

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN AMENDMENT TO A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 10-3980B

Riceland Landvest, LLC seeks to amend its portion of Certificate of Adjudication No. 10-3980 to sever the irrigation rights from the appurtenant land, add municipal use, change the place of use for agriculture and municipal purposes to Harris County, and add an exempt interbasin transfer to those portions of Harris County within the Trinity-San Jacinto and San Jacinto-Brazos Coastal Basins. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Riceland Landvest, LLC, 15915 Katy Freeway, Suite 405, Houston, Texas 77094-1710, Applicant, has applied to the Texas Commission on Environmental Quality to amend Certificate of Adjudication No. 10-3980, pursuant to Texas Water Code §§ 11.122, 11.085 and Texas Commission on Environmental Quality Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Notice of this application is being mailed to the City of Houston and to the record holders of Certificate of Adjudication No. 10-3980 pursuant to Title 30 TAC § 295.158(c)(2)(A) & (B).

A portion of Certificate of Adjudication No. 10-3980 authorizes Riceland Landvest, LLC (Owner) to divert and use not to exceed 1,471.20 acre-feet of water per year, at a maximum combined diversion rate of 20.22 cfs (9,100 gpm), from a point on the San Jacinto River (Lake Houston), San Jacinto River Basin for agricultural purposes to irrigate 770.60 acres out of a 3,783.745-acre tract in Harris County. Multiple special conditions apply.

The priority date of Owner's right is December 7, 1942.

Applicant seeks to amend its portion of Certificate of Adjudication No. 10-3980 to sever the irrigation rights from the appurtenant land, add municipal use, and change the place of use for agriculture and municipal purposes to Harris County.

Applicant also seeks to add an exempt interbasin transfer to those portions of Harris County within the Trinity-San Jacinto and San Jacinto-Brazos Coastal Basins.

The application and fees were received on June 12, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on July 18, 2023.

The Executive Director has completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would contain special conditions related to water conservation and drought contingency plans. 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 November 12, 2024. 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 November 12, 2024. The Executive Director may approve the application unless a written request for a contested case hearing is filed by November 12, 2024.

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 3980 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 www.tceq.texas.gov.

Issued: October 24, 2024

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 10-3980B

TYPE §§ 11.122, 11.085

| | | | |
|--------------|-------------------------------------|-------------|--|
| Owner: | Riceland Landvest, LLC | Address: | 15915 Katy Freeway, Suite 405 Houston, Texas 77094-1710 |
| Filed: | July 18, 2023 | Granted | |
| Purposes: | Agricultural, Municipal | County: | Harris |
| Watercourse: | San Jacinto River (Lake Houston) | Watersheds: | San Jacinto River Basin, Trinity-San Jacinto Coastal Basin, and San Jacinto- Brazos Coastal Basin |

WHEREAS, a portion of Certificate of Adjudication No. 10-3980 authorizes Riceland Landvest, LLC (Owner/Applicant) to divert and use not to exceed 1,471.20 acre-feet of water per year, at a maximum combined diversion rate of 20.22 cfs (9,100 gpm), from a point on the San Jacinto River (Lake Houston), San Jacinto River Basin for agricultural purposes to irrigate 770.60 acres out of a 3,783.745-acre tract in Harris County; and

WHEREAS, multiple special conditions apply; and

WHEREAS, the priority date of Owner's right is December 7, 1942; and

WHEREAS, Applicant seeks to amend its portion of Certificate of Adjudication No. 10-3980 to sever the irrigation rights from the appurtenant land, add municipal use, and change the place of use for agricultural and municipal purposes to Harris County; and

WHEREAS, Applicant also seeks to add an exempt interbasin transfer to those portions of Harris County within the Trinity-San Jacinto and San Jacinto-Brazos Coastal Basins; and

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

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

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 10-3980, designated Certificate of Adjudication No. 10-3980B, is issued to Riceland Landvest, LLC, subject to the following terms and conditions:

1. USE

In lieu of previous authorizations, Owner is authorized:

- A. To divert and use not to exceed 1,471.20-acre-feet of water per year from the San Jacinto River (Lake Houston), for municipal and agricultural purposes in Harris County.
- B. An exempt interbasin transfer to those portions of Harris County in the Trinity-San Jacinto and San Jacinto-Brazos Coastal Basins.

2. 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.

3. SPECIAL CONDITIONS

- A. Ninety days prior to the diversion of water for agricultural use, Owner or contract customer shall submit a water conservation plan to the TCEQ that meets the requirements of Title 30 Texas Administrative Code (TAC) § 288.4.
- B. One hundred eighty days prior to the diversion of water for municipal use, Owner or contract customer shall submit a water conservation plan and drought contingency plan to the TCEQ that meets the requirements of Title 30 TAC §§ 288.5 and 288.22.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 10-3980, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water right holders in the San Jacinto 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:

DRAFT

Sarah Henderson

From: Sarah Henderson
Sent: Thursday, October 10, 2024 3:57 PM
To: Jason Kelly
Subject: RE: Riceland Harvest LLC Application No. 10-3980B Draft Amendment/Notice
Attachments: Riceland Landvest LLC_10-3980B_Final_Draft_Amendment_10.10.2024.pdf

Mr. Kelly,

Thank you for your response below.

Staff has agreed to make the requested change to the owner entity, Riceland Landvest, LLC, and will proceed with issuing the public notice.

As requested, please find the attached revised final draft amendment, for your records.

Feel free to contact me with any questions.

Sincerely,
Sarah

Sarah Henderson
Water Rights Permitting Team
Water Availability Division
Texas Commission on Environmental Quality
P.O. Box 13087/MC-160
Austin, TX 78711-3087
(P) 512.239.2535
(F) 512.239.4770

From: Jason Kelly [REDACTED] >
Sent: Thursday, October 10, 2024 9:31 AM
To: Sarah Henderson <sarah.henderson@tceq.texas.gov>
Cc: Joan Flowers <[REDACTED]>; Jordan Williams [REDACTED]
Subject: RE: Riceland Harvest LLC Application No. 10-3980B Draft Amendment/Notice

Sarah,

I got your voicemail yesterday. We do not need to see the draft again for review. Would it be possible to get a copy of the revised draft amendment for our records?

Thanks,

Jason M. Kelly, P.E. | Division Manager – Houston Land Development

Office: 713.953.5064 | Mobile: 281.513.8487

• 3600 W Sam Houston Parkway S, Suite 600, Houston, TX 77042

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Top Workplaces USA | 2023

From: Sarah Henderson <sarah.henderson@tceq.texas.gov>
Sent: Tuesday, October 1, 2024 4:51 PM
To: Jason Kelly [REDACTED]
Cc: Joan Flowers [REDACTED]; Jordan Williams <[REDACTED]>
Subject: RE: Riceland Harvest LLC Application No. 10-3980B Draft Amendment/Notice

[EXTERNAL EMAIL]

Confirmation of receipt.
Thank you,
Sarah

Sarah Henderson
Water Rights Permitting Team
Water Availability Division
Texas Commission on Environmental Quality
P.O. Box 13087/MC-160
Austin, TX 78711-3087
(P) 512.239.2535
(F) 512.239.4770

From: Jason Kelly [REDACTED]
Sent: Tuesday, October 1, 2024 4:42 PM
To: Sarah Henderson <sarah.henderson@tceq.texas.gov>
Cc: Joan Flowers <[REDACTED]>; Jordan Williams [REDACTED]
Subject: FW: Riceland Harvest LLC Application No. 10-3980B Draft Amendment/Notice

Sarah,

We have reviewed the draft documents provided. We only have one minor comment on the owner entity for the permit. The entity is Riceland Landvest, LLC. The draft document does not show a comma after Landvest in the entity name. We had no other comments to the draft.

Thanks,

Jason M. Kelly, P.E. | Senior Vice President – Land Development
Office: 713.953.5064 | Mobile: 281.513.8487
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From: Hal Bailey <Hal.Bailey@tceq.texas.gov>
Sent: Tuesday, September 17, 2024 10:45 AM
To: Jason Kelly <[REDACTED]>
Cc: Sarah Henderson <sarah.henderson@tceq.texas.gov>; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto

Galvan <Humberto.Galvan@tceq.texas.gov>; Joan Flowers <[REDACTED]>
Subject: Riceland Harvest LLC Application No. 10-3980B Draft Amendment/Notice

[EXTERNAL EMAIL]

Good morning Mr. Kelly,

Electronic copies of the drafts of the public notice and proposed amendment to Certificate of Adjudication No. 10-3980 are attached.

Also attached are copies of the related technical memoranda.

Please review the draft documents and provide any comments to Ms. Sarah Henderson by COB on 10/01/2024.

Thank you,

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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 10-3980B

TYPE §§ 11.122, 11.085

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|--------------|-------------------------------------|-------------|--|
| Owner: | Riceland Landvest, LLC | Address: | 15915 Katy Freeway, Suite 405 Houston, Texas 77094-1710 |
| Filed: | July 18, 2023 | Granted | |
| Purposes: | Agricultural, Municipal | County: | Harris |
| Watercourse: | San Jacinto River (Lake Houston) | Watersheds: | San Jacinto River Basin, Trinity-San Jacinto Coastal Basin, and San Jacinto- Brazos Coastal Basin |

WHEREAS, a portion of Certificate of Adjudication No. 10-3980 authorizes Riceland Landvest, LLC (Owner/Applicant) to divert and use not to exceed 1,471.20 acre-feet of water per year, at a maximum combined diversion rate of 20.22 cfs (9,100 gpm), from a point on the San Jacinto River (Lake Houston), San Jacinto River Basin for agricultural purposes to irrigate 770.60 acres out of a 3,783.745-acre tract in Harris County; and

WHEREAS, multiple special conditions apply; and

WHEREAS, the priority date of Owner's right is December 7, 1942; and

WHEREAS, Applicant seeks to amend its portion of Certificate of Adjudication No. 10-3980 to sever the irrigation rights from the appurtenant land, add municipal use, and change the place of use for agricultural and municipal purposes to Harris County; and

WHEREAS, Applicant also seeks to add an exempt interbasin transfer to those portions of Harris County within the Trinity-San Jacinto and San Jacinto-Brazos Coastal Basins; and

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

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

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 10-3980, designated Certificate of Adjudication No. 10-3980B, is issued to Riceland Landvest, LLC, subject to the following terms and conditions:

1. USE

In lieu of previous authorizations, Owner is authorized:

- A. To divert and use not to exceed 1,471.20-acre-feet of water per year from the San Jacinto River (Lake Houston), for municipal and agricultural purposes in Harris County.
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This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 10-3980, as amended, except as specifically amended herein.

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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.

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For the Commission

Date Issued:

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Sarah Henderson

From: Jason Kelly [REDACTED]
Sent: Thursday, October 10, 2024 9:31 AM
To: Sarah Henderson
Cc: Joan Flowers; Jordan Williams
Subject: RE: Riceland Harvest LLC Application No. 10-3980B Draft Amendment/Notice

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I got your voicemail yesterday. We do not need to see the draft again for review. Would it be possible to get a copy of the revised draft amendment for our records?

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Jason M. Kelly, P.E. | Division Manager – Houston Land Development

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To: Jason Kelly [REDACTED] >

Cc: Joan Flowers [REDACTED] Jordan Williams [REDACTED]

Subject: RE: Riceland Harvest LLC Application No. 10-3980B Draft Amendment/Notice

[EXTERNAL EMAIL]

Confirmation of receipt.

Thank you,

Sarah

Sarah Henderson
Water Rights Permitting Team
Water Availability Division
Texas Commission on Environmental Quality
P.O. Box 13087/MC-160
Austin, TX 78711-3087
(P) 512.239.2535
(F) 512.239.4770

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To: Jason Kelly <[REDACTED]>

Cc: Sarah Henderson <sarah.henderson@tceq.texas.gov>; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>; Joan Flowers <[REDACTED]>

Subject: Riceland Harvest LLC Application No. 10-3980B Draft Amendment/Notice

[EXTERNAL EMAIL]

Good morning Mr. Kelly,

Electronic copies of the drafts of the public notice and proposed amendment to Certificate of Adjudication No. 10-3980 are attached.

Also attached are copies of the related technical memoranda.

Please review the draft documents and provide any comments to Ms. Sarah Henderson by COB on 10/01/2024.

Thank you,

Hal E. Bailey, Jr.

Natural Resources Specialist IV

Water Rights Permitting Team

Water Availability Division

Texas Commission on Environmental Quality

512-239-4615 Hal.Bailey@tceq.texas.gov

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Hal Bailey

From: Hal Bailey
Sent: Tuesday, September 17, 2024 10:45 AM
To: [REDACTED]
Cc: Sarah Henderson; Chris Kozlowski; Humberto Galvan; [REDACTED]
Subject: Riceland Harvest LLC Application No. 10-3980B Draft Amendment/Notice
Attachments: Riceland Landvest LLC_10-3980B_Draft_Amendment_Package_09.17.2024.pdf

Good morning Mr. Kelly,

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Thank you,

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

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 17, 2024

Mr. Jason Kelly, Senior Vice President
LJA Engineering
3600 W. Sam Houston PKWY S., STE 600
Houston, TX 77042-5096

VIA E-MAIL

RE: Riceland Landvest LLC
ADJ 3980
CN605728781, RN104083928
Application No. 10-3980B to Amend Certificate of Adjudication No. 10-3980
Texas Water Code §§ 11.122, 11.085, Requiring Limited Mailed Notice
San Jacinto River (Lake Houston), San Jacinto River Basin, Trinity-San Jacinto Coastal
Basin, and San Jacinto-Brazos Coastal Basin
Harris County

Dear Mr. Kelly:

Drafts, subject to revision, of the public notice, proposed amendment to Certificate of Adjudication No. 10-3980, 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 October 1, 2024, 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. 10-3980 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 sarah.henderson@tceq.texas.gov or by telephone at (512) 239-2535.

Sincerely,

Hal E. Bailey, Jr.

for

Sarah Henderson, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachments

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN AMENDMENT TO A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 10-3980B

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Issued:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 10-3980B

TYPE §§ 11.122, 11.085

| | | | |
|--------------|-------------------------------------|------------|--|
| Owner: | Riceland Landvest LLC | Address: | 15915 Katy Freeway, Suite 405 Houston, Texas 77094-1710 |
| Filed: | July 18, 2023 | Granted | |
| Purposes: | Agricultural, Municipal | County: | Harris |
| Watercourse: | San Jacinto River (Lake Houston) | Watershed: | San Jacinto River Basin, Trinity-San Jacinto Coastal Basin, and San Jacinto- Brazos Coastal Basin |

WHEREAS, a portion of Certificate of Adjudication No. 10-3980 authorizes Riceland Landvest LLC (Owner/Applicant) to divert and use not to exceed 1,471.20 acre-feet of water per year, at a maximum combined diversion rate of 20.22 cfs (9,100 gpm), from a point on the San Jacinto River (Lake Houston), San Jacinto River Basin for agricultural purposes to irrigate 770.60 acres out of a 3,783.745-acre tract in Harris County; and

WHEREAS, multiple special conditions apply; and

WHEREAS, the priority date of Owner's right is December 7, 1942; and

WHEREAS, Applicant seeks to amend its portion of Certificate of Adjudication No. 10-3980 to sever the irrigation rights from the appurtenant land, add municipal use, and change the place of use for agricultural and municipal purposes to Harris County; and

WHEREAS, Applicant also seeks to add an exempt interbasin transfer to those portions of Harris County within the Trinity-San Jacinto and San Jacinto-Brazos Coastal Basins; and

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

WHEREAS, the Executive Director recommends that a special condition 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. 10-3980, designated Certificate of Adjudication No. 10-3980B, is issued to Riceland Landvest LLC, subject to the following terms and conditions:

1. USE

In lieu of previous authorizations, Owner is authorized:

- A. To divert and use not to exceed 1,471.20-acre-feet of water per year from the San Jacinto River (Lake Houston), for municipal and agricultural purposes in Harris County.
- B. An exempt interbasin transfer to those portions of Harris County in the Trinity-San Jacinto and San Jacinto-Brazos Coastal Basins.

2. 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.

3. SPECIAL CONDITION

- 1. Ninety days prior to the diversion of water for agricultural use, Owner or contract customer shall submit a water conservation plan to the TCEQ that meets the requirements of Title 30 Texas Administrative Code (TAC) §288.4.
- 2. One hundred eighty days prior to the diversion of water for municipal use, Owner or contract customer shall submit a water conservation plan and drought contingency plan to the TCEQ that meets the requirements of Title 30 TAC §§ 288.5 and 288.22.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 10-3980, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water right holders in the San Jacinto 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:


DRAFT

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Sarah Henderson, Project Manager
Water Rights Permitting Team

Date: August 7, 2023

Through: Leslie Patterson, Team Leader 
Resource Protection Team

From: Richard Schmoyer, Aquatic Scientist
Resource Protection Team

Subject: Riceland Landvest LLC
ADJ 3980
CN605728781
Lake Houston (San Jacinto River), San Jacinto River Basin, Trinity-San Jacinto Coastal Basin, and San Jacinto-Brazos Coastal Basin
Harris County

APPLICATION SUMMARY

A portion of Certificate of Adjudication No. 10-3980 (Certificate) authorizes Riceland Landvest LLC (Applicant) to divert 1,471.20 acre-feet of water per year, at a maximum combined diversion rate of 20.22 cfs (9,100 gpm), from a point on the San Jacinto River (Lake Houston), San Jacinto River Basin for agricultural purposes to irrigate 770.60 acres out of a 3,783.745-acre tract in Harris County. Multiple special conditions apply.

Applicant seeks to amend its portion of the Certificate to sever the irrigation rights from the appurtenant land, add municipal use, change the place of use to Harris County, and add an exempt interbasin transfer to those portions of Harris County within the Trinity-San Jacinto and San Jacinto-Brazos Coastal Basins.

WATER CONSERVATION REVIEW

Pursuant to Title 30 Texas Administrative Code (TAC) §295.9(4), an application requesting to change the purpose of use requires the submittal of a water conservation plan and drought contingency plan.

The Applicant is adding municipal use for the authorized water. However, the Applicant has stated that no water is currently being diverted for municipal use; therefore, a water conservation plan and drought contingency plan for municipal use which complies with 30 TAC Chapter 288, shall be submitted for Resource Protection staff review prior to the diversion of water for this use.

The application is consistent with the 2021 Region H 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.

Resource Protection Staff recommend the following special condition(s) be included in the proposed amendment, if granted:

- 1) One hundred eighty days prior to the diversion of water for municipal use, Owner or contract customer shall submit a water conservation plan and drought contingency plan to the TCEQ that meets the requirements of 30 TAC §§288.5 and 288.22.


Richard Schmoyer

Richard Schmoyer, Aquatic Scientist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Sarah Henderson, Project Manager **Date:** August 7, 2023
Water Rights Permitting Team

Through: Leslie Patterson, Team Leader 
Resource Protection Team

From: George Gable, Aquatic Scientist
Resource Protection Team

Subject: Riceland Landvest LLC
ADJ 3980
CN CN605728781
Lake Houston (San Jacinto River), San Jacinto River Basin, Trinity-San
Jacinto Coastal Basin, and San Jacinto-Brazos Coastal Basin
Harris County

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

APPLICATION SUMMARY

A portion of Certificate of Adjudication No. 10-3980 (Certificate) authorizes Riceland Landvest LLC (Applicant) to divert 1,471.20 acre-feet of water per year, at a maximum combined diversion rate of 20.22 cfs (9,100 gpm), from a point on the San Jacinto River (Lake Houston), San Jacinto River Basin for agricultural purposes to irrigate 770.60 acres out of a 3,783.745-acre tract in Harris County. Multiple special conditions apply.

Applicant seeks to amend its portion of the Certificate to sever the irrigation rights from the appurtenant land, add municipal use, change the place of use to Harris County, and add an exempt interbasin transfer to those portions of Harris County within the Trinity-San Jacinto and San Jacinto-Brazos Coastal Basins.

ENVIRONMENTAL ANALYSIS

On April 20, 2011, the TCEQ adopted environmental flow for the Trinity and San Jacinto Rivers, and Galveston Bay (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter B). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC § 298.210). The Applicant does not request a new appropriation of water or an amendment that increases the amount of water stored, taken, or diverted;

therefore, the environmental flow standards do not apply. The Applicant's request is not expected to adversely impact the environment.

The Applicant requested an exempt interbasin transfer of water under Texas Water Code 11.085(v). Resource Protection staff reviewed the Applicant's request and have no recommendations.

RECOMMENDATIONS

Resource Protection staff have no recommendations regarding this proposed amendment if granted.


George Gable, Aquatic Scientist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Sarah Henderson, Project Manager Date: February 12, 2024
Water Rights Permitting Team

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

TG Trent Gay, Team Leader
Surface Water Availability Team

From: Lauren Simmons, Hydrologist
Surface Water Availability Team

Subject: Riceland Landvest LLC
ADJ 3980
CN605728781
Lake Houston (San Jacinto River), San Jacinto River Basin, Trinity-San
Jacinto Coastal Basin, and San Jacinto-Brazos Coastal Basin
Harris County

HYDROLOGY REVIEW

Application Summary

A portion of Certificate of Adjudication No. 10-3980 (Certificate) authorizes Riceland Landvest LLC (Applicant) to divert 1,471.20 acre-feet of water per year, at a maximum combined diversion rate of 20.22 cfs (9,100 gpm), from a point on the San Jacinto River (Lake Houston), San Jacinto River Basin for agricultural purposes to irrigate 770.60 acres out of a 3,783.745-acre tract in Harris County. Multiple special conditions apply.

Applicant seeks to amend its portion of the Certificate to sever the irrigation rights from the appurtenant land, add municipal use, change the place of use to Harris County, and add an exempt interbasin transfer to those portions of Harris County within the Trinity-San Jacinto and San Jacinto-Brazos Coastal Basins.

The application was declared administratively complete on July 18, 2023.

Hydrology Review

Resource Protection staff did not recommend instream flow requirements for this application. See Resource Protection memo dated August 7, 2023.

Reviews of requests for interbasin transfers (IBTs) are conducted in accordance with Chapter §11.085 of the Texas Water Code (TWC) and TCEQ rules regarding

IBTs. Applicant's request for an IBT is exempt under TWC §11.085(v)(3). Therefore, staff did not perform a review under TWC §11.085.

Staff's opinion is that granting the application would not affect other water rights.

Conclusion

Hydrology staff can support granting the application.

Lauren Simmons

Lauren Simmons, 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: Sarah Henderson, Project Manager
Water Rights Permitting Team

DATE: July 18, 2023

SUBJECT: Riceland Landvest LLC
ADJ 3980
CN605728781, RN104083928
Application No. 10-3980B to Amend Certificate of Adjudication No. 10-3980
Texas Water Code §§ 11.122, 11.085, Requiring Limited Mailed Notice
San Jacinto River, San Jacinto River Basin and San Jacinto-Brazos
Coastal Basin
Harris County

The application and fees were received on June 12, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on July 18, 2023. Mailed notice to the record holders in the San Jacinto River Basin is required pursuant to Title 30 Texas Administrative Code § 295.158(c)(2)(A)&(B).

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

Sarah Henderson

Sarah Henderson, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required X YES NO

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 18, 2023

Mr. Jason Kelly
LJA Engineering
3600 W. Sam Houston PKWY S., STE 600
Houston, TX 77042-5096

VIA E-MAIL

RE: Riceland Landvest LLC
ADJ 3980
CN605728781, RN104083928
Application No. 10-3980B to Amend Certificate of Adjudication No. 10-3980
Texas Water Code §§ 11.122, 11.085, Requiring Limited Mailed Notice
San Jacinto River, San Jacinto River Basin and San Jacinto-Brazos Coastal Basin
Harris County

Dear Mr. Kelly:

This acknowledges receipt, on June 12, 2023, of the referenced application and fees in the amount of \$112.50 (Receipt No. M317470, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on July 18, 2023. 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 this matter, please contact me via email at sarah.henderson@tceq.texas.gov or by telephone at (512) 239-2535.

Sincerely,

Sarah Henderson

Sarah Henderson, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



12-JUN-23 04:00 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

| Fee Description | Fee Code | Ref#1 | Check Number | CC Type | Slip Key | Tran Date | Tran Amount |
|-------------------|----------|------------|--------------|-----------|------------|-----------|-------------|
| | Account# | Ref#2 | Card Auth. | Tran Code | Document# | | |
| Account Name | | Paid In By | User Data | Rec Code | | | |
| WTR USE PERMITS | WUP | M317470 | 3435 | | BS00103481 | 12-JUN-23 | -\$112.50 |
| | WUP | 10-3980 | 061223 | N | D3802790 | | |
| WATER USE PERMITS | | FLOWERS, | RHDAVIS | CK | | | |
| | | JOAN | | | | | |

Total (Fee Code) : -\$112.50

Grand Total: -\$7,776.50

RECEIVED
JUN 16 2023
Water Availability Division

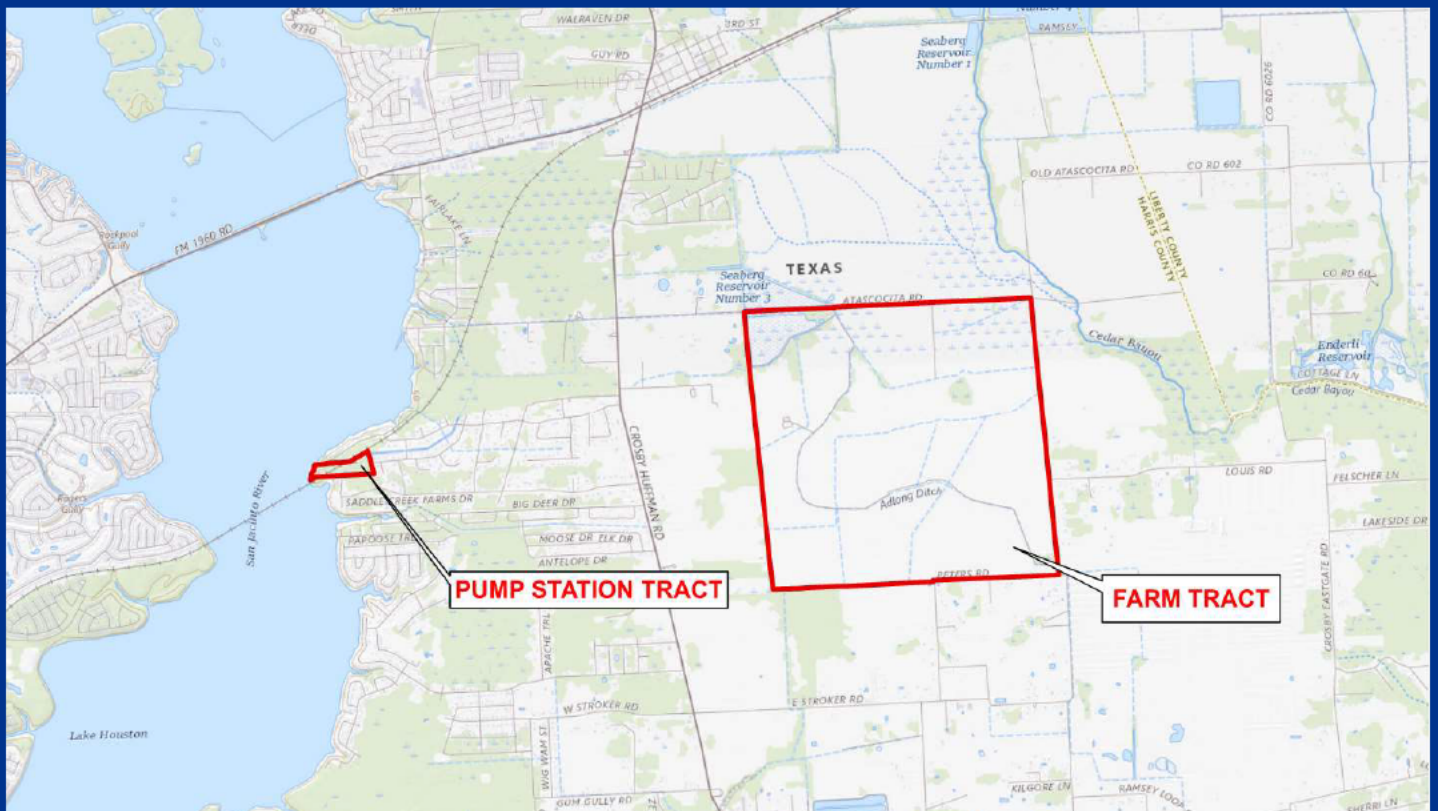
RECEIVED
JUN 16 2023
Water Availability Division

Riceland Landvest, LLC

Woodmere Development Co., Ltd.

Water Appropriation Permit Amendment

June 9, 2023



Riceland Landvest, LLC

Project No: 1037
Document Title: Water Appropriations Permit Amendment
Document No.: 1
Revision: 3
Date: June 9, 2023
Client Name: Woodmere Development Co., Ltd.
Client No: NT
Project Manager: Jason Kelly, PE
Quality Manager: Larissa Knapp-Scott, CFM
Author: Joan Flowers, CPSWQ
File Name: S:\Work\Land\1037\4006 - Water Rights\Woodmere WAP\1037\800 DELIVERABLES\850 Submittal\TCEQ\20230609 - 1st Submittal\COA 10-3980 Riceland WAP Amendment 2023.06.09.pdf

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Document history and status

| Revision | Date | Description | By | Review | Approved |
|----------|------------|--|--------------|-----------------------------|----------|
| 1 | 03/17/2023 | Draft Report for QA Review | Joan Flowers | Larissa Knapp-Scott | LKS |
| 2 | 4/25/2023 | Draft for submittal to TCEQ to request pre-submittal meeting | Joan Flowers | Emily Rogers Jason Kelly | LKS |
| 3 | 6/9/2023 | 1 st submittal to TCEQ | Joan Flowers | Larissa Knapp-Scott | LKS |
| | | | | | |
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APPENDIX A – TNRCC/TCEQ SUPPORTING DOCUMENTS

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Exhibit 1 – Vicinity Map

Exhibit 2 – Water Rights Features

Exhibit 3 – Aerial Imagery Map

Exhibit 4 – Topographic Map

Exhibit 5 – Abstract Survey Map

Exhibit 6 – River Basin Map

APPENDIX D– WATER APPROPRIATION PERMIT AMENDMENT APPLICATION

TCEQ-10214B (revised 01/23/2023) Water Rights Permitting Application Administrative Information Report

TCEQ-10214C (02/01/2022) Water Rights Permitting Availability Technical Information Sheet

APPENDIX E – PROOF OF SIGNATORY AUTHORITY

Acronyms

| | |
|-------|---|
| AF | Acre-Feet |
| CFS | Cubic Feet per Second |
| COA | Certificate of Adjudication |
| DCP | Drought Contingency Plan |
| GPM | Gallons Per Minute |
| LLC | Limited Liability Company |
| TCEQ | Texas Commission on Environmental Quality |
| TNRCC | Texas Natural Resources Conservation Commission |
| TWDB | Texas Water Development Board |
| WCIR | Water Conservation Implementation Reports |
| WCP | Water Conservation Plan |

I. INTRODUCTION / GENERAL INFORMATION

Riceland Landvest, LLC is a Domestic Limited Liability Company (Riceland) operating in the City of Houston in Harris County, Texas. The business was registered with Texas Comptroller of Public Accounts, with taxpayer number 32069864265, on February 26, 2019. The registered business location is at 15915 Katy Fwy Ste 405, Houston, TX 77094. Riceland Landvest, LLC has a Texas Commission on Environmental Quality (TCEQ) Customer Number of CN605728781.

Riceland has an ownership interest in Certificate of Adjudication (COA) 10-3980 in Harris County. The amount of water rights owned by Riceland under COA 10-3980 is 1471.2 acre-feet (AF). The use of the water is limited to irrigation of the property described in the COA. The use of the right for other purposes, or at a new location, or both, would require an amendment to the water right. Additionally, the use of the water right is limited to times when water is flowing into Lake Houston. The maximum rate of diversion as specified in COA 10-3980 is 20.3 cfs (9100 gpm). The priority date associated with COA 10-3980 is December 7, 1942. Riceland's Regulated Entity Number issued by TCEQ for this adjudication is RN104083928.

II. HISTORY OF WATER RIGHT COA 10-3980

The original water right was issued on December 7, 1942 to four members of the Seaberg family (Roy Seaberg, Roy Alfred Seaberg, Jr., Curtis Allen Seaberg, and Kenneth Robert Seaberg).

According to the Final Determination of All Claims of Water Rights in the San Jacinto River Basin dated October 25, 1983, the Seaberg's are recognized in right under Permits Nos. 1347A and 1348 to impound water in a 100 acre-foot capacity off-channel reservoir located at diversion point D-2005 within T-2015 and to impound water in a 300 acre-foot capacity off-channel reservoir located at diversion point D-2010 within T-2015, both being located in Abstract No. 500, Harris County, and to divert and use not to exceed 1600 acre-feet of water per year from diversion point D-2000 located on the perimeter of Lake Houston on the San Jacinto River at a maximum diversion rate of 20.3 cfs (9100 gpm) for the irrigation of 800 acres of land within tracts T-2000, T-2005, T-2010 and T-2015 in Abstracts Nos. 49, 289, 419, 500, 603 and 727, Harris County, with a priority date of December 7, 1942. In 1983, when the water rights in the San Jacinto River Basin were adjudicated, the Seaberg's Permit Nos. 1347A and 1348 were combined into COA 10-3980.

The Seaberg's diverted water at D-2000 on the perimeter of Lake Houston into a canal where it gravity flowed into either Reservoir No. 1 (D-2005) or Reservoir No. 2 (D-2010). From these reservoirs, the water was lifted approximately three feet into another canal system where it is released by gravity flow into various flood-irrigated rice fields.

Since the original water right was for irrigation, which was appurtenant to the land irrigated, the water right conveyed with the land unless reserved in the conveyance. A purchaser of irrigated land may acquire the water right unless the conveyance specifically reserves the water right. (30 TAC § 297.81)

From 1942 until 1989, the Seaberg Family was the sole owner of the water right COA 10-3980. On March 7, 1989, the Farm Credit Bank of Texas through foreclosure on a portion of the Seaberg's property, acquired Tracts 1 and 2 listed in COA 10-3980 along with the water rights appurtenant to that real property.

By Special Warranty Deed dated November 15, 1993, the Farm Credit Bank of Texas conveyed Tracts 1 and 2 of the COA 10-3980, the canal easement used to divert water under COA 10-3980, and COA 10-3980 to Riceland Properties, Inc. Farm Credit did not reserve any rights to the water in its deed to Riceland and conveyed all rights to Riceland Properties, Inc.

The TNRCC (predecessor to the TCEQ) Interoffice Memorandum dated March 9, 1994 showed the original ownership of the water rights in Seaberg and adds Riceland Properties and removes Farm Credit from the COA and references the Special Warranty Deed that transferred the real property to Riceland. The memorandum provides that the Special Warranty Deed had been checked and found to cover "part of the water right". The memorandum declared that Riceland owns 1,541.2 AF, and the Seaberg's owns 58.8 AF of COA 10-3980. The TNRCC Interoffice Memorandum is included in **Appendix A**.

During Riceland's ownership, Riceland conveyed property it owns to various purchasers. Property deeds were provided by the title company for records in the Harris County where Riceland sold real property but retained the water rights. A list of the property deeds is included in **Appendix B**. According to a review of said deeds by Bickerstaff Heath Delgado Acosta LLP, in all but one of the deeds, Riceland reserved "all Texas Natural Resource Conservation Commission adjudicated water rights" relating to the property.

The one deed in which Riceland did convey a water right was a Memorandum of Contract recorded on June 8, 2012 and Special Warranty Deed recorded on October 3, 2017 where Riceland Properties, Inc. sold 70 AF of water out of the Adjudicated Certificate No. 10-3980 to Montgomery Trace Property Owners Association. Through this transaction, the amount of water owned by Riceland Properties, Inc. under COA 10-3980 was reduced to 1471.2 AF.

A Change of Ownership for COA 10-3980 was submitted to TCEQ and approved on February 6, 2020, changing the ownership from Riceland Properties, LLC to Riceland Landvest, LLC. The approved change of ownership memorandum is included in **Appendix A**.

As a result, the current active water rights holders for COA 10-3980 are listed in **Table 1**.

Table 1. Active Water Rights for RN104083928 (COA 10-3980)

(RN Names: ADJ 3980, 61003980302 ADJ 3980)

| Seq | App No | WR Issue Date | Amend | Owners | Diversion Amt | Use | Priority Date | Storage Amt | Basin | County |
|-----|--------|---------------|-------|--|---------------|-----------------------------|---------------|-------------|-------------|--------|
| 1.0 | 3980 | 03/14/1986 | | Seaberg, Curtis A CN600764724 Seaberg, Kenneth Robert CN602521932 Seaberg, Roy A CN601654072 Seaberg, Roy A Jr. CN600764732 | 58.80 | AGRICULTURE - IRRIGATION | 12/07/1942 | 400.00 | San Jacinto | HARRIS |
| 2.0 | 3980 | 03/14/1986 | | Riceland Landvest, LLC CN605728781 | 1,471.20 | AGRICULTURE - IRRIGATION | 12/07/1942 | | San Jacinto | HARRIS |
| 3.0 | 3980 | 03/14/1986 | A | Montgomery Trace Property Owners Association CN603205394 | 70.00 | RECREATION | 12/07/1942 | | San Jacinto | HARRIS |

Riceland's water right as documented in the Change of Ownership Memorandum dated February 6, 2020 from TCEQ allows for the diversion of 1471.20 AF of water per year for Agricultural Purposes from the San Jacinto River (Lake Houston) to irrigate a maximum of 770.60 acres of land out of a 3783.745-acre tract. Riceland's 3783.745 acres originally consisted of 2967.003 acre-tract (William Keyser Survey, Abstract 500, and John Sellers Survey, Abstract 727); 95.4212 acre-portion (J. L. Jones Survey, Abstract 1731), 129.2188 & 512.1020 acre-portions (H. T. & B. R. R. Company Survey Section 5, Abstract 419); and 80 acre-portion (north 1/2 of the south 1/2 of the B. A. Noland Survey, Abstract 603) in Harris County.

Riceland Landvest, LLC has reserved the surface water rights for all the land areas described above in the 3783.745-acre tract. Riceland Landvest, LLC currently owns two tracts (three parcels) of land in Harris County associated with COA 10-3980. The 82,472,148 SF (1,893.3 acre) tract of land is known as Farm Tract. The tract of land consists of the John Sellers Abstract No. 727 (1,506.3 acres) and of the southern portion of William Keyser Abstract No. 500 (387 acres), south of Old Atascocita Road (See Harris County appraisal district data in **Table 2**).

Table 2. Parcels Owned by Riceland Landvest, LLC in Harris County

(from Harris County Appraisal District, 03-01-2023)

| Name | HCAD Parcel ID | Legal Description | | | Area |
|--------------------|----------------|--|--------------|----------------------------------|---------------------------|
| | | Tracts | Abstract No. | Abstract Name | |
| Farm Tract | 431660000021 | TRS 4A, 5, 6, 7A, 14A, 15, 16, 17A, 24A, 25, 26, 27A, 35A, 36 & 37 | 500 | William Keyser Survey | 16,857,720 SF (387 Ac) |
| Farm Tract | 450310000020 | TRS 1 & 2 | 727 | John Sellers Survey | 65,614,428 SF (1506.3 Ac) |
| Pump Station Tract | 410130020125 | TRS 20B & 21 | 57 | Frederick Harrison Rankin Survey | 933,490 SF (21.43 Ac) |

Farm Tract, is east of FM 2100 and consists of 2 parcels as listed in **Table 2** from Harris County Appraisal District. The location of the Farm Tract is depicted in **Exhibit 1** and **Exhibit 2** located in **Appendix C**. The total area of the Farm Tract is 1,893.3 acres. The entire Farm Tract was originally located in the Second Tract as described in the original COA 10-3980 so Riceland's current appropriation of 1,471.20 AF of water per year for Agricultural Purposes from the San Jacinto River (Lake Houston) is to irrigate a maximum of 770.60 acres of land out of a 1,893.3-acre tract (Farm Tract).

A smaller tract, known as Pump Station tract, is 21.43 acres with an existing pump house located on Lake Houston and is the location where water was pulled from the lake and transported to the Farm Tract by way of a canal. The diversion point is at a point on the East bank of Lake Houston in the Frederick H. Rankin Survey, Abstract 57 in Harris County, Texas. Canal easement was retained by Riceland as part of the purchase of the tract.

The applicant (Riceland Landvest, LLC) is submitting this permit amendment to Certificate of Adjudication 10-3980 to add a purpose of use for Municipal. The applicant also desires to expand the place of use to Harris County, within the San Jacinto River Basin and adjoining coastal basins (Trinity-San Jacinto Coastal Basin and San Jacinto-Brazos Coastal Basin). The applicant also requests that the irrigation right be severed from being appurtenant to the land.

Exhibits showing the vicinity (**Exhibit 1**), the water rights features such as diversion point and off-channel ponds (**Exhibit 2**), aerial imagery (**Exhibit 3**), topography (**Exhibit 4**), abstract survey boundaries (**Exhibit 5**) and river basins (**Exhibit 6**) are included in **Appendix C**.

III. ADMINISTRATIVE INFORMATION CHECKLIST

The TCEQ Administrative Information Checklist, Form TCEQ-10214B (revised 02/01/2022) has been completed and is included in **Appendix D**.

Written evidence that the person signing form TCEQ-10214B meets the signatory requirements in 30 TAC § 295.14 is included in **Appendix E**.

IV. TECHNICAL INFORMATION REPORT

The TCEQ Technical Information Report, Form TCEQ-10214C (02/01/2022) has been completed and is included in **Appendix D**. The following sections describe the information contained in specific TCEQ worksheets required for this amendment. All other worksheets other than those listed below are not applicable to this type of amendment application.

V. WORKSHEET 1.0 – QUANTITY, PURPOSE AND PLACE OF USE

For this amendment, the applicant desires to add a purpose of use for municipal to the existing agricultural use for irrigation. The place of use will be expanded from the specific tract of land in Harris County to Harris County as a whole.

The Table in Worksheet 1.0 (2)(a.) was completed to add municipal use and expand the place of use to Harris County (**Table 3**).

Table 3. Worksheet 1.0 (2)(a.)

| Quantity (acre-feet) | Existing Purpose(s) of Use | Proposed Purpose(s) of Use | Existing Place(s) of Use | Proposed Place(s) of Use |
|----------------------|----------------------------|--|---|--------------------------|
| 1471.2 | Agricultural (Irrigation) | Agricultural (Irrigation) Municipal | 770.60 acres of land out of a 3783.745-acre tract located in Harris County, Texas | Harris County |

VI. WORKSHEET 1.1 – INTERBASIN TRANSFERS

Worksheet 1.1 is required for the transfer of water rights from one river basin to another. Since the applicant proposes to expand the place of use from a specific tract of land in Harris County to Harris County as a whole, water may be transferred out of the San Jacinto River Basin to an adjoining (exempt) Coastal Basin.

Worksheet 1.1 is included in **Appendix D**.

VII. WORKSHEET 6.0 – WATER CONSERVATION PLAN

Under Texas Water Code Chapter 11 and Title 30 Texas Administrative Code Chapter 288, the entities listed in **Table 4** are required to develop, implement, and submit updated Water Conservation Plans and Water Conservation Implementation Reports to the TCEQ every five years. Since Riceland's surface water right exceeds 1,000 ac-ft, upon approval of this amendment to add municipal as a purpose of use, a Water Conservation Plan must be developed and submitted to the appropriate agencies as listed in **Table 4**.

Table 4. Water Conservation Plan Requirements

| Entity | Required plans and reports | Use | Form No. | Rules |
|---|---|---|--------------|--------|
| Surface Water Rights holder w/ 1,000 acre-feet or more for municipal, industrial, and other non-irrigation uses | Submit WCP and WCIR to TCEQ. Provide copy of WCP to TWDB. | Municipal (for wholesale water suppliers) | 20162, 20645 | §288.5 |

Riceland does not currently operate as a wholesale or retail water supplier so much of the utility profile information required to be included in the water conservation plan is unknown at this time. Riceland will provide evidence of their intent to avoid waste and achieve water conservation by preparing and submitting to TCEQ a water conservation plan upon approval of the amendment to add municipal use and prior to the diversion of any water for municipal use. Riceland requests that a special condition be added to the water right requiring the completion and submittal of a water conservation plan to TCEQ at least 180 days prior to any diversion of water for municipal purposes.

VIII. WORKSHEET 6.0 –DROUGHT CONTINGENCY PLAN

Under Texas Water Code Chapter 11 and Title 30 Texas Administrative Code Chapter 288, entities listed in **Table 5** are required to develop, implement, and submit updated Drought Contingency Plans to the TCEQ every five years.

Table 5. Drought Contingency Plan Requirements

| Entity | Required plans and reports | Use | Form No. | Rules |
|---------------------------------|----------------------------|-----------|----------|----------|
| Wholesale Public Water Supplier | DCP to TCEQ | Municipal | 20193 | \$288.22 |

Riceland requests that a special condition be added to the water right requiring the completion and submittal of a drought contingency plan to TCEQ at least 180 days prior to any diversion of water for municipal purposes.

IX. WORKSHEET 8.0 – CALCULATION OF FEES

Worksheet 8.0 is used to calculate the required application fees. TCEQ will not consider an application “administratively complete” until all required fees are received. Upon determination from TCEQ of the “Mailed Notice” fee, a check will be mailed on behalf of the applicant (Riceland Landvest, LLC) to TCEQ. Payment of the applicable fees will be made by check payable to the TCEQ and mailed via express mail to the following address:

Texas Commission on Environmental Quality
Financial Administration Division
Cashier’s Office, MC-214
12100 Park 35 Circle
Austin, TX 78753

A payment of \$112.50 has been mailed in a separate envelope to the above address with a copy of Worksheet 8.0, the name of the applicant and the water right number on the submittal.

X. CONCLUSION

The information presented in this report shows that Riceland Landvest, LLC meets all of the TCEQ requirements to obtain an amendment to the Certificate of Adjudication (COA) 10-3980.

APPENDIX A – TNRCC/TCEQ SUPPORTING DOCUMENTS

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

February 6, 2020

Mr. Aaron Alford
15915 Katy Freeway, Ste. 405
Houston, TX 77094

RE: Change of Ownership
Certificate of Adjudication No. 10-3980

Dear Mr. Alford:

This acknowledges the receipt of the *Water Rights Change of Ownership Form* and the \$100 recording fee (Receipt No. M007412).

Enclosed is a copy of the *TCEQ Water Rights Change of Ownership Memorandum* and receipt for the \$100 recording fee.

If you have any questions concerning this matter, please contact Carson Shockley at Carson.Shockley@tceq.texas.gov or via phone at (512) 239-1648.

Sincerely,

A handwritten signature in cursive script, reading "R. Joseph Nicosia".

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

JN/cs

Enclosures

cc: Westin Massey, TCEQ Region 12
Riceland Landvest, LLC.

TCEQ Water Rights Change of Ownership Memorandum

To: Records Management
From: Permit Support Compliance and Groundwater Section Water Availability Division
Subject: Change of Ownership
Delete: Riceland Properties, LLC. as owner
Add: Riceland Landvest, LLC. as owner

Date: February 6, 2020
Certificate of Adjudication No. 10-3980
Source County: Harris County
Source Basin: San Jacinto River Basin

Conveyance Documents Reviewed:

| Title | Dated | Doc. No. | Volume No. | Page No. |
|-------------------|--------------|-----------------|-------------------|-----------------|
| Water Rights Deed | 11/15/2019 | 508075 | - | - |

The change of ownership form and \$100 recording fee (Receipt No. M007412) were received on December 5, 2019 from South Land Title. The review was completed on January 6, 2020. The conclusions in this memo are based upon a review of the above-mentioned conveyance document submitted by the applicant from the Official Public Records of Harris County, Texas. The conclusions are subject to change if additional information is received.

Ownership of Record with Addresses and Remarks:

- | | |
|--|---|
| 1. Curtis A. Seaberg 511 S Church St. Dayton, TX 77535-2712 | 2. Kenneth R. Seaberg 511 S Church St. Dayton, TX 77535-2712 |
| 3. Roy A. Seaberg 511 S Church St. Dayton, TX 77535-2712 | 4. Roy A. Seaberg, Jr. 511 S Church St. Dayton, TX 77535-2712 |
| 5. Montgomery Trace Property Owners Association c/o Chaparral Management Company, Inc. P.O. Box 681007 Houston, TX 77268-1007 | 6. Riceland Landvest, LLC. 15915 Katy Freeway, Ste. 405 Houston, TX 77094 |

The ownership interest has been apportioned as follows:

Authorization 1:

Diversion of 58.8 acre-feet of water per year for Agricultural Purposes from the San Jacinto River (Lake Houston) to irrigate a maximum of 29.40 acres of land out of a 143.760-acre tract located in the J.L. Jones Survey, Abstract No. 1731, the H.T. & B. Survey, Abstract No. 603, the John Gibson Survey, Abstract No. 289, the John Sellers Survey, Abstract No. 727, the William Keyser Survey, Abstract No. 500, and the John Merry Survey, Abstract No. 49 in Harris County, Texas.

| Owner Names |
|--|
| Curtis A. Seaberg Kenneth R. Seaberg Roy A. Seaberg Roy A. Seaberg, Jr. |

Authorization 2:

Diversion of 1471.20 acre-feet of water per year for Agricultural Purposes from the San Jacinto River (Lake Houston) to irrigate a maximum of 770.60 acres of land out of a 3783.745-acre tract located in the J.L. Jones Survey, Abstract No. 1731, the H.T. & B. Survey, Abstract No. 603, the John Gibson Survey, Abstract No. 289, the John Sellers Survey, Abstract No. 727, the William Keyser Survey, Abstract No. 500, and the John Merry Survey, Abstract No. 49 in Harris County, Texas

| Owner Names |
|-------------------------|
| Riceland Landvest, LLC. |

Authorization 3:

Diversion of 70 acre-feet of water per year for Recreational Purposes to support 108 acre-feet of storage in the reservoir on Fish Creek, authorized by Water Use Permit 5694 in Montgomery County, Texas.

| Owner Names |
|---|
| Montgomery Trace Property Owners Association |

Roy A. Seaberg is the reporting and customer contact for Curtis A. Seaberg, Kenneth R. Seaberg, and Roy A. Seaberg, Jr.

Multiple special conditions apply.

A handwritten signature in blue ink, appearing to read "R. Joseph Nicosia", is written over a horizontal line.

R. Joseph Nicosia

RECORDED BY
SOUTH LAND TITLE, LLC
CF # PT1965253
Water Rights DEED
(PORTION OF ADJUDICATED SURFACE WATER
RIGHTS)

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

THE STATE AS INDICATED BELOW

§

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY/PARISH AS INDICATED BELOW

§

That RICELAND PROPERTIES, LLC, a Louisiana limited liability company (formerly Riceland Properties, Inc. prior to Conversion), hereinafter called "Grantor", for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to the undersigned in hand paid by the Grantee herein named, the receipt and sufficiency of which is hereby acknowledged, has GRANTED, SOLD, ASSIGNED and CONVEYED, and by these presents does unconditionally GRANT, SELL, ASSIGN and CONVEY unto Riceland Landvest, LLC, a ~~Texas limited liability company~~, herein referred to as the "Grantee," the following (collectively, the "Water Rights");

All right, title and interest of Grantor in and to that certain 1,600 (1541.20) acre-feet of water per annum for irrigation purposes from the San Jacinto River (Lake Houston) identified and authorized in Certificate of Adjudication No. 10-3980, recorded on March 19, 1986 in Volume 2 Page 261 in the Water District Records Harris County, Texas. and being appurtenant to the following described real property: 3912.101 acres of land, more or less, situated in Harris County, Texas, being more fully described by metes and bounds, as set out on the attached Exhibit A,

LESS AND EXCEPT that certain 70-acre-feet of water previously sold and transferred to Montgomery Trace Property Owners Association, Inc., a Texas Non-Profit Corporation by Special Warranty Deed (Portion of Adjudicated Water Rights) filed with the Texas Commission on Environmental Quality.

THE WATER RIGHTS ARE BEING CONVEYED IN AN "AS-IS" CONDITION "WITH ALL FAULTS" AND SPECIFICALLY AND EXPRESSLY WITHOUT ANY WARRANTIES, REPRESENTATIONS OR GUARANTEES, EITHER EXPRESS OR IMPLIED, OF ANY KIND, NATURE, OR TYPE WHATSOEVER FROM OR ON BEHALF OF GRANTOR EXCEPT AS SPECIFICALLY SET FORTH IN THIS WATER RIGHTS DEED. IT IS EXPRESSLY ACKNOWLEDGED AND AGREED THAT THIS WATER RIGHTS DEED DOES NOT TRANSFER OR ASSIGN ANY ACTUAL WATER BUT MERELY THAT PORTION OF THE ADJUDICATED WATER RIGHTS DESCRIBED HEREIN, ALL SUBJECT TO THE LAWS, RULES AND REGULATIONS OF THE STATE OF TEXAS AND THE TCEQ.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty grants, sells, assigns and conveys to Grantee the Water Rights, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's executors, administrators, successors, and assigns forever.

Ad valorem taxes on the Water Rights, if any, for the calendar year 2019, have been prorated between Grantor and Grantee, and ad valorem taxes on the Water Rights, if any, for the calendar year 2019 and subsequent years are assumed by Grantee. When the context requires, singular nouns and pronouns include the plural.

EXECUTED this 13 day of November, 2019.

GRANTOR: RICELAND PROPERTIES, LLC
a Louisiana limited liability company

By: W. Elton Kennedy, Agent

ACKNOWLEDGMENT

STATE OF LOUISIANA §
PARISH OF MOREHOUSE §

This instrument was acknowledged before me on November 13, 2019,
by W. Elton Kennedy, in his capacity as authorized Agent for Riceland Properties,
LLC.

Notary Public

Printed Name:

Notary ID No.:

JOHN C. LAIRD

NOTARY PUBLIC

PARISH OF OUACHITA

STATE OF LOUISIANA

MY COMMISSION IS FOR LIFE

NO. 14105

EXECUTED this 14 day of November, 2019.

GRANTEE: RICELAND LANDVEST, LLC
a TEXAS limited liability
company

By: Roger B Medors
Roger B. Medors ATTESTER, Agent

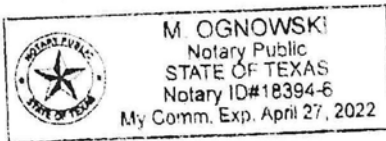
GRANTEE'S ADDRESS:

15915 Katy Hwy #405
Houston, TX 77047

ACKNOWLEDGMENT

STATE OF Texas §
COUNTY OF Harris §

This instrument was acknowledged before me on November 14, 2019,
by Roger B Medors, in his capacity as authorized Agent for Riceland Landvest,
LLC.



[Signature]
Notary Public
Printed Name: _____
Notary ID No.: _____

AFTER RECORDING RETURN TO:

RP-2019-508075
Pages 4
11/15/2019 12:16 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
DIANE TRAUTMAN
COUNTY CLERK
Fees \$24.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Diane Trautman

COUNTY CLERK
HARRIS COUNTY, TEXAS

SURFACE WATER RIGHTS CHANGE OF OWNERSHIP FORM

This Form is required to update the TCEQ ownership records of surface water rights in Texas. Submit a separate form for each water right. **See accompanying instructions regarding completion of this Form.** If you require additional assistance, you may contact the Water Rights Compliance Assurance Team (WRCAT) at (512) 239-4691.

1. Indicate: Water Rights Permit No. 1348, or Certificate of Adjudication No. 10-3980
2. Provide the contact information for the person TCEQ may contact while processing this form. Please verify that the mailing address is recognized by the US Postal Service (USPS) on the USPS website at <https://tools.usps.com/go/ZipLookupAction!input.action>.

Contact Name: Mr. Aaron Alford

Mailing Address: 15915 Katy Freeway, Ste. 405

City: Houston State: TX ZIP Code + four: 77094

Telephone No(s). Home: N/A Office: 281-646-1727 Fax: N/A

Email Address: [REDACTED]

3. Provide the Full Legal Name of each new owner of the water right and the address information of each owner (for Notices and communications once the water right ownership has been updated) in the spaces below. ****Note - The names of the new owner(s) must match the legal recorded conveyance documents that prove the change of ownership. Additionally, if a new owner is an entity, the legal name must match the name as filed with the Texas Secretary of State, County, or any other legal documents forming the entity.***

Please verify that the mailing address is recognized by the USPS website at <https://tools.usps.com/go/ZipLookupAction!input.action>.

First New Owner's Name(s): Riceland Landvest, LLC

Mailing Address: 15915 Katy Freeway, Ste. 405

City: Houston State: TX ZIP Code + four: 77094

For additional new owners, submit address(es) below or on a supplemental sheet(s).

Additional New Owner(s) Contact Information:

- a. Is any new owner a Corporation, a Limited Partnership, a Limited Liability Company, or Limited Liability Partnership registered with the Texas Secretary of State?
Yes or No YES

If yes, provide Secretary of State Filing Number(s): 803247921. You may verify an entity's name and filing number at <http://www.sos.state.tx.us/corp/sosda/index.shtml>

RECEIVED

DEC 06 2019

Water Availability Division

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

CN: _____ (leave blank if the new owner does not yet have a CN).

5. Pursuant to Title 30 Texas Administrative Code (TAC) §§ 297.81-297.83, relating to Conveyances of Land and Water Rights, **the following additional items must be submitted or the Form may be returned without processing.**
- This "Change of Ownership" Form fully completed, signed, and notarized.
 - Documents establishing a **complete chain of title** from the owner of record to the new owner. All such conveyance documents must be copies of **Certified** and/or **Recorded** documents on file in applicable county property records. (These documents usually consist of **deeds and other such conveyances** or, in case of an inheritance usually, the (a) **will**, (b) **probate order** and (c) **will inventory**.)
 - \$100 recording fee** for processing the Change of Ownership Form for the water right. Make your remittance payable to Texas Commission on Environmental Quality.
6. **Please Note** - if the water right is located in an area of a river basin under the jurisdiction of a TCEQ Watermaster, the water right may not be used if there are any outstanding penalties, fees, or interest related to the water right. You may contact the applicable Watermaster to verify there are no outstanding fees, penalties, and interest related to the water right. **Rio Grande Watermaster, (956) 430-6046; Concho Watermaster and South Texas Watermaster, (210) 490-3096; Brazos Watermaster, (254) 761-3006.**

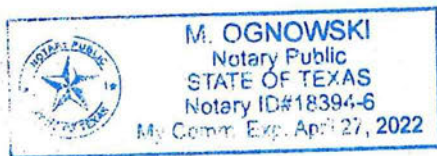
Roger B. Medors

Name (sign)

Riceland Landvest, LLC; By: Roger B. Medors

Name (print)

Subscribed and sworn to me as being true and correct before me this 14 day of November, 2019.



[Signature]
Notary Public, State of Texas

Submit this completed Form and all required items to:
Texas Commission on Environmental Quality
Water Rights Compliance Assurance Team (WRCAT)
PO Box 13088, MC-160
Austin, Texas 78711-3088
Telephone (512) 239-4691, FAX (512) 239-2214
WRAS@tceq.texas.gov



05-DEC-19 09:26 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

| Fee Code | Ref#1 | Check Number | CC Type | Slip Key | Tran Date | Tran Amount |
|-------------------|-------------|--------------|-----------|------------|-----------|-------------|
| Account# | Ref#2 | Card Auth. | Tran Code | Document# | | |
| Fee Description | Paid In By | User Data | Rec Code | | | |
| WTR USE PERMITS | | | | | | |
| WUP | M007412 | 120272 | | BS00077167 | 05-DEC-19 | -\$100.00 |
| WUP | ADJ 103980 | 120519 | N | D0801951 | | |
| WATER USE PERMITS | | | | | | |
| WUP | SOUTH LAND | VHERNAND | CK | | | |
| WUP | TITLE | | | | | |
| WUP | M007413 | 1333 | | BS00077167 | 05-DEC-19 | -\$100.00 |
| WUP | | 120519 | N | D0801951 | | |
| WATER USE PERMITS | | | | | | |
| WUP | WELLS, | VHERNAND | CK | | | |
| WUP | JAMES D | | | | | |
| WUP | M007414 | 3789 | | BS00077167 | 05-DEC-19 | -\$100.00 |
| WUP | ADJ142630 | 120519 | N | D0801951 | | |
| WATER USE PERMITS | | | | | | |
| WUP | WIER, BLANE | VHERNAND | CK | | | |

Total (Fee Code):

-\$300.00

Grand Total: -\$3,972.28



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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 16, 2020

Aaron Alford
Riceland Landvest, LLC
15915 Katy Freeway, Ste. 405
Houston, TX 77094

RE: Change of Ownership
Certificate of Adjudication No. 10-3980

Dear Mr. Alford:

In a letter dated December 10, 2019 (enclosed), staff requested additional information regarding the above referenced certificate.

To date, we have not received sufficient information to complete the change of ownership.

Pursuant to Title 30 Texas Administrative Code (TAC) §§297.81-.83, *Relating to Conveyances of Land and Water Rights*, before the change of ownership can be completed, please provide the following information:

1. Recorded copies of legal documents establishing a complete chain of title from the owner of record, Riceland Properties, LLC to you, Riceland Landvest LLC. These documents usually consist of deeds and other such conveyances or, in case of inheritance, the (a) will, (b) probate order, and (c) will inventory.

Pursuant to Title 30 TAC §281.18, please provide the requested information and fee by January 30, 2019 or the file may be closed.

If you have any questions concerning this matter, please contact Carson Shockley via e-mail at Carson.Shockley@tceq.texas.gov or by telephone at (512) 239-1648.

Sincerely,

A handwritten signature in blue ink that reads "Kathy Buckley" with a stylized flourish at the end. Below the signature, the initials "-cs-" are written.

Kathy Buckley, Water Rights Ownership and Reporting Specialist, MC-160
Water Rights Compliance Assurance Team
Water Availability Division

KB/cs

Enclosures

Cc: Ken Miller: TCEQ Region 12

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 10, 2019

Mr. Aaron Alford
Riceland Landvest, LLC
15915 Katy Freeway, Ste. 405
Houston, TX 77094

CERTIFIED MAIL

7489 0090 0027 6002 8112 82

RE: Change of Ownership
Certificate of Adjudication No. 10-3980

Dear Mr. Alford:

Pursuant to Title 30 Texas Administrative Code (TAC) §§297.81-.83, *Relating to Conveyances of Land and Water Rights*, before the change of ownership can be completed, please provide the following information:

1. Recorded copies of legal documents establishing a complete chain of title from the owner of record, Riceland Properties, LLC to you, Riceland Landvest LLC. These documents usually consist of deeds and other such conveyances or, in case of inheritance, the (a) will, (b) probate order, and (c) will inventory.

Pursuant to Title 30 TAC §281.18, please provide the requested information and fee by January 10, 2019 or the file may be closed.

If you have any questions concerning this matter, please contact Carson Shockley via e-mail at Carson.Shockley@tceq.texas.gov or by telephone at (512) 239-1648.

Sincerely,

A handwritten signature in blue ink that reads "Kathy Buckley" with "- CS -" written below it.

Kathy Buckley, Water Rights Ownership and Reporting Specialist, MC-160
Water Rights Compliance Assurance Team
Water Availability Division

KB/cs

Enclosures

Cc: Ken Miller: TCEQ Region 12

TEXAS SECRETARY of STATE
RUTH R. HUGHS**BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY**

Filing Number: 803247921 **Entity Type:** Domestic Limited Liability Company (LLC)
Original Date of Filing: February 26, 2019 **Entity Status:** In existence
Formation Date: N/A
Tax ID: 32069864265 **FEIN:**
Duration: Perpetual

Name: Riceland Landvest LLC
Address: 15915 KATY FWY STE 405
HOUSTON, TX 77094-1710 USA

| <u>REGISTERED AGENT</u> | <u>FILING HISTORY</u> | <u>NAMES</u> | <u>MANAGEMENT</u> | <u>ASSUMED NAMES</u> | <u>ASSOCIATED ENTITIES</u> |
|---|--------------------------------|-------------------------|--|----------------------|----------------------------|
| Last Update February 26, 2019 | Name Roger B. Medors | Title Manager | Address 15915 Katy Freeway, Suite 405 Houston, TX 77094 USA | | |

[Order](#)[Return to Search](#)**Instructions:**

- To place an order for additional information about a filing press the 'Order' button.



1 free report left this month

< Back

Report 2

PRINT DOWNLOAD SHARE

2 fields, 1,875 acres in Harris County, TX Dec 10, 2019 9:29:05 AM

REPORTS

Soil Survey

Crop History

Ownership

Harris County, TX

| | FIELD | ACRES | LOCATION | OWNER (LAST UPDATED) | OWNER ADDRESS |
|---|-------|----------|--------------------|--------------------------------------|------------------------|
| 1 | | 396.06 | APN: 0431660000021 | RICELAND PROPERTIES INC (08/17/2018) | Upgrade to Pro to view |
| 2 | | 1,479.37 | APN: 0450310000020 | RICELAND PROPERTIES INC (08/17/2018) | Upgrade to Pro to view |

Map / About / FAQ / Granular



All Rights Reserved Terms of Service Privacy © 2019 Granular, Inc.

Ownership History: 0450310000020**0 RAMSEY RD
CROSBY TX 77532**

| Owner | Effective Date |
|---------------------------|----------------|
| RICELAND PROPERTIES INC | 1/2/1994 |
| FARM CREDIT BANK OF TX | 1/2/1993 |
| FED LAND BANK ASSOCIATION | 9/15/1992 |
| FARM CREDIT BANK OF TEXAS | 3/7/1989 |
| SEABERG ROBERT K | 1/2/1984 |

[end of record]

-close window-

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 10-3980

OWNERS: Roy A. Seaberg, Roy A.
Seaberg, Jr., Curtis A.
Seaberg and Kenneth R.
Seaberg
P. O. Box 98
Dayton, Texas 77535

COUNTY: Harris

PRIORITY DATE: December 7, 1942

WATERCOURSE: San Jacinto River
(Lake Houston)

BASIN: San Jacinto River

WHEREAS, by final decree of the 155th Judicial District Court of Waller County, in Cause No. 10,023, In Re: The adjudication of Water Rights in the San Jacinto River Basin dated June 12, 1985, a right was recognized under Permit 1347A and Permit 1348 authorizing Roy A. Seaberg, Roy A. Seaberg, Jr., Curtis A. Seaberg and Kenneth R. Seaberg to appropriate waters of the State of Texas as set forth below;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the San Jacinto River Basin is issued to Roy A. Seaberg, Roy A. Seaberg, Jr., Curtis A. Seaberg and Kenneth R. Seaberg, subject to the following terms and conditions:

1. IMPOUNDMENT

Owners are authorized to maintain an existing 100 acre-foot capacity off-channel reservoir and a 300 acre-foot capacity off-channel reservoir. Both reservoirs are located in the William Keyser Survey, Abstract 500, Harris County, Texas.

2. USE

Owners are authorized to divert and use not to exceed 1600 acre-feet of water per annum from the San Jacinto River (Lake Houston) to irrigate a maximum of 800 acres of land out of four tracts totalling 4227.47 acres of which the fourth tract containing 315.369 acres described below is leased land. The four tracts are located in the J. L. Jones Survey, Abstract 1731; the H.T. & B. Railroad Company Survey, Abstract 419; the B. A. Noland Survey, Abstract 603; the John Gibson Survey, Abstract 289; the John Sellers Survey, Abstract 727; the William Keyser Survey, Abstract 500 and the John Merry Survey, Abstract 49, Harris County, Texas, said four tracts being described as follows:

FIRST TRACT:

- (1) BEGINNING at the southeast corner of the H.T. & B. Railroad Company Survey, Abstract 419;
- (2) THENCE West, 6122.22 feet to the southwest corner of said Survey on the east line of the B.A. Noland Survey;
- (3) THENCE North, 1808.17 feet with the east line of said Noland Survey to the southeast corner of an eighty acre tract;
- (4) THENCE West, 2297.00 feet to a point for a corner;
- (5) THENCE North, 1517.11 feet to a point for a corner;
- (6) THENCE East, 4072.00 feet to an interior corner of said H.T. & B. Railroad Company Survey;
- (7) THENCE North, 1729.72 feet to the northwest corner of said survey;
- (8) THENCE East, 162.5 feet to the southwest corner of the J. L. Jones Survey;

TCEQ Water Rights Change of Ownership Memorandum

To: Records Management

Date: February 15, 2019

From: Permit Support Compliance and
Groundwater Section Water Availability
Division

Certificate of Adjudication No. 10-3980

Source County: Harris

Source Basin: San Jacinto River

Subject: Change of Ownership

Add: Montgomery Trace Property Owners Association, as owner

Conveyance Documents Reviewed:

| Title | Dated | Doc. No. | Volume No. | Page No. |
|--|------------|----------------|------------|----------|
| Special Warranty Deed (Portion of Adjudicated Surface Water Rights) | 09/25/2017 | RP-2017-434208 | - | - |
| Memorandum of Contract | 06/01/2012 | 20120252459 | 3327 | 1460 |

The change of ownership form and the \$100 recording fee (Receipt No. R204484) were received on October 17, 2011. The review was completed on February 15, 2019. The conclusions in this memo are based upon a review of the above-mentioned conveyance documents submitted by the applicant from the Official Public Records of Harris County, Texas. The conclusions are subject to change if additional information is received.

Ownership of Record with Addresses and Remarks:

1. Curtis A. Seaberg
511 S Church St.
Dayton, TX 77535-2712
2. Kenneth R. Seaberg
511 S Church St.
Dayton, TX 77535-2712
3. Roy A. Seaberg
511 S Church St.
Dayton, TX 77535-2712
4. Roy A. Seaberg, Jr.
511 S Church St.
Dayton, TX 77535-2712
5. Montgomery Trace Property Owners Association
c/o Chaparral Management Company, Inc.
P.O. Box 681007
Houston, TX 77268-1007
6. Riceland Properties, LLC
P.O. Box 259
Mer Rouge, LA 71261-3130

The ownership interest has been apportioned as follows:

Authorization 1: **Impoundment of 300 acre-feet of water** in an off-channel reservoir in the William Keyser Survey, Abstract No. 500, Harris County, Texas.

| Owner Names |
|--|
| Curtis A. Seaberg, Kenneth R. Seaberg, Roy A. Seaberg, and Roy A. Seaberg, Jr. |

Authorization 2: **Impoundment of 100 acre-feet of water** in an off-channel reservoir in the William Keyser Survey, Abstract No. 500, Harris County, Texas.

| Owner Names |
|--|
| Curtis A. Seaberg, Kenneth R. Seaberg, Roy A. Seaberg, and Roy A. Seaberg, Jr. |

Authorization 3: **Diversion of 58.8 acre-feet of water per year for Agricultural Purposes** from the San Jacinto River (Lake Houston) to irrigate a maximum of 29.40 acres of land out of a 143.760-acre tract located in the J.L. Jones Survey, Abstract No. 1731, the H.T. & B. Survey, Abstract No. 603, the John Gibson Survey, Abstract 289, the John Sellers Survey, Abstract No. 727, the William Keyser Survey, Abstract No. 500, and the John Merry Survey, Abstract No. 49, Harris County, Texas.

| Owner Names | Amount | Purpose |
|--|----------------|---|
| Curtis A. Seaberg, Kenneth R. Seaberg, Roy A. Seaberg, and Roy A. Seaberg, Jr. | 58.8 acre-feet | Irrigation of 29.40 acres out of a 143.760-acre tract |

Authorization 4: **Diversion of 1471.20 acre-feet of water per year for Agricultural Purposes** from the San Jacinto River (Lake Houston) to irrigate a maximum of 770.60 acres of land out of a 3783.745-acre tract located in the J.L. Jones Survey, Abstract No. 1731, the H.T. & B. Survey, Abstract No. 603, the John Gibson Survey, Abstract 289, the John Sellers Survey, Abstract No. 727, the William Keyser Survey, Abstract No. 500, and the John Merry Survey, Abstract No. 49, Harris County, Texas.

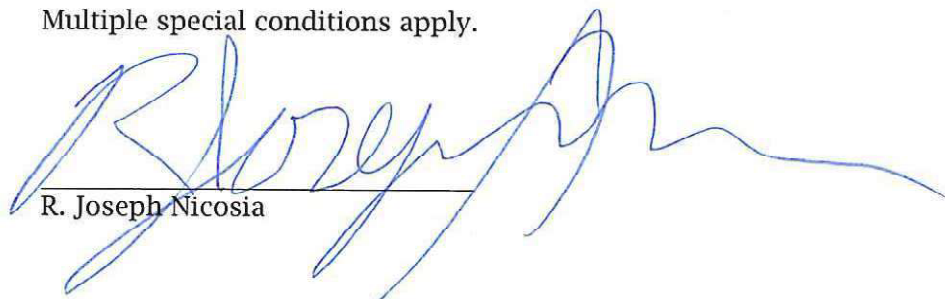
| Owner Names | Amount | Purpose |
|--------------------------|-------------------|---|
| Riceland Properties, LLC | 1471.20 acre-feet | Irrigation of 770.60 acres out of a 3783.745-acre tract |

Authorization 5: **Diversion of 70 acre-feet of water per year for Agricultural Purposes** to support 108 acre-feet of storage in the reservoir on Fish Creek, authorized by Water Use Permit 5694 in the William Keyser Survey, Abstract No. 500, Harris County, Texas.

| Owner Names | Amount |
|--|--------------|
| Montgomery Trace Property Owners Association | 70 acre-feet |

Roy A. Seaberg is the reporting and customer contact for Curtis A. Seaberg, Kenneth R. Seaberg, and Roy A. Seaberg, Jr.

Multiple special conditions apply.



R. Joseph Nicosia

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

INTEROFFICE MEMORANDUM

TO : Records Management

DATE: March 9, 1994

Certificate of Adjudication No. 10-3980
Harris County
San Jacinto River Basin

FROM : Permitting Section
Watershed Management Division

SUBJECT : Change of Ownership

Delete : Farm Credit Bank of Texas as part owner

Add : Riceland Properties, Inc., as part owner

Special Warranty Deed With Vendor's Lien dated November 15, 1993, has been checked and found to cover part of the water right.

Ownership of Record with Addresses and Remarks:

- | | |
|---|---|
| 1. Roy A. Seaberg, et al (et al consists of: Curtis A. Seaberg, Roy A. Seaberg, Jr., and Kenneth Robert Seaberg) P. O. Box 100 Dayton, Texas 77535 | 2. Riceland Properties, Inc. P. O. Box 259 Mer Rouge, Louisiana 71261 |
|---|---|

The Special Warranty Deed With Vendor's Lien dated November 15, 1993, can be found in the files for the Certificates of Adjudication Nos. 10-3979 and 10-3980.

The ownership of the water rights under this certificate of adjudication, on a prorata basis, is established as follows:

- | | |
|---------------|---|
| 1. Roy, et al | 58.80 ac/ft for irrigation of 29.40 ac out of 143.760 ac. of land |
| 2. Riceland | <u>1541.20 ac/ft for irrigation of 770.60 ac out of 3783.745 ac. of land</u> 1600.00 ac/ft for irrigation of 800.00 ac out of 3927.505 ac. of land |

Riceland Properties, Inc's 3783.745 acres consist of 2967.003 acre-tract (William Keyser Survey, Abstract 500, and John Sellers Survey, Abstract 747); 95.4212 acre-portion (J. L. Jones Survey, Abstract 1731), 129.2188 & 512.1020 acre-portions (H. T. & B. R. R. Company Survey Section 5, Abstract 419); and 80 acre-portion (north 1/2 of the south 1/2 of the B. A. Noland Survey, Abstract 603) of 1037.747 acre-tract, Harris County.

Mohan Reddy

Data entry made: 3/31/94 Permitting Section: Shalita Lopez

Change Noted: _____ Central Records/date: _____

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 10-3980 OWNERS: Roy A. Seaberg, Roy A. Seaberg, Jr., Curtis A. Seaberg and Kenneth R. Seaberg
P. O. Box 98
Dayton, Texas 77535

COUNTY: Harris

PRIORITY DATE: December 7, 1942

WATERCOURSE: San Jacinto River
(Lake Houston)

BASIN: San Jacinto River

WHEREAS, by final decree of the 155th Judicial District Court of Waller County, in Cause No. 10,023, In Re: The adjudication of Water Rights in the San Jacinto River Basin dated June 12, 1985, a right was recognized under Permit 1347A and Permit 1348 authorizing Roy A. Seaberg, Roy A. Seaberg, Jr., Curtis A. Seaberg and Kenneth R. Seaberg to appropriate waters of the State of Texas as set forth below;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the San Jacinto River Basin is issued to Roy A. Seaberg, Roy A. Seaberg, Jr., Curtis A. Seaberg and Kenneth R. Seaberg, subject to the following terms and conditions:

1. IMPOUNDMENT

Owners are authorized to maintain an existing 100 acre-foot capacity off-channel reservoir and a 300 acre-foot capacity off-channel reservoir. Both reservoirs are located in the William Keyser Survey, Abstract 500, Harris County, Texas.

2. USE

Owners are authorized to divert and use not to exceed 1600 acre-feet of water per annum from the San Jacinto River (Lake Houston) to irrigate a maximum of 800 acres of land out of four tracts totalling 4227.47 acres of which the fourth tract containing 315.369 acres described below is leased land. The four tracts are located in the J. L. Jones Survey, Abstract 1731; the H.T. & B. Railroad Company Survey, Abstract 419; the B. A. Noland Survey, Abstract 603; the John Gibson Survey, Abstract 289; the John Sellers Survey, Abstract 727; the William Keyser Survey, Abstract 500 and the John Merry Survey, Abstract 49, Harris County, Texas, said four tracts being described as follows:

FIRST TRACT:

- (1) BEGINNING at the southeast corner of the H.T. & B. Railroad Company Survey, Abstract 419;
- (2) THENCE West, 6122.22 feet to the southwest corner of said Survey on the east line of the B.A. Noland Survey;
- (3) THENCE North, 1808.17 feet with the east line of said Noland Survey to the southeast corner of an eighty acre tract;
- (4) THENCE West, 2297.00 feet to a point for a corner;
- (5) THENCE North, 1517.11 feet to a point for a corner;
- (6) THENCE East, 4072.00 feet to an interior corner of said H.T. & B. Railroad Company Survey;
- (7) THENCE North, 1729.72 feet to the northwest corner of said survey;
- (8) THENCE East, 162.5 feet to the southwest corner of the J. L. Jones Survey;

Certificate of Adjudication 10-3980

- (9) THENCE North, 1005.83 feet to the northwest corner of said Jones Survey;
- (10) THENCE East, 4184.72 feet to the northeast corner of said Jones Survey;
- (11) THENCE South, 6060.83 feet to the place of beginning, containing 816.16 acres of land.

SECOND TRACT:

All of the William Keyser Survey, Abstract 500 and the John Sellers Survey, Abstract 727, Harris County, Texas, containing 2952.13 acres of land.

THIRD TRACT:

- (1) BEGINNING at a railroad spike buried in the east side of a shell road for the occupied and accepted northeast corner of the John Sellers Survey, Abstract 727;
- (2) THENCE S 04°27'E, 2502.22 feet with the east line of said Sellers Survey to a point for a corner;
- (3) THENCE N 89°28'E, 2020.54 feet to a point for a corner;
- (4) THENCE N 00°50'W, 2763.00 feet to the center of Cedar Bayou;
- (5) THENCE up the centerline of said Cedar Bayou to a point for a corner hereof;
- (6) THENCE S 81°52'W, 22.45 feet to a railroad tie used as a fence angle post;
- (7) THENCE S 85°48'W, 1337.10 feet to a point on the east side of a graded road;
- (8) THENCE S 04°27'E, 896.95 feet to the place of beginning, containing 143.81 acres of land.

FOURTH TRACT: (Leased Land)

- (1) BEGINNING at a concrete monument set at the intersection of the east line of F.M. Highway 2100 (also known as the Crosby-Huffman Road), with the southerly line of the B.S.L. & W. Railroad;
- (2) THENCE N 60°59'E, 2230.71 feet with the southerly line of said railroad to an iron rod for a corner;
- (3) THENCE N 89°20'E, 4101.03 feet to a fence corner;
- (4) THENCE S 00°57'E, 2307.03 feet to a point for a corner in the south line of the John Merry Survey;
- (5) THENCE S 89°08'W, 3450.07 feet along the south line of said Merry Survey to an iron pipe;
- (6) THENCE S 89°10'W, 3148.66 feet to an iron rod in the east line of said Crosby-Huffman Road;
- (7) THENCE N 15°09'E, 1202.30 feet along the east line of said road to an angle point in same;
- (8) THENCE N 15°50'E, 337.06 feet to the place of beginning, containing 315.369 acres of land.

3. DIVERSION

- A. Location
At a point on the East bank of Lake Houston in the Frederick N. Rankin Survey, Abstract 57, Harris County, Texas.
- B. Maximum rate: 20.22 cfs (9100 gpm).

4. PRIORITY

The time priority of owners' right is December 7, 1942.

5. SPECIAL CONDITIONS

- A. Owners are authorized to store water diverted from the San Jacinto River (Lake Houston) in the aforesaid two off-channel reservoirs for subsequent diversion and use to the extent authorized herein.
- B. Authorization to irrigate the 315.369 acres of land described as Tract Four above shall expire upon termination of the lease agreement and said land will be excluded from land authorized under the provisions of this certificate of adjudication.
- C. Owners shall install a measuring device to be approved by the Commission, by means of which all diversions of water under this certificate shall be measured and recorded.
- D. The authorization to irrigate the above described tracts of land is appurtenant only to that portion of the said tracts which certificate holders own.
- E. Owners are authorized to divert water under this certificate only at such times as the water to which they are entitled is flowing into Lake Houston as per agreement with the City of Houston.

The locations of pertinent features related to this certificate are shown on Page 15 of the San Jacinto River Basin Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Water Commission, Austin, Texas and the Harris County Clerk.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 155th Judicial District Court of Waller County, Texas, in Cause No. 10,023, In Re: The Adjudication of Water Rights in the San Jacinto River Basin dated June 12, 1985 and supersedes all rights of the owner asserted in that cause.

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

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

Certificate of Adjudication 10-3980

This water right is appurtenant to and is an undivided part of Tracts One, Two and Three described above within which irrigation is authorized. No permanent water right is appurtenant to Tract Four described above. A transfer of any portion of the land described in Tracts One, Two and Three includes, unless otherwise specified, a proportionate amount of the water right owned by the owner or seller at the time of the transaction.

TEXAS WATER COMMISSION

Paul Hopkins

Paul Hopkins, Chairman

DATE ISSUED:

MAR 14 1986

ATTEST:

Mary Ann Hefner

Mary Ann Hefner, Chief Clerk

APPENDIX B – LIST OF PROPERTY DEEDS

Appendix B - Summary of Deeds Reviewed

| INSTRUMENT | GRANTOR | GRANTEE | CONVEYANCE OR RESERVATION OF WATER RIGHTS |
|---|---------------------------|--|---|
| Special Warranty Deed recorded on 11/19/1993 as instrument number 175-53-0872 | Farm Credit Bank of Texas | Riceland Properties, Inc. | No reservation of water rights by Farm Credit Bank of Texas |
| Special Warranty Deed recorded on 7/27/2001 as instrument number V200493 | Riceland Properties, Inc. | Billy E. Murff | No conveyance of any water rights; Riceland reserved all adjudicated water rights |
| Special Warranty Deed recorded on 9/6/2002 as instrument number 556-31-8482 | Riceland Properties, Inc. | Mark Walker | No conveyance of any water rights; Riceland reserved all adjudicated water rights |
| Special Warranty Deed recorded on 9/3/2002 as instrument number 555-97-2208 | Riceland Properties, Inc. | Harper R. and Pamela C. Walker | No conveyance of any water rights; Riceland reserved all adjudicated water rights |
| Special Warranty Deed recorded on 9/6/2002 as instrument number 556-31-8456 | Riceland Properties, Inc. | David L. and Deborah D. Vincent | No conveyance of any water rights; Riceland reserved all adjudicated water rights |
| Special Warranty Deed recorded on 2/14/2003 as instrument number 563-18-8597 | Riceland Properties, Inc. | John Calvin Walters and Kristen Dawn Walters | No conveyance of any water rights; Riceland reserved all adjudicated water rights |
| Special Warranty Deed recorded on 3/11/2003 as instrument number 564-33-1168 | Riceland Properties, Inc. | Steven Thraser | No conveyance of any water rights; Riceland reserved all adjudicated water rights |
| Special Warranty Deed recorded on 3/28/2003 as instrument number 565-17-1131 | Riceland Properties, Inc. | Gary Ressler | No conveyance of any water rights; Riceland reserved all adjudicated water rights |
| Special Warranty Deed recorded on 7/11/2003 as instrument number 571-14-2270 | Riceland Properties, Inc. | Billy E. Murff | No conveyance of any water rights; Riceland reserved all adjudicated water rights |
| Special Warranty Deed recorded on 11/11/2004 as instrument number Y056225 | Riceland Properties, Inc. | Gin City Land Company, Inc. | Conveyance of 1,542.376 acre feet of adjudicated water rights out of certificate no. 09-3913A |
| Special Warranty Deed recorded on 10/8/2005 as instrument number 012-84-0087 | Riceland Properties, LLC | Billy E. Murff | No conveyance of any water rights; Riceland reserved all adjudicated water rights |

| INSTRUMENT | GRANTOR | GRANTEE | CONVEYANCE OR RESERVATION OF WATER RIGHTS |
|--|---|--|--|
| Special Warranty Deed recorded on 6/5/2007 as instrument number 002-78-1617 | Riceland Properties, LLC | Joe E. Mangum, III and Joe M. Mangum | No conveyance of any water rights; Riceland reserved all adjudicated water rights |
| Special Warranty Deed recorded on 6/12/2008 as instrument number 007-68-0326 | Riceland Properties, LLC | Murff Family Partnership, Ltd. | No conveyance of any water rights; Riceland reserved all adjudicated water rights |
| Special Warranty Deed recorded on 6/8/2011 as instrument number 024-33-0551 | Riceland Properties, LLC | Johnny Santana | No conveyance of any water rights; Riceland reserved all adjudicated water rights |
| Special Warranty Deed recorded on 9/16/2011 as instrument number 026-61-2186 | Riceland Properties, LLC (successor by merger with Riceland Properties, Inc.) | Brent D. and Linda L Burley | No conveyance of any water rights; Riceland reserved all adjudicated water rights |
| Special Warranty Deed recorded on 7/11/2012 as instrument number 20120196984 | Riceland Properties, LLC | Royce L. Daskocil | No conveyance of any water rights; Riceland reserved all adjudicated water rights |
| Memorandum of Contract recorded on 6/8/2012 as instrument number 20120252459 | Riceland Properties, LLC | Montgomery Trace Property Owners Association, Inc. | Memorandum to evidence buyer's right to buy 70 acre feet of water rights from certificate No. 10- 3980 |
| Special Warranty Deed recorded on 10/3/2017 as instrument number 2017-434208 | Riceland Properties, LLC | Montgomery Trace Property Owners Association, Inc. | Sale of 70 acre feet of water rights from certificate No.10-3980 |

APPENDIX C - EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Water Rights Features

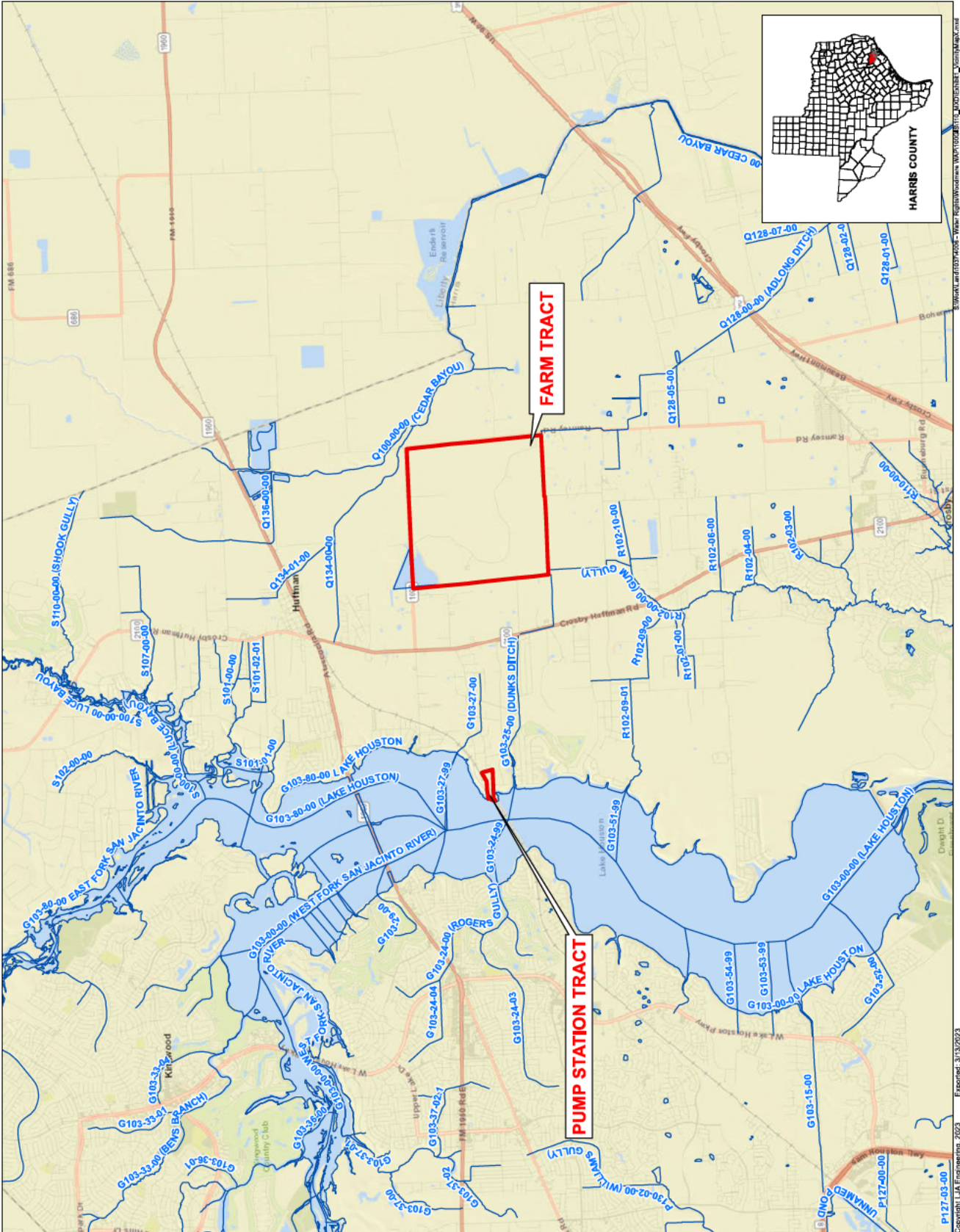
Exhibit 3 – Aerial Imagery Map

Exhibit 4 – Topographic Map

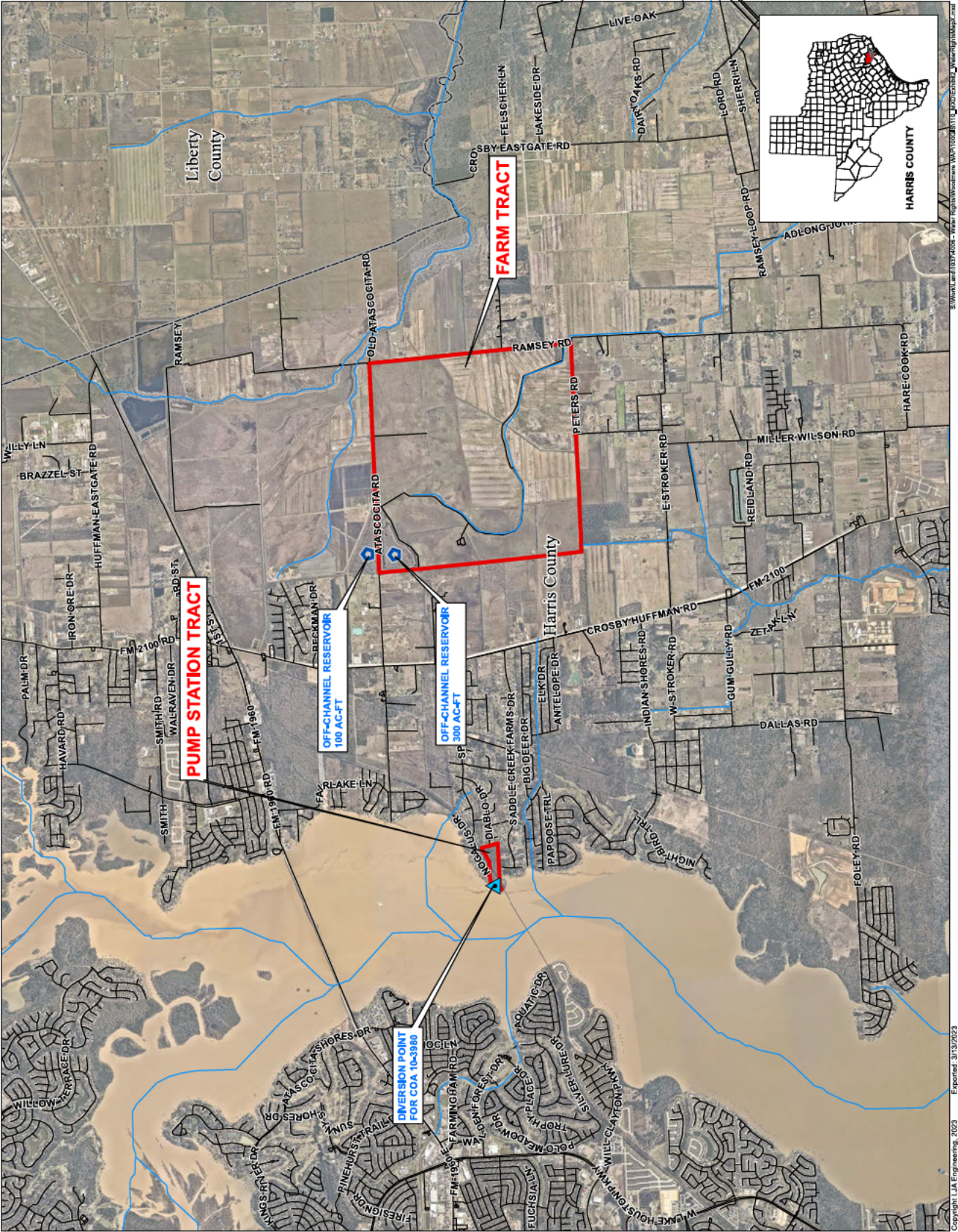
Exhibit 5 – Abstract Survey Map

Exhibit 6 – River Basin Map

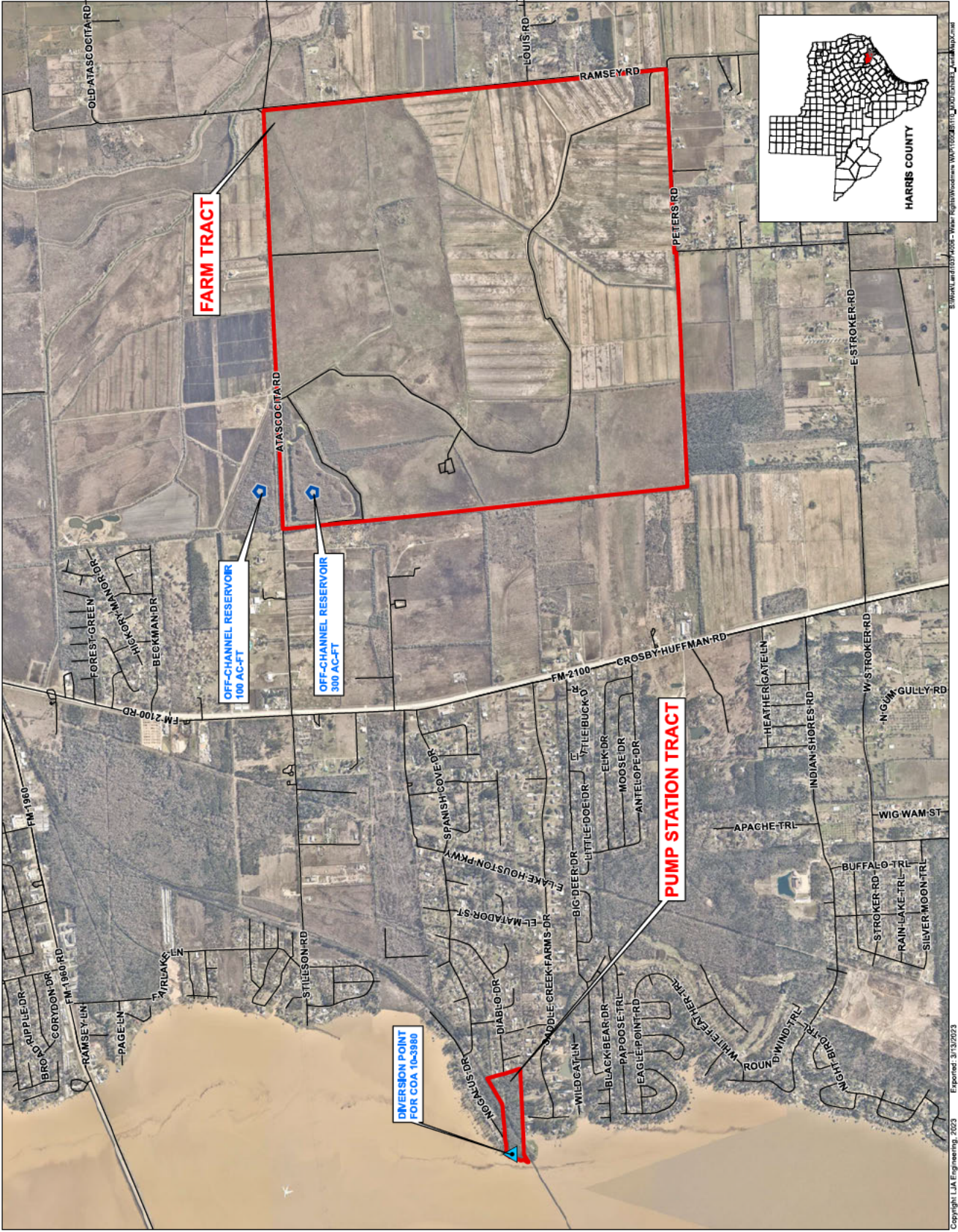
| | | | | | | | |
|---|--|---|--|--|-------------------------------------|--|---|
| <p>Riceland Landvest, LLC Water Rights Permit Amendment</p> <p>Harris County, Texas</p> | <p>Exhibit 1 Vicinity Map</p> | <p>Key to Features</p> <ul style="list-style-type: none"> Stream Centerline Riceland Landvest Project Boundary | <p>N</p> <p>0 6,000 12,000 Feet</p> <p>1 inch = 6,000 feet</p> | <p>Sources: ESRM, 2022; NPHL, 2023</p> <p>Horizontal Datum: NAD 83 Vertical Datum: NAVD 88</p> | <p>Project No. 1037-4006</p> | <p>Woodmere Development Co., LTD 15915 Katy Freeway Suite 405 Houston, TX 77094</p> | <p>LJA ENGINEERING FRN - F-1386</p> |
|---|--|---|--|--|-------------------------------------|--|---|



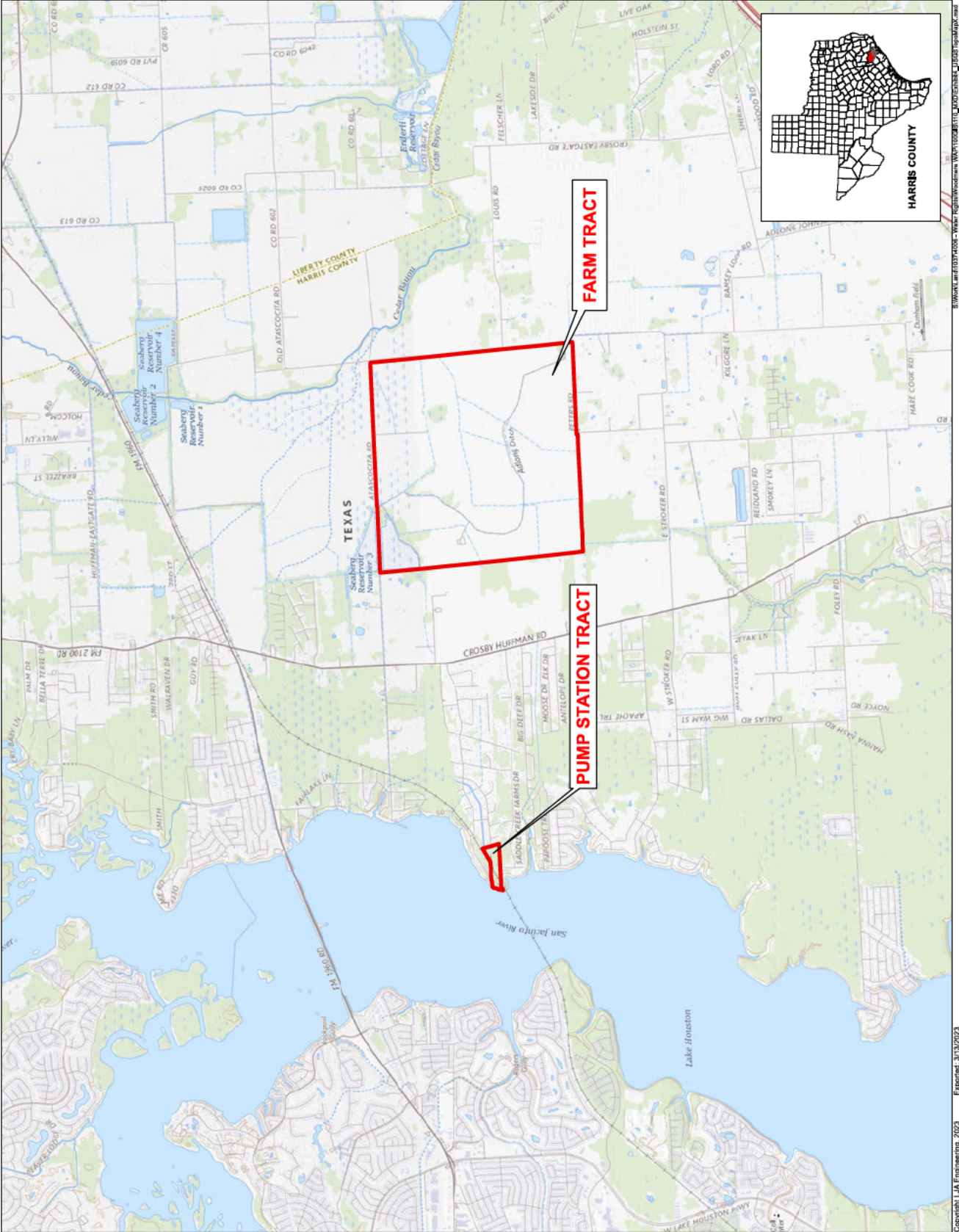
| | | | | | | |
|---|--|--|--|-------------------------------------|--|---|
| <p>Riceland Landvest, LLC Water Rights Permit Amendment</p> <p>Harris County, Texas</p> | <p>Exhibit 2 Water Rights Map</p> | <p>Key to Features</p> <ul style="list-style-type: none"> Pond Diversion Road WAM Flowline Riceland Landvest Project Boundary County Boundary | <p>0 4,000 8,000 Feet</p> <p>1 inch = 4,000 feet</p> <p>Sources: ESRI, 2022; USGS, 2023 RRC, 2023</p> <p>Horizontal Datum: NAD 83 Vertical Datum: NAVD 88</p> | <p>Project No. 1037-4006</p> | <p>Woodmere Development Co., LTD 15915 Katy Freeway Suite 405 Houston, TX 77094</p> | <p>LJA ENGINEERING FRN - F - 1386</p> |
|---|--|--|--|-------------------------------------|--|---|

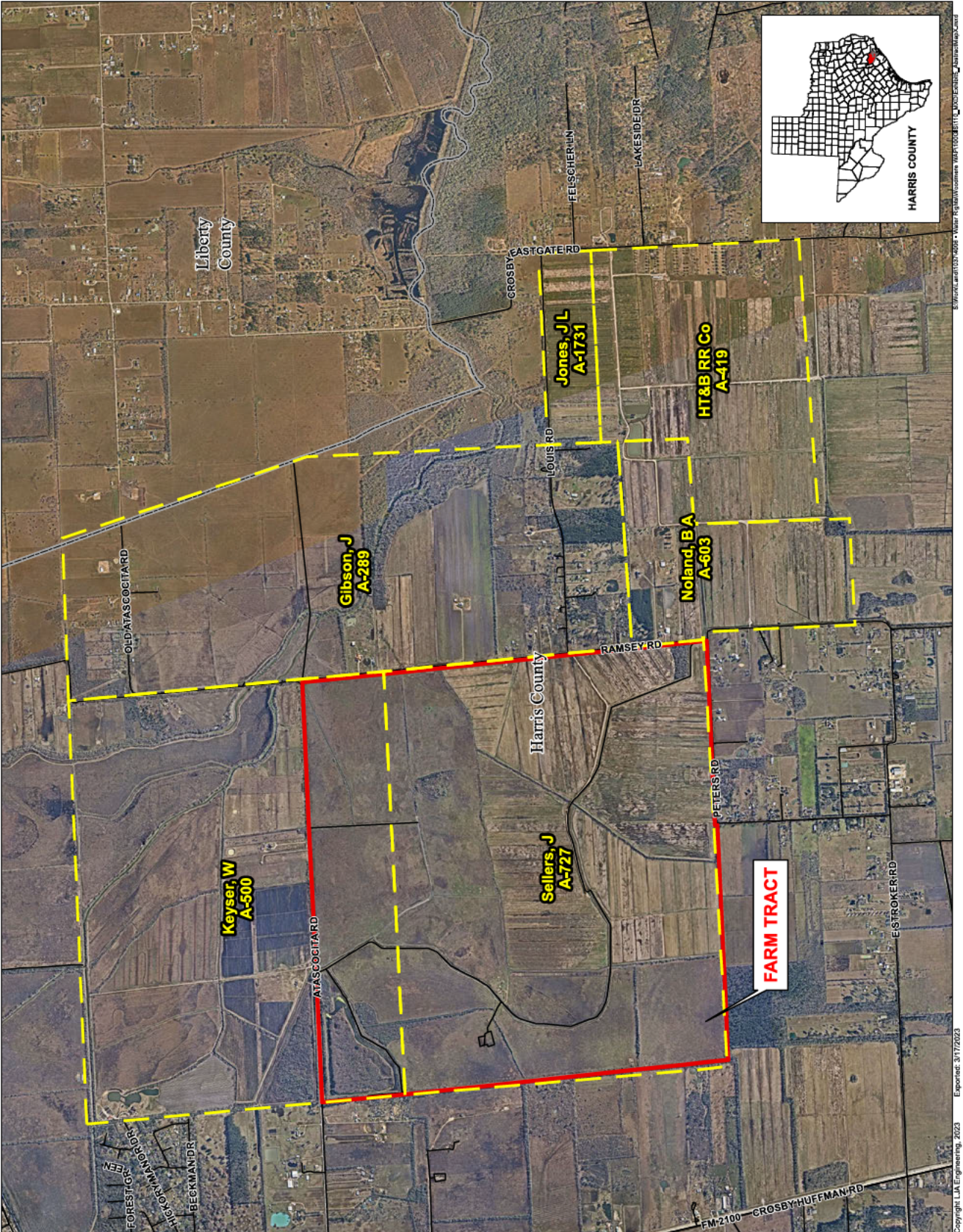








| | | | | | | |
|---|--|--|---|-------------------------------------|--|---|
| <p>Riceland Landvest, LLC Water Rights Permit Amendment</p> <p>Harris County, Texas</p> | <p>Exhibit 3 Aerial Map</p> | <p>Key to Features</p> <ul style="list-style-type: none"> Pond Diversion Road Riceland Landvest Project Boundary | <p>0 2,000 4,000 Feet</p> <p>1 inch = 2,000 feet</p> <p>Sources: Nearmap, 2023; RRC, 2023; TCEQ WAM, 2023; USGS, 2022</p> <p>Horizontal Datum: NAD 83 Vertical Datum: NAVD 88</p> | <p>Project No. 1037-4006</p> | <p>Woodmere Development Co., LTD 15915 Katy Freeway Suite 405 Houston, TX 77094</p> | <p>LJA ENGINEERING FRN - F - 1386</p> |
|---|--|--|---|-------------------------------------|--|---|



| | | | | | | | |
|---|---|--|---|---|-------------------------------------|--|--|
| <p>Riceland Landvest, LLC Water Rights Permit Amendment</p> <p>Harris County, Texas</p> | <p>Exhibit 4 USGS Topography Map</p> | <p>Key to Features</p> <p>Stream Centerline</p> <p>Riceland Landvest Project Boundary</p> | <p>N</p> <p>0 4,000 8,000 Feet</p> <p>1 inch = 4,000 feet</p> | <p>Sources: ESRI, 2022</p> <p>Horizontal Datum: NAD 83</p> <p>Vertical Datum: NAVD 88</p> | <p>Project No. 1037-4006</p> | <p>Woodmere Development Co., LTD</p> <p>15915 Katy Freeway</p> <p>Suite 405</p> <p>Houston, TX 77094</p> | <p>LJA</p> <p>LJA ENGINEERING</p> <p>FRN - F - 1386</p> |
|---|---|--|---|---|-------------------------------------|--|--|



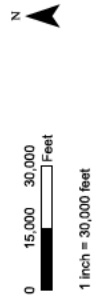


| | | | |
|---|--|---|--|
| Riceland Landvest, LLC Water Rights Permit Amendment | | Harris County, Texas | |
| Exhibit 5 Abstract Survey Map | | | |
| Key to Features | |  Road  Riceland Landvest Project Boundary  Abstract Survey Parcel  County Boundary | |
| | |  N 0 2,000 4,000 Feet 1 inch = 2,000 feet | |
| | | Sources: Harris County CAD, 1942; USGS, 1983; USCB, 2022 Horizontal Datum: NAD 83 Vertical Datum: NAVD 88 | |
| | | Project No. 1037-4006 | |
| | | Woodmere Development Co., LTD 15915 Katy Freeway Suite 405 Houston, TX 77094 | |
| | |  LJA ENGINEERING FRN - F - 1386 | |

**Riceland Landvest, LLC
Water Rights Permit
Amendment**

Harris County,
Texas

**Exhibit 6
River Basin Map**

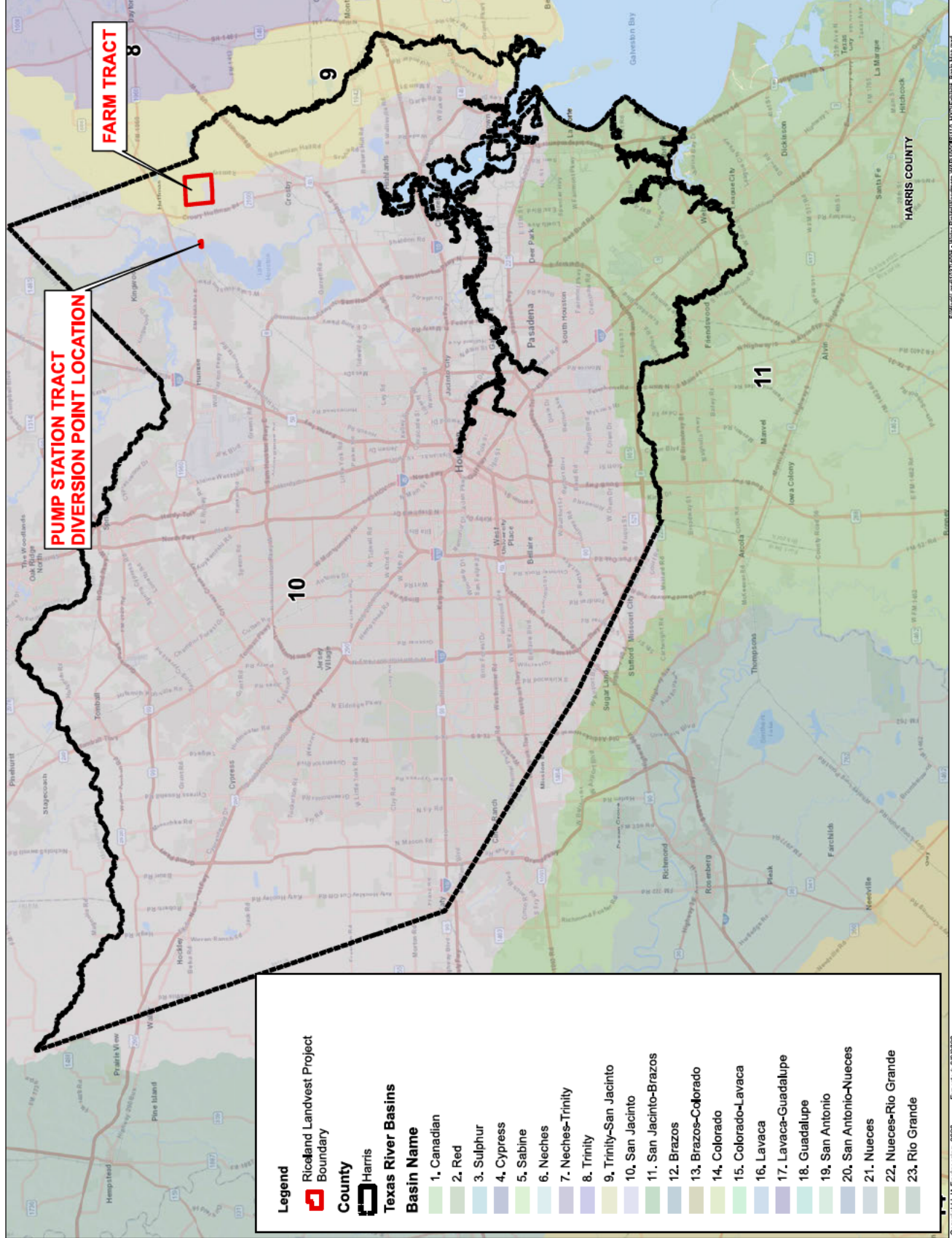


Sources: ESRI, 2023;
TWDB, 2014
Horizontal Datum: NAD 83
Vertical Datum: NAVD 88

Project No. 1037-4006

Woodmere Development Co., LTD
15915 Katy Freeway
Suite 405
Houston, TX 77094

LJA
LJA ENGINEERING
FRN - F - 1386



APPENDIX D – WATER APPROPRIATION PERMIT AMENDMENT APPLICATION

TCEQ-10214B (revised 01/23/2023) Water Rights Permitting Application Administrative Information Report

TCEQ-10214C (02/01/2022) Water Rights Permitting Availability Technical Information Sheet

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): Riceland Landvest, LLC

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

Y/N

Y **Administrative Information Report**

N Additional Co-Applicant Information

N Additional Co-Applicant Signature Pages

Y Written Evidence of Signature Authority

Y **Technical Information Report**

Y USGS Map (or equivalent)

Y Map Showing Project Details

N Original Photographs

N Water Availability Analysis

Y **Worksheet 1.0**

N Recorded Deeds for Irrigated Land

N Consent for Irrigated Land

Y **Worksheet 1.1**

N Addendum to Worksheet 1.1

N **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 Inundated Land

Y/N

N **Worksheet 3.0**

N Additional W.S. 3.0 for each Point

N Recorded Deeds for Diversion Points

N Consent for Diversion Access

N **Worksheet 4.0**

N TPDES Permit(s)

N WWTP Discharge Data

N Groundwater Well Permit

N Signed Water Supply Contract

N **Worksheet 4.1**

N **Worksheet 5.0**

N Addendum to Worksheet 5.0

Y **Worksheet 6.0**

N** 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

N Public Involvement Plan

** Special condition to be added to permit for submittal of plans and documentation to TCEQ at least 180 days prior to diversion for Municipal Use

ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

☐ New Appropriation of State Water

☒ Amendment to a Water Right *

☐ Bed and Banks

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

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

Applicant is seeking to add a purpose of use for municipal water supply and change the place of use from the specific tract of land within Harris County to Harris County (San Jacinto River Basin and adjoining coastal basins within Harris County).

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?

Riceland Landvest, LLC

(If the Applicant is an entity, the legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal documents forming the entity.)

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?

You may search for your CN on the TCEQ website at

<http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN : 605728781 (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: Jason Ervin

Title: CFO

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

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

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

Name: Riceland Landvest LLC

Mailing Address: 15915 Katy Freeway, Suite 405

City: Houston State: TX ZIP Code: 77094

Indicate an X next to the type of Applicant:

☐ Individual ☐ Sole Proprietorship-D.B.A.

☐ Partnership ☐ Corporation

☐ Trust ☐ Estate

☐ Federal Government ☐ State Government

☐ County Government ☐ City Government

☐ Other Government ☒ Other Limited Liability Co.

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: 32069864265 SOS Charter (filing) Number: 0803247921

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: Jason Kelly

Title: Senior Vice President

Organization Name: LJA Engineering

Mailing Address: 3600 W. Sam Houston Parkway S., Suite 600

City: Houston State: TX ZIP Code: 77042

Phone Number: 281-513-8487

Fax Number: N/A

E-mail Address: [REDACTED]

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

Not Applicable

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

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

First and Last Name: _____

Title: _____

Organization Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Phone Number: _____

Fax Number: _____

E-mail Address: _____

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

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

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

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** N

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** Y

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

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

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Jason Ervin

CFO

(Typed or printed name)

(Title)

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

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

Signature:

(Use blue ink)

Date:

4/28/23

Subscribed and Sworn to before me by the said

on this 28th day of April, 2023.

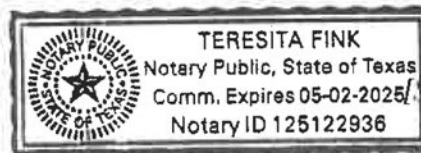
My commission expires on the 2nd day of May, 2025.

Teresita Fink

Notary Public

Harris

County, Texas



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

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

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

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

Date of pre-application meeting: 5/26/2023

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

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

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

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

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: COA 10-3980

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

| List of water rights to sever | Combine into this ONE water right |
|-------------------------------|-----------------------------------|
| | |

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

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

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

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

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

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 1.2 - Notice: “Marshall Criteria”** Not required per TCEQ 5/26/23

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

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

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

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

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

Additionally, all amendments require:

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

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

Not Applicable

- 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”:

Riceland Landvest LLC's COA 10-3980A is located within the Region H Planning Group.

This amendment application is consistent with the 2022 State Water Plan, which states that "Except for Region P, each region faces at least some potential municipal water shortages over the next 50 years unless strategies are implemented." The State Water Plan further states that "municipal water needs are projected to become the highest water use category by 2070". See pages 85-86.

In addition, the change of use described in this Amendment is included in the 2022 State Water Plan as Other Surface Water Strategies that generally do not require further development of surface water resources or new water right permits but simply convey previously developed and permitted surface water to users.

COA 10-3980 is listed in Volume 2 of the 2021 Region H Water Plan on page 3-C-5 of Appendix 3-C – List of Water Rights Used as Basis of Supply.

The state and regional water plans generally do not address every possible change in individual water rights. This amendment is consistent with the 2021 Region H Water Plan and the 2022 State Water Plan because there is nothing in the plans that conflict with this application.

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

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

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

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

Not Applicable

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

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

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

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

a. Location Information Regarding the Lands to be Irrigated

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

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

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

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

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

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

| Quantity (acre-feet) | Existing Purpose(s) of Use | Proposed Purpose(s) of Use* | Existing Place(s) of Use | Proposed Place(s) of Use** |
|----------------------|----------------------------|--|--|----------------------------|
| 1471.20 | Agricultural (Irrigation) | Agricultural (Irrigation) Municipal | 770,60 acres of land out of a 3783,745-acre tract located in the J.L. Jones Survey, Abstract No. 1731, the HT&B Survey, Abstract No. 603, the John Gibson Survey, Abstract No. 289, the John Sellers Survey, Abstract No. 727, the William Keyser Survey, Abstract No. 500, and the John Merry Survey, Abstract No. 49 in Harris County, Texas | Harris 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: **Not applicable**
- 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) describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds. If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other legal right for Applicant to use the land described.

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

- c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
- d. See Worksheet 1.2, Marshall Criteria, and submit if required.
Not required per TCEQ, 5/26/23
- e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.
Will be required by special condition added to permit.

WORKSHEET 1.1

INTERBASIN TRANSFERS, TWC § 11.085

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

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

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

- Provide the Basin of Origin. San Jacinto
- Provide the quantity of water to be transferred (acre-feet). 1471.2
- Provide the Basin(s) and count(y/ies) where use will occur in the space below:
Trinity-San Jacinto Coastal Basin and San Jacinto-Brazos Coastal Basin

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

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

- The proposed transfer, which in combination with any existing transfers, totals less than 3,000 acre-feet of water per annum from the same water right. Y/N Y
- The proposed transfer is from a basin to an adjoining coastal basin? Y/N Y
- 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 N
- The proposed transfer is for water that is imported from a source located wholly outside the boundaries of Texas, except water that is imported from a source located in the United Mexican States? Y/N N

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

Not applicable

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

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

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

WORKSHEET 1.2

NOTICE. “THE MARSHALL CRITERIA”

Not required per TCEQ, 5/26/23

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

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

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

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

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

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

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

WORKSHEET 2.0

Impoundment/Dam Information

Not applicable

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

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

1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: _____
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: _____.
- c. The impoundment is on-channel _____ or off-channel _____ (mark one)
 - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / N _____
 - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / N _____
- d. Is the impoundment structure already constructed? Y / N _____
 - i. For already constructed **on-channel** structures:
 1. Date of Construction: _____
 2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N _____
 - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N _____
 - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N _____
 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N _____
 - a. If yes, provide the Site No. _____ and watershed project name _____;
 - b. Authorization to close "ports" in the service spillway requested? Y / N _____
 - ii. For **any** proposed new structures or modifications to structures:
 1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? Y / N _____
Provide the date and the name of the Staff Person _____
 2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
 - a. No additional dam safety documents required with the Application. Y / N _____
 - b. Plans (with engineer's seal) for the structure required. Y / N _____
 - c. Engineer's signed and sealed hazard classification required. Y / N _____
 - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N _____

3. Applicants **shall** give notice by certified mail to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir to be constructed, will be located. (30 TAC § 295.42). Applicant must submit a copy of all the notices and certified mailing cards with this Application. Notices and cards are included? Y / N_____

iii. Additional information required for **on-channel** storage:

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level:_____.
 2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option.
Applicant has calculated the drainage area. Y/N_____
- If yes, the drainage area is _____sq. miles.
(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name):_____
- b. Zip Code: _____
- c. In the _____ Original Survey No. _____, Abstract No. _____,
_____ County, Texas.

**** A copy of the deed(s) with the recording information from the county records must be submitted describing the tract(s) that include the structure and all lands to be inundated.***

*****If the Applicant is not currently the sole owner of the land on which the structure is or will be built and sole owner of all lands to be inundated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.***

- d. A point on the centerline of the dam (on-channel) or anywhere within the impoundment (off-channel) is:

Latitude _____°N, Longitude _____°W.

****Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***

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

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

Not applicable

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

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

1. Diversion Information (Instructions, Page. 24)

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

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

b. Maximum Rate of Diversion for **this new point** _____ cfs (cubic feet per second)
or _____ 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 points/reaches* _____ cfs or _____ gpm

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

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

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

| Check one | | Write: Existing or Proposed |
|-----------|--|-----------------------------|
| | Directly from stream | |
| | 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** _____

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): _____
- b. Zip Code: _____
- c. Location of point: 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 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 _____°N, Longitude _____°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): _____
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 4.0

DISCHARGE INFORMATION

Not applicable

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

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

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

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

WORKSHEET 4.1

DISCHARGE POINT INFORMATION

Not applicable

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

Instructions, Page 27.

For water discharged at this location provide:

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

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

WORKSHEET 5.0

ENVIRONMENTAL INFORMATION

Not applicable

1. Impingement and Entrainment

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

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

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

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

a. Identify the appropriate description of the water body.

☐ Stream

☐ Reservoir

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

☐ Other, specify: _____

b. Flow characteristics

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

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

☐ Intermittent with Perennial Pools – enduring pools

☐ Perennial – normally flowing

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

☐ USGS flow records

☐ Historical observation by adjacent landowners

☐ Personal observation

☐ Other, specify: _____

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

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

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

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

a. For all bed and banks applications:

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

b. For all alternate source applications:

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

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

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

- iii. If groundwater will be used, provide the depth of the well_____and the name of the aquifer from which water is withdrawn_____.

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans

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

Instructions, Page 31.

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

1. Water Conservation Plans

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

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

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

1. ____Municipal Use. See 30 TAC § 288.2. **
2. ____Industrial or Mining Use. See 30 TAC § 288.3.
3. ____Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. ____Wholesale Water Suppliers. See 30 TAC § 288.5. **

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

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

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

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

2. Drought Contingency Plans

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

Special condition to be added to permit requiring the submittal of these plans and documentation at least 180 days prior to diversion of water for municipal use.

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

Not applicable

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

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

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

WORKSHEET 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

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

2. AMENDMENT OR SEVER AND COMBINE

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

3. BED AND BANKS

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

APPENDIX E - PROOF OF SIGNATORY AUTHORITY



Office of the Secretary of State

April 25, 2023

A search of our records reveals the following information for the entity record selected.

Entity Name: Riceland Landvest LLC
Entity Type: Domestic Limited Liability Company (LLC)
Jurisdiction: TEXAS, USA
File Number: 803247921
Formation File Date: February 26, 2019 Effective: February 26, 2019

The status of the entity is in existence.

The name and address of the registered agent and office in Texas is:

ROGER B. MEDORS
15915 KATY FREEWAY, SUITE 405
HOUSTON, TX 77094
USA

The entity recorded the following assumed name(s) with this office:

The entity has not recorded any assumed name certificates with this office.

The management information from our computer records lists:

ROGER B MEDORS
MANAGER

15915 KATY FREEWAY SUITE 405
HOUSTON, TX 77094
USA

**RICELAND LANDVEST LLC
MEMBERS RESOLUTION**

This Members Resolution is executed this 2nd day of March, 2018, by the undersigned being the Manager of RICELAND LANDVEST, LLC, a Texas limited liability company.

WHEREAS, RICELAND LANDVEST, LLC desires to appoint an employee as an agent with authority to execute certain documents on behalf of RICELAND LANDVEST, LLC;

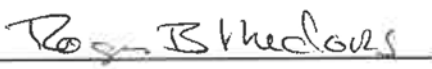
WHEREAS, the undersigned, the Manager of RICELAND LANDVEST, LLC consents to such appointment and wishes to execute this written consent authorization authorizing said appointment.

NOW, THEREFORE, the following Membership Resolutions are hereby adopted authorizing the following stated acts and actions on behalf of RICELAND LANDVEST, LLC;

RESOLVED, that Craig Jones and or Jason Ervin is hereby authorized to execute any and all documents concerning MUD creation, water rights, deeds, easements, plats, land purchases, land sales, and related HUD forms which are required or reasonably required to effectuate the development of RICELAND LANDVEST, LLC.

This Resolution is adopted effective immediately to permit Craig Jones and Jason Ervin to execute all documents concerning MUD creation, water rights, deeds, easements, plats, land purchases, land sales, and related HUD forms which are required or reasonably required to effectuate the development behalf of RICELAND LANDVEST, LLC.

RICELAND LANDVEST, LLC
A Texas limited Liability Company

By: 
ROGER B MEDORS
Its: Manager