet from a 5/8" iron rod found for the southwest corner of said C & G tract

THENCE generally along the east bank of the Brazos River and generally along a fence, N21°55'36"W 891.65 feet to a 6" cedar fence comer post found for the an outside ell corner of said 260.208 acre tract and for an outside ell corner of this:

THENCE generally along a fence N67°24'22°E 1C.05 feet to a 6" cedar fence corner post found for an inside ell corner of said 260.208 acre tract and for an inside ell corner of this;

THENCE generally along the east bank of the Brazos River and generally along a fence, N12°33'38'W 1037.72 feet to the place of beginning, containing 254.828 acres of land, of which approximately 2.282 acres lies within public roads.

EXHIBIT "B" Form of Conveyance Instrument

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.

WATER RIGHTS CONVEYANCE

202

Date:	, 202				
Grantor:	Grantor: HARD INVESTMENTS, LLC, a Texas limited liability company				
Grantor's N	failing Address:	, <u>a</u> "			
	P.O. Box 222 Meridian, Texas 76666				
Grantee:	BRENT A. NEUHAUS and R NEUHAUS 1994 TRUST; AN Trustees of the AMY S. NEU	MY S. KAUFMANN a HAUS 1994 TRUST;	nd MARTY KAUFMANN and RYAN S. NEUHAUS	l, Co-	

Grantee's Mailing Address:

7736 Central Park Waco, Texas 76712

Consideration:

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

Water Rights:

The right to divert and use a maximum of up to 150 acre-feet of water per annum from the Brazos River, being water rights owned by GRANTOR out of the water rights evidenced by Certificate of Adjudication No. 12-4318 (the "Water Rights").

Severance:

GRANTOR does hereby expressly sever the Water Rights here conveyed from its land in Hill County, Texas, which is more particularly described on Exhibit "1", and no other rights of GRANTOR are hereby conveyed except the Water Rights.

Condition:

The conveyance of the Water Rights to GRANTEE is expressly subject to approval by the

Texas Commission on Environmental Quality (the "TCEQ") of the change of ownership, place of use, purpose of use, and point of diversion of the Water Rights.

Subject to the Condition, GRANTOR, for the Consideration, GRANTS, SELLS, AND CONVEYS to GRANTEE the Water Rights, 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 title to the Water Rights, which are not less than a 100% interest in 150 acre feet of water per annum, to GRANTEE and GRANTEE's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof. Without limitation, this warranty shall apply in the event of any failure(s) as to the foregoing minimums specified as to the amount of, and percent interest in, the Water Rights conveyed hereby.

The parties agree that once the TCEQ approves the transfer, and GRANTEE pays any remaining consideration for the transfer, in accordance with the terms of the contract between GRANTOR and GRANTEE, this conveyance will become absolute. GRANTOR hereby authorizes the Texas Commission on Environmental Quality, or its successor, and any such other governmental body or authority that has jurisdiction over the Water Rights ("Water Authority"), to make such changes in the records as are necessary to accomplish the conveyance and transfer of the Water Rights. GRANTOR agrees to execute such other instruments as shall be necessary and required by the TCEQ and other Water Authority.

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

HARD INVESTMENTS, LLC, a Texas limited liability company

	Ву:	SAMPLE - NOT FOR EXECUTION	_
		LANCE M. REINHARD, Manager	
STATE OF TEXAS	8		
	§		
COUNTY OF	§		
Manager of HARD INVESTME company and for the purposes Given under my hand	ENTS, LLC, a Texas and consideration he		1
202			
	Notary	Public, State of Texas	

PREPARED IN THE OFFICE OF: AFTER RECORDING RETURN TO:

Eugene R. Vaughan, III JONES, GALLIGAN, KEY & LOZANO L.L.P. 2300 West Pike Boulevard, Suite 300 Post Office Drawer 1247 Weslaco, Texas 78599-1247 Tel: (956) 968-5402 Fax: (956) 968-6089

Exhibit "1"

Tract 1:

Field notes for the survey of a certain lot, tract, or parcel of tand being 117,480 acres out of the J. Chambers Survey A-165 and 125,666 acres out of the William H. Nelson Survey A-678 in Hill County, Texas. Said land is a part of that certain 278,148 acre tract described in a deed from John Artle McPherson et ux, Linda Carolyn McPherson to C&G Realty E, LLC recorded in Volume 1771, Page 332 of the Official Public Records of Hill County, more particularly described as follows:

BEGINNING at a cotton spindle found in the center of HCR #2200 and in the east line of that certain 254.826 acre tract described in a deed to G&C Realty B, LLC recorded in Volume 1808, Page 734 of the Official Public Records of Hill County for the northwest corner of said 278.146 acre tract and for the northwest corner of this, said spindle being S30*20*19*E 51.05 feet from a 1/2* iron rod found in the north line of said Chambers Survey and in the south line of the William Brooks Survey A-1 for the northeast corner of said 254.828 acre tract, from which a 6* cedar fence corner post found for the occupied northwest corner of said Chambers Survey on the east bank of the Brazos River bears S58*51*10*W 2077.42 feet, S59*45'48*W 1833.56 feet, and S53*47'34*W 2395.35 feet

THENCE N55°29'47"E, at 53.80 feet passing a 1.2" iron rod found for the southwest comer of that certain 0.82 acre tract described in a deed to the State of Texas recorded in Volume 512, Page 389 of the Deed Records of Hill County, in all a distance of 201.40 feet to a 5/8° fron rod with cap stamped "INCE RPLS #5175" found in the south line of sald 0.82 acre tract and in the south line of F.M. Highway 1304 for the beginning of a curve to the right;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 0.82 acre tract, generally along a fence, and along said curve having a radius of 5689.58 feet, N57°29'48"E for a chord distance of 395.73 feet, an arc distance of 396.8" feet, to a 6/8" iron rod with cap stamped "INCE RPLS #5175" found for the end of said curve:

THENCE continuing with the south line of F.M. Highway 1304 and generally along a fence, N59°34'00°E 1424.97 feet to a 4" iron pipe fence comer post found at the intersection of the south line of F.M. Highway 1304 with the west line of that certain 10.0 acre text described in a deed to Michael McKibben recorded in Volume 2045, Page 601 of the Official Public Records of Hill County for the southeast corner of said 0.82 acre tract, for the an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE generally along a fence, S31°04'08"E 1031.02 feet to a 4" iron pipe fence comer post found for the southwest comer of said McKleben tract, for an inside ell comer of said 278.148 acre tract, and for an inside ell comer of this:

THENCE generally along a fence, N60°39'11"E 412.94 feet to a 4" from pipe fence corner post found for the southeast corner of said Mckilbben tract, for an inside eli corner of said 278.148 acre tract, and for an inside eli corner of this;

THENCE with the east line of said McKibben tract and generally along a fence, N31°04'04'W 765.06 feet to a 5/8" Iron rod found in a fence line for the southwest comer of that certain 2,000 acre tract described

In a deed to Louis L. Thiste recorded in Volume 1824, Page 808 of the Official Public Records of Hill County and for an outside ell comer of this;

THENCE generally along a fence, N59°38'22"E 319.09 feet to a 4° cedar fence corner post found for the southeast corner of said Thiete tract and for an inside ell corner of said 278.146 acre tract and for an inside ell corner of this:

THENCE generally along a fence, N31°04'24'W 273.20 feet to a 5/6" iron rod found at a fence corner in the south line of FM. Highway 1304, and in the south line of that certain 2.16 acre tract described in a deed to the State of Texas recorded in Volume 5:1, Page 806 of the Deed Records of Hill County for the northeast corner of said Thiele tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this:

THENCE with the south line of F. M. Highway 1364 and with the south line of said 2.16 acre tract, N59°34'00°E 728.77 feet to a 5/8° iron rod with cap stamped "INCE RPLS #5175" found and N59°44'00°E 1172.60 feet to a 5/8° iron rod with cap stamped INCE RPLS #5176° found for the beginning of a curve to the left.

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 2.16 acre tract, and along said curve having a radius of 11519.16 feet, N59°05'00"E for a chord distance of 271.30 feet, an arc distance of 271.31 feet, to a 5/8° iron rod with cap stamped "INCE RPLS #5175" found for the end of said curve;

THENCE continuing with the south line of F.M. Highway 1304 and with the south line of said 2.16 acre tract, N58°26'00'E 338.20 feet to a 5/8° iron rod with cap stamped "INCE RPLS #5175" found for the beginning of a curve to the right;

THENCE continuing with the south line of F.M. Fighway 1304, with the south line of said 2.16 acre tract, and along said curve having a radius of 11399.16 feet, N58*29'03*E for a chord distance of 175.55 feet, an arc distance of 175.55 feet to a 12" cedar fence corner post found for the northwest corner of that certain 1.01 acre tract described in a deed to Dorald Horn recorded in Volume 581, Page 638 of the Deed Records of Hill County, for the northeast corner of said 278.146 acre tract, and for the northeast corner of this:

THENCE generally along a fence, \$30°09'45'E 1418.20 feet to a 5/5" from rod with cap stamped "INCE RPLS #5175" found at a fence corner for the southwest corner of said Hom 1.01 acre tract, for an inside ell corner of said 278,146 acre tract, and for an inside ell corner of this;

THENCE generally along a fence, N58°31'13"E 31.01 feet to a 5/8" fron rod with cap stamped "INCE RPLS #5175" found at an old fence comer post in the west line of that certain 65 acre tract described in a deed to Donald Dean Horn recorded in Volume 453, Page 184 of the Deed Records of Hill County for the southeast corner of said 1.01 acre tract, for an outside ell corner of said 278.148 acre tract, and for an outside ell corner of this;

THENCE with the wast line of said 85 scre Horn Fact, with the east line of said 278.146 acre tract, and generally along a fence, S28°35′29°E 378.95 feel to a 5/8° iron rod set for the northeast corner of that certain 35.000 acre tract described in a deed to Armando Ortega recorded in Volume 2046, Page 148 of the Official Public Records of Hill County and for the southeast corner of this, said rod being N28°35′25′W 1038.78 feet from a 4" iron pipe fence corner post found for the southeast corner of said 276.146 acre tract.

THENCE S59°40'56'W 1478.31 feet to a 1/2" iros rod set in the east line of that certain 24 foot easement tract described in a deed recorded in Volume 1771, Page 332 of the Official Public Records of Hill County

for the northwest corner of said 35.000 acre tract and for an inside ell comer of this, said red being \$29°33'42"E 11.03 feet from a bend in the east live of said 24 foot easement.

THENCE with the east line of said easement, \$29°33'42"E 36.77 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found, \$29°45'47"E 452.74 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said 24 foot easement:

THENCE with the east line of an existing access road, \$32°08'20"E 263.92 feet to a 1/2" Iron rod set;

THENCE 803°11'13"E 59.59 feet to a 1/2" fron red set in the east line of that certain tract described in a dead to Methodist Episcopal Church South (Old Lebanon Cemelary) recorded in Volume "N", Page 421 of the Deed Records of Hill County, said rod being N30°53'35"W 229.84 feet from a cotton spindle found set in top of an old cedar fence comer post broken off flush with the ground for the southeast comer of said Cemetary trac and for an outside ell comer of said 278.148 acre tract;

THENCE N30°53'36'W 669,16 feet to a 6° ceder fence comer post found for the northeast comer of that certain 200 scre tract described in a deed to Andrea Holt recorded in Volume 1128, Page 772 of the Official Public Records of Hill County, for an inside ell comer of said 278.146 scre tract, and for an inside ell comer of this;

THENCE generally along a fence and with the occupied north line of said Holt tract, S59°36'33'W 4782.87 feet to a 6" cedar fence corner post found in the east line of HCR #2200, S60°46'12'W 44.86 feet to a 4" cedar fence corner post found in the west line of HCR #2200, and S59°40'16'W 5893.55 feet to a 4" cedar fence corner post found on the east bank of the Brazos River for the southwest corner of said 278.146 acre tract and for the southwest corner of this;

THENCE with the east bank of the Brazos River, N21°85'38"W 80.54 feet to a 5/8" from rod with cap stamped "INCE RPLS #5175" found for the southwest comer of said 254.826 acre tract, for the most westerly northwest comer of said 278.146 acre tract, and for the most westerly northwest comer of this:

THENCE N59°40'16°E 5166.16 feet to a railroad spike found for an outside ell corner of said 254.826 acre tract, for an inside ell corner of said 278.146 acre tract, and for inside ell corner of this;

THENCE N30°19'44"W 150.00 feet to a 6/8" iron rod with cap stamped "INCE RPLS #5175" found for an inside ell corner of said 254,828 acre tract, for an outside ell corner of said 278,148 acre tract, and for an outside ell corner of this;

THENCE N59°40′16°E, at 373.94 feet passing a 5/8° iron rod with cap stamped "INCE RPLS #5175° found for the southeast corner of said 254.826 acre tract and for an outside all corner of that certain 5.342 acre tract described in a deed to C&G Realty B, ILC recorded in Volume 1853, Page 535 of the Official Public Records of Hill County, in all a distance of 420.00 feet to a 5/8° iron rod with cap stamped "INCE RPLS #5175" found for an inside ell corner of said 6.342 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this:

THENCE S30*19'44"E 150.00 feet to a 5/8" fron rot with cap stamped "INCE RPLS #5176" found for the southwest corner of said 5.342 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE N59°40'16"E, at 311.61 feat passing a 5/8" fron rod with cap stamped "INCE RPLS #5175" found for reference, in all a distance of 332.78 feat to a 1/2" fron rod found in the center of HCR #2200 for the southeast corner of said 5.342 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along the center of HCR #2200 the following courses and distances:

N18°52'34"W 139.01 feet to a 1/2" iron rod found;

N16°31'29"W 161,23 feet to a 5/8" iron rod found; and

N12°07'43"E, at 176.61 feet passing a 1/2" iron red found for the northeast corner of said 5.342 acre tract and for the southeast corner of that certain 2.040 acre tract described in said deed recorded in Volume 1863, Page 635, in all a distance of 346.67 feet to a railroad spike set in the south line of that certain 2.830 acre tract described in a deed to George Albert Wilhite, Jr. recorded in Volume 1760, Page 663 for the northeast corner of said 2.040 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this:

THENCE N60°24'45°E, at 171.06 feet passing a 5/8° iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said Wilhite tract and for the southwest corner of that certain 2.401 acre tract described in a deed to Janet Elizabeth Anderson recorded in Volume 1735, Page 13 of the Official Public Records of Hill County, in all a distance of 251.50 feet to a 5/8° iron rod with cap stamped "INCE RPLS #5175" found in the south line of HCR #2200 and N58°54'04°E 291.02 feet to a 1/2° iron rod found at a fence corner for the southeast corner of said Hill Tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this:

THENCE with the east line of HCR #2200, N27°55'42"W 249.10 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the northeast corner of said Hill tract, for an outside ell corner of said 278.145 acre tract and for an inside ell corner of Ris;

THENCE S59°3613'W 12.73 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast comer of that certain 3.000 acre tract described in a deed to Ronnie Hasty recorded in Volume 1283, Page 178 of the Official Public Records of Hill County, for an outside all comer of said 278,148 acre tract, and for an outside ell comer of this;

THENCE with the center of HCR #2200, N30°17'10'W, at 275.07 feet passing a 1/2" iron rod found for the northeast corner of said Hasty tract, in all a distance of 830.10 feet to a 1/2" iron rod found and N26°13'24"W 166.80 feet to the point of beginning containing 243.146 acres of land, of which approximately 0.866 acres lies in a public road.

Tract 2:

Field notes for the survey of a certain lot, tract, or parcel of land being 146.710 acres out of the J. Chambers Survey A-165 and 108.116 acres out of the William H. Nelson Survey A-878 in Hill County, Texas. Sald land is a part of that certain 260.208 acre tract described in a deed from John Artie McPherson et ux, Linda Carciyn McPherson to Wendell Ray McPherson recorded in Volume 727, Page 510, a part of that certain 148.588 acre tract described in a deed from Heien S. Hodge and J. Calvin Hodge to John McPherson and Wendell McPherson recorded in Volume 732, Page 359, and a part of that certain 2.0 acre tract described in a deed from W. T. Hom et ux, Charleie Hom to W. L. McPherson, et al recorded in Volume 561, Page 633 of the Deed Records of Hill County, more particularly described as follows:

BEGINNING at a 6" cedar fence corner post found on the east bank of the Brazos River for the occupied northwest corner of the J. Chambers Survey A-165, for the occupied southwest corner of the William Brooks Survey A-1, for the southwest corner of that certain 106.47 scre tract described in a deed to Charles Matthews recorded in Volume 557, Page 537 of the Deed Records of Hill County, for the northwest corner of said 260,208 acre tract, and for the northwest corner of this;

THENCE with the occupied south line of said Brooks Survey, with the occupied north line of said Chambers Survey, with the north line of said 260:208 agre track, and partially along a fence, N59°47'34"E

2395.35 feet to a 1/2" iron rod found in the north line of HCR #2201 for the southeast comer of said Matthews tract and for the southwest corner of that certain 90 acre tract described in a deed to Kenneth H. Burleson recorded in Volume 513, Page 852 of the Deed Records of Hill County;

THENCE continuing with the occupied south line of said Brooks Survey, with the occupied north line of said Chambers survey, and with the north line of said 260.208 acre tract, N59°45'48"E 1833.56 feet to a 1/2" iron rod found in the center of said county road for the southeast comer of said Burleson tract and for the southwest comer of that certain 20.20 acre tract described in a deed to Garland R. Livaly recorded in Volume 689, Page 323 of the Deed Records of Hill County;

THENCE continuing with said occupied Survey lises and generally along the center of HCR #2201, N56°51'10°E, at 1384.03 feet passing a 1/2° iron red found for the southeast corner of that certain 2.248 acre tract described in a deed to Jeanne C. Dickeon recorded in Volume 1873, Page 813 of the Official Public Records of Hill County, in all a distance of 2077.42 feet to a 1/2" iron red found at the intersection of the center of HCR #2201 with the center of HCR #2200 for the northeast corner of said 280.208 acre tract and for the northeast corner of this:

THENCE generally along the center of HCR #2200 S30°20'19"E 51.05 feet to a cotton spindle found for the northwest corner of that certain 278.146 acretract described in a deed to C & G Realty E, LLC recorded in Volume 1771, Page 332 of the Official Public Records of Hill County;

THENCE continuing with the center of HCR #2200 and with the west line of said C & G Realty E, LLC tract, \$26°13'24"E 168.80 feet to a 1/2" fron rod found, and \$30°17'10"E 555.03 feet to /2" fron rod found for the northeast corner of that certain 3.000 acre tract described in a deed to Ronnie Hasty recorded in Volume 1283, Page 178 of the Official Public Records of Hill County, for an outside ell corner of said 260.208 acre tract, and for the most easterly southeast corner of this:

THENCE generally along a fence as extended, \$59°35'44"W at 15.50 feet passing a 5/8" fron rod found at a fence corner for reference, in all a distance of 475.20 feet to a 6" cedar fence corner post found for the northwest corner of said Hasty tract, for an inside ell corner of said 260.208 acre tract, and for an inside all corner of this:

THENCE generally along a fence and with the extension thereof, S30°17'08"E 275.00 feat to 5/8° iron rod found in the south line of said Chambers Survey, in the north line of the W. Nelson Survey A-678, and in in the north line of that certain 2.830 acre tract described in a deed to George Albert Wilhite, Jr. recorded in Volume 1780, Page 663 of the Official Public Records of Hill County for the southwest comer of said Hasty tract, for an outside ell comer of said 260.208 acre tract and for an outside ell corner of this;

THENCE with said survey line and partially along a fence, S59*35'20"W 534.56 feat to a 2" iron pipe fence corner post found for the northwest corner of said Wilhite tract, for an inside eli corner of said 260.208 acre tract, and for an outside eli corner of that certain 2.040 acre tract described in a deed to Lucas Wayns Montgomery recorded in Volume 1725, Page 272 of the Official Public Records of Hill County and S60*04'15"W 70.77 feet to a 5/8" iron red found for the northwest corner of said 2.040 acre tract and for an inside eli corner of this;

THENCE S 19°42'18°E, at 207.64 feet passing the southwest comer of said 2.040 acre tract and the northwest comer of that certain 5.342 acre tract described in a deed to Lucas Wayne Montgomery recorded in Volume 1725, Page 278 of the Official Public Records of Hill County, in all a distance of 704.35 feet to a 5/8" iron rod found in the south line of said 260.208 acre tract and in a north line of said C & G Realty E tract for an outside eli comer of said 5.342 acre tract and for an outside eli corner of this;

THENCE S59°40'16"W 373.94 feet to a 5/8" fror rod found for an outside ell corner of said C & G tract, for an outside ell corner of said 280,208 acre tract, and for an inside ell corner of this;

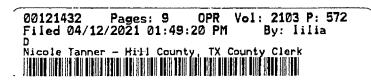
THENCE S30°19'44"E 150.00 feet to a railroad spike found for an inside ell corner of said C & G tract, for an outside ell corner of said 260.208 agre tract, and for the most southeast corner of this;

THENCE S59°40'16"W 5166.16 feet to a 5/8" for rod found on the east bank of the Brazos River for the most westerly northwest corner of said C & G tract, for the southwest corner of said 260,208 acre tract, and for the southwest corner of this, said rod being N21°55'38"W 50.54 feet from a 5/8" iron rod found for the southwest corner of said C & G tract

THENCE generally along the east bank of the Brazos River and generally along a fence, N21°55'36'W 891.66 feet to a 6" cadar fence comer post found for the an outside ell comer of said 260.208 acre tract and for an outside ell comer of this:

THENCE generally along a fence N67"24"22"E 10.05 feet to a 6" cedar fence corner post found for an inside ell corner of said 260.208 acre tract and for an inside ell corner of this;

THENCE generally along the east bank of the 8rzzos River and generally along a fence, N12°33'38"W 1037.72 feet to the place of beginning, containing 254.828 acres of land, of which approximately 2.282 acres lies within public roads.



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.

WATER RIGHTS CONVEYANCE

Date:

February 12, 2021

Grantor:

HARD INVESTMENTS, LLC, a Texas limited liability company

Grantor's Mailing Address:

P.O. Box 222

Meridian, Texas 76666

Grantee:

BRENT A. NEUHAUS and RYAN S. NEUHAUS, Co-Trustees of the BRENT A. NEUHAUS 1994 TRUST; AMY S. KAUFMANN and MARTY KAUFMANN, Co-Trustees of the AMY S. NEUHAUS 1994 TRUST; and RYAN S. NEUHAUS and JILL NEUHAUS, Co-Trustees of the RYAN S. NEUHAUS 1994 TRUST

Grantee's Mailing Address:

7736 Central Park Waco, Texas 76712

Consideration:

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

Water Rights:

The right to divert and use a maximum of up to 150 acre-feet of water per annum from the Brazos River, being water rights owned by GRANTOR out of the water rights evidenced by Certificate of Adjudication No. 12-4318 (the "Water Rights").

Severance:

GRANTOR does hereby expressly sever the Water Rights here conveyed from its land in Hill County, Texas, which is more particularly described on **Exhibit "1"**, and no other rights of GRANTOR are hereby conveyed except the Water Rights.

Condition:

The conveyance of the Water Rights to GRANTEE is expressly subject to approval by the Texas Commission on Environmental Quality (the "TCEQ") of the change of ownership, place of use, purpose of use, and point of diversion of the Water Rights.

Subject to the Condition, GRANTOR, for the Consideration, GRANTS, SELLS, AND CONVEYS to GRANTEE the Water Rights, 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 title to the Water Rights, which are not less than a 100% interest in 150 acre feet of water per annum, to GRANTEE and GRANTEE's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof. Without limitation, this warranty shall apply in the event of any failure(s) as to the foregoing minimums specified as to the amount of, and percent interest in, the Water Rights conveyed hereby.

The parties agree that once the TCEQ approves the transfer, and GRANTEE pays any remaining consideration for the transfer, in accordance with the terms of the contract between GRANTOR and GRANTEE, this conveyance will become absolute. GRANTOR hereby authorizes the Texas Commission on Environmental Quality, or its successor, and any such other governmental body or authority that has jurisdiction over the Water Rights ("Water Authority"), to make such changes in the records as are necessary to accomplish the conveyance and transfer of the Water Rights. GRANTOR agrees to execute such other instruments as shall be necessary and required by the TCEQ and other Water Authority.

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

HARD INVESTMENTS, LLC, a Texas limited liability company

By:

LANCE M. REINHARD, Manager

STATE OF TEXAS

§

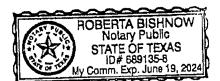
§

COUNTY OF McLENNAN

§

Before me, on this day personally appeared LANCE M. REINHARD, in his capacity as Manager of HARD INVESTMENTS, LLC, a Texas limited liability company, on behalf of said company and for the purposes and consideration herein expressed.

Given under my hand and seal of office this 12th day of February, 2021.



Notary Public, State of Texas

PREPARED IN THE OFFICE OF:

Eugene R. Vaughan, III JONES, GALLIGAN, KEY & LOZANO L.L.P. 2300 West Pike Boulevard, Suite 300 Post Office Drawer 1247 Weslaco, Texas 78599-1247 Tel: (956) 968-5402 Fax: (956) 968-6089

Exhibit "1"

Tract 1:

Field notes for the survey of a certain lot, tract, or parcel of land being 117.480 acres out of the J. Chembers Survey A-165 and 125.666 acres out of the William H. Nelson Survey A-678 in Hill County, Texas. Said land is a part of that certain 278.146 acre tract described in a deed from John Artie McPherson et ux, Linda Carolyn McPherson to C3G Realty E, LLC recorded in Volume 1771, Page 332 of the Official Public Records of Hill County, more particularly described as follows:

BEGINNING at a cotton spindle found in the center of HCR #2200 and in the east line of that certain 254.826 acre tract described in a deed to G&C Realty B, LLC recorded in Volume 1808, Page 734 of the Official Public Records of Hill County for the northwest corner of said 278.146 acre tract and for the northwest corner of this, said spindle being S30*20*19*E 51.05 feet from a 1/2* iron rod found in the north line of said Chembers Survey and in the south line of the William Brooks Survey A-1 for the northeast corner of said 254.826 acre tract, from which a 6' cadar fence corner post found for the occupied northwest corner of said Chambers Survey on the east bank of the Brazos River bears S58*51*10*W 2077.42 feet, S59*45'48'W 1833.56 feet, and S53*47'34'W 2395.35 feet

THENCE N55"29'47"E, at 53.60 feet passing a 1.2" fron rod found for the southwest corner of that certain 0.82 acre tract described in a deed to the State of Texas recorded in Volume 512, Page 369 of the Deed Records of Hill County, in all a distance of 201.40 feet to a 5/8" fron rod with cap stamped "INCE RPLS #5175" found in the south line of said 0.82 acre tract and in the south line of F.M. Highway 1304 for the beginning of a curve to the right.

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 0.82 acre fract, generally along a fence, and along said curve having a radius of 5669.58 feet, N57°29'48'E for a chord distance of 395.73 feet, an arc distance of 395.8' feet, to a 5/8" from rod with cap stamped "INCE RPLS #5175" found for the end of said curve:

THENCE continuing with the south line of F.M. Highway 1304 and generally along a fence, NS9°34'00"E 1424.97 feet to a 4" from pipe fence comer post found at the intersection of the south line of F.M. Highway 1304 with the west line of that certain 10.0 acre tract described in a deed to Michael McKibben recorded in Volume 2045, Page 601 of the Official Public Records of Hill County for the southeast comer of said 0.82 acre tract, for the an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE generally along a tence, S31°04'08"E 1031.02 feet to a 4° iron pipe fence corner post found for the southwest corner of said McKibben tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along a fence, N60°39'11"E 412.94 feet to a 4" iron pipe fence comer post found for the southeast comer of said McKibben tract, for an inside ell comer of said 278.146 acre tract, and for an inside ell comer of this;

THENCE with the east line of said McKibben tract and generally along a fonce, N31°04'04'W 766.06 feet to a 5/8" from rod found in a fence line for the southwest corner of that certain 2.000 acre tract described

in a deed to Louis L. Thicle recorded in Volume 1624, Page 808 of the Official Public Records of Hill County and for an outside eli comer of this;

THENCE generally along a fence, N59*38'22"E 319.09 feet to a 4" codar fence comer post found for the southeast corner of said Thiele tract and for an inside ell corner of said 278,146 acre tract and for an inside ell corner of this:

THENCE generally along a fence, N31'04'24'W 273.20 feet to a 5/8' iron rod found at a fence corner in the south line of FM. Highway 1304, and in the south line of that certain 2.16 acre tract described in a deed to the State of Texas recorded in Volume 5:1, Page 806 of the Deed Records of Hill County for the northeast corner of said Thiele tract, for an outside oil corner of said 278.146 acre tract, and for an outside oil corner of this;

THENCE with the south line of F. M. Highway 1304 and with the south line of said 2.16 acre tract, N59°34'00"E 728.77 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found and N59°44'00"E 1172.60 feet to a 5/8" Iron rod with cap stamped "INCE RPLS #5175" found for the beginning of a curve to the left

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 2.16 acre tract, and along said curve having a radius of 11519.16 feet, N59°05'00"E for a chord distance of 271.30 feet, an arc distance of 271.31 feet, to a 5/8' Iron rod with cap stamped "INCE RPLS #5175" found for the end of said curve;

THENCE continuing with the south line of F.M. Highway 1304 and with the south line of said 2.16 acre tract, N58°26'00"E 338.20 feet to a 5/8" fron rod with cap stamped "INCE RPLS #5175" found for the beginning of a curve to the right

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 2.16 acre tract, and along said curve having a radius of 11399.16 feet, N58*29'03"E for a chord distance of 175.55 feet, an arc distance of 175.55 feet to a 12" cedar fence comer post found for the northwest corner of that certain 1.01 acre tract described in a deed to Dorald Horn recorded in Volume 561, Page 636 of the Deed Records of Hill County, for the northeast corner of said 278.146 acre tract, and for the northeast corner of this;

THENCE generally along a fence, S30'09'45'E 1418.20 feet to a 5/8" Iron red with cap stamped "INCE RPLS #5175" found at a fence corner for the southwest corner of said Horn 1.01 acre tract, for an inside ell corner of said 278,146 acre tract, and for an inside ell corner of this:

THENCE generally along a fence, N58°31'13"E 31.01 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found at an old fence comer post in the west line of that certain 65 acre tract described in a deed to Donald Dean Horn recorded in Volume 453, Page 184 of the Deed Records of Hill County for the southeast corner of said 1.01 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE with the west line of said 65 ecre Horn tract, with the east line of said 278.146 acre tract, and generally along a fence, \$28°35'29'E 378.95 feel to a 5/6° iron rod set for the northeast corner of that cartain 35.000 acre tract described in a deed to Armando Ortoga recorded in Volume 2046, Page 148 of the Official Public Records of Hill County and for the southeast corner of this, said rod being N28°35'29'W 1038.78 feet from a 4" iron pipe fence corner post found for the southeast corner of said 278.146 acre tract;

THENCE S59°40'56'W 1478,31 feet to a 1/2" iros rod set in the east line of that certain 24 foot easement tract described in a deed recorded in Volume 1771, Page 332 of the Official Public Records of Hit County

for the northwest corner of said 35.000 acre tract and for an inside ell corner of this, said rod being \$29°33'42"E 11.03 feet from a bend in the east line of said 24 foot easement.

THENCE with the east line of said easement, \$29°33'42"E 36.77 feet to a 5/8" fron rod with cap stamped "INCE RPLS #5175" found, \$29°45'47"E 452,74 leet to a 5/8" fron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said 24 foot easement:

THENCE with the cast line of an existing access road, \$32°08'20"E 263.92 feet to a 1/2" iron rod set,

THENCE S05"11"13"E 69.59 feet to a 1/2" fron red set in the east line of that certain tract described in a deed to Methodist Episcopal Church South (Old Lebanon Cemetery) recorded in Volume "N", Page 421 of the Deed Records of Hill County, said rod being N30"53"36"W 229.84 feet from a cotton spindle found set in top of an old cedar fence comer post broken off flush with the ground for the southeast comer of said Cemotory trac and for an outside ell comer of said 278.146 acre tract.

THENCE N30°53'36"W 669,16 feet to a 6" cedar fence comer post found for the northeast corner of that certain 200 acre tract described in a deed to Andrea Holt recorded in Volume 1128, Page 772 of the Official Public Records of Hill County, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this:

THENCE generally along a fence and with the occupied north line of said Holt tract, S59°38'33'W 4782.87 feet to a 6" cedar fence comer post found in the east line of HCR #2200, S60°46'12'W 44.86 feet to a 4" cedar fence comer post found in the west line of HCR #2200, and S59°40'16'W 5893.55 feet to a 4" cedar fence comer post found on the east bank of the Brazos River for the southwest comer of said 278.146 acre tract and for the southwest comer of this;

THENCE with the east bank of the Brazos River, N21°55'38"W 50.54 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southwest comer of said 254.826 acre tract, for the most westerly northwest comer of said 278.146 acre tract, and for the most westerly northwest comer of this;

THENCE N59°40'16°E 5166.16 feet to a railroad spike found for an outside ell corner of said 254.826 acre tract, for an inside ell corner of said 278.146 acre-tract, and for inside ell corner of this;

THENCE N30°19'44"W 150.00 (cet to a 5/8" ironrod with cap stamped "INCE RPLS #5175" found for an inside ell corner of said 254.826 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE N59°40' 16°E, at 373.94 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast comer of said 254.826 acre tract and for an outside ell comer of that certain 5.342 acre tract described in a deed to C&G Realty B, LLC recorded in Volume 1863, Page 535 of the Official Public Records of Hill County, in all a distance of 420.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for an inside oil comer of said 5.342 acre tract, for an outside ell comer of said 278.146 acre tract, and for an outside ell comer of this:

THENCE S30°19'44"E 150,00 feet to a 5/8° fron rod with cap stamped "INCE RPLS #5175" found for the southwest corner of said 5.342 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE N59°40'16"E, at 311.61 feet passing a 5/8" fron rod with cap stamped "INCE RPLS #5176" found for reference, in all a distance of 332.79 feet to a 1/2" fron rod found in the center of HCR #2200 for the southeast corner of said 5.342 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this:

THENCE generally along the center of HCR #2200 the following courses and distances:

N18°52'34"W 139.01 feet to a 1/2" iron rod found;

N18"31'29"W 161,23 feet to a 5/8" Iron rod found; and

N12°07'43'E, at 176.61 feet passing a 1/2" iron red found for the northeast comer of said 5,342 acre tract and for the southeast comer of that certain 2.040 acre tract described in said deed recorded in Volume 1863, Page 535, in all a distance of 346.67 feet to a railroad spike set in the south line of that certain 2.830 acre tract described in a deed to George Abert Wilhite, Jr. recorded in Volume 1760, Page 663 for the northeast corner of sald 2.040 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell comer of this;

THENCE N50°24'45"E, at 171.06 feet passing a 5/8" iron rod with cap stemped "INCE RPLS #5175" found for the southeast comer of said Wilhite tract and for the southwest comer of that certain 2.401 acre tract described in a deed to Janet Elizabeth Anderson recorded in Volume 1735, Page 13 of the Official Public Records of Hill County, in all a distance of 251.60 feet to a 5/5" from rod with cap stamped "INCE RPLS #5175° found in the south line of HCR #2210 and N58°54'04"E 291,02 feet to a 1/2° iron rod found at a fence corner for the southeast corner of said Hill Tract, for an inside ell corner of said 278.146 acre tract, and for an inside of comer of this:

THENCE with the east line of HCR #2200, N27°55'42"W 249,10 feet to a 5/8" fron rod with cap stamped "INCE RPLS #5175" found for the northeast comer of said Hill tract, for an outside ell comer of said 278.146 acre tract and for an inside ell comer of this;

THENCE S59"3613"W 12,73 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of that certain 3,000 acre tract described in a deed to Ronnie Hasty recorded in Volume 1283, Page 178 of the Official Public Records of Hill County, for an outside ell corner of said 278,146 acro tract, and for an outside ell comer of this;

THENCE with the center of HCR #2200, N30°17'10"W, at 275.07 feet passing a 1/2" fron red found for the northeast comer of said Hasty tract, in all a distance of 830.10 feet to a 1/2" iron rod found and N26°13'24"W 166.80 feet to the point of beginning containing 243.146 acres of land, of which approximately 0.866 acres lies in a public road.

Tract 2:

Field notes for the survey of a certain lot, tract, or parcel of land being 146,710 acres out of the J. Chambers Survey A-165 and 108,116 acres out of the William H. Nelson Survey A-678 in Hill County, Texas. Said land is a part of that certain 260,208 acre tract described in a deed from John Artie McPherson et ux, Linda Carolyn McPherson to Wendell Ray McPherson recorded in Volume 727, Page 510, a part of that certain 148,586 eare tract described in a deed from Helen S. Hodge and J. Calvin Hodge to John McPherson and Wendell McPherson recorded in Volume 732, Page 359, and a part of that certain 2.0 acre tract described in a deed from W. T. Horn et ux, Charlsie Horn to W. L. McPherson, et al recorded in Volume 551, Page 633 of the Deed Records of HIII County, more particularly described as follows:

BEGINNING at a 6" cedar fence comer post found on the east bank of the Brazos River for the occupied northwest corner of the J. Chambers Survey A-165, for the occupied southwest corner of the William Brooks Survey A-1, for the southwest corner of that certain 106.47 acre tract described in a deed to Charles Matthews recorded in Volume 557, Page 537 of the Deed Records of Hill County, for the northwest comor of said 260,208 acre tract, and for the northwest comer of this;

THENCE with the occupied south line of said Brooks Survey, with the occupied north line of said Chambers Survey, with the north line of said 260208 acro tract, and partially along a fence, N59*47'34"E 2395.35 feet to a 1/2" fron rod found in the north line of HCR #2201 for the southeast corner of said Matthews tract and for the southwest corner of that cortain 90 acre tract described in a deed to Kenneth H. Burleson recorded in Volume 513, Page 652 of the Deed Records of Hill County;

THENCE continuing with the occupied south line of said Brooks Survey, with the occupied north line of said Chambers survey, and with the north line of said 260,208 acre tract, N59°45'48"E 1833.55 feet to a 1/2" from rod found in the center of said county road for the southeast comer of said Burleson tract and for the southwest comer of that certain 20,20 acre tract described in a deed to Garland R. Lively recorded in Volume 669, Page 323 of the Deed Records of Hill County;

THENCE continuing with said occupied Survey lines and generally along the center of HCR #2201, N58°51'10°E, at 1394.03 feet passing a 1/2" iron rod found for the southeast comer of that certain 2.248 acre tract described in a deed to Jeanne C. Dickson recorded in Volume 1673, Page 813 of the Official Public Records of Hill County, in all a distance of 2077.42 feet to a 1/2" from rod found at the Intersection of the center of HCR #2201 with the center of HCR #2200 for the northeast corner of said 260.208 acre tract and for the northeast corner of this;

THENCE generally along the center of HCR #2200 S30°20'19"E 51.05 feet to a cotton spindle found for the northwest corner of that certain 278,146 acro tract described in a deed to C & G Really E, LLC recorded in Volume 1771. Page 332 of the Official Public Records of Hill County;

THENCE continuing with the center of HCR #2200 and with the west line of said C & G Realty E, LLC tract, S26*13*24*E 166.80 feet to a 1/2* iron rod found, and S30*17*10*E 555.03 feet to /2* iron rod found for the northeast corner of that certain 3.000 acre tract described in a deed to Ronnie Hasty recorded in Volume 1283, Page 178 of the Official Public Records of Hill County, for an outside ell corner of said 260.208 acre tract, and for the most easterly sou heast corner of this;

THENCE generally along a fence as extended, \$59°35'44"W at 15.50 feet passing a 5/8" iron rod found at a fence corner for reference, in all a distance of 475.20 feet to a 6" cedar fence corner post found for the northwest corner of said Hasty tract, for an inside ell corner of said 260.208 acre tract, and for an inside ell corner of this;

THENCE generally along a fence and with the extension thereof, S30°17'09"E 275.00 feet to 6/8" iron rod found in the south line of said Chambers Survey, in the north line of the W. Nelson Survey A-678, and in in the north line of that certain 2.830 acre tract described in a deed to George Albert Wilhite, Jr. recorded in Volume 1760, Page 663 of the Official Public Records of Hill County for the southwest corner of said Hasty tract, for an outside ell corner of said 260.208 acre tract and for an outside ell corner of this;

THENCE with said survey line and partially along a fence, \$59°35′20′W \$34.56 feet to a 2″ iron pipe fence comer post found for the northwest comer of said Withite tract, for an inside oil comer of said 260.208 acre tract, and for an outside oil comer of that certain 2.040 acre tract described in a deed to Lucas Wayne Montgomery recorded in Volume '725, Page 272 of the Official Public Records of Hill County and \$60°04′15′W 70.77 feet to a 5/8″ iron rod found for the northwest corner of said 2.040 acre tract and for an inside oil comer of this;

THENCE S19*42'18*E, at 207.64 feet passing the southwest corner of said 2,040 acre tract and the northwest corner of that certain 5.342 acre tract described in a deed to Lucas Wayne Montgomery recorded in Volume 1725. Page 278 of the Official Public Records of Hill County, in all a distance of 704.35 feet to a 5/8" iron rod found in the south line of said 260.208 acre tract and in a north line of said C & G Realty E tract for an outside ell corner of said 5.342 acre tract and for an outside ell corner of this;

THENCE S59°40'16'W 373.94 feet to a 5/8° iror rod found for an outside ell corner of said C & G tract, for an outside ell corner of said 260.208 acre tract, and for an inside ell corner of this;

THENCE S30°19'44" E 150,00 feet to a railroad spike found for an inside oil comer of said C & G tract, for an outside ell corner of said 260.208 acre tract, and for the most southerly southeast corner of this;

THENCE S59°40'16'W 5166.16 feet to a 5/8" fror rod found on the east bank of the Brazos River for the most westerly northwest comer of said C & G tract, for the southwest comer of said 260,208 acre tract, and for the southwest corner of this, said rod being N21°55'38'W 50.54 feet from a 5/8" iron rod found for the southwest comer of said C & G tract;

THENCE generally along the east bank of the Brzzos River and generally along a fence, N21°55'38'W 891.66 feet to a 6" cedar fence comer post found for the an outside ell comer of said 260.208 acre tract and for an outside ell comer of this:

THENCE generally along a fence N67*24'22"E 1C 05 feet to a 6" ceder fence corner post found for an inside ell comer of said 260,208 acre tract and for an inside ell corner of this;

THENCE generally along the east bank of the Brizos River and generally along a fence, N12°33'38'W 1037.72 feet to the place of beginning, containing 254.826 acres of land, of which approximately 2.282 acres lies within public roads.

\$10.00

ASSIGNMENT OF WATER RIGHTS

THIS ASSIGNMENT OF WATER RIGHTS, made and entered into by and between C&G Realty E, LLC, a Texas limited liability company, (collectively "Assignor"), and C&G Realty B, LLC, a Texas limited liability company ("Assignee");and shall be for the benefit of Hard Investments, LLC, a Texas limited liability company ("Beneficiary");

WITNESSETH:

WHEREAS, Assignor is the owner of certain water rights associated with the real property described on Exhibit "A" attached hereto and made a part hereof for all purposes (the "Property"); and

WHEREAS, Assignor was granted certain water rights associated with the Property and said rights are governed and administered by the Texas Commission on Environmental Quality (herein the "TCEQ"; and

WHEREAS, Assignor desires to assign all of Assignor's right, title and interest as owner of the Water Rights to Assignee including, but not limited to, the rights described in that one certain Certificate of Adjudication No. 12-4318 D as amended in that one certain TEQ Interoffice Memorandum dated July 15, 2015., and Assignee desires to accept the assignment thereof;

WHEREAS, Assignor and Assignee each desire to make this assignment for the express benefit of Beneficiary to confirm the conveyance as between Assignor and Assignee is intended to and shall hereinafter vest Assignor and Assignee with all water rights owned by each entity to be subsequently fully conveyed to Beneficiary;

NOW, THEREFORE, for the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid by Assignee to Assignor, the receipt and sufficiency of which are hereby acknowledged, and in further consideration of the premises and conditions contained herein, the parties hereto do hereby agree as follows:

- 1. Assignor hereby transfers, assigns and conveys to Assignee all of Assignor's rights and interests as owner of the water rights as described hereinabove controlled by TCEQ and this assignment for the further express benefit of Beneficiary, and confirms the conveyance as between Assignor and Assignee is intended to and shall hereinafter vest Assignor and Assignee with all water rights owned by Assignor and Assignee which are transferred, assigned and conveyed to Beneficiary.
- 2. This Agreement shall be construed and enforced in accordance with and governed by the laws of the State of Texas, without regard to conflicts of law principles, and the laws of the United States applicable in Texas.

- 3. Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective, valid and enforceable under applicable law, but if any provision of this Agreement shall be prohibited by, or invalid or unenforceable under, applicable law, then (i) the parties hereto agree that they will amend such provisions by the minimal amount necessary to bring such provisions within the ambit of enforceability, and (ii) the court may, at the request of either party, revise, reform or reconstruct such provisions in a manner sufficient to cause them to be enforceable. In no event shall any prohibition against, or the invalidity or unenforceability of, any provision hereof affect the validity or enforceability of any other provision hereof.
- 4. This Agreement may be amended or modified only by a written instrument signed by both of the parties.
- 5. Each of the parties hereto shall perform such actions and deliver or cause to be delivered any and all such documents, instruments and agreements as the other party hereto may reasonably request for the purpose of fully and effectively carrying out this Agreement and the assignment contemplated hereby.
- 6. This Assignment shall be effective upon the execution hereof by the parties, and recordation of same in the public records of Hill County Clerk's Office.
- 7. This Assignment shall be binding on and inure to the benefit of Assignor and Assignee, and their respective successors and assigns.
- 8. Assignor and Assignee understand that TCEQ may require additional documentation to complete the transfer of the water rights described herein and agree to cooperate in completing the registration of this Assignment with TCEQ.

EXECUTED on the dates set forth in the notary acknowledgments below, to be effective as of October 30, 2020.

ASSIGNOR:

C & G REALTY E, LLC, A TEXAS LIMITED LIABILITY COMPANY

LIADIDITI COMPANI

GARY B. HUMPHREYS, MEMBER

ASSIGNEE

	C & G REALTY B, LLC, A TEXAS LIMITED LIABILITY COMPANY
	BY: GARY B. HUMPHREYS, MEMBER
	<i>(</i>
	BENEFICIARY
	HARD INVESTMENTS, LLC, A TEXAS LIMITED LIABILITY COMPANY
	BY:LANCE REINHARD, MANAGER
THE STATE OF TEXAS	
COUNTY OF TWYALL	
This instrument was acknowledged by Gary B. Humphreys, Member of C & behalf of said entity.	before me on the <u>3b</u> day of <u>0t</u> ., 2020 G Realty E, LLC, a Texas limited liability company, on
BRITTANY DOWDY My Notary ID # 125018773 Expires January 12, 2021	Notary Public, State of Texas

THE STATE OF TEXAS	
COUNTY OF TWY art	
This instrument was acknowledged before r by Gary B. Humphreys, Member of C & G Realt behalf of said entity.	me on the <u>30</u> day of <u>900.</u> , 2020 by B, LLC, a Texas limited liability company, or
BRITTANY DOWDY My Notary ID # 125018773 Expires January 12, 2021	Notary Public, State of Texas
THE STATE OF TEXAS	
COUNTY OF	
This instrument was acknowledged before not by Lance Reinhard, Manager of Hard Investments, of said entity.	ne on the day of, 2020 LLC, a Texas limited liability company, on behalf
	Notary Public, State of Texas

ASSIGNEE

	C & G REALTY B, LLC, A TEXAS LIMITED LIABILITY COMPANY
	BY:GARY B. HUMPHREYS, MEMBER
	BENEFICIARY
	HARD INVESTMENTS, LLC, A TEXAS LIMITED LIABILITY COMPANY
	BY:LANCE REINHARD, MANAGER
THE STATE OF TEXAS	
COUNTY OF	
This instrument was acknowledged by Gary B. Humphreys, Member of C & behalf of said entity.	before me on the day of, 2020 G Realty E, LLC, a Texas limited liability company, on
	Notary Public, State of Texas

THE STATE OF TEXAS	
COUNTY OF	
This instrument was acknowledged before me on the day of by Gary B. Humphreys, Member of C & G Realty B, LLC, a Texas limited liabilit behalf of said entity.	, 2020 y company, on
Notary Public, State of Texas	and the same of th
THE STATE OF TEXAS	
COUNTY OF McLerman	
This instrument was acknowledged before me on the day of Octob by Lance Reinhard, Manager of Hard Investments, LLC, a Texas limited liability comports said entity.	
Notary Public, State of Texas	

IMELDA GUERRERO Notary Public STATE OF TEXAS ID#12918184-7 My Comm. Exp. Oct. 26, 2024

EXHIBIT "A" LEGAL DESCRIPTION

Tract 1:

Field notes for the survey of a certain lot, tract, or parcel of land being 117.480 acres out of the J. Chambers Survey A-165 and 125.666 acres out of the William H. Nelson Survey A-678 in Hill County, Texas. Said land is a part of that certain 278.146 acre tract described in a deed from John Artie McPherson et ux, Linda Carolyn McPherson to C&G Realty E, LLC recorded in Volume 1771, Page 332 of the Official Public Records of Hill County, more particularly described as follows:

BEGINNING at a cotton spindle found in the center of HCR #2200 and in the east line of that certain 254.826 acre tract described in a deed to G&C Realty B, LLC recorded in Volume 1808, Page 734 of the Official Public Records of Hill County for the northwest corner of said 278.146 acre tract and for the northwest corner of this, said spindle being S30°20'19"E 51.05 feet from a 1/2" iron rod found in the north line of said Chambers Survey and in the south line of the William Brooks Survey A-1 for the northeast corner of said 254.826 acre tract, from which a 6" cedar fence corner post found for the occupied northwest corner of said Chambers Survey on the east bank of the Brazos River bears S58°51'10"W 2077.42 feet, S59°45'48"W 1833.56 feet, and S59°47'34"W 2395.35 feet:

THENCE N55°29'47"E, at 53.60 feet passing a 1/2" iron rod found for the southwest corner of that certain 0.82 acre tract described in a deed to the State of Texas recorded in Volume 512, Page 369 of the Deed Records of Hill County, in all a distance of 201.40 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found in the south line of said 0.82 acre tract and in the south line of F.M. Highway 1304 for the beginning of a curve to the right;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 0.82 acre tract, generally along a fence, and along said curve having a radius of 5669.58 feet, N57°29'48"E for a chord distance of 395.73 feet, an arc distance of 395.81 feet, to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the end of said curve;

THENCE continuing with the south line of F.M. Highway 1304 and generally along a fence, N59°34'00"E 1424.97 feet to a 4" iron pipe fence corner post found at the intersection of the south line of F.M. Highway 1304 with the west line of that certain 10.0 acre tract described in a deed to Michael McKibben recorded in Volume 2045, Page 601 of the Official Public Records of Hill County for the southeast corner of said 0.82 acre tract, for the an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this:

THENCE generally along a fence, S31°04'08"E 1031.02 feet to a 4" iron pipe fence corner post found for the southwest corner of said McKibben tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this:

THENCE generally along a fence, N60°39'11"E 412.94 feet to a 4" iron pipe fence corner post found for the southeast corner of said McKibben tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this:

THENCE with the east line of said McKibben tract and generally along a fence, N31°04'04"W 766.06 feet to a 5/8" iron rod found in a fence line for the southwest corner of that certain 2,000 acre tract described

in a deed to Louis L. Thiele recorded in Volume 1624, Page 808 of the Official Public Records of Hill County and for an outside ell corner of this;

THENCE generally along a fence, N59°38'22"E 319.09 feet to a 4" cedar fence corner post found for the southeast comer of said Thiele tract and for an inside ell corner of said 278.146 acre tract and for an inside ell corner of this:

THENCE generally along a fence, N31°04'24"W 273.20 feet to a 5/8" iron rod found at a fence corner in the south line of FM. Highway 1304, and in the south line of that certain 2.16 acre tract described in a deed to the State of Texas recorded in Volume 511, Page 806 of the Deed Records of Hill County for the northeast corner of said Thiele tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE with the south line of F. M. Highway 1304 and with the south line of said 2.16 acre tract, N59°34'00"E 728.77 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found and N59°44'00"E 1172.60 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the beginning of a curve to the left;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 2.16 acre tract, and along said curve having a radius of 11519.16 feet, N59°05'00"E for a chord distance of 271.30 feet, an arc distance of 271.31 feet, to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the end of said curve;

THENCE continuing with the south line of F.M. Highway 1304 and with the south line of said 2.16 acre tract, N58°26'00"E 338.20 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the beginning of a curve to the right;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 2.16 acre tract, and along said curve having a radius of 11399.16 feet, N58°29'03"E for a chord distance of 175.55 feet, an arc distance of 175.55 feet to a 12" cedar fence corner post found for the northwest corner of that certain 1.01 acre tract described in a deed to Donald Horn recorded in Volume 561, Page 636 of the Deed Records of Hill County, for the northeast corner of said 278.146 acre tract, and for the northeast corner of this;

THENCE generally along a fence, S30°09'45"E 1418.20 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found at a fence corner for the southwest corner of said Hom 1.01 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along a fence, N58°31'13"E 31.01 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found at an old fence comer post in the west line of that certain 65 acre tract described in a deed to Donald Dean Horn recorded in Volume 453, Page 184 of the Deed Records of Hill County for the southeast corner of said 1.01 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE with the west line of said 65 acre Horn tract, with the east line of said 278.146 acre tract, and generally along a fence, S28°35'29"E 378.95 feet to a 5/8" iron rod set for the northeast corner of that certain 35.000 acre tract described in a deed to Armando Ortega recorded in Volume 2046, Page 148 of the Official Public Records of Hill County and for the southeast corner of this, said rod being N28°35'29"W 1038.78 feet from a 4" iron pipe fence corner post found for the southeast corner of said 278.146 acre tract

THENCE S59°40'56"W 1478.31 feet to a 1/2" iron rod set in the east line of that certain 24 foot easement tract described in a deed recorded in Volume 1771, Page 332 of the Official Public Records of Hill County

for the northwest corner of said 35.000 acre tract and for an inside ell corner of this, said rod being S29°33'42"E 11.03 feet from a bend in the east line of said 24 foot easement;

THENCE with the east line of said easement, S29°33'42"E 36.77 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found, S29°45'47"E 452.74 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said 24 foot easement;

THENCE with the east line of an existing access road, S32°08'20"E 263.92 feet to a 1/2" iron rod set;

THENCE S08°11'13"E 59.59 feet to a 1/2" iron rod set in the east line of that certain tract described in a deed to Methodist Episcopal Church South (Old Lebanon Cemetery) recorded in Volume "N", Page 421 of the Deed Records of Hill County, said rod being N30°53'36"W 229.84 feet from a cotton spindle found set in top of an old cedar fence corner post broken off flush with the ground for the southeast corner of said Cemetery trac and for an outside ell corner of said 278.146 acre tract;

THENCE N30°53'36"W 669.16 feet to a 6" cedar fence corner post found for the northeast corner of that certain 200 acre tract described in a deed to Andrea Holt recorded in Volume 1128, Page 772 of the Official Public Records of Hill County, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along a fence and with the occupied north line of said Holt tract, S59°38'33"W 4782.87 feet to a 6" cedar fence comer post found in the east line of HCR #2200, S60°46'12"W 44.86 feet to a 4" cedar fence corner post found in the west line of HCR #2200, and S59°40'16"W 5893.55 feet to a 4" cedar fence corner post found on the east bank of the Brazos River for the southwest corner of said 278.146 acre tract and for the southwest corner of this;

THENCE with the east bank of the Brazos River, N21°55'38"W 50.54 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southwest corner of said 254.826 acre tract, for the most westerly northwest corner of this;

THENCE N59°40'16"E 5166.16 feet to a railroad spike found for an outside ell corner of said 254.826 acre tract, for an inside ell corner of said 278.146 acre tract, and for inside ell corner of this;

THENCE N30°19'44"W 150.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for an inside ell corner of said 254.826 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE N59°40`16"E, at 373.94 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast comer of said 254.826 acre tract and for an outside ell corner of that certain 5.342 acre tract described in a deed to C&G Realty B, LLC recorded in Volume 1863, Page 535 of the Official Public Records of Hill County, in all a distance of 420.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for an inside ell corner of said 5.342 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE S30°19'44"E 150.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southwest corner of said 5.342 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this:

THENCE N59°40'16"E, at 311.61 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for reference, in all a distance of 332.79 feet to a 1/2" iron rod found in the center of HCR #2200 for the southeast corner of said 5.342 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this:

THENCE generally along the center of HCR #2200 the following courses and distances:

N18°52'34"W 139.01 feet to a 1/2" iron rod found;

N18°31'29"W 161.23 feet to a 5/8" iron rod found; and

N12°07'43"E, at 176.61 feet passing a 1/2" iron rod found for the northeast corner of said 5.342 acre tract and for the southeast corner of that certain 2.040 acre tract described in said deed recorded in Volume 1863, Page 535, in all a distance of 346.67 feet to a railroad spike set in the south line of that certain 2.830 acre tract described in a deed to George Albert Wilhite, Jr. recorded in Volume 1760, Page 663 for the northeast corner of said 2.040 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE N50°24'45"E, at 171.06 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast comer of said Wilhite tract and for the southwest corner of that certain 2.401 acre tract described in a deed to Janet Elizabeth Anderson recorded in Volume 1735, Page 13 of the Official Public Records of Hill County, in all a distance of 251.50 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found in the south line of HCR #2200 and N58°54'04"E 291.02 feet to a 1/2" iron rod found at a fence comer for the southeast comer of said Hill Tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE with the east line of HCR #2200, N27°55'42"W 249.10 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the northeast comer of said Hill tract, for an outside ell corner of said 278.146 acre tract and for an inside ell corner of this:

THENCE S59°3613"W 12.73 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of that certain 3.000 acre tract described in a deed to Ronnie Hasty recorded in Volume 1283, Page 178 of the Official Public Records of Hill County, for an outside ell corner of said 278,146 acre tract, and for an outside ell corner of this;

THENCE with the center of HCR #2200, N30°17'10"W, at 275.07 feet passing a 1/2" iron rod found for the northeast corner of said Hasty tract, in all a distance of 830.10 feet to a 1/2" iron rod found and N26°13'24"W 166.80 feet to the point of beginning containing 243.146 acres of land, of which approximately 0.866 acres lies in a public road.

Tract 2:

Field notes for the survey of a certain lot, tract, or parcel of land being 146.710 acres out of the J. Chambers Survey A-165 and 108.116 acres out of the William H. Nelson Survey A-678 in Hill County, Texas. Said land is a part of that certain 260.208 acre tract described in a deed from John Artie McPherson et ux, Linda Carolyn McPherson to Wendell Ray McPherson recorded in Volume 727, Page 510, a part of that certain 148.586 acre tract described in a deed from Helen S. Hodge and J. Calvin Hodge to John McPherson and Wendell McPherson recorded in Volume 732, Page 359, and a part of that certain 2.0 acre tract described in a deed from W. T. Horn et ux, Charlsie Horn to W. L. McPherson, et al recorded in Volume 561, Page 633 of the Deed Records of Hill County, more particularly described as follows:

BEGINNING at a 6" cedar fence corner post found on the east bank of the Brazos River for the occupied northwest corner of the J. Chambers Survey A-165, for the occupied southwest corner of the William Brooks Survey A-1, for the southwest corner of that certain 106.47 acre tract described in a deed to Charles Matthews recorded in Volume 557, Page 537 of the Deed Records of Hill County, for the northwest corner of said 260.208 acre tract, and for the northwest corner of this;

THENCE with the occupied south line of said Brooks Survey, with the occupied north line of said Chambers Survey, with the north line of said 260.208 acre tract, and partially along a fence, N59°47'34"E

2395.35 feet to a 1/2" iron rod found in the north line of HCR #2201 for the southeast corner of said Matthews tract and for the southwest corner of that certain 90 acre tract described in a deed to Kenneth H. Burleson recorded in Volume 513, Page 652 of the Deed Records of Hill County;

THENCE continuing with the occupied south line of said Brooks Survey, with the occupied north line of said Chambers survey, and with the north line of said 260.208 acre tract, N59°45'48"E 1833.56 feet to a 1/2" iron rod found in the center of said county road for the southeast corner of said Burleson tract and for the southwest corner of that certain 20.20 acre tract described in a deed to Garland R. Lively recorded in Volume 669, Page 323 of the Deed Records of Hill County;

THENCE continuing with said occupied Survey lines and generally along the center of HCR #2201, N58°51'10"E, at 1394.03 feet passing a 1/2" iron rod found for the southeast corner of that certain 2.248 acre tract described in a deed to Jeanne C. Dickson recorded in Volume 1673, Page 813 of the Official Public Records of Hill County, in all a distance of 2077.42 feet to a 1/2" iron rod found at the intersection of the center of HCR #2201 with the center of HCR #2200 for the northeast corner of said 260.208 acre tract and for the northeast corner of this;

THENCE generally along the center of HCR #2200 S30°20'19"E 51.05 feet to a cotton spindle found for the northwest corner of that certain 278.146 acre tract described in a deed to C & G Realty E, LLC recorded in Volume 1771, Page 332 of the Official Public Records of Hill County;

THENCE continuing with the center of HCR #2200 and with the west line of said C & G Realty E, LLC tract, S26°13'24"E 166.80 feet to a 1/2" iron rod found, and S30°17'10"E 555.03 feet to /2" iron rod found for the northeast corner of that certain 3.000 acre tract described in a deed to Ronnie Hasty recorded in Volume 1283, Page 178 of the Official Public Records of Hill County, for an outside ell corner of said 260.208 acre tract, and for the most easterly southeast corner of this;

THENCE generally along a fence as extended, \$59°35'44"W at 15.50 feet passing a 5/8" iron rod found at a fence comer for reference, in all a distance of 475.20 feet to a 6" cedar fence corner post found for the northwest corner of said Hasty tract, for an inside ell corner of said 260.208 acre tract, and for an inside ell corner of this:

THENCE generally along a fence and with the extension thereof, S30°17'09"E 275.00 feet to 5/8" iron rod found in the south line of said Chambers Survey, in the north line of the W. Nelson Survey A-678, and in in the north line of that certain 2.830 acre tract described in a deed to George Albert Wilhite, Jr. recorded in Volume 1760, Page 663 of the Official Public Records of Hill County for the southwest corner of said Hasty tract, for an outside ell corner of said 260.208 acre tract and for an outside ell corner of this;

THENCE with said survey line and partially along a fence, S59°35'20"W 534.56 feet to a 2" iron pipe fence corner post found for the northwest corner of said Wilhite tract, for an inside ell comer of said 260.208 acre tract, and for an outside ell corner of that certain 2.040 acre tract described in a deed to Lucas Wayne Montgomery recorded in Volume 1725, Page 272 of the Official Public Records of Hill County and S60°04'15"W 70.77 feet to a 5/8" iron rod found for the northwest corner of said 2.040 acre tract and for an inside ell corner of this;

THENCE S19°42'18"E, at 207.64 feet passing the southwest corner of said 2.040 acre tract and the northwest corner of that certain 5.342 acre tract described in a deed to Lucas Wayne Montgomery recorded in Volume 1725, Page 278 of the Official Public Records of Hill County, in all a distance of 704.35 feet to a 5/8" iron rod found in the south line of said 260.208 acre tract and in a north line of said C & G Realty E tract for an outside ell corner of said 5.342 acre tract and for an outside ell corner of this;

THENCE S59°40'16"W 373.94 feet to a 5/8" iron rod found for an outside ell corner of said C & G tract, for an outside ell corner of said 260.208 acre tract, and for an inside ell corner of this;

THENCE S30°19'44"E 150.00 feet to a railroad spike found for an inside ell corner of said C & G tract, for an outside ell corner of said 260.208 acre tract, and for the most southerly southeast corner of this;

THENCE S59°40'16"W 5166.16 feet to a 5/8" iron rod found on the east bank of the Brazos River for the most westerly northwest corner of said C & G tract, for the southwest corner of said 260.208 acre tract, and for the southwest corner of this, said rod being N21°55'38"W 50.54 feet from a 5/8" iron rod found for the southwest corner of said C & G tract;

THENCE generally along the east bank of the Brazos River and generally along a fence, N21°55'38"W 891.66 feet to a 6" cedar fence corner post found for the an outside ell corner of said 260.208 acre tract and for an outside ell corner of this;

THENCE generally along a fence N67°24'22"E 10.05 feet to a 6" cedar fence corner post found for an inside ell corner of said 260.208 acre tract and for an inside ell corner of this;

THENCE generally along the east bank of the Brazos River and generally along a fence, N12°33'38'W 1037.72 feet to the place of beginning, containing 254.826 acres of land, of which approximately 2.282 acres lies within public roads.



ASSIGNMENT OF WATER RIGHTS

THIS ASSIGNMENT OF WATER RIGHTS, made and entered into by and between C&G Realty B, LLC, a Texas limited liability company, (collectively "Assignor"), and Hard Investments, LLC, a Texas limited liability company ("Assignee");

WITNESSETH:

WHEREAS, Assignor is the owner of certain water rights associated with the real property described on Exhibit "A" attached hereto and made a part hereof for all purposes (the "Property"); and

WHEREAS, by Warranty Deed dated October 30, 2020, recorded in the Office of the County Clerk of Hill County, Texas, under Clerk's File No. 1.2075, P. 290. Assignee acquired all of Assignor's right, title and interest in the Property then owned by Assignor;

WHEREAS, Assignor was granted certain water rights associated with the Property and said rights are governed and administered by the Texas Commission on Environmental Quality (herein the "TCEQ"; and

WHEREAS, Assignor desires to assign all of Assignor's right, title and interest as owner of the Water Rights to Assignee including, but not limited to, the rights described in that one certain Certificate of Adjudication No. 12-4318 D as amended in that one certain TEQ Interoffice Memorandum dated July 15, 2015, and Assignee desires to accept the assignment thereof;

NOW, THEREFORE, for the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid by Assignee to Assignor, the receipt and sufficiency of which are hereby acknowledged, and in further consideration of the premises and conditions contained herein, the parties hereto do hereby agree as follows:

- 1. Assignor hereby transfers, assigns and conveys to Assignee all of Assignor's rights and interests as owner of the water rights as described hereinabove controlled by TCEQ.
- 2. This Agreement shall be construed and enforced in accordance with and governed by the laws of the State of Texas, without regard to conflicts of law principles, and the laws of the United States applicable in Texas.
- 3. Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective, valid and enforceable under applicable law, but if any provision of this Agreement shall be prohibited by, or invalid or unenforceable under, applicable law, then (i) the parties hereto agree that they will amend such provisions by the minimal amount necessary to bring such provisions within the ambit of enforceability, and (ii) the court may, at the request of either party, revise, reform or reconstruct such provisions in a manner sufficient to cause them to be enforceable. In no event shall any prohibition against, or the invalidity or unenforceability of, any provision hereof affect the validity or enforceability of any other provision hereof.

- 4. This Agreement may be amended or modified only by a written instrument signed by both of the parties.
- 5. Each of the parties hereto shall perform such actions and deliver or cause to be delivered any and all such documents, instruments and agreements as the other party hereto may reasonably request for the purpose of fully and effectively carrying out this Agreement and the assignment contemplated hereby.
- 6. This Assignment shall be effective upon the execution hereof by the parties, and recordation of same in the public records of Hill County Clerk's Office.
- 7. This Assignment shall be binding on and inure to the benefit of Assignor and Assignee, and their respective successors and assigns.
- 8. Assignor and Assignee understand that TCEQ may require additional documentation to complete the transfer of the water rights described herein and agree to cooperate in completing the registration of this Assignment with TCEQ.

EXECUTED on the dates set forth in the notary acknowledgments below, to be effective as of October 30, 2020.

ASSIGNOR:

C & G REALTY B, LLC, A TEXAS LIMITED
LIABILITY COMPANY
BY:
GARY B'HUMPHREYS, MEMBER

ASSIGNEE

HARD INVESTMENTS, LLC, A TEXAS LIMITED LIABILITY COMPANY

BY:						
I.A	NCE	REINHA	RD. M	ANAGI	ER	

- 4. This Agreement may be amended or modified only by a written instrument signed by both of the parties.
- 5. Each of the parties hereto shall perform such actions and deliver or cause to be delivered any and all such documents, instruments and agreements as the other party hereto may reasonably request for the purpose of fully and effectively carrying out this Agreement and the assignment contemplated hereby.
- 6. This Assignment shall be effective upon the execution hereof by the parties, and recordation of same in the public records of Hill County Clerk's Office.
- 7. This Assignment shall be binding on and inure to the benefit of Assignor and Assignee, and their respective successors and assigns.
- 8. Assignor and Assignee understand that TCEQ may require additional documentation to complete the transfer of the water rights described herein and agree to cooperate in completing the registration of this Assignment with TCEQ.

EXECUTED on the dates set forth in the notary acknowledgments below, to be effective as of October 30, 2020.

ASSIGNOR:

C & G REALTY B, LLC, A TEXAS LIMITED LIABILITY COMPANY

BY:	
GARY B. HUMPHREYS. 1	MEMBER

ASSIGNEE

HARD INVESTMENTS, LLC, A TEXAS LIMITED LIABILITY COMPANY

THE STATE OF TEXAS	
COUNTY OF JUrgar	
This instrument was acknowledged before by Gary B. Humphreys, Member of C & G Rebehalf of said entity.	re me on the <u>30</u> day of <u>9tt. 1990</u> , 2020 ealty B, LLC, a Texas limited liability company, on
BRITTANY DOWDY My Noiory ID # 1250 (8773 Express January 12, 2021	Notary Public, State of Texas
THE STATE OF TEXAS	
COUNTY OF	
This instrument was acknowledged befor by Lance Reinhard, Manager of Hard Investment of said entity.	re me on the day of, 2020 ts, LLC, a Texas limited liability company, on behalf
	Notary Public, State of Texas

AFTER RECORDING RETURN TO:
Hard Investments, LLC

Co Stewart The

201 W. Rufford, this
Bueleson The Tours

THE STATE OF TEXAS		
COUNTY OF		
This instrument was acknowledged before me on the day of, 2020 by Gary B. Humphreys, Member of C & G Realty B, LLC, a Texas limited liability company, on behalf of said entity.		
	Notary Public, State of Texas	
THE STATE OF TEXAS		
COUNTY OF MCherman		
This instrument was acknowledged before me on the day of the day o		
·	Amelda Amenem Notary Public, State of Texas	
	IMELDA GUERRERO Notary Public STATE OF TEXAS ID#12918184-7 My Comm, Exp. Oct. 26, 2024	
AFTER RECORDING RETURN TO: Hard Investments, LLC GO STEWART THE ZOW W. BURGORD 403 BURLESON TO 16018		

EXHIBIT "A" LEGAL DESCRIPTION

Tract 1:

Field notes for the survey of a certain lot, tract, or parcel of land being 117.480 acres out of the J. Chambers Survey A-165 and 125.666 acres out of the William H. Nelson Survey A-678 in Hill County, Texas. Said land is a part of that certain 278.146 acre tract described in a deed from John Artie McPherson et ux, Linda Carolyn McPherson to C&G Realty E, LLC recorded in Volume 1771, Page 332 of the Official Public Records of Hill County, more particularly described as follows:

BEGINNING at a cotton spindle found in the center of HCR #2200 and in the east line of that certain 254.826 acre tract described in a deed to G&C Realty B, LLC recorded in Volume 1808, Page 734 of the Official Public Records of Hill County for the northwest corner of said 278.146 acre tract and for the northwest corner of this, said spindle being S30°20'19"E 51.05 feet from a 1/2" iron rod found in the north line of said Chambers Survey and in the south line of the William Brooks Survey A-1 for the northeast corner of said 254.826 acre tract, from which a 6" cedar fence corner post found for the occupied northwest corner of said Chambers Survey on the east bank of the Brazos River bears S58°51'10"W 2077.42 feet, S59°45'48"W 1833.56 feet, and S59°47'34"W 2395.35 feet:

THENCE N55°29'47"E, at 53.60 feet passing a 1/2" iron rod found for the southwest corner of that certain 0.82 acre tract described in a deed to the State of Texas recorded in Volume 512, Page 369 of the Deed Records of Hill County, in all a distance of 201.40 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found in the south line of said 0.82 acre tract and in the south line of F.M. Highway 1304 for the beginning of a curve to the right;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 0.82 acre tract, generally along a fence, and along said curve having a radius of 5669.58 feet, N57°29'48"E for a chord distance of 395.73 feet, an arc distance of 395.81 feet, to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the end of said curve:

THENCE continuing with the south line of F.M. Highway 1304 and generally along a fence, N59°34'00"E 1424.97 feet to a 4" iron pipe fence corner post found at the intersection of the south line of F.M. Highway 1304 with the west line of that certain 10.0 acre tract described in a deed to Michael McKibben recorded in Volume 2045, Page 601 of the Official Public Records of Hill County for the southeast corner of said 0.82 acre tract, for the an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE generally along a fence, S31°04'08"E 1031.02 feet to a 4" iron pipe fence corner post found for the southwest corner of said McKibben tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this:

THENCE generally along a fence, N60°39'11"E 412.94 feet to a 4" iron pipe fence corner post found for the southeast corner of said McKibben tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE with the east line of said McKibben tract and generally along a fence, N31°04'04"W 766.06 feet to a 5/8" iron rod found in a fence line for the southwest corner of that certain 2.000 acre tract described

in a deed to Louis L. Thiele recorded in Volume 1624, Page 808 of the Official Public Records of Hill County and for an outside ell corner of this;

THENCE generally along a fence, N59°38'22"E 319.09 feet to a 4" cedar fence corner post found for the southeast corner of said Thiele tract and for an inside ell corner of said 278.146 acre tract and for an inside ell corner of this;

THENCE generally along a fence, N31°04'24"W 273.20 feet to a 5/8" iron rod found at a fence corner in the south line of FM. Highway 1304, and in the south line of that certain 2.16 acre tract described in a deed to the State of Texas recorded in Volume 511, Page 806 of the Deed Records of Hill County for the northeast corner of said Thiele tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this:

THENCE with the south line of F. M. Highway 1304 and with the south line of said 2.16 acre tract, N59°34'00"E 728.77 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found and N59°44'00"E 1172.60 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the beginning of a curve to the left;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 2.16 acre tract, and along said curve having a radius of 11519.16 feet, N59°05'00"E for a chord distance of 271.30 feet, an arc distance of 271.31 feet, to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the end of said curve;

THENCE continuing with the south line of F.M. Highway 1304 and with the south line of said 2.16 acre tract, N58°26'00"E 338.20 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the beginning of a curve to the right;

THENCE continuing with the south line of F.M. Highway 1304, with the south line of said 2.16 acre tract, and along said curve having a radius of 11399.16 feet, N58°29'03"E for a chord distance of 175.55 feet, an arc distance of 175.55 feet to a 12" cedar fence corner post found for the northwest corner of that certain 1.01 acre tract described in a deed to Donald Horn recorded in Volume 561, Page 636 of the Deed Records of Hill County, for the northeast corner of said 278.146 acre tract, and for the northeast corner of this:

THENCE generally along a fence, S30°09'45"E 1418.20 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found at a fence corner for the southwest comer of said Horn 1.01 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along a fence, N58°31'13"E 31.01 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found at an old fence corner post in the west line of that certain 65 acre tract described in a deed to Donald Dean Horn recorded in Volume 453, Page 184 of the Deed Records of Hill County for the southeast corner of said 1.01 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this:

THENCE with the west line of said 65 acre Horn tract, with the east line of said 278.146 acre tract, and generally along a fence, S28°35'29"E 378.95 feet to a 5/8" iron rod set for the northeast corner of that certain 35.000 acre tract described in a deed to Armando Ortega recorded in Volume 2046, Page 148 of the Official Public Records of Hill County and for the southeast corner of this, said rod being N28°35'29"W 1038.78 feet from a 4" iron pipe fence corner post found for the southeast corner of said 278.146 acre tract:

THENCE S59°40′56"W 1478.31 feet to a 1/2" iron rod set in the east line of that certain 24 foot easement tract described in a deed recorded in Volume 1771, Page 332 of the Official Public Records of Hill County

for the northwest corner of said 35.000 acre tract and for an inside ell corner of this, said rod being S29°33'42"E 11.03 feet from a bend in the east line of said 24 foot easement;

THENCE with the east line of said easement, S29°33'42"E 36.77 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found, S29°45'47"E 452.74 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said 24 foot easement:

THENCE with the east line of an existing access road, S32°08'20"E 263.92 feet to a 1/2" iron rod set;

THENCE S08°11'13"E 59.59 feet to a 1/2" iron rod set in the east line of that certain tract described in a deed to Methodist Episcopal Church South (Old Lebanon Cemetery) recorded in Volume "N", Page 421 of the Deed Records of Hill County, said rod being N30°53'36"W 229.84 feet from a cotton spindle found set in top of an old cedar fence comer post broken off flush with the ground for the southeast corner of said Cemetery trac and for an outside ell corner of said 278.146 acre tract;

THENCE N30°53'36"W 669.16 feet to a 6" cedar fence corner post found for the northeast corner of that certain 200 acre tract described in a deed to Andrea Holt recorded in Volume 1128, Page 772 of the Official Public Records of Hill County, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this:

THENCE generally along a fence and with the occupied north line of said Holt tract, S59°38'33"W 4782.87 feet to a 6" cedar fence corner post found in the east line of HCR #2200, S60°46'12"W 44.86 feet to a 4" cedar fence corner post found in the west line of HCR #2200, and S59°40'16"W 5893.55 feet to a 4" cedar fence corner post found on the east bank of the Brazos River for the southwest corner of said 278.146 acre tract and for the southwest corner of this;

THENCE with the east bank of the Brazos River, N21°55'38"W 50.54 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southwest corner of said 254.826 acre tract, for the most westerly northwest corner of said 278.146 acre tract, and for the most westerly northwest corner of this;

THENCE N59°40'16"E 5166.16 feet to a railroad spike found for an outside ell corner of said 254.826 acre tract, for an inside ell corner of said 278.146 acre tract, and for inside ell corner of this;

THENCE N30°19'44"W 150.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for an inside ell corner of said 254.826 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE N59°40°16"E, at 373.94 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said 254.826 acre tract and for an outside ell corner of that certain 5.342 acre tract described in a deed to C&G Realty B, LLC recorded in Volume 1863, Page 535 of the Official Public Records of Hill County, in all a distance of 420.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for an inside ell corner of said 5.342 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE S30°19'44"E 150.00 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southwest corner of said 5.342 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell comer of this;

THENCE N59°40'16"E, at 311.61 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for reference, in all a distance of 332.79 feet to a 1/2" iron rod found in the center of HCR #2200 for the southeast corner of said 5.342 acre tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE generally along the center of HCR #2200 the following courses and distances:

N18°52'34"W 139.01 feet to a 1/2" iron rod found;

N18°31'29"W 161.23 feet to a 5/8" iron rod found; and

N12°07'43"E, at 176.61 feet passing a 1/2" iron rod found for the northeast corner of said 5.342 acre tract and for the southeast corner of that certain 2.040 acre tract described in said deed recorded in Volume 1863, Page 535, in all a distance of 346.67 feet to a railroad spike set in the south line of that certain 2.830 acre tract described in a deed to George Albert Wilhite, Jr. recorded in Volume 1760, Page 663 for the northeast corner of said 2.040 acre tract, for an outside ell corner of said 278.146 acre tract, and for an outside ell corner of this;

THENCE N50°24'45"E, at 171.06 feet passing a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said Wilhite tract and for the southwest corner of that certain 2.401 acre tract described in a deed to Janet Elizabeth Anderson recorded in Volume 1735, Page 13 of the Official Public Records of Hill County, in all a distance of 251.50 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found in the south line of HCR #2200 and N58°54'04"E 291.02 feet to a 1/2" iron rod found at a fence corner for the southeast corner of said Hill Tract, for an inside ell corner of said 278.146 acre tract, and for an inside ell corner of this;

THENCE with the east line of HCR #2200, N27°55'42"W 249.10 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the northeast corner of said Hill tract, for an outside ell corner of said 278.146 acre tract and for an inside ell corner of this;

THENCE S59°3613"W 12.73 feet to a 5/8" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of that certain 3.000 acre tract described in a deed to Ronnie Hasty recorded in Volume 1283, Page 178 of the Official Public Records of Hill County, for an outside ell corner of said 278,146 acre tract, and for an outside ell corner of this;

THENCE with the center of HCR #2200, N30°17'10"W, at 275.07 feet passing a 1/2" iron rod found for the northeast corner of said Hasty tract, in all a distance of 830.10 feet to a 1/2" iron rod found and N26°13'24"W 166.80 feet to the point of beginning containing 243.146 acres of land, of which approximately 0.866 acres lies in a public road.

Tract 2:

Field notes for the survey of a certain lot, tract, or parcel of land being 146.710 acres out of the J. Chambers Survey A-165 and 108.116 acres out of the William H. Nelson Survey A-678 in Hill County, Texas. Said land is a part of that certain 260.208 acre tract described in a deed from John Artie McPherson et ux, Linda Carolyn McPherson to Wendell Ray McPherson recorded in Volume 727, Page 510, a part of that certain 148.586 acre tract described in a deed from Helen S. Hodge and J. Calvin Hodge to John McPherson and Wendell McPherson recorded in Volume 732, Page 359, and a part of that certain 2.0 acre tract described in a deed from W. T. Horn et ux, Charlsie Horn to W. L. McPherson, et al recorded in Volume 561, Page 633 of the Deed Records of Hill County, more particularly described as follows:

BEGINNING at a 6" cedar fence corner post found on the east bank of the Brazos River for the occupied northwest corner of the J. Chambers Survey A-165, for the occupied southwest corner of the William Brooks Survey A-1, for the southwest corner of that certain 106.47 acre tract described in a deed to Charles Matthews recorded in Volume 557, Page 537 of the Deed Records of Hill County, for the northwest corner of said 260.208 acre tract, and for the northwest corner of this;

THENCE with the occupied south line of said Brooks Survey, with the occupied north line of said Chambers Survey, with the north line of said 260.208 acre tract, and partially along a fence, N59°47'34"E

2395.35 feet to a 1/2" iron rod found in the north line of HCR #2201 for the southeast corner of said Matthews tract and for the southwest corner of that certain 90 acre tract described in a deed to Kenneth H. Burleson recorded in Volume 513, Page 652 of the Deed Records of Hill County;

THENCE continuing with the occupied south line of said Brooks Survey, with the occupied north line of said Chambers survey, and with the north line of said 260.208 acre tract, N59°45'48"E 1833.56 feet to a 1/2" iron rod found in the center of said county road for the southeast comer of said Burleson tract and for the southwest corner of that certain 20.20 acre tract described in a deed to Garland R. Lively recorded in Volume 669, Page 323 of the Deed Records of Hill County;

THENCE continuing with said occupied Survey lines and generally along the center of HCR #2201, N58°51'10"E, at 1394.03 feet passing a 1/2" iron rod found for the southeast corner of that certain 2.248 acre tract described in a deed to Jeanne C. Dickson recorded in Volume 1673, Page 813 of the Official Public Records of Hill County, in all a distance of 2077.42 feet to a 1/2" iron rod found at the intersection of the center of HCR #2201 with the center of HCR #2200 for the northeast corner of said 260.208 acre tract and for the northeast corner of this;

THENCE generally along the center of HCR #2200 S30°20'19"E 51.05 feet to a cotton spindle found for the northwest corner of that certain 278.146 acre tract described in a deed to C & G Realty E, LLC recorded in Volume 1771, Page 332 of the Official Public Records of Hill County;

THENCE continuing with the center of HCR #2200 and with the west line of said C & G Realty E, LLC tract, S26°13'24"E 166.80 feet to a 1/2" iron rod found, and S30°17'10"E 555.03 feet to /2" iron rod found for the northeast corner of that certain 3.000 acre tract described in a deed to Ronnie Hasty recorded in Volume 1283, Page 178 of the Official Public Records of Hill County, for an outside ell comer of said 260.208 acre tract, and for the most easterly southeast corner of this;

THENCE generally along a fence as extended, S59°35'44"W at 15.50 feet passing a 5/8" iron rod found at a fence corner for reference, in all a distance of 475.20 feet to a 6" cedar fence corner post found for the northwest corner of said Hasty tract, for an inside ell corner of said 260.208 acre tract, and for an inside ell corner of this;

THENCE generally along a fence and with the extension thereof, S30°17'09"E 275.00 feet to 5/8" iron rod found in the south line of said Chambers Survey, in the north line of the W. Nelson Survey A-678, and in in the north line of that certain 2.830 acre tract described in a deed to George Albert Wilhite, Jr. recorded in Volume 1760, Page 663 of the Official Public Records of Hill County for the southwest corner of said Hasty tract, for an outside ell corner of said 260.208 acre tract and for an outside ell corner of this;

THENCE with said survey line and partially along a fence, S59°35'20"W 534.56 feet to a 2" iron pipe fence corner post found for the northwest corner of said Wilhite tract, for an inside ell corner of said 260.208 acre tract, and for an outside ell corner of that certain 2.040 acre tract described in a deed to Lucas Wayne Montgomery recorded in Volume 1725, Page 272 of the Official Public Records of Hill County and S60°04'15"W 70.77 feet to a 5/8" iron rod found for the northwest corner of said 2.040 acre tract and for an inside ell corner of this:

THENCE S19°42'18"E, at 207.64 feet passing the southwest corner of said 2.040 acre tract and the northwest corner of that certain 5.342 acre tract described in a deed to Lucas Wayne Montgomery recorded in Volume 1725, Page 278 of the Official Public Records of Hill County, in all a distance of 704.35 feet to a 5/8" iron rod found in the south line of said 260.208 acre tract and in a north line of said C & G Realty E tract for an outside ell corner of said 5.342 acre tract and for an outside ell corner of this;

THENCE S59°40'16"W 373.94 feet to a 5/8" iron rod found for an outside ell corner of said C & G tract, for an outside ell corner of said 260.208 acre tract, and for an inside ell corner of this;

THENCE S30°19'44"E 150.00 feet to a railroad spike found for an inside ell corner of said C & G tract, for an outside ell corner of said 260.208 acre tract, and for the most southerly southeast corner of this;

THENCE S59°40'16"W 5166.16 feet to a 5/8" iron rod found on the east bank of the Brazos River for the most westerly northwest corner of said C & G tract, for the southwest corner of said 260.208 acre tract, and for the southwest corner of this, said rod being N21°55'38"W 50.54 feet from a 5/8" iron rod found for the southwest corner of said C & G tract;

THENCE generally along the east bank of the Brazos River and generally along a fence, N21°55'38"W 891.66 feet to a 6" cedar fence corner post found for the an outside ell corner of said 260.208 acre tract and for an outside ell corner of this;

THENCE generally along a fence N67°24'22"E 10.05 feet to a 6" cedar fence corner post found for an inside ell corner of said 260.208 acre tract and for an inside ell corner of this;

THENCE generally along the east bank of the Brazos River and generally along a fence, N12°33'38"W 1037.72 feet to the place of beginning, containing 254.826 acres of land, of which approximately 2.282 acres lies within public roads.

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): BRENT A. NEUHAUS 1994 TRUST; AMY S. NEUHAUS 1994 TRUST; RYAN S. NEUHAUS 1994 TRUST

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 \underline{not} required for every application).

Y/N	Y/N
YAdministrative Information Report	YWorksheet 3.0
YAdditional Co-Applicant Information	NAdditional W.S 3.0 for each Point
YAdditional Co-Applicant Signature Pages	YRecorded Deeds for Diversion Points
N/A Written Evidence of Signature Authority	N/A Consent For Diversion Access
YTechnical Information Report	N/A Worksheet 4.0
Y USGS Map (or equivalent)	N/A TPDES Permit(s)
N Map Showing Project Details	N/A WWTP Discharge Data
NOriginal Photographs	N/A 24-hour Pump Test
NWater Availability Analysis	N/A Groundwater Well Permit
YWorksheet 1.0	N/A Signed Water Supply Contract
YRecorded Deeds for Irrigated Land	N/A Worksheet 4.1
N/A Consent For Irrigation Land	YWorksheet 5.0
N/A Worksheet 1.1	N/A Addendum to Worksheet 5.0
N/A Addendum to Worksheet 1.1	YWorksheet 6.0
YWorksheet 1.2	YWater Conservation Plan(s)
YAddendum to Worksheet 1.2	N/A Drought Contingency Plan(s)
N/A _Worksheet 2.0	N/A Documentation of Adoption
N/A _Additional W.S 2.0 for Each Reservoir	N/A Worksheet 7.0
N/A Dam Safety Documents	N/A Accounting Plan
N/A Notice(s) to Governing Bodies	Y Worksheet 8.0
N/A Recorded Deeds for Inundated Land	Y Fees
N/A Consent For Inundation Land	
For Commission Use Only:	
Proposed/Current Water Right Number:	
Basin: Watermaster area Y/N	J:

ADMINISTRATIVE INFORMATION REPORT

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

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

Applicant			
Indicate the number of App (Include a copy of this secti	licants/Co-Applic on for each Co-Ap	ants 3 oplicant, if any)	
What is the Full Legal Name of the individual or entity (applicant) applying for this permit?			
BRENT A. NEUHAUS 1994			
(If the Applicant is an entity, Secretary of State, County, or	the legal name mi in the legal docur	ist be spelled exactly as filed with the Texas ments forming the entity.)	
If the applicant is currently a You may search for your CN http://www15.tceq.texas.gov	on the TCEQ webs		
CN: <u>604584011</u>	(leave bla	ink if you do not yet have a CN).	
	ıdividual applican	rsons signing the application? Unless an t, the person or persons must submit written nents in 30 TAC § 295.14.	
First/Last Name: BRENT	A. NEUHAUS		
Title: Co-Trustee			
Have you provided writte 295.14, as an attachment	n evidence meetin to this applicatior	g the signatory requirements in 30 TAC § n?	
What is the applicant's mailing may verify the address on the https://tools.usps.com/go/Z	e USPS website at	gnized by the US Postal Service (USPS)? You aput.action.	
Name: BRENT A. NEUHA	us		
Mailing Address: 7736 Ce	ntral Park		
City: Waco	State: Texas	ZIP Code: 76712-6535	
Indicate an X next to the type	e of Applicant:		
Individual	Sole Propriet	orship-D.B.A.	
Partnership	PartnershipCorporation		
X_Trust	Estate		
Federal GovernmentState Government			
County GovernmentCity Government			
Other GovernmentOther			
For Corporations or Limited I State Franchise Tax ID Numb		ide: OS Charter (filing) Number:	

Applicant				
Indicate the number of Applicants/Co-Applicants $\frac{3}{2}$ (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?				
RYAN S. NEUHAUS 1994 TRUST				
(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 : 604584029	(leave bl	ank 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 <i>30 TAC § 295.14</i> .				
First/Last Name: RYAN S. NEUHAUS				
Title: Co-Trustee				
Have you provided written evidence meeting the signatory requirements in 30 TAC \S 295.14, as an attachment to this application?				
What is the applicant's mailing address as recognized by the US Postal Service (USPS)? You may verify the address on the USPS website at https://tools.usps.com/go/ZipLookupAction!input.action .				
Name: RYAN S. NEUHAU	IS			
Mailing Address: 7736 Central Park				
City: Waco	State: Texas	ZIP Code: 76712-6535		
Indicate an X next to the type of Applicant:				
Individual	Sole Proprietorship-D.B.A.			
Partnership	Corporation			
X_Trust	Estate			
Federal Government	State Government			
County Government	City Government			
Other Government	Other			
For Corporations or Limited Partnerships, provide: State Franchise Tax ID Number:SOS Charter (filing) Number:				

. Applicant				
Indicate the number of App (Include a copy of this section	licants/Co-Applica on for each Co-Ap	nnts <u>3</u> plicant, if any)		
What is the Full Legal Name of the individual or entity (applicant) applying for this permit?				
AMY S. NEUHAUS 1994 TRUST				
(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 You may search for your CN http://www15.tceq.texas.gov	on the TCEQ websi	e TCEQ, what is the Customer Number (CN)? te at fuseaction=cust.CustSearch		
CN : 604584003	(leave bla	nk if you do not yet have a CN).		
What is the name and title of application is signed by an in evidence that they meet the s	dividual applicant.	sons signing the application? Unless an the person or persons must submit written ents in 30 TAC § 295.14.		
First/Last Name: AMY S. KAUFMANN				
Title: Co-Trustee				
Have you provided writter 295.14, as an attachment	n evidence meeting to this application	the signatory requirements in 30 TAC §		
What is the applicant's mailin may verify the address on the https://tools.usps.com/go/Zi	USPS website at	nized by the US Postal Service (USPS)? You out.action.		
Name: AMY S. KAUFMAN	N			
Mailing Address: 7736 Central Park				
City: Waco	State: Texas	ZIP Code: 76712-6535		
Indicate an X next to the type of Applicant:				
Individual	Sole Proprietorship-D.B.A.			
Partnership	Corporation			
X_Trust	Estate			
Federal Government	State Government			
County Government	City Government			
Other Government	Other			
For Corporations or Limited Partnerships, provide: State Franchise Tax ID Number:SOS Charter (filing) Number:				

Applicant				
Indicate the number of App (Include a copy of this sect	olicants/Co-Applic ion for each Co-A	cants 3 pplicant, if any)		
What is the Full Legal Name of the individual or entity (applicant) applying for this permit?				
AMY S. NEUHAUS 1994 TRUST				
(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.)				
You may search for your CN	on the TCEQ web	he TCEQ, what is the Customer Number (CN)? site at a?fuseaction=cust.CustSearch		
CN : 604584003	(leave bl	ank if you do not yet have a CN).		
What is the name and title o application is signed by an in evidence that they meet the	ndividual applican	ersons signing the application? Unless an at, the person or persons must submit written ments in 30 TAC § 295.14.		
First/Last Name: MARTY	KAUFMANN			
Title: Co-Trustee				
Have you provided writte 295.14, as an attachment	n evidence meetin to this application	ng the signatory requirements in 30 TAC § n?		
What is the applicant's maili may verify the address on the https://tools.usps.com/go/Z	e USPS website at			
Name: MARTY KAUFMA	NN			
Mailing Address: 7736 Ce	entral Park			
City: Waco	State: Texas	ZIP Code: 76712-6535		
Indicate an X next to the type	e of Applicant:			
Individual	Sole Proprietorship-D.B.A.			
Partnership	Corporation			
X_Trust	Estate			
Federal Government	State Government			
County Government	City Government			
Other Government	Other			
For Corporations or Limited : State Franchise Tax ID Numb	Partnerships, prov er: So	vide: OS Charter (filing) Number:		

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

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

First and Last Name: EUGENE R. VAUGHAN, III

Title: Attorney

Organization Name: Jones, Galligan, Key & Loza

Mailing Address: P.O. Drawer 1247

City: Weslaco State: Texas ZIP Code: 78599-1247

Phone No.: 956-973-1138 Extension:

Fax No.: 956-968-6089 E-mail Address:

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

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

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

First and Last Name: BRENT A. NEUHAUS

Title:

Organization Name:

Mailing Address: 7736 Central Park

City: Waco State: Texas ZIP Code: 76712-6535

Phone No.: 254-749-7301 Extension:

Fax No.: E-mail Address: 1

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

- a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your application.
 - 1. Does Applicant or Co-Applicant owe any fees to the TCEQ? Yes / No No If yes, provide the following information:

Account number:

Amount past due:

2. Does Applicant or Co-Applicant owe any penalties to the TCEQ? Yes / No No If yes, please provide the following information:

Enforcement order number:

Amount past due:

b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. 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 N/A

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 Y

6. SIGNATURE PAGE (Instructions, Page. 11) Applicant: I, BRENT A. NEUHAUS (Typed or printed name) Co-Trustee certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized under Title 30 Texas Administrative Code §295.14 to sign and submit this document and I have submitted written evidence of my signature authority. Signature: _ (Use blue ink) Subscribed and Sworn to before me by the said My commission expires on the _______day of___

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

Milennar

County, Texas

Notary Public

Notary Public

STATE OF TEXAS

ID# 0313986-5

My Comm. Exp. Apr. 11, 2024

[SEAL]

6. SIGNATURE PAGE (Instructions, Page. 11) Applicant: I, RYAN S. NEUHAUS (Typed or printed name) Co-Trustee (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 person properly gather and evaluate the information submitted. Based on my inquiry of the person or properly gather and evaluate the information submitted. Based on my inquiry of the person or properly gather and evaluate the information submitted.

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:	Date: 3/8/21	
(Use blue ink)		

Subscribed and Sworn to before me by the said

on this	Sth	day of	mar	ch ,	, ₂₀ 21
My commis	ecion avniros an the	30 th	day of	mark	emper 2023

Snaw Jengle Smeth Notary Public

County, Texas

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6. SIGNATURE PAGE (Instructions, Pag	(e. 11)
Applicant:	
I, RYAN S. NEUHAUS (Typed or printed name)	Co-Trustee
(Typed or printed name)	(Title)
certify under penalty of law that this document and aldirection or supervision in accordance with a system of properly gather and evaluate the information submitted persons who manage the system, or those persons dirinformation, the information submitted is, to the best accurate, and complete. I am aware there are signification information, including the possibility of fine and improved.	designed to assure that qualified personnel ed. Based on my inquiry of the person or ectly responsible for gathering the of my knowledge and belief, true, nt penalties for submitting false
I further certify that I am authorized under Title 30 To and submit this document and I have submitted written	en evidence of my signature authority.
Signature: A-All	Date: 3/8/21
(Use blue ink)	
Subscribed and Sworn to before me by the said on this <u>8th</u> day of <u>Marc</u> My commission expires on the <u>30th</u> day of	h, 20 <mark>21</mark> . September 2023
Augan Jingle Smith Notary Public Haves County, Texas	AGLE SAL [SEAL]

6. SIGNATURE PAGE (Instructions,	Page. 11)							
Applicant:								
I, JILL NEUHAUS (Typed or printed name)	Co-Trustee							
(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 and submit this document and I have submitted	written evidence of my signature authority.							
Signature:(Use blue ink)	Date: <u>3/8/21</u>							
Subscribed and Sworn to before me by the said								
on this 8% day of $\%$	nch , 2021.							
on this 8% day of 7% My commission expires on the 30% day of	f September, 20 33.							
Notary Public Anuth Adams County, Texas	PUBLIC SAMPLE OF SOLUTION OF S							

SIGNATURE PAGE (Instructions, Page. 11) 6. Applicant: _{I,} <u>AMY S. KAUFMANN</u> Co-Trustee (Typed or printed name) 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: My S. Kaufmann Date: 3-3-2021 Subscribed and Sworn to before me by the said My commission expires on the__

County Towns

Sangamon County, Iltinois

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

OFFICIAL SEAL
WAYDE L RATHGEBER
NOTARY PUBLIC - STATE OF ILL MOIS
MY COMMISSION EXPIRES:08/17/21

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:	
_{I,} MARTY KAUFMANN	Co-Trustee
(Typed or printed name)	(Title)
direction or supervision in accordance wit properly gather and evaluate the informat persons who manage the system, or those information, the information submitted is accurate, and complete. I am aware there a	ament and all attachments were prepared under my the a system designed to assure that qualified personnation submitted. Based on my inquiry of the person or persons directly responsible for gathering the , to the best of my knowledge and belief, true, are significant penalties for submitting false ne and imprisonment for knowing violations.
and submit this document and I have subr	er Title 30 Texas Administrative Code §295.14 to sign mitted written evidence of my signature authority.
(Use blue ink)	Date: 03-03-2021
Subscribed and Sworn to before me by the	said
on this 300 day of	March , 2021.
on this 30 day of My commission expires on the 17 17	day of August, 20 21.
H3li 2 Rottgh	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
Notary Public	OFFICIAL SEAL [SEAL] WAYDE L RATHGEBER NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES:08/17/21
County, Texas. ingamon County, Illinois	

TECHNICAL INFORMATION REPORT WATER RIGHTS PERMITTING

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

Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4600 to schedule a meeting. Applicant attended a pre-application meeting with TCE Staff for this Application? Y / N_{N} (If yes, date:).	Q
1. New or Additional Appropriations of State Water. Texas Water Code (TWC) § 11.121 (Instructions, Page. 12)	5
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_{-} (If yes, indicate the Certificate or Permit number:)	
If Applicant answered yes to (a) or (b) above, does Applicant also wish to be considered for a term permit pursuant to TWC § 11.1381? Y / $N_{\underline{N}}$	1
c. Applicant requests to extend an existing Term authorization or to make the right permanent	:?

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)

____(If yes, indicate the Term Certificate or Permit number:_____)

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

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

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

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

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

W	ater Right (Certificate or Permit) number you a	re requesting to amend: 12-4318
Ap Ce	oplicant requests to sever and combine existin ertificates into another Permit or Certificate?	g water rights from one or more Permits or // N(if yes, complete chart below):
L	ist of water rights to sever	Combine into this ONE water right
a.	Applicant requests an amendment to an exis appropriation of State Water (diversion and/o	ting water right to increase the amount of the or impoundment)? Y / $N_{\underline{N}}$
	If yes, application is a new appropriation for Report (PAGE. 1) regarding New or Addition	the increased amount, complete Section 1 of this nal Appropriations of State Water.
b.	Applicant requests to amend existing Term a	uthorization 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

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_{\perp}^{\vee} If yes, submit:

Report (PAGE. 1) regarding New or Additional Appropriations of State Water.

- Worksheet 1.0 Quantity, Purpose, and Place of Use Information Worksheet
- Worksheet 1.2 Notice: "Marshall Criteria"
- d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? Y / $N_{\underline{Y}}$ If yes, submit:
 - Worksheet 3.0 Diversion Point Information Worksheet (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)
 - **Worksheet 5.0 Environmental Information** (Required for <u>any</u> new diversion points that are not already authorized in a water right)
- e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? Y $/ N^N$

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

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

Additionally, all amendments require:

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

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

a. Pursuant to contract, Applicant requests authorization to convey, stored or conserved water to the place of use or diversion point of purchaser(s) using the bed and banks of a watercourse? TWC $\S 11.042(a)$. Y/NN

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 $^{\rm N}$

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_{\sim}

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 / NN

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":

		Applicant is located within Region G Planning Group. This application is not inconsistent with the 2021 Brazos G Regional Water Plan because there are no shortages projected for irrigation in Falls County through the planning period and no change in water supply is recommended.
b.	Did	the Applicant perform its own Water Availability Analysis? Y / NN
		If the Applicant performed its own Water Availability Analysis, provide electronic copies of any modeling files and reports.
C.	Doe	s the application include required Maps? (Instructions Page. 15) Y / N $\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ $
		SEE MAP ATTACHED AS EXHIBIT "A"

WORKSHEET 1.0 Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

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

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

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

a.	Location	Information	Regarding	the	Lands	to	be	Irrigate	ed
----	----------	-------------	-----------	-----	-------	----	----	----------	----

____, Abstract No.

1)	Applicant proposes to irrigate a t	otal o	f	acres ii	n any one yea	ar. This acre	age is
	all of or part of a larger tract(s	s) whi	ch is	described in a	supplement	attached to	this
	application and contains a total o	f		acres in_		County	
ii)	Location of land to be irrigated	d: In	the_		Ori	ginal Survey	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**	
150 Irrigation and Irrigation for Agriculture		, •	146.710 acre tract Hill County, Texas	667.31 acre tract in Falls County, Texas	

^{*}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."

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

	For any request which adds Agricultural purpose Agricultural rights, provide the following locati irrigated:	
i	. Applicant proposes to irrigate a total of 600	acres in any one year. This acreage is

	application and contains a total of 667.31	described in a supplement attached to thisacres in Falls
	County, TX. See the two tracts described on Exhibits "A"	and "B" of the Deed attached to this application as Exhibit "B".
ii.	Location of land to be irrigated: In the_	Original Survey No.
	, Abstract No	
	A copy of the deed(s) describing the over	erall tract(s) with the recording information
	from the county records must be subm	itted. Applicant's name must match deeds. If
	the Applicant is not currently the sole o	owner of the lands to be irrigated, Applicant
	must submit documentation evidencing	g consent or other legal right for Applicant to
	use the land described.	

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

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

See Exhibit "D"

^{**}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."

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 onstream 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:

See Exhibit "C"

- a. <u>Administrative Requirements and Fees.</u> 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. <u>Beneficial Use.</u> 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. <u>Public Welfare</u>. 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. <u>Groundwater Effects.</u> Discuss effects of proposed amendment on groundwater or groundwater recharge.

- e. <u>State Water Plan.</u> 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. <u>Waste Avoidance</u>. 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. <u>Impacts on Water Rights or On-stream Environment.</u> 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	1. Storage	Information (Instructions, Page. 21)
a.	a. Official USGS n	name of reservoir, if applicable: N/A
b.	o. Provide amoun operating level	it of water (in acre-feet) impounded by structure at normal maximum :
c.	c. The impoundm	nent is on-channelor off-channel(mark one)
	Wate ii. If on	icant has verified on-channel or off-channel determination by contacting Surface r Availability Team at (512) 239-4600? Y / Nchannel, will the structure have the ability to pass all State Water inflows that icant does not have authorization to impound? Y / N
d.	l. Is the impound	lment structure already constructed? Y/N
	i. For a	lready constructed on-channel structures:
	1. I	Date of Construction:
		Vas 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. I	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 Noand watershed project name; b. Authorization to close "ports" in the service spillway requested? $Y / N_{_}$
	ii. For a	any proposed new structures or modifications to structures:
	s S	applicant must contact TCEQ Dam Safety Section at (512) 239-0326, <i>prior to ubmitting an Application</i> . Applicant has contacted the TCEQ Dam Safety ection regarding the submission requirements of 30 TAC, Ch. 299? Y/Nrovide the date and the name of the Staff Person
	2. A	as a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ as 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

			body of each count reservoir to be cons submit a copy of all	ve notice by certified mail to ea y and municipality in which th structed, will be located. (30 Ta l the notices and certified mail es and cards are included? Y /	e reservoir, or any part of the AC § 295.42). Applicant must ing cards with this
	iii.	Ado	litional information	required for on-channel stora	age:
		1.	Surface area (in acro	es) of on-channel reservoir at 1 	normal maximum operating
		; ;]	area above the on-c calculate the draina Applicant has calcu If yes, the drainage If assistance is need	ration information provided, S hannel dam or reservoir. If A ge area they may do so at thei lated the drainage area. Y/N_area issq. miles ded, call the Surface Water Avaication, (512) 239-4600).	r option.
	ı Watero	ourse	e (if on-channel) (US	tructions, Page. 23) GS name):	
				Original Survey No	. Abstract No.
			County, Texas.		, 110002000 1101
	subm inund ** If the or wi docum	iitted dated he Ap ill be i menti	describing the trac pplicant is not curre built and sole owne	ct(s) that include the structure ently the sole owner of the law er of all lands to be inundated onsent or other documentation	nd on which the structure is I. Annlicant must submit
d. A ch	point on annel) is	the o	enterline of the dar	n (on-channel) or anywhere wi	thin the impoundment (off-
	Latitu	ıde		Longitude^w	
	*Prov place	ride L s	atitude and Longit	ude coordinates in decimal de	egrees to at least six decimal
di.	Indica Mappi	te the ng Pr	e method used to ca ogram):	lculate the location (examples	: Handheld GPS Device, GIS,
dii.	Map s	ubmit	ted which clearly ic	lentifies the Impoundment, da instructions Page. 15. Y / N	m (where applicable), and

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.	Diver	sion Information (Instructions, Page. 24	4)			
a.	a. This Worksheet is to add new (select 1 of 3 below):					
	2Ups	ersion Point No. tream Limit of Diversion Reach No. Enstream Limit of Diversion Reach No.				
b.		Rate of Diversion for this new point gpm (gallons per minute)	_cfs (cubic feet per second)			
c.	If yes, s	point share a diversion rate with other points? Y / N Submit Maximum Combined Rate of Diversion for all Seachescfs orgpm	N I			
d.	** An in	ments, is Applicant seeking to increase combined of a crease in diversion rate is considered a new appropion of Section 1, New or Additional Appropriation o	riation and would require			
e.	Check (√) to diversion le	he appropriate box to indicate diversion location an ocation is existing or proposed):	nd indicate whether the			
	Check one		Write: Existing or Proposed			
	Х	Directly from stream	EXISTING			
		From an on-channel reservoir				
		From a stream to an on-channel reservoir				
		Other method (explain fully, use additional sheets if necessary)				
f.	above the c	ne Application information provided, Staff will calc liversion point (or reach limit). If Applicant wishes rea, you may do so at their option.	ulate the drainage area to also calculate the			
	Applicant has calculated the drainage area. Y / $N_{\underline{N}}$					
	(If assist	ne drainage area issq. miles. ance is needed, call the Surface Water Availability T ing application)	Feam at (512) 239-4600, prior to			

2.	Diversion Location (Instructions, Page 25)
a.	On watercourse (USGS name): BRAZOS RIVER
b.	Zip Code: 76661
c.	Location of point: In the T.J. Chambers Grant Original Survey No, Abstract No, FellsCounty, 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. See Exhibit "B" For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.
d.	Point is at: Latitude 31.283594 °N, Longitude 96.965053 °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): Handheld GPS Device
f.	Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. See Exhibit "A".
g.	If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

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	e purpose of use for the water being discharged will be
or c	vide the amount of water that will be lost to transportation, evaporation, seepage, channel other associated carriage losses% and explain the method of culation:
Is th	he source of the discharged water return flows? Y / NIf yes, provide the owing 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
submiti approp	E NOTE: If Applicant is not the discharger of the return flows, the application should be ted under Section 1, New or Additional Appropriation of State Water, as a request for a new priation of state water. If Applicant is the discharger, then the application should be ted under Section 3, Bed and Banks.
3. 1	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. I	If any percentage is surface water, provide the base water right number(s)
c. Is th	ne source of the water being discharged groundwater? Y / NIf yes, provide following information:
1. 9	Source aquifer(s) from which water will be pumped:
t	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/gwdbrpt.asp . Additionally, provide well numbers or identifiers
3. I	indicate how the groundwater will be conveyed to the stream or reservoir.
4. A	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	e source of the water being discharged a surface water supply contract? Y / Nes, provide the signed contract(s).
cii. Iden	ntify 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 per year. The discharged compensate for any losse	will be discharged at amount should include s.	this point ise the amount ne	a eded for use and	cre-feet l to
b.	Water will be discharged	at this point at a maxir	num rate of	cfs or	gpm
c.	Name of Watercourse as s	shown on Official USGS	maps:		
d. f.	Zip Code	Original	Survey No	, Abstract	
g.	Point is at:				
	Latitude	_°N, Longitude	°W.		
	*Provide Latitude and Lo places	ngitude coordinates i	n decimal degre	es to at least siz	x decima
h.	Indicate the method used GPS Device, GIS, Mapping	to calculate the dischar Program):	arge point locatio	on (examples: Ha	andheld ——
Ma	p submitted must clearly	identify each dischar	ge point. See in	structions Page	. 15.

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

-	10.000 (40.000)	· 能够和特别的	HG - Live to Absorbe	B. W. S. S. C. S. L. C.			Strike a state 🗅			
1	V4-000000000000000000000000000000000000	mm	MACA	MAN	t and	LE	4-voi	n saturda annesar la		ě
1			11126		1 4111		11741		urn	
	sea and the wind the	Salaracina video.	Marie Comment	VPX 10 100 00 00 00 00 00 00 00 00 00 00 00	David Andreas					è

1.	Impingement and Entrainment
lndid aqua	section is required for any new diversion point that is not already authorized. The measures the applicant will take to avoid impingement and entrainment of tic organisms (ex. Screens on any new diversion structure that is not already orized in a water right). Instructions, Page 29.
	Applicant utilizes a river screen so that aquatic plants and animals are not pulled into the nozzles of Applicant's irrigation system.
2.	New Appropriations of Water (Canadian, Red, Sulphur, and Cypress Creek Basins only) and Changes in Diversion Point(s)
Sulpl diver Desci	section is required for new appropriations of water in the Canadian, Red, nur, and Cypress Creek Basins and in all basins for requests to change a sion point. Instructions, Page 30. ription of the Water Body at each Diversion Point or Dam Location. (Provide an
	onmental Information Sheet for each location),
a. Ide	entify the appropriate description of the water body.
	Stream
	Reservoir
	Average depth of the entire water body, in feet:
	Other, specify:
b. Flo	w 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

	☐ Personal observation
	Other, specify:
c. V	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. V	Waterbody Recreational Uses
	Are there any known recreational uses of the stream segments affected by the application?
	Primary contact recreation (swimming or direct contact with water)
	Secondary contact recreation (fishing, canoeing, or limited contact with water)
	□ Non-contact recreation
	Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:
	1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the map submitted with the application indicating the location of the photograph and the direction of the shot.

- 2. If the application includes a proposed reservoir, also include:
 - i. A brief description of the area that will be inundated by the reservoir.
 - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
 - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

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

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

- a. For all bed and banks applications:
 - i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.
- b. For all alternate source applications:
 - i. If the alternate source is treated return flows, provide the TPDES permit number____
 - ii. If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:

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

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

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

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

WORKSHEET 6.0 Water Conservation/Drought Contingency Plans

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

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

1. Water Conservation Plans

- a. The following applications must include a completed Water Conservation Plan (30 TAC § 295.9) for each use specified in 30 TAC, Chapter 288 (municipal, industrial or mining, agriculture including irrigation, wholesale):
 - 1. Request for a new appropriation or use of State Water.
 - 2. Request to amend water right to increase appropriation of State Water.
 - 3. Request to amend water right to extend a term.
 - 4. Request to amend water right to change a place of use.

 *does not apply to a request to expand irrigation acreage to adjacent tracts.
 - 5. Request to amend water right to change the purpose of use. *applicant need only address new uses.
 - 6. Request for bed and banks under TWC \S 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:
	1Municipal Use. See 30 TAC § 288.2. **
	2Industrial or Mining Use. See 30 TAC § 288.3.
	3. <u>×</u> Agricultural Use, including irrigation. See 30 TAC § 288.4.
	4Wholesale Water Suppliers. See 30 TAC § 288.5. **
	**If Applicant is a water supplier, Applicant must also submit documentation of adoption of the plan. Documentation may include an ordinance, resolution, or tariff, etc. See 30

TAC §§ 288.2(a)(1)(J)(i) and 288.5(1)(H). Applicant has submitted such documentation with each water conservation plan? Y / $N_{N/A}$

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

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

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*) $\mathbf{Y} / \mathbf{N}_{N/A}$

WORKSHEET 7.0 ACCOUNTING PLAN INFORMATION WORKSHEET

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

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

- a. A **text file** that includes:
 - 1. an introduction explaining the water rights and what they authorize;
 - 2. an explanation of the fields in the accounting plan spreadsheet including how they are calculated and the source of the data;
 - 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

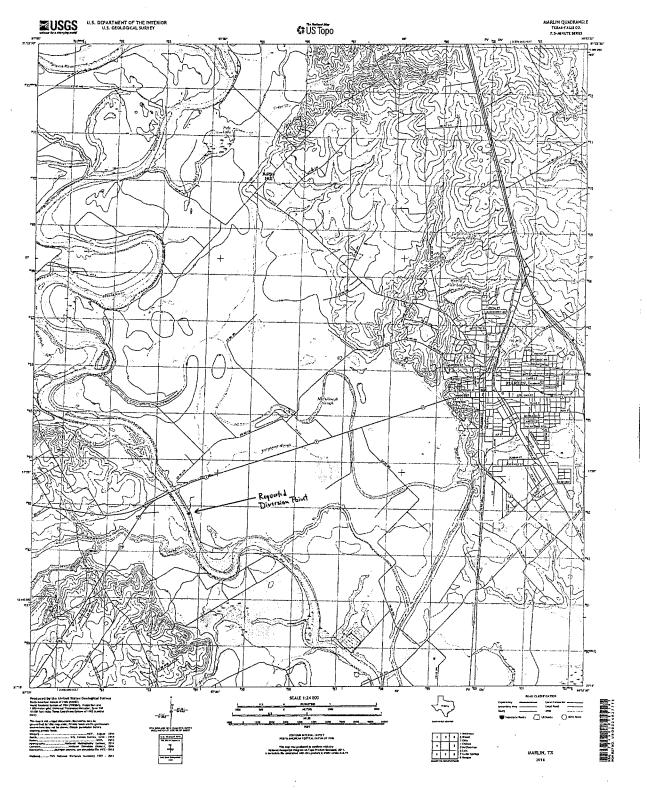
	Description	Amount (\$)
	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$).	
	<u>In Acre-Feet</u>	
Filing Fee	a. Less than 100 \$100.00	
-	b. 100 - 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	Only for those with an Irrigation Use. Multiply 50¢ xNumber of acres that will be irrigated with State Water. **	
Use Fee	Required for all Use Types, excluding Irrigation Use.	
	Multiply \$1.00 xMaximum annual diversion of State Water in acrefeet. **	
Recreational Storage	Only for those with Recreational Storage.	
Fee Fee	Multiply \$1.00 xacre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
	Only for those with Storage, excluding Recreational Storage.	
Storage Fee	Multiply 50¢ xacre-feet of State Water to be stored at normal max operating level.	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	
	TOTAL	\$

2. AMENDMENT OR SEVER AND COMBINE

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

3. BED AND BANKS

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



"B"

Vol. 140 Page 128

Warranty Deed With Vendor's Lien

2877

Date:

November 25, 2002, to be effective on November 24, 2002

Grantor:

DAVID MACK JAMESON, Individually and as Independent Executor of the Estate of MARTHA STASNEY JAMESON, Deceased; ANNE JAMESON MCCAUSLAND, formerly known as ANNE DOUGLAS JAMESON; JENNIFER LEE JAMESON; and DAVID MACK JAMESON, JR., each of whom owns, claims and occupies other property as our respective homesteads and conveys out of our

respective separate property and separate estates.

Grantor's Mailing Address:

900 E. Worth, Grapevine, Tarrant County, Texas 76051

Grantee:

BRENT A. NEUHAUS 1994 TRUST, dated April 11, 1994; AMY S. NEUHAUS 1994 TRUST, dated April 11, 1994; and RYAN S. NEUHAUS 1994 TRUST, dated

April 11, 1994.

Grantee's Mailing Address:

1601 La Salle, Waco, McLennan County, Texas 76706

Consideration: THE SUM OF TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, including a note of even date executed by Grantee and payable to the order of TEXAS LAND BANK, FLCA, in the principal amount of THREE HUNDRED SEVENTY-THREE THOUSAND TWO HUNDRED AND 00/100 DOLLARS (\$373,200.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of TEXAS LAND BANK, FLCA, and by a first-lien deed of trust of even data from Contract to TEXAS LAND BANK, FLCA and by a first-lien deed of trust of even date from Grantee to CHARLES P. GANT, Trustee.

Property (including any improvements):

All of our undivided interest in 500 acres of land, more or less, in the T. J. Chambers Grant, Falls County, Texas, more fully described as Tract One in the attached Exhibit "A" and 167.311 acres of land, more or less, in the T. J. Chambers Grant, Falls County, Texas, more fully described as Tract Track in the parent of Exhibit "B". Two in the attached Exhibit "B."

As to the interest conveyed, for Grantor and Grantor's heirs, successors, and assigns forever, a reservation of an undivided one-fourth (1/4) of all oil, gas, and other minerals in and under and that may be produced from the Property. If the mineral estate is subject to existing production are existing leave the readulting the leave the residual of the leave the leave the residual of the leave t subject to existing production or an existing lease, the production, the lease, and the benefits from it are allocated in proportion to ownership in the mineral estate.

Exceptions to Conveyance and Warranty:

- Permit to Appropriate State Water from the Texas Water Commission to Leonard W. Stasney, et.al, dated September 26, 1985, and recorded in Vol. 338, Page 559, Falls County Deed Records,
- Easement conveyed by Nathan Levy, et al, to Southwestern Electric Service Co. by instrument dated August 4, 1961, and recorded in Vol. 249, Page 231, Falls County Deed Records;

- Easement conveyed by Lester Levy, et al, to the State of Texas by instrument dated June 8, 1938, and recorded in Vol. 172, Page 294, Falls County Deed Records;
- Easement acquired by the City of Marlin in Cause No. 1817, Styled the City of Marlin v. Lester L. Levy, et al, in the County Court of Falls County, Texas;
- An undivided one half (½) interest in oil, gas and other minerals reserved from Lester L. Levy, et al, to Fred Lohmeyer dated September 24, 1974 and recorded in Vol. 294, Page 569, Falls County Deed Records.

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 successors and assigns 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.

TEXAS LAND BANK, FLCA, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the property that is evidenced by the note described. The vendor's lien and superior title to the property are retained for the benefit of TEXAS LAND BANK, FLCA and are transferred to that party without recourse on Grantor.

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

DAVID MACK JAMESON Individually and as Independent Executor of the Estate of MARTHA STASNEY JAMESON, Deceased

Divid Jameson MCCAUSLAND

(Da) Mark James J

STATE OF TEXAS	
COUNTY OF (bolla)	
	a Att
This instrument was acknowledged before m	e on the 10 of November, 2002 by DAVID
This instrument was acknowledged before in MACK JAMESON, in the capacities therein stated	and on benaif thereof.
•	May feeling
	Nothery Public in and for the State of Texas
	1 KAY HICKMAN
STATE OF TEXAS	MY COMMISSION EXPIRES March 12, 2004
_	
COUNTY OF Dellas	
,	ne on the 2002 by ANNE
JAMESON MCCAUSLAND	. / 1. 2
JAMEBOTT Meet 11 - 1	Vi. ludin
₹.	Notary Cublic in and for
	the State of Texas
STATE OF TEXAS	KAY HICKMAN WY COMMISSION EXPIRES
COUNTY OF LALLAS	March 12, 2004
	2002 III ITAINIITED
This instrument was acknowledged before me	on the of November, 2002 by JENNIFER
LEE JAMESON	1/2 11.01
	A Control of the cont
	Notary Public in and for the State of Texas
STATE OF TEXAS	Any Commission Express
\sim \wedge 1	KAY HICKOLAM
COUNTY OF JOULA	
and a selection where the fore the selection is a selection of the selecti	me on the of November, 2002 by DAVID
MACK JAMESON, JR.	1/ 14
MIACK MUNDOCK,	ka luel
	Notary Public in and for
	the State of Texas
	(AY HICKMAN)
	OMMISSION EXPIRES

Fieldnote description for a 500.00 acre tract of land lying situate and being in the T. J. Chambers Grant in Falls County, Texas, and being out of and a part of that certain 667.311 acre tract of land conveyed to W. W. Callan by deed recorded in Volume 295, page 577 of the Deed Records of Falls County, Texas. Said 500.00 acres being described by metes and bounds as follows:

BEGINNING at a point set in the south fence line of said Callan Tract, which point bears S 44° 47' W, 2,048.64 feet from the S.E. corner of said Callan Tract for the S.E. corner of this description;

THENCE S 44° 47' W, 3,308.52 feet and S 49° 06' 31" W, 104.14 feet to a point in said fence line for corner;

THENCE S 2° 26' 38" E, 1,244.15 feet to a point set in the northerly high bank of the Brazos River for corner;

THENCE with the high bank of said river with its meanders as follows:
S 22° 48' W, 11.41 feet, S 57° 02' W, 396.0 feet; S 88°
00' W, 561.0 feet; N 55° 08' W, 375.0 feet; N 48° 00' W,
351.0 feet; N 25° 36' W, 1,086.7 feet; N 20° 30" W, 1,958.3
feet; N 17° 50' W, 752.8 feet; N 27° 42' W, 812.4 feet and
N 32° 23' W, 971.84 feet to a point in the southerly rightof-way line of State Highway-7 for-the-N.W, corner of this...
description;

THENCE with said right-of-way line, N 57° 32' E, 481.0 feet and N 63° 15' E, 240.7 feet to a point at the beginning of a curve to the right;

THENCE around said curve to the right, R=5,670 feet for an arc distance of 869.13 feet to a point at the end of said curve;

THENCE continuing with said right-of-way line, N 72° 02' E, 1,897.71 feet to a point for the N.E. corner of this;

THENCE S 44° 48° E, 4,083.21 feet to the PLACE OF BEGINNING; containing within these metes and bounds 500.00 acres of land.

Exhibit "A"

Fieldnote description for a 167.311 acre tract of land lying situate and being in the T. J. Chambers Grant in Falls County, Texas, and being out of and a part of that certain 667.311 acre tract of land conveyed to W. W. Callan by deed recorded in Volume 295, page 577 of the Deed Records of Falls County, Texas. Said 167.311 acres being described by metes and bounds as follows:

BEGINNING at the S.E. corner of said Callan Tract for the S.E. corner of this description;

- THENCE with the south line of said tract, S 44° 47' W, 2,048.64 feet to a point for the S.W. corner of this;
- THENCE N 44° 48' W, 4,083.21 feet to a point set in the southerly right-of-way line of State Highway 7 for the N.W. corner of this;
- THENCE with said right-of-way line, N 72° 02' E, 2,295.79 feet to the N.E. corner of said Callan Tract for the N.E. corner of this;
- THENCE with the east line of said Callan Tract, S 44° 48' E, 3,032.00 feet to the PLACE OF BEGINNING; containing within these metes and bounds -167.311 acres of land.

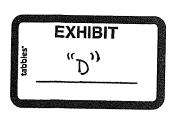
EXLIB "B"

FILED	1·1/26/2002	AT . 8:15 A	M
RECORED	12/2/2002	AT 1:00 P	M
BY LINDA	WATKINS	FRANCES BRASWELL,	COUNTY CLERK
	,	PALLS COUNTY TEXAS	•



Marshall Criteria

- a. <u>Administrative Requirements and Fees.</u> The attached application meets the administrative requirements for an amendment to a water right because it involves a change in the place of use of the water right, and it also involves a change in the diversion point of the water right. The application is a sworn application, and includes, among other things, a copy of the required GIS map, the completed water conservation plan, and all applicable fees.
- b. <u>Beneficial Use</u>. The proposed amendment meets the definition of a beneficial use because the water will be used for the irrigation of growing crops in an amount that economically necessary for a purpose authorized by Chapter 11 of the Texas Water Code.
- c. <u>Public Welfare</u>. The amendment is beneficial to the public welfare because it will allow for the irrigation of crops that are used in the production of food and clothing and because the water will be used in a manner that is designed to minimize waste of the water.
- d. Groundwater Effects Not applicable.
- e. <u>State Water Plan</u>. Applicant is located within Region G Planning Group. This application is not inconsistent with the 2021 Brazos G Regional Water Plan because there are no shortages projected for irrigation in Falls County through the planning period and no change in water supply is recommended.
- f. <u>Waste Avoidance</u>. Applicant has submitted a water conservation plan with the application for the proposed amendment that describes the manner in which Applicant will utilize water with maximum efficiency and minimal waste.
- g. <u>Impacts on Water Rights or On-Stream Environment</u>. Applicant is seeking to amend the water right to move the place of use and the diversion point to a place that is located downstream for its current place of use and diversion point. There will be no change in the rate of diversion or the amount of water diverted, so there should be no impact on downstream users.





Texas Commission on Environmental Quality

Water Availability Division MC-160, P.O. Box 13087 Austin, Texas 78711-3087 Telephone (512) 239-4600, 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) 239-4600.

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:	BRENT A. NEUHAUS 1994 TRUS	ST; AMY S. NEUHAUS 1994 TRUST; RYAN S.
	NEUHAUS 1994 TRUST	
Address:	7736 Central Park, Waco, Texas	76712
Telephone Number:	(254)732-0542	Fax: (254)732-0898
Form Completed By:	BRENT A. NEUHAUS	
Title:	Trustee	
Signature:	WMM24444000 declared and an analysis of the contract of the co	Date: 02//2021

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

TCEQ-10238 (Rev. 06/2019)

I. BACKGROUND DATA

A. Water Use

- 1. Annual diversion appropriated or requested (in acre-feet): 150 acre-feet
- 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.

January	February	March	April
	1000.00		7.5
May	June	July	August
22.5	37.5	37.5	37.5
September	October	November	December
7.5			
		Total All Months	

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

Type of crop	Growing Season (Months)	Acres irrigated/year
Cotton or Corn	March through October	600
	Total acres irrigated	600

4. Are crops rotated seasonally or annually? \square Yes \square No

If yes, please describe: Corn and Cotton rotation annually if market allows.

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

Weswood complex 0-8% slope .6" – 2" per hour Ships Clay 0-8% slope .06" per hour Yahola fine sandy loam 2"-6" per hour

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.

John Deere engine, Cornell 8H pump (2500 gal/min) with river screen suction and Valley pivots.

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%.

McCrometer MO308-1300 tested 101.0% accuracy (in-line flow meter)

McCrometer MO210-750 tested 99.7% accuracy (in-line flow meter)

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.

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

a. 5-year goal:

Savings in acre-feet or system efficiency as a percentage 80%

b. 10-year goal:

Savings in acre-feet or system efficiency as a percentage 80%

(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?

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).

Valley Circle Pivots have replaced flood irrigation system.

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

TCEQ-10238 (Rev. 06/2019) Page 3 of 4

Entire system shuts down in the event of loss of power, water pressure, or loss of traction at pivot.

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. soilmoisture monitoring).

Only irrigate when soil moisture is below adequate crop growing demands.

Only irrigate when wind is below 20 m.p.h. to minimize wind loss.

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.).

Utilize maximum weed control practices in order to conserve water and to reduce pressure on crops.

Complete annual soil work to enhance drainage from rain or pooling or irrigation water in order to increase soil intake.

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

Not applicable as the only water run-off is from rain.

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

The land has limited water supply available, so irrigation is only used when crop growth is critical.

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.

MODEL NO: MO308-1300

METER SERIAL NO: GP06-08-3360

CONFIGURATION

METER INSIDE DIAMETER: 7.981

METER OUTSIDE DIAMETER: <u>8 625</u>

TEST DATE: 4/6/2016

TEST FACILITY: Volumetric

IDEAL TEST CONSTANT: 3867

CALIBRATION DATA

Tested TC GPM Accuracy	
. aen∀ #39 101 0	

TIFIED BY: Paul Hobbs

DATE: 4/7/2016

ration was performed on a gravimetric or volumetric test facility, traceable to the National In and Technology, USA. The estimated flow measurement uncertainty of the calibration fac
Gravimetric +/- 0.15% Volumetric +/- 0.5%



CERTIFIED TEST REPORT

CUSTOMER: BRIEN WATER WELLS MODEL NO: MO310-750 METER SERIAL NO: GP06-10-1366

CONFIGURATION

METER INSIDE DIAMETER: 10.02 METER OUTSIDE DIAMETER: 10.75 TEST DATE: 4/6/2016

TEST FACILITY: Volumetric IDEAL TEST CONSTANT: 2237

CALIBRATION DATA

Tested TC GPM Accuracy	
Tested TC GPN Accuracy	

ED BY: Paul Hobbs

DATE: 4/7/2016

n was performed on a gravimetric or volumetric test facility, traceable to the National Insti The estimated flow measurement uncertainty of the calibration facility

PHONE MEMO

To: Eugene R. Vaughan	From: Lillian E. Beerman
Date of Call: October 25, 2021	File No.: 12-4318E
Phone Number:	Subject: Change of Ownership & Application

Called Mr. Vaughan to inquire about the Authorization for a 150 A-F off-channel reservoir detailed in the COO Memo. Mr. Vaughan said that their request was only for the 150 A-F diversion right for agricultural purposes. They do not have a reservoir; they do not intend to store water; they do not plan to use the water for mining purposes.

Mr. Vaughan said that he did not have the COO Memo or a copy of the Application for COO and Amendment. I offered to send him email copies and a copy of the Certificate and its amendment.

Lillian E. Beerman, Ph.D. October 25, 2021

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): BRENT A. NEUHAUS 1994 TRUST; AMY S. NEUHAUS 1994 TRUST; RYAN S. NEUHAUS 1994 TRUST

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 <u>not</u> required for every application).

Y/N		Y/N	1
Υ	_Administrative Information Report	Υ	Worksheet 3.0
Υ	_Additional Co-Applicant Information	N	_Additional W.S 3.0 for each Point
Y	_Additional Co-Applicant Signature Pages	Υ	_Recorded Deeds for Diversion Points
N/A	_Written Evidence of Signature Authority	N/A	_Consent For Diversion Access
Υ	_Technical Information Report	N/A	_Worksheet 4.0
<u>Y</u>	_ USGS Map (or equivalent)	N/A	TPDES Permit(s)
N	_ Map Showing Project Details	N/A	_ WWTP Discharge Data
N	_Original Photographs	N/A	_24-hour Pump Test
N	_Water Availability Analysis	N/A	_ Groundwater Well Permit
Y	_Worksheet 1.0	N/A	_ Signed Water Supply Contract
Υ	_Recorded Deeds for Irrigated Land	N/A	_Worksheet 4.1
N/A	Consent For Irrigation Land	Y	_Worksheet 5.0
N/A	_Worksheet 1.1	N/A	_Addendum to Worksheet 5.0
N/A	_ Addendum to Worksheet 1.1	Y	_Worksheet 6.0
<u>Y</u>	_Worksheet 1.2	Y	_Water Conservation Plan(s)
Υ	_Addendum to Worksheet 1.2	N/A	_Drought Contingency Plan(s)
N/A	_Worksheet 2.0	AILA	_Documentation of Adoption
N/A	_Additional W.S 2.0 for Each Reservoir	N/A	_Worksheet 7.0
	Dam Safety Documents	N/A	_Accounting Plan
	Notice(s) to Governing Bodies	Υ	_Worksheet 8.0
N/A	Recorded Deeds for Inundated Land	Υ	Fees
N/A	Consent For Inundation Land		
For (Commission Use Only:		
	osed/Current Water Right Number:		
Basir	n: Watermaster area Y/N	1:	

ADMINISTRATIVE INFORMATION REPORT

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

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

1. TYPE OF APPLICATION (Instructions, Page. 6)
Indicate, by marking X, next to the following authorizations you are seeking.
New Appropriation of State Water
X 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."
Applicant requests the commission to change the point of diversion and the place of use of the
right to divert up to a maximum of 150 acre-feet per annum from the Brazos River, being a
portion of those water rights evidenced by Certificate of Adjudication No. 12-4318.

2. APPLICANT INFORMATION (Instructions, Page. 6)

	Applicant				
	Indicate the number of Ap (Include a copy of this sec	oplicants/Co-Applicants 3 tion for each Co-Applicant, if any)			
	What is the Full Legal Name of the individual or entity (applicant) applying for this permit?				
	BRENT A. NEUHAUS 1994 TRUST				
	(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:604584011	(leave blank if you do not yet have a CN).			
	application is signed by an	of the person or persons signing the application? Unless an individual applicant, the person or persons must submit written signatory requirements in 30 TAC § 295.14.			
	First/Last Name: BREN	T A. NEUHAUS			
	Title: Co-Trustee				
	Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application?				
	Have you provided writt 295.14, as an attachmen	ten evidence meeting the signatory requirements in 30 TAC § at to this application?			
	295.14, as an attachment What is the applicant's mail may verify the address on t	nt to this application? ling address as recognized by the US Postal Service (USPS)? You the USPS website at			
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APPLICANT INFORMATION (Instructions, Page. 6) 2.

Applicant				
Indicate the number of Ap (Include a copy of this sec	plicants/Co-Appli tion for each Co-A	icants 3 Applicant, if any)		
What is the Full Legal Name	e of the individual	or entity (applicant) applying for this permit?		
RYAN S. NEUHAUS 1994				
(If the Applicant is an entity Secretary of State, County,	r, the legal name m or in the legal docu	nust be spelled exactly as filed with the Texas iments forming the entity.)		
You may search for your Cl	N on the TCEQ web	the TCEQ, what is the Customer Number (CN)? osite at n?fuseaction=cust.CustSearch		
CN: 604584029	(leave b	lank if you do not yet have a CN).		
What is the name and title application is signed by an evidence that they meet the	individual applicar	ersons signing the application? Unless an nt, the person or persons must submit written ments in 30 TAC § 295.14.		
First/Last Name: RYAN	S. NEUHAUS			
Title: Co-Trustee				
Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application?				
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2. APPLICANT INFORMATION (Instructions, Page. 6)

a.

l. F	Applicant		
1	ndicate the number of Ap Include a copy of this sec	plicants/Co-Appli tion for each Co-A	icants 3 Applicant, if any)
V	Vhat is the Full Legal Name	of the individual	or entity (applicant) applying for this permit?
	AMY S. NEUHAUS 1994 T		
(.	If the Applicant is an entity Secretary of State, County, o	r, the legal name m or in the legal docu	nust be spelled exactly as filed with the Texas iments forming the entity.)
Y	ou may search for your Ch	on the TCEO web	he TCEQ, what is the Customer Number (CN)? osite at n?fuseaction=cust.CustSearch
	:N :604584003		lank if you do not yet have a CN).
a	pplication is signed by an :	individual applicar	ersons signing the application? Unless an ont, the person or persons must submit written ments in 30 TAC § 295.14.
	First/Last Name: AMY S	. KAUFMANN	
	Title: Co-Trustee		
		en evidence meetii t to this applicatio	ng the signatory requirements in 30 TAC §
m	Have you provided writt 295.14, as an attachmen hat is the applicant's mail ay verify the address on the	t to this applicatio ing address as rec he USPS website at	on? ognized by the US Postal Service (USPS)? You
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h h	Have you provided writt 295.14, as an attachmen /hat is the applicant's mail any verify the address on the ttps://tools.usps.com/go//Name: AMY S. KAUFMA Mailing Address: 7736 C. City: Waco Individual Partnership	t to this application ing address as recone USPS website at ZipLookupAction!i .NN entral Park State: Texas be of Applicant:Sole Proprie	on? ognized by the US Postal Service (USPS)? You input.action. ZIP Code: 76712-6535
In	Have you provided writt 295.14, as an attachmen /hat is the applicant's mail ay verify the address on the ttps://tools.usps.com/go//Name: AMY S. KAUFMA Mailing Address: 7736 C. City: Waco Idicate an X next to the type Individual Partnership	t to this application ing address as receive USPS website at ZipLookupAction!i .NN entral Park State: Texas be of Applicant:Sole ProprietCorporation	ognized by the US Postal Service (USPS)? You input.action. ZIP Code: 76712-6535
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2. APPLICANT INFORMATION (Instructions, Page. 6)

a.

Applicant		
Indicate the number of Ap (Include a copy of this see	oplicants/Co-Appli ction for each Co-A	cants 3 pplicant, if any)
What is the Full Legal Nam	e of the individual	or entity (applicant) applying for this permit?
AMY S. NEUHAUS 1994		
(If the Applicant is an entity Secretary of State, County,	v, the legal name m or in the legal docu	ust be spelled exactly as filed with the Texas ments forming the entity.)
You may search for your C	N on the TCEO web	he TCEQ, what is the Customer Number (CN)? site at 1?fuseaction=cust.CustSearch
CN : 604584003	(leave bl	ank if you do not yet have a CN).
What is the name and title application is signed by an evidence that they meet the	of the person or pe individual applicar	rsons signing the application? Unless an
First/Last Name: MART	Y KAUFMANN	
Title: Co-Trustee		
Have you provided writ 295.14, as an attachmen	ten evidence meetin nt to this applicatio	ng the signatory requirements in 30 TAC § n?
What is the applicant's mai may verify the address on t https://tools.usps.com/go/	he USPS website at	ognized by the US Postal Service (USPS)? You
	ZipLookupAction!i	
Name: MARTY KAUFMA	ANN	
Name: MARTY KAUFM	ANN	ZIP Code: 76712-6535
Name: MARTY KAUFMA Mailing Address: 7736 C	ANN Central Park State: Texas	
Name: MARTY KAUFMA Mailing Address: 7736 C City: Waco	ANN Central Park State: Texas pe of Applicant:	ZIP Code: 76712-6535
Name: MARTY KAUFM Mailing Address: 7736 C City: Waco Indicate an X next to the ty	ANN Central Park State: Texas pe of Applicant:	ZIP Code: 76712-6535 torship-D.B.A.
Name: MARTY KAUFM, Mailing Address: 7736 C City: Waco Indicate an X next to the tyIndividual	ANN Central Park State: Texas pe of Applicant:Sole Proprie	ZIP Code: 76712-6535 torship-D.B.A.
Name: MARTY KAUFM, Mailing Address: 7736 C City: Waco Indicate an X next to the tyIndividualPartnership	ANN Central Park State: Texas pe of Applicant:Sole ProprieCorporation	ZIP Code: 76712-6535 torship-D.B.A.
Name: MARTY KAUFM Mailing Address: 7736 C City: Waco Indicate an X next to the ty Individual Partnership X_Trust	ANN Central Park State: Texas pe of Applicant:Sole ProprieCorporationEstate	ZIP Code: 76712-6535 torship-D.B.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: EUGENE R. VAUGHAN, III

Title: Attorney

Organization Name: Jones, Galligan, Key & Loza

Mailing Address: P.O. Drawer 1247

City: Weslaco State: Texas ZIP Code: 78599-1247

Phone No.: 956-973-1138 Extension:

Fax No.: 956-968-6089 E-mail Address:

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

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

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

First and Last Name: BRENT A. NEUHAUS

Title:

Organization Name:

Mailing Address: 7736 Central Park

City: Waco State: Texas ZIP Code: 76712-6535

Phone No.: 254-749-7301 Extension:

Fax No.: E-mail Address: E

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

- a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your application.
 - Does Applicant or Co-Applicant owe any fees to the TCEQ? Yes / No No
 If yes, provide the following information:

Account number:

Amount past due:

2. Does Applicant or Co-Applicant owe any penalties to the TCEQ? Yes / No No If yes, please provide the following information:

Enforcement order number:

Amount past due:

b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. 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 N/A

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 Y

SIGNATURE PAGE (Instructions, Page. 11) Applicant: I, BRENT A. NEUHAUS (Typed or printed name) Co-Trustee certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized under Title 30 Texas Administrative Code §295.14 to sign and submit this document and I have submitted written evidence of my signature authority. Signature: (Use blue ink) Subscribed and Sworn to before me by the said on this My commission expires on the AMY DELLINGER

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

Melenna

County, Texas

Notary Public

STATE OF TEXAS ID# 00313986-5 [SEAL]

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:	
I RYAN S. NEUHAUS	Co-Trustee
(Typed or printed name)	(Title)
direction or supervision in accordance v properly gather and evaluate the inform persons who manage the system, or tho information, the information submitted accurate, and complete. I am aware ther	cument and all attachments were prepared under my with a system designed to assure that qualified personn lation submitted. Based on my inquiry of the person or se persons directly responsible for gathering the is, to the best of my knowledge and belief, true, e are significant penalties for submitting false fine and imprisonment for knowing violations.
	der Title 30 Texas Administrative Code §295.14 to sign abmitted written evidence of my signature authority. Date: 3/8/2/
Subscribed and Sworn to before me by to some on thisday on theday on the	
My commission expires on the 30fh	day of
Snaw Jengle Ameth Notary Public Haven- County, Texas	TINGLE OF TOTAL OF TO

SIGNATURE PAGE (Instructions, Page. 11) 6. Applicant: I, RYAN S. NEUHAUS (Typed or printed name) Co-Trustee (Title) certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized under Title 30 Texas Administrative Code §295.14 to sign and submit this document and I have submitted written evidence of my signature authority. Signature: (Use blue ink) Subscribed and Sworn to before me by the said on this day of Illarch My commission expires on the 30th day of ____

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

County, Texas

[SEAL]

SIGNATURE PAGE (Instructions, Page. 11) Applicant: I, JILL NEUHAUS (Typed or printed name) Co-Trustee (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. ill Verbaur Date: 3/8/21 Signature: Subscribed and Sworn to before me by the said day of March on this My commission expires on the_ [SEAL] County, Texas

6. SIGNATURE PAGE (Instructions, Page. 11)

I, AMY S. KAUFMANN	Co-Trustee
(Typed or printed name)	(Title)
direction or supervision in accordance wit properly gather and evaluate the informat persons who manage the system, or those information, the information submitted is accurate, and complete. I am aware there a	iment and all attachments were prepared under my the a system designed to assure that qualified personntion submitted. Based on my inquiry of the person or persons directly responsible for gathering the to the best of my knowledge and belief, true, are significant penalties for submitting false and imprisonment for knowing violations.
and submit this document and I have subm	er Title 30 Texas Administrative Code §295.14 to sign mitted written evidence of my signature authority. Date: 3-3-2021
(Use blue ink)	
Subscribed and Sworn to before me by the	said
on this 3 ⁶ day of	March , 2021.
My commission expires on the / 💆 🖽	day of August, 2021.
Harde I Rottel	OFFICIAL SEAL WAYDE L RATHGEBER NOTARY PUBLIC - STATE OF ILLINOIS J MY COMMISSION EXPIRES:08/17/21
County, Texas	
ngamon County, Illinois	

6. SIGNATURE PAGE (Instructions, Page. 11)

I, MARTY KAUFMANN	Co-Trustee
(Typed or printed name)	(Title)
direction or supervision in accordance with properly gather and evaluate the informatio persons who manage the system, or those p	nent and all attachments were prepared under my a system designed to assure that qualified personners submitted. Based on my inquiry of the person or ersons directly responsible for gathering the to the best of my knowledge and belief, true, as significant penalties for submitting false and imprisonment for knowing violations.
I further certify that I am authorized under and submit this document and I have submi	Title 30 Texas Administrative Code §295.14 to sign tted written evidence of my signature authority.
Signature: Warty Karymann	Date: 03-03-2021
(Use blue ink)	
	March , 2021.
My commission expires on the 17 TH o	day of August, 20 21.
7/322 Rottels	~~~~~
Notary Public	OFFICIAL SEAL [SEAL] WAYDE L RATHGEBER NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES:08/17/21
County, Texas	

TECHNICAL INFORMATION REPORT WATER RIGHTS PERMITTING

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

Applicants are strongly encouraged to schedule a Permitting Staff to discuss Applicant's needs and application prior to submitting such application. It (512) 239-4600 to schedule a meeting. Applicant a Staff for this Application? Y / $N_{}^N$ (If yes, d	to confirm information necessary for an Please call Water Availability Division at ttended a pre-application meeting with TCEO
1. New or Additional Appropriations (TWC) § 11.121 (Instructions, Page	of State Water. Texas Water Code 2. 12)
State Water is: The water of the ordinary flow, under natural stream, and lake, and of every bay or arm of floodwater, and rainwater of every river, natural stream watershed in the state. TWC § 11.021.	f the Gulf of Mexico, and the storm water.
a. Applicant requests a new appropriation (diversion	on or impoundment) of State Water? Y / N N
 Applicant requests an amendment to an existing appropriation of State Water or an increase of the rate? Y / NN (If yes, indicate the Certification) 	ie overall or maximum combined diversion
If Amplicant annuavadana to (a) and (b) along to	

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

c. Applicant requests to extend an existing Term authorization or to make the right permanent? Y / $N_{\underline{N}}$ (If yes, indicate the Term Certificate or Permit number:_____)

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

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

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

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

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

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

Water Right (Certificate or F	'ermit) number you are reques	sting to amend: 12-4318
Applicant requests to sever Certificates into another Per	and combine existing water ri mit or Certificate? Y/Nº	ghts from one or more Permits or(if yes, complete chart below):
List of water rights to seve	r Combin	e into this ONE water right
appropriation of State W If yes, application is a ne	ater (diversion and/or impour	sed amount, complete Section 1 of this

water right permanent (remove conditions restricting water right to a term of years)? Y/NN

b. Applicant requests to amend existing Term authorization to extend the term or make the

- 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_{\perp}^{\vee} If yes, submit:
 - Worksheet 1.0 Quantity, Purpose, and Place of Use Information Worksheet
 - · Worksheet 1.2 Notice: "Marshall Criteria"
- d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? $Y / N_{\underline{Y}}$ *If yes, submit:*
 - Worksheet 3.0 Diversion Point Information Worksheet (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)
 - Worksheet 5.0 Environmental Information (Required for <u>any</u> new diversion points that are not already authorized in a water right)
- e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? Y $/ N_{N}$

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

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

Additionally, all amendments require:

• Worksheet 8.0 - Calculation of Fees; and Fees calculated - see instructions Page. 34

Maps - See instructions Page. 15.

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

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

a. Pursuant to contract, Applicant requests authorization to convey, stored or conserved water to the place of use or diversion point of purchaser(s) using the bed and banks of a watercourse? TWC § 11.042(a). Y/NN

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/NN

If yes, submit: worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps and fees from the list below.

c. Applicant requests to convey Applicant's own return flows derived from privately owned groundwater using the bed and banks of a watercourse? TWC § 11.042(b). Y / N_{-}

If yes, submit: worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.

d. Applicant requests to convey Applicant's own return flows derived from surface water using the bed and banks of a watercourse? TWC § 11.042(c). Y / NN

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/NN

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).

General Information, Response Required for all Water Right 4. 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 and Regional Water Plans":

the space below or submit a supplemental sheet entitled "Addendum Regarding the State Applicant is located within Region G Planning Group. This application is not inconsistent with the 2021 Brazos G Regional Water Plan because there are no shortages projected for irrigation in Falls County through the planning period and no change in water supply is recommended. b. Did the Applicant perform its own Water Availability Analysis? Y / NN If the Applicant performed its own Water Availability Analysis, provide electronic copies of any modeling files and reports. SEE MAP ATTACHED AS EXHIBIT "A"

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

WORKSHEET 1.0 Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

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

_____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:

	-	Committee of the commit	NAME OF STREET	17363	to the same			
a.	Location	Information	Regarding	the	Lands	to	he Irrigated	ł
200			account organia	Market Services	THITTO		or militante	4

- 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._____Original Survey 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**
150	Irrigation and mining	Irrigation for Agriculture	146.710 acre tract Hill County, Texas	667.31 acre tract in Falls County, Texas

^{*}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."

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

	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:

1.	Applicant proposes to irrigate a total of 600	acres in any one year. This acreage is
	all of or part of a larger tract(s) which is application and contains a total of 667.31	described in a supplement attached to this
	County, TX. See the two tracts described on Exhibits "A"	
	See the two tracts described on Exhibits "A"	and "B" of the Deed attached to this application as Exhibit "B".

ii. Location of land to be irrigated: In the ______Original Survey No. _____, Abstract No. _____.

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

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. See Exhibit "C"
- e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

See Exhibit "D"

use the land described.

^{**}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."

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. Pro	vide the Basin of Origin
b. Pro	vide the quantity of water to be transferred (acre-feet)
c. Pro	vide 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);
- a statement of each general category of proposed use of the water to be transferred and a
 detailed description of the proposed uses and users under each category;
- the cost of diverting, conveying, distributing, and supplying the water to, and treating the water for, the proposed users (example - expert plans and/or reports documents may be provided to show the cost);

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

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 onstream 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:

See Exhibit "C"

- a. <u>Administrative Requirements and Fees.</u> 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. <u>Beneficial Use.</u> 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. <u>Public Welfare</u>. 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. <u>Groundwater Effects.</u> Discuss effects of proposed amendment on groundwater or groundwater recharge.

- e. <u>State Water Plan.</u> 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. <u>Waste Avoidance</u>. 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. <u>Impacts on Water Rights or On-stream Environment</u>. 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	. Sto	rage Information (Instructions, Page. 21)
a.	Official I	JSGS name of reservoir, if applicable: N/A
b.	Provide a operatin	amount of water (in acre-feet) impounded by structure at normal maximum g level:
c.	The imp	oundment is on-channelor off-channel(mark one)
	i. ii.	Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / N 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 im	poundment structure already constructed? Y/N
	j,	For already constructed on-channel structures: 1. Date of Construction:
		 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
		 Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N
	ii.	For any proposed new structures or modifications to structures:
		 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
		 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.	body of each coreservoir to be submit a copy	ounty and construct of all the	municipality in ed, will be locat	which the red. (30 TAC)	n member of the governing reservoir, or any part of the § 295.42). Applicant must g cards with this
	iii.	Ac	lditional inform	ation requ	ired for on-cha	nnel storage	:
		1.	Surface area (ir level:	acres) of	on-channel res	ervoir at noi	rmal maximum operating
		2.	area above the calculate the di Applicant has dif yes, the drair (If assistance is	on-channe cainage are calculated nage area i needed, c	el dam or reserv ea they may do the drainage ar is	oir. If App so at their o ea. Y/N sq. miles. Vater Availa	If will calculate the drainage licant wishes to also ption. by the prion of the prior to the pr
2.	Stru	ctu	re Location	(Instruc	ctions, Page.	23)	
a Or	Water	our	se (if on-channel) (IISCS no	ma):		
			se (ii oii chamhei				
						No	, Abstract No
			_County, Texas.		Original survey	140	, ADSTRACT NO
	* A C	opy iitte	of the deed(s) w d describing the	ith the re	cording inform hat include the	ation from structure a	the county records must be ind all lands to be
	or wi	ll be men	built and sole	owner of a na consen	all lands to be i	nundated. A	on which the structure is Applicant must submit Supporting Applicant's
d. A	point or annel) is	the	centerline of th	e dam (on	-channel) or any	where with	in the impoundment (off-
	Latitu	ide_		_^N, Long	itude	*W.	
	*Prov	ride s	Latitude and Lo	ngitude c	coordinates in d	lecimal degi	rees to at least six decimal
di.	Indica Mappi	te th	ne method used Program):	to calcula	te the location (examples: H	landheld GPS Device, GIS,
díi.	Map s the la	ubm nds	itted which clea to be inundated.	rly identif See instri	ies the Impound uctions Page. 15	dment, dam . Y / N	(where applicable), and

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. Diver	sion Information (Instructions, Page. 2	4)
a. This Work	sheet is to add new (select 1 of 3 below):	
2Ups	ersion Point No. tream Limit of Diversion Reach No. Instream Limit of Diversion Reach No.	
o. Maximum or	Rate of Diversion for this new point gpm (gallons per minute)	_cfs (cubic feet per second)
If yes, s	point share a diversion rate with other points? Y / which is a diversion for a	
** An ir complet e. Check (√) t	ments, is Applicant seeking to increase combined acrease in diversion rate is considered a new appropriation of Section 1, New or Additional Appropriation of the appropriate box to indicate diversion location acceptation is existing or proposed):	priation and would require of State Water.
Check	ocution is chasting of proposeu).	Write: Existing or Proposed
X	Directly from stream	EXISTING
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	
above the drainage an	ne Application information provided, Staff will calculatersion point (or reach limit). If Applicant wishes rea, you may do so at their option. nas calculated the drainage area. Y/NN ne drainage area issq. miles.	culate the drainage area to also calculate the

2.	Diversion Location (Instruct	tions, Page 25)	
a.	On watercourse (USGS name): BRAZOS RIVER		
b.	Zip Code: 76861		
c.	Location of point: In the T.J. Chambors Grant No. 12, Falls	Original Survey No County, Texas.	, Abstract
	A copy of the deed(s) with the recording submitted describing tract(s) that include	g information from the cou de the diversion structure.	nty records must be See Exhibit "B"
	For diversion reaches, the Commission of the Applicant does not own or have con required to provide deeds, or consent, of the specific points when specific diversiducuments may include, but are not lime contract, or a citation to the Applicant's access.	isent or a legal right to according to the control of the control	ess, the Applicant will be ing a legal right to use are utilized. Other nt. a land lease. a
d.	Point is at: Latitude 31.283594 'N, I Provide Latitude and Longitude decimal places	Longitude 96.965053 'W. de coordinates in decimal d	degrees to at least six
e.	Indicate the method used to calculate th Mapping Program): Handheld GPS Device	e location (examples: Handl	neld GPS Device, GIS,
f.	Map submitted must clearly identify eac Page, 38. See Exhibit "A".	h diversion point and/or rea	ach. See instructions
g.	If the Plan of Diversion is complicated at map, attach additional sheets that fully o	nd not readily discernable freexplain the plan of diversion	rom looking at the 1.

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.

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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 per year. The discharged a compensate for any losses	mount should	ged at this point is include the amoun	t needed for use a	_acre-feet nd to
b.	Water will be discharged a	t this point at	a maximum rate of	cfs or	gpm
c.	Name of Watercourse as sl	nown on Offici	al USGS maps:		
d.	Zip Code				
f.	Location of point: In the		Original Survey No County, Texas.	, Abstract	
g.	MCX TO VICTOR				
7.00	Latitude	N, Longitude	W.	t.	
	*Provide Latitude and Lor places	ngitude coordi	nates in decimal de	egrees to at least	six decima
h.	Indicate the method used t GPS Device, GIS, Mapping I	to calculate the Program):	e discharge point lo	cation (examples:	Handheld
Ma	p submitted must clearly	identify each	discharge point. Se	e instructions Pag	ge. 15.

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). Instructions, Page 29.

	Applicant utilizes a river screen so that aquatic plants and animals are not pulled into the nozzles of Applicant's irrigation system.
2,	New Appropriations of Water (Canadian, Red, Sulphur, and Cypress Creek Basins only) and Changes in Diversion Point(s)
Sulp	section is required for new appropriations of water in the Canadian, Red, hur, and Cypress Creek Basins and in all basins for requests to change a rsion point. Instructions, Page 30.
Desc Envi	ription of the Water Body at each Diversion Point or Dam Location. (Provide an conmental Information Sheet for each location),
a. Id	entify the appropriate description of the water body.
	□ Stream
	□ Reservoir
	Average depth of the entire water body, in feet:
	□ Other, specify:
b. Flo	ow 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

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☐ Historical observation by adjacent landowners

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□ Pe	ersonal observation
□ Ot	ther, specify:
c. Waterbod	ly aesthetics
Chec	k one of the following that best describes the aesthetics of the stream segments ted by the application and the area surrounding those stream segments.
□ Wild	derness: outstanding natural beauty; usually wooded or unpastured area; water arity exceptional
□ Nati fi	ural Area: trees and/or native vegetation common; some development evident (from elds, pastures, dwellings); water clarity discolored
☐ Con	nmon Setting: not offensive; developed but uncluttered; water may be colored or urbid
□ Offe	ensive: stream does not enhance aesthetics; cluttered; highly developed; dumping reas; water discolored
d. Waterbod	ly Recreational Uses
	here any known recreational uses of the stream segments affected by the cation?
□ Prim	ary contact recreation (swimming or direct contact with water)
□ Seco	ndary contact recreation (fishing, canoeing, or limited contact with water)
□ Non	-contact recreation
Subm Work	nit the following information in a Supplemental Attachment, labeled Addendum to sheet 5.0:
1.	Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the map submitted with the application indicating the location of the photograph and the direction of the shot.
2	If the application includes a proposed recovering classically de-

- the application includes a proposed reservoir, also include:
 - i. A brief description of the area that will be inundated by the reservoir.
 - If a United States Army Corps of Engineers (USACE) 404 permit is ii. required, provide the project number and USACE project manager.
 - A description of how any impacts to wetland habitat, if any, will be iii. mitigated if the reservoir is greater than 5,000 acre-feet.

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

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

- a. For all bed and banks applications:
 - Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.
- b. For all alternate source applications:
 - i. If the alternate source is treated return flows, provide the TPDES permit number____
 - ii. If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide: Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

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

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

iii.	If groundwater will be used, provide the depth of the well	and the name
	of the aquifer from which water is withdrawn	3.20, 2.5 MAY 100, 11 May 1

WORKSHEET 6.0 Water Conservation/Drought Contingency Plans

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

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

1. Water Conservation Plans

- a. The following applications must include a completed Water Conservation Plan (30 TAC § 295.9) for each use specified in 30 TAC, Chapter 288 (municipal, industrial or mining, agriculture including irrigation, wholesale):
 - 1. Request for a new appropriation or use of State Water.
 - 2. Request to amend water right to increase appropriation of State Water.
 - 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 \S 11.042(c), when the source water is State Water

*including return flows, contract water, or other State Water.

b.	If Appl which	icar App	nt is requesting any authorization in section (1)(a) above, indicate each use for licant 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.	x	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^{NA}

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 \underline{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 / $N_{N/A}$

WORKSHEET 7.0 ACCOUNTING PLAN INFORMATION WORKSHEET

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

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

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

b. A **spreadsheet** that includes:

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

WORKSHEET 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

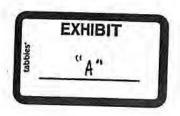
	Description	Amount (\$)
	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$).	
	In Acre-Feet	
Filing Fee	a. Less than 100 \$100.00	
	b. 100 - 5,000 \$250.00	
	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	Only for those with an Irrigation Use. Multiply 50¢ xNumber of acres that will be irrigated with State Water. **	
Use Fee	Required for all Use Types, excluding Irrigation Use. Multiply \$1.00 xMaximum annual diversion of State Water in acrefeet. **	
Domesticus Chauses	Only for those with Recreational Storage.	
Recreational Storage Fee	Multiply \$1.00 xacre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
	Only for those with Storage, excluding Recreational Storage.	
Storage Fee	Multiply 50¢ xacre-feet of State Water to be stored at normal max operating level.	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	
	TOTAL	S

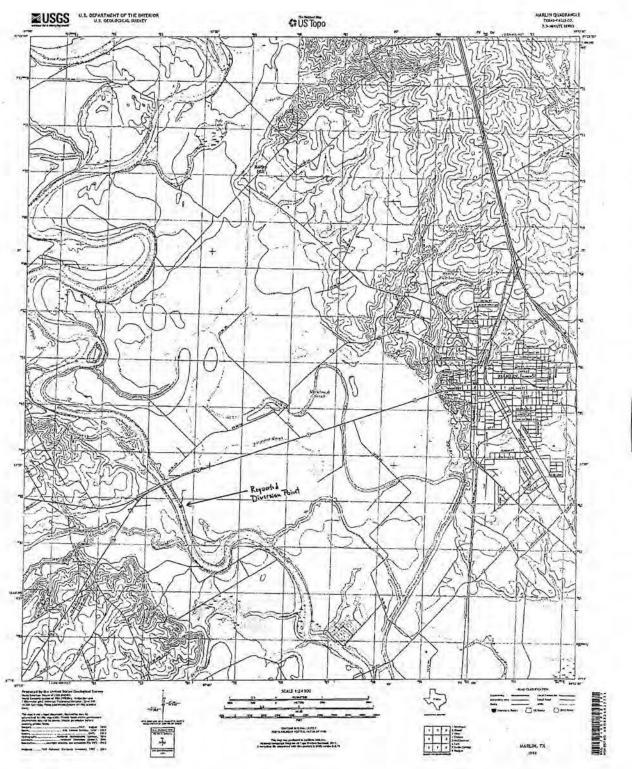
2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
Filing Foo	Amendment: \$100	100.00
Filing Fee	OR Sever and Combine: \$100 xof water rights to combine	
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	S





"B"

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Warranty Deed With Vendor's Lien

2877

Date:

November 25, 2002, to be effective on November 24, 2002

Grantor:

DAVID MACK JAMESON, Individually and as Independent Executor of the Estate of MARTHA STASNEY JAMESON, Deceased; ANNE JAMESON MCCAUSLAND, formerly known as ANNE DOUGLAS JAMESON: JENNIFER LEE JAMESON; and DAVID MACK JAMESON, JR., each of whom owns, claims and occupies other property as our respective homesteads and conveys out of our respective separate property and separate estates.

Grantor's Mailing Address: 900 E. Worth, Grapevine, Tarrant County, Texas 76051

Grantee:

BRENT A. NEUHAUS 1994 TRUST, dated April 11, 1994; AMY S. NEUHAUS 1994 TRUST, dated April 11, 1994; and RYAN S. NEUHAUS 1994 TRUST, dated

April 11, 1994.

Grantee's Mailing Address: 1601 La Salle, Waco,

McLennan County, Texas 76706

Consideration: THE SUM OF TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, including a note of even date executed by Grantee and payable to the order of TEXAS LAND BANK, FLCA, in the principal amount of THREE HUNDRED SEVENTY-THREE THOUSAND TWO HUNDRED AND 00/100 DOLLARS (\$373,200.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of TEXAS LAND BANK, FLCA and by a first-lien deed of trust of even date from Grantee to CHARLES P. GANT. Trustee. CHARLES P. GANT, Trustee.

Property (including any improvements):

All of our undivided interest in 500 acres of land, more or less, in the T. J. Chambers Grant, Falls County, Texas, more fully described as Tract One in the attached Exhibit "A" and 167.311 acres of land, more or less, in the T. J. Chambers Grant, Falls County, Texas, more fully described as Tract Two in the attached Exhibit "B."

Reservations from Conveyance: As to the interest conveyed, for Grantor and Grantor's heirs, successors, and assigns forever, a reservation of an undivided one-fourth (1/4) of all oil, gas, and other minerals in and under and that may be produced from the Property. If the mineral estate is subject to existing production or an existing leave the subject to existing production or an existing lease, the production, the lease, and the benefits from it are allocated in proportion to ownership in the mineral estate.

Exceptions to Conveyance and Warranty:

- Permit to Appropriate State Water from the Texas Water Commission to Leonard W. Stasney, et.al, dated September 26, 1985, and recorded in Vol. 338, Page 559, Falls County Deed Records;
- Easement conveyed by Nathan Levy, et al, to Southwestern Electric Service Co. by instrument dated August 4, 1961, and recorded in Vol. 249, Page 231, Falls County Deed Records;

- Easement conveyed by Lester Levy, et al, to the State of Texas by instrument dated June 8, 1938, and recorded in Vol. 172, Page 294, Falls County Deed Records;
- Easement acquired by the City of Marlin in Cause No. 1817, Styled the City of Marlin v. Lester L. Levy, et al, in the County Court of Falls County, Texas;
- An undivided one half (½) interest in oil, gas and other minerals reserved from Lester L. Levy, et al, to Fred Lohmeyer dated September 24, 1974 and recorded in Vol. 294, Page 569, Falls County Deed Records.

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 successors and assigns 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.

TEXAS LAND BANK, FLCA, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the property that is evidenced by the note described. The vendor's lien and superior title to the property are retained for the benefit of TEXAS LAND BANK, FLCA and are transferred to that party without recourse on Grantor.

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

DAVID MACK JAMESON Individually and as Independent Executor of the Estate of MARTHA STASNEY JAMESON, Deceased

Vivue Gameson McCausla

DAVID MACK JAMESON, JR.

STATE OF TEXAS COUNTY OF DOOLA This instrument was acknowledged before me on the of November, 2002 by DAVID MACK JAMESON, in the capacities therein stated and on behalf thereof. Notary Public in and for the State of Texas KAY HICKMAN CHMISSION EXFIRES March 12, 2004 STATE OF TEXAS COUNTY OF Dellas This instrument was acknowledged before me on the 25th of November, 2002 by ANNE JAMESON MCCAUSLAND Notary Public in and for the State of Texas STATE OF TEXAS KAY HICKMAN COMMISSION EXPIRES March 12, 2004 COUNTY OF Allas This instrument was acknowledged before me on the of November, 2002 by JENNIFER LEE JAMESON Notary Public in and for the State of Texas KAY HICKOANN KAY HICKOANN KAY HICKOAN STATE OF TEXAS COUNTY OF Dollar of November, 2002 by DAVID This instrument was acknowledged before me on the MACK JAMESON, JR. the State of Texas KAY HICKMAN OMMISSION EXPIRES Merch 12, 2004

Fieldnote description for a 500.00 acre tract of land lying situate and being in the T. J. Chambers Grant in Falls County, Texas, and being out of and a part of that certain 667.311 acre tract of land conveyed to W. W. Callan by deed recorded in Volume 295, page 577 of the Deed Records of Falls County, Texas. Said 500.00 acres being described by metes and bounds as follows:

BEGINNING at a point set in the south fence line of said Callan Tract, which point bears S 44° 47' W, 2,048.64 feet from the S.E. corner of said Callan Tract for the S.E. corner of this description;

THENCE S 44° 47' W, 3,308.52 feet and S 49° 06' 31" W, 104.14 feet to a point in said fence line for corner;

THENCE S 2° 26' 38" E, 1,244.15 feet to a point set in the northerly high bank of the Brazos River for corner;

THENCE with the high bank of said river with its meanders as follows: S 22° 48' W, 11.41 feet; S 57° 02' W, 396.0 feet; S 88° 00' W, 561.0 feet; N 55° 08' W, 375.0 feet; N 48° 00' W, 351.0 feet; N 25° 36' W, 1,086.7 feet; N 20° 30" W, 1,958.3 feet; N 17° 50' W, 752.8 feet; N 27° 42' W, 812.4 feet and N 32° 23' W, 971.84 feet to a point in the southerly right-of-way line of State Highway-7 for-the-N.W, corner of this—description;

THENCE with said right-of-way line, N 57° 32' E, 481.0 feet and N 63° 15' E, 240.7 feet to a point at the beginning of a curve to the right;

THENCE around said curve to the right, R=5,670 feet for an arc distance of 869.13 feet to a point at the end of said curve;

THENCE continuing with said right-of-way line, N 72° 02' E, 1,897.71 feet to a point for the N.E. corner of this;

THENCE S 44° 48° B, 4,083.21 feet to the PLACE OF BEGINNING; containing within these metes and bounds 500.00 acres of land.

Exhibit "A"

Fieldnote description for a 167.311 acre tract of land lying situate and being in the T. J. Chambers Grant in Falls County, Texas, and being out of and a part of that certain 667.311 acre tract of land conveyed to W. W. Callan by deed recorded in Volume 295, page 577 of the Deed Records of Falls County, Texas. Said 167.311 acres being described by metes and bounds as follows:

BEGINNING at the S.E. corner of said Callan Pract for the S.E. corner of this description;

- THENCE with the south line of said tract, S 44° 47' W, 2,048.64 feet to a point for the S.W. corner of this;
- THENCE N 44° 48' W, 4,083.21 feet to a point set in the southerly right-of-way line of State Highway 7 for the N.W. corner of this;
- THENCE with said right-of-way line, N 72° 02' E, 2,295.79 feet to the N.E. corner of said Callan Tract for the N.E. corner of this;
- THENCE with the east line of said Callan Tract, S 44° 48' E, 3,032.00 feet to the PLACE OF BEGINNING; containing within these metes and bounds -167.311 acres of land.

Exhibit "B"

 FILED
 1:1/26/2002
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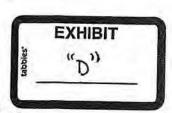
 REGORED
 12/2/2002
 AT
 1:00 P
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 BY LINDA WATKINS
 FRANCES BRASWELL, COUNTY CLERK
 FALLS COUNTY, TEXAS

	EXHIBIT	
tabbles*	46 11	

Marshall Criteria

- a. <u>Administrative Requirements and Fees</u>. The attached application meets the administrative requirements for an amendment to a water right because it involves a change in the place of use of the water right, and it also involves a change in the diversion point of the water right. The application is a sworn application, and includes, among other things, a copy of the required GIS map, the completed water conservation plan, and all applicable fees.
- b. <u>Beneficial Use</u>. The proposed amendment meets the definition of a beneficial use because the water will be used for the irrigation of growing crops in an amount that economically necessary for a purpose authorized by Chapter 11 of the Texas Water Code.
- c. <u>Public Welfare</u>. The amendment is beneficial to the public welfare because it will allow for the irrigation of crops that are used in the production of food and clothing and because the water will be used in a manner that is designed to minimize waste of the water.
- d. Groundwater Effects Not applicable.
 - e. <u>State Water Plan</u>. Applicant is located within Region G Planning Group. This application is not inconsistent with the 2021 Brazos G Regional Water Plan because there are no shortages projected for irrigation in Falls County through the planning period and no change in water supply is recommended.
- f. <u>Waste Avoidance</u>. Applicant has submitted a water conservation plan with the application for the proposed amendment that describes the manner in which Applicant will utilize water with maximum efficiency and minimal waste.
- g. <u>Impacts on Water Rights or On-Stream Environment</u>. Applicant is seeking to amend the water right to move the place of use and the diversion point to a place that is located downstream for its current place of use and diversion point. There will be no change in the rate of diversion or the amount of water diverted, so there should be no impact on downstream users.





Texas Commission on Environmental Quality

Water Availability Division MC-160, P.O. Box 13087 Austin, Texas 78711-3087 Telephone (512) 239-4600, 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) 239-4600.

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:	BRENT A. NEUHAUS 1994 TRUST; AMY S. NEUHAUS 1994 TRUST; RYAN S.			
	NEUHAUS 1994 TRUST			
Address:	7736 Central Park, Waco, Texas 76712			
Telephone Number:	(254)732-0542	Fax: (254)732-0898		
Form Completed By:	BRENT A. NEUHAUS			
Title:	Trustee			
Signature:		Date: 02//2021		

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

TCEQ-10238 (Rev. 06/2019)

I. BACKGROUND DATA

A. Water Use

- 1. Annual diversion appropriated or requested (in acre-feet): 150 acre-feet
- 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.

January	February	March	April 7.5
May	June	July	August
22.5	37.5	37.5	37.5
September 7.5	October	November	December
		Total All Months	

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

Growing Season (Months)	Acres irrigated/year
March through October	600
Total acres irrigated	600
	(Months) March through October

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

If yes, please describe: Corn and Cotton rotation annually if market allows.

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

Weswood complex 0-8% slope .6" – 2" per hour Ships Clay 0-8% slope .06" per hour Yahola fine sandy loam 2"-6" per hour

B. Irrigation system information

 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.

John Deere engine, Cornell 8H pump (2500 gal/min) with river screen suction and Valley pivots.

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%.

McCrometer MO308-1300 tested 101.0% accuracy (in-line flow meter)

McCrometer MO210-750 tested 99.7% accuracy (in-line flow meter)

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.

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

a. 5-year goal:

Savings in acre-feet

or system efficiency as a percentage 80%

b. 10-year goal:

Savings in acre-feet

or system efficiency as a percentage 80%

(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

X No

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

C. Conservation practices

 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).

Valley Circle Pivots have replaced flood irrigation system.

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

Entire system shuts down in the event of loss of power, water pressure, or loss of traction at pivot.

 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. soilmoisture monitoring).

Only irrigate when soil moisture is below adequate crop growing demands.

Only irrigate when wind is below 20 m.p.h. to minimize wind loss.

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.).

Utilize maximum weed control practices in order to conserve water and to reduce pressure on crops.

Complete annual soil work to enhance drainage from rain or pooling or irrigation water in order to increase soil intake.

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

Not applicable as the only water run-off is from rain.

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

The land has limited water supply available, so irrigation is only used when crop growth is critical.

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
- 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.

GERNIE DIE

CUSTOMER: BRIEN WATER WELLS

MODEL NO: MO308-1300

METER SERIAL NO: GP06-08-3360

CONFIGURATION

METER INSIDE DIAMETER: 7.981

METER OUTSIDE DIAMETER: 8.625

TEST DATE: 4/6/2016

TEST FACILITY: Volumetric

IDEAL TEST CONSTANT: 3867

CALIBRATION DATA

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TIFIED BY: Paul Hobbs

DATE: 4/7/2016

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CERTIFIED TEST REPORT

CUSTOMER: BRIEN WATER WELLS

MODEL NO: MO310-750

METER SERIAL NO: GP06-10-1366

CONFIGURATION

METER INSIDE DIAMETER: 10.02

METER OUTSIDE DIAMETER: 10.75

TEST DATE: 4/6/2016

TEST FACILITY: Volumetric

IDEAL TEST CONSTANT; 2237

CALIBRATION DATA

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ED BY: Paul Hobbs

DATE: 4/7/2016

n was performed on a gravimetric or volumetric test facility, traceable to the National Insti Technology, USA. The estimated flow measurement uncertainty of the calibration facility