

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 12-2858A

Hendrik Klaas Postmus (Owner/Applicant) seeks to amend Certificate of Adjudication No. 12-2858 to change the authorized diversion points to a diversion reach on Resley Creek, Brazos River Basin and to change the place of use for agricultural purposes to irrigate 325.65 acres of land in Comanche and Erath counties. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Hendrik Klaas Postmus, 2855 County Rd. 310, Dublin, TX 76446-6618, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code § 11.122 and Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, *et seq.* Notice is being mailed to the interjacent water right holders of record in the Brazos River Basin pursuant to Title 30 TAC §§ 295.158(c)(3)(C) and 295.158(c)(3)(D).

Certificate of Adjudication No. 12-2858 (Certificate), as amended, authorizes Hendrik Klaas Postmus to divert and use not to exceed 18 acre-feet of water per year, at a maximum combined diversion rate of 2.45 cfs (1,100 gpm) from two points on the Leon River, for agricultural purposes.

Applicant owns the water right but not the land to which it is appurtenant.

The time priority of the right is December 31, 1967.

Applicant seeks to amend the Certificate to change the place of use for agricultural purposes to irrigate 325.65 acres of land in Comanche and Erath counties.

Ownership of the land to be irrigated by Hendrik Klaas Postmus is evidenced by a *Warranty Deed with Vendor's Lien* recorded as Document No. 2019-03013 on May 31, 2019, in the Official Records of Erath County.

Applicant also seeks to amend the Certificate to change the authorized diversion points to a diversion reach on Resley Creek with the upstream point being at Latitude 31.960841° N, Longitude 98.308432° W, in Erath County, in ZIP Code 76446 and the downstream point being at Latitude 31.950186° N, Longitude 98.298945° W, in Comanche County, in ZIP 76446.

The application and partial fees were received on August 30, 2022. Additional information and fees were received on October 11, 2022. The application was declared administratively complete and filed with the Office of the Chief Clerk on October 18, 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 30, 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 30, 2025. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by July 30, 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 2858 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 16, 2025

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-2858A

TYPE § 11.122

Owner:	Hendrik Klaas Postmus	Address:	2855 County Rd. 310 Dublin, TX 76446-6618
Filed:	October 18, 2022	Granted:	
Purpose:	Agricultural	Counties:	Comanche and Erath
Watercourse:	Resley Creek	Watershed:	Brazos River Basin

WHEREAS, Certificate of Adjudication No. 12-2858 (Certificate), authorizes Hendrik Klaas Postmus (Owner/Applicant) to divert and use not to exceed 18 acre-feet of water per year, at a maximum combined diversion rate of 2.45 cfs (1,100 gpm) from two points on the Leon River, for agricultural purposes.

WHEREAS, Applicant owns the water right but not the land to which it is appurtenant; and

WHEREAS, the time priority of the right is December 31, 1967; and

WHEREAS, Applicant seeks to amend the Certificate to change the place of use for agricultural purposes to irrigate 325.65 acres of land in Comanche and Erath counties; and

WHEREAS, ownership of the land to be irrigated by Hendrik Klaas Postmus is evidenced by a *Warranty Deed with Vendor's Lien* recorded as Document No. 2019-03013 on May 31, 2019, in the Official Records of Erath County; and

WHEREAS, Applicant also seeks to amend the Certificate to change the authorized diversion points to a diversion reach on Resley Creek, tributary of the Leon River, with the upstream point being at Latitude 31.960841° N, Longitude 98.308432° W in Erath County and the downstream point being at Latitude 31.950186° N, Longitude 98.298945° W in Comanche County; 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. 12-2858, designated Certificate of Adjudication No. 12-2858A, is issued to Hendrik Klaas Postmus, subject to the following terms and conditions:

1. USE

- A. In lieu of previous authorizations, Owner is authorized to divert and use not to exceed 18 acre-feet of water per year from Resley Creek for agricultural purposes to irrigate 325.65 acres of land in Erath and Comanche counties.
- B. Ownership of the land to be irrigated by Hendrik Klaas Postmus is evidenced by a *Warranty Deed with Vendor's Lien* recorded as Document No. 2019-03013 on May 31, 2019, in the Official Records of Erath County.

2. DIVERSION

In lieu of previous authorizations, Owner is now authorized to divert its authorized water from a diversion reach on Resley Creek, described as follows:

- A. The upstream point being at Latitude 31.960841° N, Longitude 98.308432° W, in Erath County.
- B. The downstream point being at Latitude 31.950186° N, Longitude 98.298945° W, in Comanche County.
- C. Maximum combined diversion rate of 2.45 cfs (1,100 gpm).

3. CONSERVATION

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

4. SPECIAL CONDITIONS

- A. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).

- B. Diversions shall be restricted based on the following streamflows at USGS Gage No. 08100500 – Leon River at Gatesville, TX, as set forth in Paragraph 4.C. – 4.E. below.

Season	Subsistence	Base
Winter	1 cfs	9 cfs
Spring	1 cfs	10 cfs
Summer	1 cfs	4 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. Owner shall not divert water if the average adjusted streamflow at USGS Gage No. 08100500 – Leon River at Gatesville, TX is less than or equal to the applicable subsistence flow. The “average adjusted streamflow” at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The “adjusted streamflow” at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by the Owner. Unless informed otherwise by the Brazos Watermaster, Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.

Base Flow Special Condition:

- E. If average adjusted streamflow at USGS Gage No. 08100500 – Leon River at Gatesville, TX is greater than the applicable base flow, Owner shall not divert in excess of the rate that would reduce average streamflow at the gage to the applicable base flow; provided, however, Owner is not required to adjust its diversion rate more frequently than once every 24 hours.
- F. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point(s) authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- G. Owner shall allow representatives of the Brazos Watermaster reasonable access to the property to inspect the measuring device and records.
- H. Owner shall contact the Brazos Watermaster prior to diversion of water authorized by this amendment.

This water right is appurtenant to and is an undivided part of the above-described land within which irrigation is authorized. A transfer of any portion of the land described includes, unless otherwise specified, a proportionate amount of the Certificate 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. 12-2858, as amended, except as specifically amended herein.

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

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

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

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

For the Commission

Date issued:

Heather Zuo

From: Heather Zuo
Sent: Monday, July 14, 2025 1:48 PM
To: Richard George
Cc: Chris Kozlowski; Humberto Galvan; Joshua Schauer
Subject: RE: Hendrik Klaas Postmus Application No. 12-2858A

Good afternoon Richard,

We will fix the misspelling and continue to notice.

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

From: Richard George <[REDACTED]>
Sent: Monday, July 14, 2025 1:45 PM
To: Heather Zuo <Heather.Zuo@tceq.texas.gov>
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>; Joshua Schauer <Joshua.Schauer@Tceq.Texas.Gov>
Subject: RE: Hendrik Klaas Postmus Application No. 12-2858A

Good afternoon Heather, I have reviewed the Draft Permit for 12-2858 and the only comment (same as 2857) is on page 1 of the notice of an application, paragraph 1, the applicant's name is misspelled. It shows "Klass" instead of Klaas.

Everything else looked great.

Thanks,
Richard

From: Heather Zuo <Heather.Zuo@tceq.texas.gov>
Sent: Thursday, July 3, 2025 3:07 PM
To: Richard George [REDACTED]
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>; Joshua Schauer <Joshua.Schauer@Tceq.Texas.Gov>
Subject: Hendrik Klaas Postmus Application No. 12-2858A

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

Good afternoon Mr. George,

Attached is a copy of the draft amendment.

Please let me know if you have any questions.

Best,

Heather Zuo

Project Manager

Water Rights Permitting Team, Water Availability Division

Texas Commission on Environmental Quality

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

Disclaimer

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Heather Zuo

From: Heather Zuo
Sent: Thursday, July 3, 2025 3:07 PM
To: Richard George
Cc: Chris Kozlowski; Humberto Galvan; Joshua Schauer
Subject: Hendrik Klaas Postmus Application No. 12-2858A
Attachments: Hendrik_Klaas_Postmus_12-2858A_Draft Amendment Package_7.3.25.pdf

Good afternoon Mr. George,

Attached is a copy of the draft amendment.

Please let me know if you have any questions.

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

July 3, 2025

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

VIA E-MAIL

RE: Hendrik Klaas Postmus
ADJ 2858
CN606001840, RN104079488
Application No. 12-2858A to Amend Certificate of Adjudication No. 12-2858
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Resley Creek, Brazos River Basin
Comanche and Erath Counties

Dear Mr. George:

Drafts, subject to revision, of the public notice, proposed amendment to Certificate of Adjudication No. 12-2858, 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 17, 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. 12-2858 may be issued as drafted given no hearing requests are received.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Zuo", written over a horizontal line.

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. 12-2858A

Hendrik Klass Postmus (Owner/Applicant) seeks to amend Certificate of Adjudication No. 12-2858 to change the authorized diversion points to a diversion reach on Resley Creek, Brazos River Basin and to change the place of use for agricultural purposes to irrigate 325.65 acres of land in Comanche and Erath counties. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Hendrik Klaas Postmus, 2855 County Rd. 310, Dublin, TX 76446-6618, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code § 11.122 and Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, *et seq.* Notice is being mailed to the interjacent water right holders of record in the Brazos River Basin pursuant to Title 30 TAC §§ 295.158(c)(3)(C) and 295.158(c)(3)(D).

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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.

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Issued:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-2858A

TYPE § 11.122

Owner:	Hendrik Klaas Postmus	Address:	2855 County Rd. 310 Dublin, TX 76446-6618
Filed:	October 18, 2022	Granted:	
Purpose:	Agricultural	Counties:	Comanche and Erath
Watercourse:	Resley Creek	Watershed:	Brazos River Basin

WHEREAS, Certificate of Adjudication No. 12-2858 (Certificate), authorizes Hendrik Klaas Postmus (Owner/Applicant) to divert and use not to exceed 18 acre-feet of water per year, at a maximum combined diversion rate of 2.45 cfs (1,100 gpm) from two points on the Leon River, for agricultural purposes.

WHEREAS, Applicant owns the water right but not the land to which it is appurtenant; and

WHEREAS, the time priority of the right is December 31, 1967; and

WHEREAS, Applicant seeks to amend the Certificate to change the place of use for agricultural purposes to irrigate 325.65 acres of land in Comanche and Erath counties; and

WHEREAS, ownership of the land to be irrigated by Hendrik Klaas Postmus is evidenced by a *Warranty Deed with Vendor's Lien* recorded as Document No. 2019-03013 on May 31, 2019, in the Official Records of Erath County; and

WHEREAS, Applicant also seeks to amend the Certificate to change the authorized diversion points to a diversion reach on Resley Creek, tributary of the Leon River, with the upstream point being at Latitude 31.960841° N, Longitude 98.308432° W in Erath County and the downstream point being at Latitude 31.950186° N, Longitude 98.298945° W in Comanche County; 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. 12-2858, designated Certificate of Adjudication No. 12-2858A, is issued to Hendrik Klaas Postmus, subject to the following terms and conditions:

1. USE

- A. In lieu of previous authorizations, Owner is authorized to divert and use not to exceed 18 acre-feet of water per year from Resley Creek for agricultural purposes to irrigate 325.65 acres of land in Erath and Comanche counties.
- B. Ownership of the land to be irrigated by Hendrik Klaas Postmus is evidenced by a *Warranty Deed with Vendor's Lien* recorded as Document No. 2019-03013 on May 31, 2019, in the Official Records of Erath County.

2. DIVERSION

In lieu of previous authorizations, Owner is now authorized to divert its authorized water from a diversion reach on Resley Creek, described as follows:

- A. The upstream point being at Latitude 31.960841° N, Longitude 98.308432° W, in Erath County.
- B. The downstream point being at Latitude 31.950186° N, Longitude 98.298945° W, in Comanche County.
- C. Maximum combined diversion rate of 2.45 cfs (1,100 gpm).

3. CONSERVATION

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

4. SPECIAL CONDITIONS

- A. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).

- B. Diversions shall be restricted based on the following streamflows at USGS Gage No. 08100500 – Leon River at Gatesville, TX, as set forth in Paragraph 4.C. – 4.E. below.

Season	Subsistence	Base
Winter	1 cfs	9 cfs
Spring	1 cfs	10 cfs
Summer	1 cfs	4 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. Owner shall not divert water if the average adjusted streamflow at USGS Gage No. 08100500 – Leon River at Gatesville, TX is less than or equal to the applicable subsistence flow. The “average adjusted streamflow” at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The “adjusted streamflow” at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by the Owner. Unless informed otherwise by the Brazos Watermaster, Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.

Base Flow Special Condition:

- E. If average adjusted streamflow at USGS Gage No. 08100500 – Leon River at Gatesville, TX is greater than the applicable base flow, Owner shall not divert in excess of the rate that would reduce average streamflow at the gage to the applicable base flow; provided, however, Owner is not required to adjust its diversion rate more frequently than once every 24 hours.
- F. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point(s) authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- G. Owner shall allow representatives of the Brazos Watermaster reasonable access to the property to inspect the measuring device and records.
- H. Owner shall contact the Brazos Watermaster prior to diversion of water authorized by this amendment.

This water right is appurtenant to and is an undivided part of the above-described land within which irrigation is authorized. A transfer of any portion of the land described includes, unless otherwise specified, a proportionate amount of the Certificate 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. 12-2858, as amended, except as specifically amended herein.

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

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

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

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

Date issued:

For the Commission

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Heather Zuo, Project Manager
Water Rights Permitting Team

Date: February 26, 2025

Through: Leslie Patterson, Team Leader
Resource Protection Team *KC for LP*

From: George Gable, Aquatic Scientist
Resource Protection Team

Subject: Hendrik Klaas Postmus
ADJ 12-2858
CN606001840
Resley Creek, Brazos River Basin
Comanche and Erath Counties

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

APPLICATION SUMMARY

Certificate of Adjudication No. 12-2858 authorizes Hendrik Klaas Postmus (Applicant) to divert 18 acre-feet of water per year, at a maximum combined diversion rate of 2.45 cfs (1,100 gpm) from two points on the Leon River, Brazos River Basin, for agricultural purposes in Hamilton County.

Applicant requests to amend the Certificate to add a diversion reach on Resley Creek and change the place of use for agricultural purposes to irrigate a total of 325.65 acres in Erath and Comanche counties.

ENVIRONMENTAL ANALYSIS

Aquatic and Riparian Habitats: The Applicant's diversion reach is located on Resley Creek, a perennial watercourse, in the Limestone Cut Plains Prairies ecoregion (Griffith et al. 2007).

The checklist for the Brazos River Basin identified 48 species of ichthyofauna occurring within Leon hydrologic unit (United States Geologic Survey [USGS] code 12070201) (Hendrickson and Cohen 2022). The Brazos heelsplitter (*Potamilus streckersoni*), Texas fawnsfoot (*Truncilla macrodon*), and Brazos watersnake (*Nerodia harteri*), high-interest aquatic species, are known to occur in Comanche and Erath counties (TPWD 2024). This amendment is not expected to have an

effect on any high-interest aquatic species because no additional state water will be taken.

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

On February 12, 2014, the TCEQ adopted environmental flow standards for the Brazos River and its Associated Bay and Estuary System (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter G). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC §298.460). The Applicant does not request a new appropriation of water or an amendment that increases the amount of water stored, taken, or diverted. Resource Protection staff recommend a streamflow restriction for the addition of a diversion reach. Resource Protection staff utilized the subsistence and baseflow environmental flow standards (Title 30 TAC §298.480(11)) established at USGS Gage No. 08100500 - Leon River at Gatesville, TX for the streamflow restriction as shown in Table 1.

Table 1. Environmental Flow Values at USGS Gage No. 08100500 - Leon River at Gatesville, TX

Season	Subsistence	Base
Winter	1 cfs	9 cfs
Spring	1 cfs	10 cfs
Summer	1 cfs	4 cfs

cfs = cubic feet per second

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

Recreational Uses: According to Appendix G of the Texas Surface Water Quality Standards, Resley Creek from the confluence of the Leon River east of the City of Gustine in Comanche County to the headwaters 3.3 km upstream of SH 6 in Erath

County has a secondary contact recreation 2 use (TCEQ 2022). The Applicant's request should not adversely impact recreational uses.

Water Quality: Resley Creek has a presumed high aquatic life use (TCEQ 2022). Resley Creek from confluence with Leon River upstream to confluence with unnamed tributary (NHD RC 12070201007823), approximately one mile north of Comanche County line is identified in the Texas Integrated Report as non-supporting for dissolved oxygen and bacteria in water and with a concern for screening levels for chlorophyll-a (TCEQ 2024). The Applicant's request should not adversely impact water quality.

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

RECOMMENDATIONS

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

1. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).
2. Diversions shall be restricted based on the following streamflows at USGS Gage No. 08100500 – Leon River at Gatesville, TX, as set forth in Special Conditions 3 - 5 below.

Season	Subsistence	Base
Winter	1 cfs	9 cfs
Spring	1 cfs	10 cfs
Summer	1 cfs	4 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. Owner shall not divert water if the average adjusted streamflow at USGS Gage No. 08100500 – Leon River at Gatesville, TX is less than or equal to the applicable subsistence flow. The “average adjusted streamflow” at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The “adjusted streamflow” at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by the Owner. Unless informed otherwise by the Brazos Watermaster, Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.

Base Flow Special Condition

5. If average adjusted streamflow at USGS Gage No. 08100500 – Leon River at Gatesville, TX is greater than the applicable base flow, Owner shall not divert in excess of the rate that would reduce average streamflow at the gage to the applicable base flow; provided, however, Owner is not required to adjust its diversion rate more frequently than once every 24 hours.

LITERATURE CITED

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

Hendrickson, DA, Cohen AE. 2022. Fishes of Texas Project Database [Internet]. [cited 2025 February 10]; Version 3.0. Available from <http://doi.org/10.17603/C3WC70>.

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

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

TPWD. 2024. TPWD County Lists of Texas Protected Species and Species of Greatest Conservation Need [Internet]. Austin (TX): Comanche and Erath counties, revised January 15, 2025. [cited February 10]. Available from <http://tpwd.texas.gov/gis/rtest/>.

*Hendrik Klaas Postmus, 12-2858A
Resley Creek, Brazos River Basin
Page 5 of 5*

George M Gable IV
George Gable, Aquatic Scientist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Heather Zuo, Project Manager
Water Rights Permitting Team

Date: February 26, 2025

Through: Leslie Patterson, Team Leader *KC for LP*
Resource Protection Team

From: Kristin Wang, Senior Water Conservation Specialist
Resource Protection Team

Subject: Hendrick Klaas Postmus
ADJ 2858
CN606001840
Leon River and Resley Creek, Brazos River Basin
Comanche and Erath counties

APPLICATION SUMMARY

Certificate of Adjudication No. 12-2858 authorizes Hendrick Klaas Postmus (Applicant) to divert 18 acre-feet of water per year, at a maximum combined diversion rate of 2.45 cfs (1,100 gpm) from two points on the Leon River, Brazos River Basin, for agricultural purposes in Hamilton County.

Applicant requests to amend the Certificate to add a diversion reach on Resley Creek and change the place of use for agricultural purposes to irrigate a total of 325.65 acres in Erath and Comanche counties.

WATER CONSERVATION REVIEW

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

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

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

RECOMMENDATIONS

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

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




Kristin Wang, Senior Water Conservation Specialist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Heather Zuo, Project Manager
Water Rights Permitting Team

Date: May 21, 2025

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



Trent Gay, Team Leader
Surface Water Availability Team

From: Andrew Maria, Hydrologist
Surface Water Availability Team

Subject: Hendrik Klaas Postmus
ADJ 2858
CN606001840
Resley Creek, Brazos River Basin
Comanche and Erath Counties

WATER AVAILABILITY REVIEW

Application Summary

Certificate of Adjudication No. 12-2858 (Certificate) authorizes Hendrik Klaas Postmus (Applicant) to divert 18 acre-feet of water per year, at a maximum combined diversion rate of 2.45 cfs (1,100) gpm from two points on the Leon River, Brazos River Basin, for agricultural purposes in Hamilton County.

Applicant requests to amend the Certificate to add a diversion reach on Resley Creek and change the place of use for agricultural purposes to irrigate a total of 325.65 acres Comanche and Erath Counties.

The application was declared administratively complete on October 18, 2022.

Water Availability Review

Resource Protection staff recommends that the application be subject to instream flow requirements. Specific instream flow requirements are included in Resource Protection staff's February 26, 2025, 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 reach. The period of record for the Brazos River WAM is 1940 to 2018. Staff modeled the application with diversion of the authorized 18 acre-feet of water at a priority date of December 31, 1967, at the most upstream limit of the requested diversion reach. Staff compared the pre- and post-application volume reliabilities of all water rights in the Brazos River Basin and found a very small negative impact to one water right with a difference in volume reliability of -0.01 percent.

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

Conclusion

Hydrology staff can support granting the application.

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



Andrew Maria, Hydrologist

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Hal E. Bailey, Jr., Project Manager
Water Rights Permitting Team

DATE: October 18, 2022

SUBJECT: Hendrik Klaas Postmus
ADJ 2858
CN606001840, RN104079488
Application No. 12-2858A to Amend Certificate of Adjudication
No. 12-2858
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Leon River and Resley Creek, Brazos River Basin
Comanche and Erath counties

The application and partial fees were received on August 30, 2022. Additional fees were received on October 11, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on October 18, 2022. Interjacent notice to water right holders of record in the Brazos River Basin is required pursuant to Title 30 Texas Administrative Code (TAC) §§ 295.158(c)(3)(C) and (D).

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

Hal E. Bailey, Jr.

Hal E. Bailey, Jr., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required ☒ YES ☐ NO

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 18, 2022

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

VIA E-MAIL

RE: Hendrik Klaas Postmus
ADJ 2858
CN606001840, RN104079488
Application No. 12-2858A to Amend Certificate of Adjudication No. 12-2858
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Leon River and Resley Creek, Brazos River Basin
Comanche and Erath counties

Dear Mr. George:

This acknowledges receipt, on October 11, 2022, of additional fees in the amount of \$20.58 (Receipt No. M301245, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on October 18, 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 via email at hal.bailey@tceq.texas.gov or at (512) 239-4615.

Sincerely,

A handwritten signature in cursive script that reads "Hal E. Bailey, Jr.".

Hal E. Bailey, Jr., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Code</u>	<u>Ref#1</u>	<u>Check Number</u>	<u>CC Type</u>				
<u>Account#</u>	<u>Ref#2</u>	<u>Card Auth.</u>	<u>Tran Code</u>	<u>Slip Key</u>			
<u>Fee Description</u>	<u>Account Name</u>	<u>Paid In By</u>	<u>User Data</u>	<u>Rec Code</u>	<u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
NOTICE FEES-WUP-	PTGU	M301244	1208		BS00097811	11-OCT-22	- \$17.64
WATER USE PERM	PTGU	ADJ122857A	101122	N	D3800240		
	NOTICE FEES WUP WATER USE	POSTMUS	RHDAVIS	CK			
	PERMITS	DAIRY LLC					
	PTGU	M301245	1207		BS00097811	11-OCT-22	- \$20.58
	PTGU	ADJ122858A	101122	N	D3800240		
	NOTICE FEES WUP WATER USE	POSTMUS	RHDAVIS	CK			
	PERMITS	DAIRY LLC					
Total (Fee Code) :							- \$38.22

RECEIVED

OCT 14 2022

Water Availability Division

Hal Bailey

From: Hal Bailey
Sent: Friday, September 23, 2022 10:22 AM
To: [REDACTED]
Cc: Chris Kozlowski
Subject: Hendrik Klaas Postmus ADJ 12-2858A RFI
Attachments: Hendrik_Klaas_Postmus_12-2858A_RFI_Sent_09.23.2022.pdf

Good morning Mr. George,

Attached is a Request for Information (RFI) letter for application no. 12-2858A.

Please provide the requested additional fees by COB on 10/24/2022.

Should you have any questions, please let me know.

Thank you,

*Hal E. Bailey, Jr.
Natural Resources Specialist III
Water Rights Permitting Team
Water Availability Division
Texas Commission on Environmental Quality
512-239-4615 Hal.Bailey@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

September 23, 2022

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

VIA E-MAIL

RE: Hendrik Klaas Postmus
ADJ 2858
CN606001840, RN104079488
Application No. 12-2858A to Amend Certificate of Adjudication No. 12-2858
Texas Water Code § 11.122, Limited Mailed Notice Required
Leon River and Resley Creek, Brazos River Basin
Comanche and Erath counties

Dear Mr. George:

This acknowledges receipt, on August 30, 2022, of the referenced application and fees in the amount of \$112.50 (Receipt No. M300019B, copy attached).

Additional fees are required before the application can be declared administratively complete. Please remit additional fees in the amount of \$20.58 as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (Amendment)	\$	100.00
Recording Fee	\$	12.50
Notice (\$2.94 x 7 water right holders)	\$	20.58
Total Fees	\$	133.08
Fees Received	\$	112.50
Fees Due	\$	20.58

Please provide the requested fees by October 24, 2022, or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

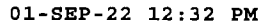
If you have any questions concerning this matter, please contact me via email at hal.bailey@tceq.texas.gov or by telephone at (512) 239-4615.

Sincerely,

Hal E. Bailey, Jr.

Hal E. Bailey, Jr., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

Total (Fee Code):	-\$235.00
Total:	-\$46,617.70

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): Hendrik Klaas Postmus

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

Y/N

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

Y/N

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

For Commission Use Only:

Proposed/Current Water Right Number: _____

Basin: _____ Watermaster area Y/N: _____

ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

- ☐ New Appropriation of State Water
☒ Amendment to a Water Right *
☐ Bed and Banks

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

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

Applicant Hendrik "Henk" Klaas Postmus has purchased 18 acre-feet from COA 12-2858.

The attached amendment application proposes adding new land as a place of use as well as a new diversion reach for his portion of water owned in the COA. These proposed changes would replace the currently authorized diversions and places of use for this portion of water.

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

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

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

Hendrik Klaas Postmus

(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 : 601231970 (leave blank if you do not yet have a CN).

What is the name and title of the person or persons signing the application? Unless an application is signed by an individual applicant, the person or persons must submit written evidence that they meet the signatory requirements in 30 TAC § 295.14.

First/Last Name: Hendrik Klaas Postmus

Title:

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

What is the applicant's mailing address as recognized by the US Postal Service (USPS)? You may verify the address on the USPS website at

<https://tools.usps.com/go/ZipLookupAction!input.action>.

Name: Hendrik Klaas Postmus

Mailing Address: 2855 County Road 310

City: Dublin

State: TX

ZIP Code: 76446

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:

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

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

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

First and Last Name: Richard George

Title: Environmental Consultant

Organization Name: Enviro-Ag. Engineering, Inc.

Mailing Address: 9855 FM 847

City: Dublin

State: TX

ZIP Code: 76446

Phone No.: 254-233-9948

Extension:

Fax No.:

E-mail Address:

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

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

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

First and Last Name:

Title:

Organization Name:

Mailing Address:

City:

State:

ZIP Code:

Phone No.:

Extension:

Fax No.:

E-mail Address:

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

- a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4691, prior to submitting your application.

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

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

Account number:

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 N/A**

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Hendrik Klaas Postmus

(Typed or printed name)

Owner

(Title)

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

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

Signature: _____

(Use blue ink)

Date: _____

8-28-22

Subscribed and Sworn to before me by the said Hendrik Klaas Postmus

on this 25th

day of August

, 20 22.

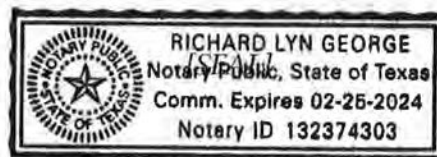
My commission expires on the 25th

day of February

, 20 24.

Richard Lyn George
Notary Public

El Paso
County, Texas



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

TECHNICAL INFORMATION REPORT WATER RIGHTS PERMITTING

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

Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4691 to schedule a meeting. Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N **Y** (If yes, date : 9/24/2021).

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

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

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y / N **N**
- b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? Y / N **N** (If yes, indicate the Certificate or Permit number: N/A)

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

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: **COA 12-2858**

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

List of water rights to sever	Combine into this ONE water right
N/A	N/A

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

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

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

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

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

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

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

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

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

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

- f. Other - Applicant requests to change any provision of an authorization not mentioned above? **Y / N N** ***If yes, call the Water Availability Division at (512) 239-4691 to discuss.***
Additionally, all amendments require:

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

3. **Bed and Banks. TWC § 11.042 (Instructions, Page 13)** N/A

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

If yes, submit a signed copy of the Water Supply Contract pursuant to 30 TAC §§ 295.101 and 297.101. Further, if the underlying Permit or Authorization upon which the Contract is based does not authorize Purchaser's requested Quantity, Purpose or Place of Use, or Purchaser's diversion point(s), then either:

- 1. Purchaser must submit the worksheets required under Section 1 above with the Contract Water identified as an alternate source; or*
- 2. Seller must amend its underlying water right under Section 2.*

- b. Applicant requests to convey water imported into the state from a source located wholly outside the state using the bed and banks of a watercourse? TWC § 11.042(a-1). Y / N

If yes, submit: worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps and fees from the list below.

- c. Applicant requests to convey Applicant's own return flows derived from privately owned groundwater using the bed and banks of a watercourse? TWC § 11.042(b). Y / N

If yes, submit: worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.

- d. Applicant requests to convey Applicant's own return flows derived from surface water using the bed and banks of a watercourse? TWC § 11.042(c). Y / N

If yes, submit: worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 6.0, 7.0, 8.0, Maps, and fees from the list below.

****Please note, if Applicant requests the reuse of return flows belonging to others, the Applicant will need to submit the worksheets and documents under Section 1 above, as the application will be treated as a new appropriation subject to termination upon direct or indirect reuse by the return flow discharger/owner.***

- e. Applicant requests to convey water from any other source, other than (a)-(d) above, using the bed and banks of a watercourse? TWC § 11.042(c). Y / N

If yes, submit: worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.

Worksheets and information:

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)
- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

4. General Information, Response Required for all Water Right Applications (Instructions, Page 15)

- a. Provide information describing how this application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement (*not required for applications to use groundwater-based return flows*). Include citations or page numbers for the State and Regional Water Plans, if applicable. Provide the information in the space below or submit a supplemental sheet entitled "Addendum Regarding the State and Regional Water Plans":

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

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

Plan and the 2022 State Water Plan because there is nothing in the plans that conflict

the application.

- b. Did the Applicant perform its own Water Availability Analysis? Y / N **N**

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

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

Attachment A

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

N/A

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

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

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

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

1. Location Information Regarding the Lands to be Irrigated

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

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

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

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

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

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

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

Quantity (acre- feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
18 Acre-Feet COA 12-2858	Agricultural Use	Agricultural Use	Hamilton County	297.6 acres in Erath County 28.05 acres in Comanche County

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- Applicant proposes to irrigate a total of 325.65 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 325.65 acres in Erath & Comanche County, TX.
 - Location of land to be irrigated: In the (See Attachment B) Original Survey No. _____, Abstract No. _____.
A copy of the deed(s) describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds. If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other legal right for Applicant to use the land described. Property Deed attached (Attachment C)
Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.
- c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
- d. See Worksheet 1.2, Marshall Criteria, and submit if required. Attachment D
- e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.
Water Conservation Plan (Attachment E)

WORKSHEET 1.1

INTERBASIN TRANSFERS, TWC § 11.085 N/A

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

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

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

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

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

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

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

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

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

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

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

WORKSHEET 1.2

NOTICE. "THE MARSHALL CRITERIA"

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

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

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

1. The "Marshall Criteria" (Instructions, Page. 21)

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

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

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

WORKSHEET 2.0

Impoundment/Dam Information N/A

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

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

1. Storage Information (Instructions, Page. 21)

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

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

2. Structure Location (Instructions, Page. 23)

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

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

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

b. Maximum Rate of Diversion for **this new point** 2.45 cfs (cubic feet per second) or 1,100 gpm (gallons per minute)

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

points/reaches 2.45 cfs or 1,100 gpm

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

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

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

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

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

Applicant has calculated the drainage area. **Y / N N**

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Resley Creek, tributary of Leon River (Brazos River Basin)
- b. Zip Code: 76446
- c. Location of point: In the J.F. Johnson Original Survey No. _____, Abstract No. A-446, Erath County, Texas.

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

- d. Point is at:
Latitude 31.960841° "N, Longitude -98.308467° "W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): GPS
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment A
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

1. _____ Diversion Point No.
2. _____ Upstream Limit of Diversion Reach No.
3. **X** _____ Downstream Limit of Diversion Reach No. **1**

- b. Maximum Rate of Diversion for **this new point** **2.45** cfs (cubic feet per second) or **1,100** gpm (gallons per minute)

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

points/reaches **2.45** cfs or **1,100** gpm

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

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

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

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

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

Applicant has calculated the drainage area. **Y / N N**

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Resley Creek, tributary of Leon River (Brazos River Basin)
- b. Zip Code: 76446
- c. Location of point: In the S. Barron Original Survey No. _____, Abstract No. A-61, Comanche County, Texas.

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

- d. Point is at:
Latitude 31.950189° °N, Longitude -96.298945° °W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): GPS
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment A
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 4.0

DISCHARGE INFORMATION N/A

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

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

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

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

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

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

WORKSHEET 4.1

DISCHARGE POINT INFORMATION N/A

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

Instructions, Page 27.

For water discharged at this location provide:

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

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

WORKSHEET 5.0

ENVIRONMENTAL INFORMATION

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

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

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location), Diversion Reach 1 - entire reach is similar.

a. Identify the appropriate description of the water body.

☒ Stream

☐ Reservoir

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

☐ Other, specify: _____

b. Flow characteristics

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

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

☒ Intermittent with Perennial Pools - enduring pools

☐ Perennial - normally flowing

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

☐ USGS flow records

☐ Historical observation by adjacent landowners

☒ Personal observation

☐ Other, specify: _____

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the map submitted with the application indicating the location of the photograph and the direction of the shot. Attachment F
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure). 1/4" mesh screens will be utilized on any diversion pipes to avoid impingement and entrainment of aquatic organisms.
3. If the application includes a proposed reservoir, also include: N/A
 - i. A brief description of the area that will be inundated by the reservoir.
 - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
 - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

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

For all bed and banks applications: N/A

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

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

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

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

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

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

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

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

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans

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

Instructions, Page 31.

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

1. Water Conservation Plans

- 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): WCP - Attachment E

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

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

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

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

2. Drought Contingency Plans **N/A**

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

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET N/A

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

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

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

WORKSHEET 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

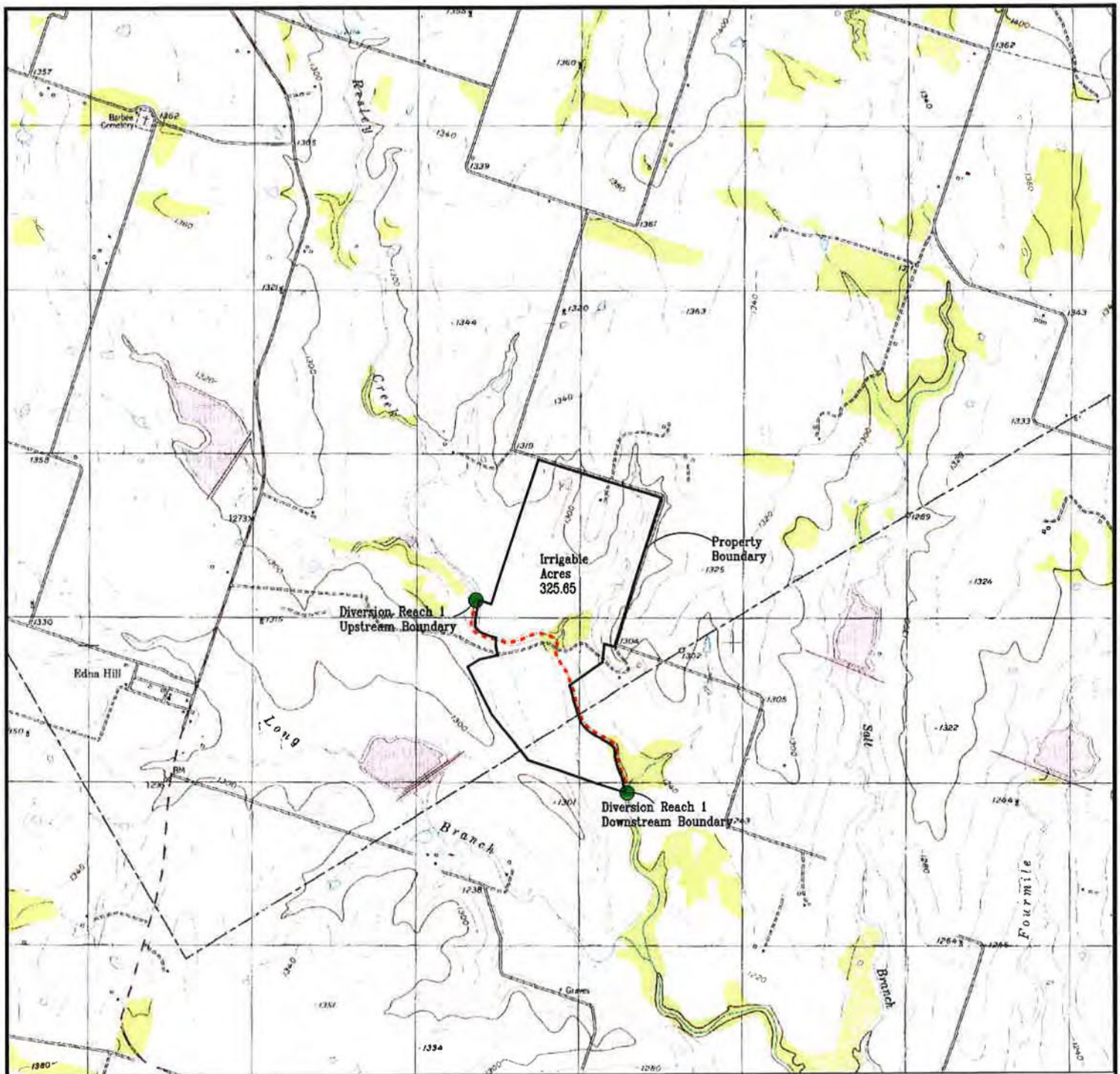
	Description	Amount (\$)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$) . <u>In Acre-Feet</u> a. Less than 100 \$100.00 b. 100 - 5,000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

2. AMENDMENT OR SEVER AND COMBINE

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

3. BED AND BANKS

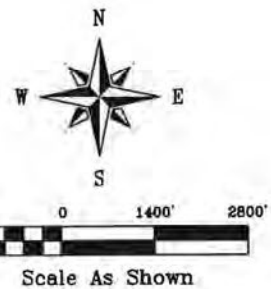
	Description	Amount (\$)
Filing Fee		\$100.00
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$ 0.00



Map Revised 7/26/2022

Legend:

■ ■ ■ Denotes Proposed Diversion Reach



Source: USDA-NRCS. Geospatial Data Gateway. Available at: <http://datagateway.nrcs.usda.gov/>. Digital Raster Graphic County Mosaic by NRCS - Accessed November 2017.

Henk Postmus
Dublin, Texas
Erath County

Site Map
Attachment A



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

Attachment B

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

Location of land to be irrigated (325.65 Acres Total):

Erath County - (297.6 Acres)

1.45 acres in the J.F. Johnson Survey, A-446, 182.77 acres in the J. Turnbough Survey, A-954, and 113.38 acres in the S. Barron Survey, A-1050 in Erath County, TX – Brazos River Basin.

Comanche County – (28.05 Acres):

28.05 acres in the S. Barron Survey, A-61 in Comanche County, Texas – Brazos River Basin.

Attachment C

****DO NOT REMOVE ****THIS PAGE IS PART OF THE INSTRUMENT*****

Document No. 2019-03013

DEED

Parties: PENDLETON CHARLES W
to
POSTMUS HENK

FILED AND RECORDED
REAL RECORDS

On: 05/31/2019 at 11:29 AM

Document Number: 2019-03013
Receipt No. 86606
Amount: \$42.00

By: gallen
Gwinda Jones, County Clerk
Erath County, Texas

6 Pages



STATE OF TEXAS
County of Erath

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded under the Document Number stamped hereon of the Official Public Records of Erath County.

Gwinda Jones, County Clerk

A handwritten signature in cursive script, reading "Gwinda Jones", is written over a horizontal line.

Record and Return To:
JOHN C BOUCHER



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

WARRANTY DEED WITH VENDOR'S LIEN

Date: May 27, 2019

Grantor: CHARLES W. PENDLETON, a single person, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF CATHEY VAUGHN PENDLETON, DECEASED, LESLEY JILL PENDLETON and BRADLEY CHARLES PENDLETON
Grantor's Mailing Address: 16207 FM 1702, Dublin, Texas 76446

Grantee: HENK POSTMUS
Grantee's Mailing Address: 2855 CR 310, Dublin, Texas 76446

Consideration: TEN AND NO/100 -- (\$10.00)-- DOLLARS, and other good and valuable consideration, and a note of even date that is in the principal amount of ONE MILLION, FIFTY-FIVE THOUSAND ONE HUNDRED SIX AND NO/100 --(\$1,055,106.00)-- DOLLARS, and is executed by Grantee, payable to the order of Grantor. It is secured by a Vendor's Lien retained in this Deed and by a Deed of Trust of even date from Grantee to JOHN C. BOUCHER, TRUSTEE.

PROPERTY (including any improvements): ALL THAT CERTAIN 325.65 acre tract of land being approximately 1.45 acres in the J.F. Johnson Survey, A-446, 182.77 acres in the J. Turnbough Survey, A-954, and 113.38 acres in the S. Barron Survey, A-1050, in Erath County, Texas, and 28.05 acres in the S. Barron Survey, A-61, in Comanche County, Texas, more fully described in EXHIBIT 'A' attached hereto and made a part hereof.

Reservations from and Exceptions to Conveyance and Warranty:

1. Easement Agreement for Diverting Water dated October 2, 1954, executed by R.L. Vaughn and wife, Coda Vaughn, to J.V. Williamson, recorded in Vol. 343, page 626, Deed Records of Erath County, Texas.
2. Easement dated July 8, 1961, executed by R.L. Vaughn and wife, Coda Vaughn, to Upper Leon SCD and Erath County Commissioners Court, recorded in Vol. 393, page 548, Deed Records of Erath County, Texas.
3. Utility Easement and Right-of-Way dated December 27, 2001, executed by Cathey Pendleton to United Electric Cooperative Services, Inc., recorded in Vol. 1078, page 990, Real Records of Erath County, Texas.
4. Mineral interest as reserved in Warranty Deed dated July 15, 1929, executed by J.M. Gilbreath and wife, Lucile Gilbreath to T.W. Ascue, recorded in Vol. 218, page 354, Deed Records of Erath County, Texas.

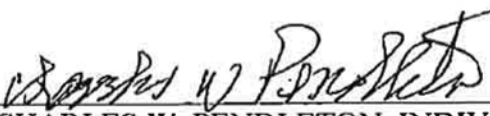
5. Mineral interest as reserved in Warranty Deed dated October 22, 1929, executed by J.L. Gilbreath and wife, R.L. Gilbreath, to J.F. Brown, recorded in Vol. 221, page 307, Deed Records of Erath County, Texas.
6. Royalty interest as reserved in Warranty Deed dated October 22, 1929, executed by Arizona White and husband, R.E. White, to J.F. Brown, recorded in Vol. 221, page 317, Deed Records of Erath County, Texas.
7. Comanche County Subdivision Regulations dated March 25, 2002, recorded in Volume 818, Page 204, Deed Records of Comanche County, Texas.

Save and Except, and there is hereby reserved unto Grantors, their heirs and assigns, one-half (1/2) of the oil, gas and other minerals owned by Grantors in and under and that may be produced from the above described property together with the right of ingress and egress at all times for the purpose of mining, drilling, exploring, operating and developing said lands for oil, gas and other minerals and removing the same therefrom.

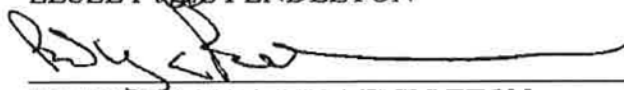
Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

The Vendor's Lien against and Superior Title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

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

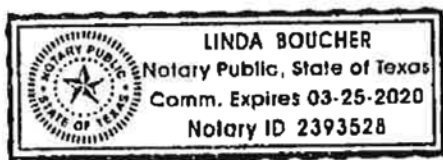

CHARLES W. PENDLETON, INDIVIDUALLY
AND AS INDEPENDENT EXECUTOR OF THE
ESTATE OF CATHEY VAUGHN PENDLETON,
DECEASED


LESLEY J. PENDLETON


BRADLEY CHARLES PENDLETON

THE STATE OF TEXAS
COUNTY OF ERATH

This instrument was acknowledged before me on the 27th day of May, 2019, by CHARLES W. PENDLETON, a single person, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF CATHEY VAUGHN PENDLETON, DECEASED, and in the capacity therein stated, LESLEY JILL PENDLETON and BRADLEY CHARLES PENDLETON



Linda Boucher

NOTARY PUBLIC, STATE OF TEXAS

PREPARED IN THE LAW OFFICE OF
JOHN C. BOUCHER
PO Box 857
Stephenville, Texas 76401

AFTER RECORDING, RETURN TO:
JOHN C. BOUCHER
PO Box 857
Stephenville, Texas 76401

EXHIBIT 'A'

All that certain 325.65 acre tract of land being approximately 1.45 acres in the J.F. Johnson Survey, A-446, 182.77 acres in the J. Turnbough Survey, A-954, and 113.38 acres in the S. Barron Survey, A-1050, in Erath County, Texas, and 28.05 acres in the S. Barron Survey, A-61, in Comanche County, Texas, being all of that certain 160 acre tract one, 7 acre tract three, 29 acre tract four, and a part of that certain 128 acre tract five described in deed from Joy Stockton to Charles W. Pendleton, et ux, dated October 15, 2003, and recorded in volume 114-4, page 199 of the official public records of Erath County, Texas, and described as follows:

Beginning at a 4" pipe post in the south line of Erath County Road No. 310, at the occupied northwest corner of the said 160 acre tract, the northeast corner of a 184 acre tract described in deed from Lois Hulsey to Jerry Hulsey, dated April 16, 1984, and recorded in volume 651, page 13 of the official public records of Erath County, Texas, and at the occupied northwest corner of the Turnbough Survey, in the south line of the J.F. Johnson Survey, the northeast corner of the Z. Rabb Survey, for the northwest corner of this tract;

Thence S 72°37'31" E, along the south line of the said county road, 2597.34' to a 2" pipe post;

Thence S 23°23'08" E, along a cutback corner of the said county road, 9.81' to a 2" pipe post;

Thence S 18°19'53" W, along the west line of the said county road, 3094.06' to a 2" pipe post at the southeast corner of the said 160 acre tract six, in the north line of a 70 acre tract described in deed from J.O. Williamson to James W. Williamson, recorded in volume 497, page 99 of the official public records of Erath County, Texas, for a corner of this tract;

Thence N 71°27'01" W, along a fence, 159.21' to a spike set at a fence corner post at the northwest corner of the said 70 acre tract, the northeast corner of the said 29 acre tract four;

Thence S 08°17'11" W, along a rock wall and the east line of the said 29 acre tract, 360.46' to a capped 3/8" iron rod set;

Thence S 53°51'50" W, along a rock wall and the east line of the said 29 acre tract, at 737.27' pass a spike set at fence corner post on the north bank of Resleys Creek, continuing a total distance of 792.74' to the center of said creek for the southeast corner of the said 29 acre tract and in the east line of the said 128 acre tract five;

Thence along the center of Resleys Creek and the east line of the said 128 acre tract five as follows:

S 23°22'59" E, 164.42';

S 02°46'20" E, 425.27';

S 38°09'35" E, 220.49';

S 35°09'01" E, 273.77';

S 67°42'46" E, 369.43';

S 79°26'07" E, 112.90';

S 27°38'00" E, 134.27';

S 01°45'21" E, 270.47';

S 14°55'49" E, 224.29';

S 66°00'58" E, 85.18';

S 17°27'44" E, 281.85';

And S 00°14'24" W, 141.34' to the southeast corner of the said 128 acre tract five, in the south line of the S. Barron Survey, for the southeast corner of this tract;

Thence N 70°56'58" W, along the south line of the said 128 acre tract, at 72.14' pass a spike set at a fence post on the east bank of the said creek, continuing generally along a fence, 2010.43' to a 3" pipe post for the southwest corner of this tract;

Thence along a cross fence as follows:

N 39°53'34" W, 1168.01' to a 3" pipe post;

N 26°16'53" W, 1117.46' to a 3" pipe post;

N 57° 21' 30" E, 288.36' to a spike set at a fence corner post;

N 75° 54' 19" E, 304.39' to a capped 3/8" iron rod set at a fence corner post;

And N 03°18'46" W, at 160.07' pass a capped 3/8" iron rod set, continuing a total distance of 198.67' to the southeast corner of the said 7 acre tract three, the northwest corner of the said 128 acre tract five and at a corner of the said 184 acre Hulsey tract;

Thence along the west line of the said 7 acre tract and the center of Resleys Creek as follows:

N 63°24'06" W, 409.36';

N 50°31'07" W, 107.02';

N 21°39'34" W, 137.17';

N 17°09'25" E, 140.17';

N 24°15'59" E, 138.30';

N 07°26'38" W, 138.28';

And N 25°15'52" E, 130.45' to the northwest corner of the said 7 acre tract, for a corner of this tract;

Thence S 71°01'33" E, departing from Resleys Creek, at 99.64' pass a set spike at a fence corner, continuing a total distance of 270.94' to a capped 3/8" iron rod set at a fence corner post at the occupied southwest corner of the said 160 acre tract, the southwest corner of the Turnbough Survey, the southeast corner of the Rabb Survey;

Thence N 17°55'46" E, along the west line of the said 160 acre tract six and partly along a fence, 3039.23' to the point of beginning and containing 325.65 acres of land, with approximately 297.60 acres in Erath County and 28.05 acres in Comanche County.

Attachment D

Marshall Criteria

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

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

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

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

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

e. Hendrik "Henk" Klaas Postmus is located within the Region G Planning Group (Brazos). The proposed amendment addresses a water supply need that is consistent with state and regional water plan management strategies pertaining to irrigation.

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

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

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

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

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

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



Texas Commission on Environmental Quality

Water Availability Division

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

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

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

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

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

Contact Information

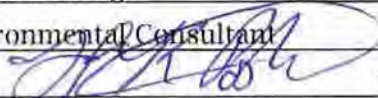
Name: Hendrik Klaas Postmus

Address: 2855 County Road 310, Dublin, TX 76446

Telephone Number: 254-977-4921 Fax: ()

Form Completed By: Richard George

Title: Environmental Consultant

Signature:  Date: 8/20/22

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

I. BACKGROUND DATA

A. Water Use

1. Annual diversion appropriated or requested (in acre-feet): 18
2. In the table below, list the amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year.

Actual totals may vary monthly depending on weather conditions (i.e. heat, precipitation, wind, etc., not to exceed 18 acre-feet annually.

January	February	March	April
1.5	1.5	1.5	1.5
May	June	July	August
1.5	1.5	1.5	1.5
September	October	November	December
1.5	1.5	1.5	1.5
Total All Months			18

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

Listed below are the planned crops for future growing seasons.

Type of crop	Growing Season (Months)	Acres irrigated/year
Winter Rye	Oct.-March	300
Coastal Bermuda	April-Sept.	300 (Same acres as above)
Native	Jan.-Dec.	25.26
Total acres irrigated		325.26

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

If yes, please describe: Coastal and Rye crops are rotated seasonally.

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

Dominant soils are Silty Clays and Loams.

B. Irrigation system information

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

The infrastructure for irrigation is planned to be installed after approval of the water rights permit amendment. A portable pump is planned to divert water from the creek (not to exceed the permitted diversion rate) and will feed 3 center pivot systems fitted with MESA drop nozzles via sealed underground pvc pipelines. A reel gun is not currently planned for use but may be utilized for the land not covered under the center pivots if needed in the future.

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

A flowmeter will be installed on any diversion pipes with +/- accuracy ratings of 3-5%.

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

The planned center pivot setups with MESA nozzles are estimated to be 85% efficient.

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

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

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

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

☐ Yes ☒ No

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

C. Conservation practices

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

Water will be conveyed from the portable pump to the center pivots via sealed pipelines ensuring no water will be lost in transport from the source to the irrigation equipment.

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

Irrigation equipment will be routinely maintained and repaired as needed to maintain maximum operating efficiency. The systems will be closely monitored during operation and any leaks found during inspections will be promptly repaired to avoid water losses and increase conservation.

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

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

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

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

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

The irrigation systems will be closely monitored during operation and fields will not be watered over their water holding capacity. Irrigation equipment will be shut off before any tail water runoff occurs.

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

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

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

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

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

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

Attachment F

Note: All photos in Attachment F were taken on the bank directly adjacent to the upstream and downstream diversion limit locations (1 photo facing upstream and 1 photo facing downstream.) All photos correspond with the upstream and downstream limits as noted in the Site Map (Attachment A – limits marked as green dots.)



Photo 1: Diversion Reach 1 Upstream Boundary (View Looking Upstream)



Photo 2: Diversion Reach 1 Upstream Boundary (View Looking Downstream)



Photo 3: Diversion Reach 1 Downstream Boundary (View Looking Upstream)



Photo 4: Diversion Reach 1 Downstream Boundary (View Looking Downstream)