

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 12-4013B

Rio Roca Ranch, LP (Owner/Applicant) seeks to amend Certificate of Adjudication No. 12-4013 to add a place of use for agricultural purposes to irrigate 2,464.047 acres of land in Palo Pinto County. The applicant also seeks to add a diversion reach on the Brazos River in Palo Pinto County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Rio Roca Ranch, LP, 2525 Knight Street, Ste. 450, Dallas, TX 75129-3980, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code § 11.122 and Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, *et seq.* Notice is being mailed to interjacent water right holders in the Brazos River Basin pursuant to Title 30 TAC § 295.158(c)(3)(D).

A portion of Certificate of Adjudication No. 12-4013 (Certificate) authorizes Rio Roca Ranch, LP to divert and use not to exceed 25 acre-feet of water per year from five points on the Brazos River, at a maximum combined diversion rate of 2.67 cfs (1,200 gpm), for agricultural purposes to irrigate a maximum of 603.731 acres of land in Palo Pinto and Parker counties.

The time priority of the right is November 14, 1947.

Applicant seeks to amend its portion of the Certificate to add a place of use for agricultural purposes to irrigate 2,464.047 acres of land in Palo Pinto County.

Ownership of the land to be irrigated by Rio Roca Ranch, LP is evidenced by a *Special Warranty Deed*, recorded as Document No. 00007396, a *Special Warranty Deed*, recorded as Document No. 00011133, and a *General Warranty Deed*, recorded as Document No. 00008404 in the Official Records of Palo Pinto County.

Applicant also seeks to amend its portion of the Certificate to add a diversion reach on the Brazos River in Palo Pinto County with the upstream point being at Latitude 32.859165° N, Longitude 98.319722° W and the downstream point being at Latitude 32.864175° N, Longitude 98.304469° W, in ZIP Code 76449.

The application and partial fees were received on January 31 and February 9, 2023, respectively. Additional fees were received on April 20, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 4, 2023.

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

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

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

PUBLIC COMMENT/PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by October 21, 2025. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by October 21, 2025. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by October 21, 2025.

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

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

INFORMATION. Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 4013 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: October 7, 2025

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-4013B

TYPE § 11.122

Owner:	Rio Roca Ranch, LP	Address:	2525 Knight Street, Ste. 450 Dallas, TX 75129-3980
Filed:	May 4, 2023	Granted:	
Purpose:	Agricultural	County:	Palo Pinto
Watercourse:	Brazos River	Watershed:	Brazos River Basin

WHEREAS, a portion of Certificate of Adjudication No. 12-4013 (Certificate) authorizes Rio Roca Ranch, LP (Owner/Applicant) to divert and use not to exceed 25 acre-feet of water per year from five points on the Brazos River, at a maximum combined diversion rate of 2.67 cfs (1,200 gpm), for agricultural purposes to irrigate a maximum of 603.731 acres of land in Palo Pinto and Parker counties; and

WHEREAS, the time priority is November 14, 1947; and

WHEREAS, Applicant seeks to amend its portion of the Certificate to add a place of use for agricultural purposes to irrigate 2,464.047 acres of land in Palo Pinto County; and

WHEREAS, ownership of the land to be irrigated by Rio Roca Ranch, LP is evidenced by a *Special Warranty Deed*, recorded as Document No. 00007396, a *Special Warranty Deed*, recorded as Document No. 00011133, and a *General Warranty Deed*, recorded as Document No. 00008404 in the Official Records of Palo Pinto County; and

WHEREAS, Applicant also seeks to amend its portion of the Certificate to add a diversion reach on the Brazos River in Palo Pinto County with the upstream point being at Latitude 32.859165° N, Longitude 98.319722° W and the downstream point being at Latitude 32.864175° N, Longitude 98.304469° W; and

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

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

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

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-4013, designated Certificate of Adjudication No. 12-4013B, is issued to Rio Roca Ranch, LP, subject to the following terms and conditions:

1. USE

- A. In addition to previous authorizations, Owner is authorized to divert and use not to exceed 25 acre-feet of water per year from the Brazos River for agricultural purposes to irrigate 2,464.047 acres of land in Palo Pinto County.
- B. Ownership of the land to be irrigated by Rio Roca Ranch, LP is evidenced by a *Special Warranty Deed*, recorded as Document No. 00007396, a *Special Warranty Deed*, recorded as Document No. 00011133, and a *General Warranty Deed*, recorded as Document No. 00008404 in the Official Records of Palo Pinto County.

2. DIVERSION

In addition to previous authorizations, Owner is now authorized to divert its authorized water from a diversion reach on the Brazos River in Palo Pinto County, described as follows:

- A. The upstream point is located at Latitude 32.859165° N, Longitude 98.319722° W and the downstream point is located at Latitude 32.864175° N, Longitude 98.304469° W.
- B. Maximum combined diversion rate of 2.67 (1,200 gpm).

3. CONSERVATION

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

4. SPECIAL CONDITIONS

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

- B. Owner shall not divert water if the average adjusted streamflow at USGS Gage No. 08089000 – Brazos River near Palo Pinto, TX is less than or equal 17 cfs. The “average adjusted streamflow” at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The “adjusted streamflow” at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by Owner. Unless informed otherwise by the Brazos Watermaster, Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.
- C. 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 30 Texas Administrative Code §288.4.
- D. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point(s) authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- E. Owner shall allow representatives of the Brazos Watermaster reasonable access to the property to inspect the measuring device and records.
- F. Owner shall contact the Brazos Watermaster prior to diversion of water authorized by this amendment.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-4013, except as specifically amended herein.

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

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

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

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

For the Commission

Date issued:

Heather Zuo

From: Jordan Furnans <[REDACTED]>
Sent: Tuesday, September 30, 2025 11:51 AM
To: Heather Zuo
Cc: Chris Kozlowski; Humberto Galvan; Derek L. Seal
Subject: Re: Rio Roca Ranch, LP Application No. 12-4013B

Good day, Ms. Zuo -

We have reviewed the application and do not have any comments. Thank you for your efforts in getting this one done!

Jordan

Jordan Furnans, PhD, PE, PG
Regional Director - US South-Central Operations
LRE Water | A Spheros Environmental Company
Office: 512-300-0435 Direct: 512-736-6485
[REDACTED]



LREWATER.COM
600 Round Rock West Dr. #601, Round Rock, TX 78681

From: Heather Zuo <Heather.Zuo@tceq.texas.gov>
Sent: Monday, September 15, 2025 11:43 AM
To: Jordan Furnans <[REDACTED]>
Cc: Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: Rio Roca Ranch, LP Application No. 12-4013B

Good afternoon Dr. Furnans,

Attached is a copy of the draft amendment.

Please let me know if you have any questions.

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

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 15, 2025

Dr. Jordan Furnans, Vice President
LRE Water LLC
1101 Satellite VW, Unit 301
Round Rock, TX 78655-1589

VIA E-MAIL

RE: Rio Roca Ranch, LP
ADJ 4013
CN605980788, RN105806855
Application No. 12-4013B to Amend Certificate of Adjudication No. 12-4013
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Brazos River, Brazos River Basin
Palo Pinto County

Dear Dr. Furnans:

Drafts, subject to revision, of the public notice, proposed amendment to Certificate of Adjudication No. 12-4013, 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 September 29, 2025, with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

Please note this application requires a two-week comment period and once the comment period has closed, the proposed amendment to Certificate of Adjudication No. 12-4013 may be issued as drafted given no hearing requests are received.

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

Sincerely,

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

Heather Zuo, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachments

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 12-4013B

Rio Roca Ranch, LP (Owner/Applicant) seeks to amend Certificate of Adjudication No. 12-4013 to add a place of use for agricultural purposes to irrigate 2,464.047 acres of land in Palo Pinto County. The applicant also seeks to add a diversion reach on the Brazos River in Palo Pinto County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Rio Roca Ranch, LP, 2525 Knight Street, Ste. 450, Dallas, TX 75129-3980, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code § 11.122 and Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, *et seq.* Notice is being mailed to interjacent water right holders in the Brazos River Basin pursuant to Title 30 TAC § 295.158(c)(3)(D).

A portion of Certificate of Adjudication No. 12-4013 (Certificate) authorizes Rio Roca Ranch, LP to divert and use not to exceed 25 acre-feet of water per year from five points on the Brazos River, at a maximum combined diversion rate of 2.67 cfs (1,200 gpm), for agricultural purposes to irrigate a maximum of 603.731 acres of land in Palo Pinto and Parker counties.

The time priority of the right is November 14, 1947.

Applicant seeks to amend its portion of the Certificate to add a place of use for agricultural purposes to irrigate 2,464.047 acres of land in Palo Pinto County.

Ownership of the land to be irrigated by Rio Roca Ranch, LP is evidenced by a *Special Warranty Deed*, recorded as Document No. 00007396, a *Special Warranty Deed*, recorded as Document No. 00011133, and a *General Warranty Deed*, recorded as Document No. 00008404 in the Official Records of Palo Pinto County.

Applicant also seeks to amend its portion of the Certificate to add a diversion reach on the Brazos River in Palo Pinto County with the upstream point being at Latitude 32.859165° N, Longitude 98.319722° W and the downstream point being at Latitude 32.864175° N, Longitude 98.304469° W, in ZIP Code 76449.

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

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

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

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

INFORMATION. Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 4013 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-4013B

TYPE § 11.122

Owner:	Rio Roca Ranch, LP	Address:	2525 Knight Street, Ste. 450 Dallas, TX 75129-3980
Filed:	May 4, 2023	Granted:	
Purpose:	Agricultural	County:	Palo Pinto
Watercourse:	Brazos River	Watershed:	Brazos River Basin

WHEREAS, a portion of Certificate of Adjudication No. 12-4013 (Certificate) authorizes Rio Roca Ranch, LP (Owner/Applicant) to divert and use not to exceed 25 acre-feet of water per year from five points on the Brazos River, at a maximum combined diversion rate of 2.67 cfs (1,200 gpm), for agricultural purposes to irrigate a maximum of 603.731 acres of land in Palo Pinto and Parker counties; and

WHEREAS, the time priority is November 14, 1947; and

WHEREAS, Applicant seeks to amend its portion of the Certificate to add a place of use for agricultural purposes to irrigate 2,464.047 acres of land in Palo Pinto County; and

WHEREAS, ownership of the land to be irrigated by Rio Roca Ranch, LP is evidenced by a *Special Warranty Deed*, recorded as Document No. 00007396, a *Special Warranty Deed*, recorded as Document No. 00011133, and a *General Warranty Deed*, recorded as Document No. 00008404 in the Official Records of Palo Pinto County; and

WHEREAS, Applicant also seeks to amend its portion of the Certificate to add a diversion reach on the Brazos River in Palo Pinto County with the upstream point being at Latitude 32.859165° N, Longitude 98.319722° W and the downstream point being at Latitude 32.864175° N, Longitude 98.304469° W; and

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

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

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

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-4013, designated Certificate of Adjudication No. 12-4013B, is issued to Rio Roca Ranch, LP, subject to the following terms and conditions:

1. USE

- A. In addition to previous authorizations, Owner is authorized to divert and use not to exceed 25 acre-feet of water per year from the Brazos River for agricultural purposes to irrigate 2,464.047 acres of land in Palo Pinto County.
- B. Ownership of the land to be irrigated by Rio Roca Ranch, LP is evidenced by a *Special Warranty Deed*, recorded as Document No. 00007396, a *Special Warranty Deed*, recorded as Document No. 00011133, and a *General Warranty Deed*, recorded as Document No. 00008404 in the Official Records of Palo Pinto County.

2. DIVERSION

In addition to previous authorizations, Owner is now authorized to divert its authorized water from a diversion reach on the Brazos River in Palo Pinto County, described as follows:

- A. The upstream point is located at Latitude 32.859165° N, Longitude 98.319722° W and the downstream point is located at Latitude 32.864175° N, Longitude 98.304469° W.
- B. Maximum combined diversion rate of 2.67 (1,200 gpm).

3. CONSERVATION

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

4. SPECIAL CONDITIONS

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

- B. Owner shall not divert water if the average adjusted streamflow at USGS Gage No. 08089000 – Brazos River near Palo Pinto, TX is less than or equal 17 cfs. The “average adjusted streamflow” at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The “adjusted streamflow” at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by Owner. Unless informed otherwise by the Brazos Watermaster, Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.
- C. 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 30 Texas Administrative Code §288.4.
- D. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point(s) authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- E. Owner shall allow representatives of the Brazos Watermaster reasonable access to the property to inspect the measuring device and records.
- F. Owner shall contact the Brazos Watermaster prior to diversion of water authorized by this amendment.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-4013, except as specifically amended herein.

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

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

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

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

For the Commission

Date issued:

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Heather Zuo, Project Manager
Water Rights Permitting Team

Date: May 12, 2025

Through: Leslie Patterson, Team Leader 
Resource Protection Team

From: George Gable, Aquatic Scientist
Resource Protection Team

Subject: Rio Roca Ranch, LP
ADJ 4013
CN605980788
Brazos River, Brazos River Basin
Palo Pinto 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

Certificate of Adjudication No. 12-4013 (Certificate) authorizes, among other things, Rio Roca Ranch, LP (Applicant) to divert 25 acre-feet of water per year from five diversion points on the Brazos River, Brazos River Basin, at a maximum combined diversion rate of 2.67 cfs (1,200 gpm), for agricultural purposes to irrigate land in Palo Pinto and Parker counties.

Applicant requests to amend its portion of the Certificate to add a diversion reach on the Brazos River and to add a place of use to irrigate additional land in Palo Pinto County.

ENVIRONMENTAL ANALYSIS

Aquatic and Riparian Habitats: The Applicant's diversion reach is located on the Brazos River, a perennial waterbody, in the Carbonate Cross Timbers ecoregion (Griffith et al. 2007).

The checklist for the Brazos River Basin identified 59 species of ichthyofauna occurring within Middle Brazos-Palo Pinto hydrologic unit (United States Geologic Survey [USGS] code 12060201) (Hendrickson and Cohen 2022). The Brazos water snake (*Nerodia harteri*), Brazos heelsplitter (*Potamilus streckersoni*) and Texas fawnsfoot (*Truncilla macrodon*), high-interest aquatic and aquatic-dependent

species, are known to occur in Palo Pinto County (TPWD 2025). This amendment is not expected to have an effect on any high-interest aquatic or aquatic-dependent species, because no additional state water will be taken and no increase in diversion rate or amount is being requested.

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

On February 12, 2014, the TCEQ adopted environmental flow standards for the Brazos River and its Associated Bay and Estuary System (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter G). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC §298.460). The Applicant does not request a new appropriation of water or an amendment that increases the amount of water stored, taken, or diverted. Resource Protection staff recommend a streamflow restriction for the addition of two diversion reaches. Resource Protection staff utilized the subsistence environmental flow standards (Title 30 TAC §298.480(7)) established at USGS Gage No. 08089000 – Brazos River near Palo Pinto, TX for the streamflow restriction as shown in Table 1.

Table 1. Environmental Flow Values at USGS Gage No. 08089000 – Brazos River near Palo Pinto, TX

Season	Subsistence
Winter	17 cfs
Spring	17 cfs
Summer	17 cfs

cfs = cubic feet per second

Seasons are defined in Title 30 TAC §298.455 as follows: Winter (November through February), Spring (March through June), Summer (July through October). Staff recommend that diversion of water under this proposed amendment be limited to comply with the applicable subsistence flow value of 17 cfs.

Recreational Uses: The Brazos River Below Possum Kingdom Lake (Segment 1206) has a designated primary contact recreation 1 use (TCEQ 2022). The Applicant's request should not adversely impact recreational uses.

Water Quality: The Brazos River Below Possum Kingdom Lake (Segment 1206) has a designated high aquatic life use. (TCEQ 2022). The Applicant's request should not adversely impact water quality.

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

RECOMMENDATIONS

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

1. Owner shall implement reasonable measures to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure.
2. Owner shall not divert water if the average adjusted streamflow at USGS Gage No. 08089000 – Brazos River near Palo Pinto, TX is less than or equal 17 cfs. The "average adjusted streamflow" at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The "adjusted streamflow" at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by Owner. Unless informed otherwise by the Brazos Watermaster, Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.

LITERATURE CITED

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

Hendrickson DA, Cohen AE. 2022. Fishes of Texas Project Database (version 3.00) [Internet]. University of Texas at Austin: Texas Advanced Computing Center. [cited 2025 Apr 28]. Available from <http://doi.org/10.17603/C3WC70>.

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

TPWD. 2025. TPWD County Lists of Texas Protected Species and Species of Greatest Conservation Need [Internet]. Austin (TX): Palo Pinto County, revised January 15, 2025. [cited 2025 April 28]. Available from <http://tpwd.texas.gov/gis/rtest/>.

Rio Roca Ranch, LP, 12-4013B
Brazos River, Brazos River Basin
Page 4 of 4

George M. Gable 

George Gable, Aquatic Scientist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Heather Zuo, Project Manager
Water Rights Permitting Team

Date: May 12, 2025

Through: Leslie Patterson, Team Leader
Resource Protection Team 

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

Subject: Rio Roca Ranch, LP
ADJ 4013
CN605980788
Brazos River, Brazos River Basin
Palo Pinto County

APPLICATION SUMMARY

Certificate of Adjudication No. 12-4013 (Certificate) authorizes, among other things, Rio Roca Ranch, LP (Applicant) to divert 25 acre-feet of water per year from five diversion points on the Brazos River, Brazos River Basin, at a maximum combined diversion rate of 2.67 cfs (1,200 gpm), for agricultural purposes to irrigate 603.731 acres of land in Palo Pinto and Parker counties.

Applicant requests to amend its portion of the Certificate to add a diversion reach on the Brazos River and to add a place of use to irrigate an additional 2,464.047 acres of land in Palo Pinto County.

WATER CONSERVATION REVIEW

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

Applicant has stated that no water is currently being diverted for agricultural use; therefore, a water conservation plan for agricultural 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 G Water Plan, the Initially Prepared 2026 Region G Water Plan, and the 2022 State Water Plan because there is nothing in the water plans that conflicts with issuing this proposed amendment.

RECOMMENDATIONS

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

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

Resource Protection Staff recommend the following special conditions be included in the proposed amendment, if granted:

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 30 TAC §288.4.



Kristin Wang, Senior Water Conservation Specialist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Heather Zuo, Project Manager
Water Rights Permitting Team

Date: July 11, 2025

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

 Trent Gay, Team Leader
Surface Water Availability Team

From: Andrew Maria, Hydrologist
Surface Water Availability Team

Subject: Rio Roca Ranch, LP
ADJ 4013
CN605980788
Brazos River, Brazos River Basin
Palo Pinto County

WATER AVAILABILITY REVIEW

Application Summary

Certificate of Adjudication No. 12-4013 (Certificate) authorizes, among other things, Rio Roca Ranch, LP (Applicant) to divert 25 acre-feet of water per year from five diversion points on the Brazos River, Brazos River Basin, at a maximum combined diversion rate of 2.67 cfs (1,200 gpm), for agricultural purposes to irrigate land in Palo Pinto and Parker counties.

Applicant requests to amend its portion of the Certificate to add a diversion reach on the Brazos River and to add a place of use to irrigate additional land in Palo Pinto County.

The application was declared administratively complete on May 4, 2023.

Water Availability Review

Resource Protection staff recommends that the application be subject to instream flow requirements. Specific instream flow requirements are included in Resource Protection staff's November 15, 2024, memorandum.

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

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

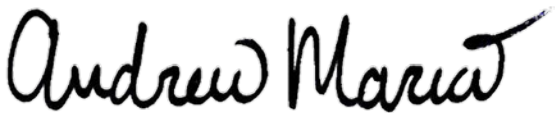
Staff used the Full Authorization simulation of the Brazos River WAM to evaluate impacts on other water rights as a result of diverting the authorized water from the requested diversion reach. The period of record for the Brazos River WAM is 1940 to 2018. Staff modeled the application with diversion of the authorized 25 acre-feet of water at a priority date of November 14, 1947, at the most upstream limit of the requested diversion reach. Staff compared the pre- and post-application volume reliabilities of all water rights in the Brazos River Basin and found small negative impacts to a number of water rights with an average difference in volume reliability of -0.12 percent.

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

Conclusion

Hydrology staff can support granting the application.

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

A handwritten signature in black ink that reads "Andrew Maria". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

Andrew Maria, Hydrologist

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Natalia Ponebshek Project Manager
Water Rights Permitting Team

DATE: May 4, 2023

SUBJECT: Rio Roca Ranch, LP
ADJ 4013
CN605980788, RN105806855
Application No. 12-4013B to Amend Certificate of Adjudication
No. 12-4013
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Brazos River, Brazos River Basin
Palo Pinto and Parker counties

The application and partial fees were received on January 31 and February 9, 2023, respectively. Additional fees were received on April 20, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 4, 2023. Mailed notice to the interjacent water right holders of record in the Brazos River Basin is required pursuant to Title 30 Texas Administrative Code § 295.158(c)(3)(D).

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

Natalia Ponebshek

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

OCC Mailed Notice Required ☒ **YES**

☐ **NO**

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 4, 2023

Dr. Jordan Furnans, Ph.D., P.E., P.G.
LRE Water, LLC
1101 Satellite View #301
Round Rock, TX 78665

VIA E-MAIL

RE: Rio Roca Ranch, LP
ADJ 4013
CN605980788, RN105806855
Application No. 12-4013B to Amend Certificate of Adjudication No. 12-4013
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Brazos River, Brazos River Basin
Palo Pinto and Parker counties

Dear Dr. Furnans:

This acknowledges receipt on April 20, 2023 of additional fees in the amount of \$41.16 (Receipt No. M315641, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on May 4, 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 the application, please contact me via email at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

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

Attachment



20-APR-23 10:58 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u>	<u>Account#</u>	<u>Account Name</u>	<u>Ref#1</u>	<u>Ref#2</u>	<u>Paid In By</u>	<u>Check Number</u>	<u>CC Type</u>	<u>Card Auth.</u>	<u>Tran Code</u>	<u>Rec Code</u>	<u>Slip Key</u>	<u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
NOTICE FEES-WUP-	PTGU			M315641			1730								
WATER USE PERM	PTGU			ADJ124013			042023	N					D3802454	20-APR-23	-\$41.16
NOTICE FEES WUP WATER USE				FURNANS,			VHERNAND	CK							
PERMITS				JORDAN											

Total (Fee Code) : -\$41.16

RECEIVED
APR 27 2023
Water Availability Division

RECEIVED
APR 27 2023
Water Availability Division

Furnans
LRE WATER
1101 Satellite View #303
Round Rock, TX 78665

AUSTIN TX 787
RIO GRANDE DISTRICT
18 APR 2023 PM 2 L



Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC-214
PO Box 13088
Austin, TX 78711-2088

RECEIVED

APR 20 2023
TCEQ MAIL CE
WT

RECEIVED

APR 27 2023

78711-308888

Water Availability B

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



PAID BY ORDER
OF STATE COMPTROLLER
TCEQ
315641 4/20/23

PTGU

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 10, 2023

VIA E-MAIL

Dr. Jordan Furnans, Ph.D, P.E., P.G.
LRE Water, LLC
1101 Satellite View #301
Round Rock, TX 78665

RE: Rio Roca Ranch, LP
ADJ 4013
CN605980788, RN105806855
Application No. 12-4013B to Amend Certificate of Adjudication No. 12-4013
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Brazos River, Brazos River Basin
Palo Pinto and Parker counties

Dear Dr. Furnans:

This acknowledges receipt, on January 31, 2023, of the referenced application, and on February 9, 2023, of fees in the amount of \$112.50 (Receipt No. M311321, copy attached).

Additional fees are required before the application can be declared administratively complete. Remit fees in the amount of \$41.16 as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee (Amendment)	\$ 100.00
Recording Fee	\$ 12.50
Notice Fee (\$2.94 x 14 WR Holders)	\$ 41.16
TOTAL FEES	\$ 153.66
FEES RECEIVED	\$ 112.50
TOTAL FEES DUE	\$ 41.16

Please provide the requested information and fees by May 10, 2023, or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

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

Sincerely,

Natalia Ponebshek

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

Attachment

RECEIVED

APR 27 2023

Water Availability Division

Natalia Ponebshek

From: Natalia Ponebshek
Sent: Monday, April 10, 2023 5:52 PM
To: Jordan Furnans
Subject: Rio Roca Ranch, LP App No. 12-4013B RFI
Attachments: Rio_Roco_Ranch_12_4013B_RFI_1_Sent_4.10.2023.pdf

Please find the attached request for information for the abovementioned application. A response is due by May 10, 2023.

Thank you,

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

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 10, 2023

VIA E-MAIL

Dr. Jordan Furnans, Ph.D, P.E., P.G.
LRE Water, LLC
1101 Satellite View #301
Round Rock, TX 78665

RE: Rio Roca Ranch, LP
ADJ 4013
CN605980788, RN105806855
Application No. 12-4013B to Amend Certificate of Adjudication No. 12-4013
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If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

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

Attachment



09-FEB-23 11:11 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u>	<u>Account#</u>	<u>Account Name</u>	<u>Ref#1</u>	<u>Ref#2</u>	<u>Check Number</u>	<u>CC Type</u>	<u>Card Auth.</u>	<u>Tran Code</u>	<u>Slip Key</u>	<u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP			M311321		1717				BS00100854		09-FEB-23	-\$112.50
	WUP			ADJ124013A		020923			N		D3801774		
WATER USE PERMITS				FURNANS,		VHERNAND			CK				
				JORDAN									

Total (Fee Code) : -\$112.50

Grand Total: -\$8,709.00

RECEIVED
FEB 10 2023
Water Availability Division

RECEIVED
FEB 10 2023
Water Availability Division

Furnans
1101 Satellite View #301
Round Rock, TX 78665

RECEIVED

FEB 09 2023

TCEQ MAIL CENTER
AJ

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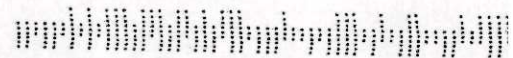
FEB 10 2023

Water Availability Division

AUSTIN TX 786
RIO GRANDE DISTRICT
7 FEB 2023 PM 2 L

Texas Commission on Environmental Quality
Financial Administration Division
Cashiers Office MC-214
PO Box 13088
Austin TX 78711-3088

787113088 8012



WORKSHEET 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

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

2. AMENDMENT OR SEVER AND COMBINE

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

3. BED AND BANKS

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



RECEIVED

FEB 10 2023

Water Availability Division

January 24, 2023

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

via email: WRPT@tceq.texas.gov

RE: TCEQ Water Rights Permitting Application DRAFT – TWC §11.122 Amendment to Water Rights for Applicant Rio Roca Ranch, LP (CN: CN605980788)

Dear Review Team:

LRE Water ("LRE") is pleased to submit this Water Rights Permitting Application on behalf of Rio Roca Ranch, LP ("Applicant"), who owns a portion of Certificate of Adjudication No. 12-4013, as amended by Certificate of Adjudication No. 12-4013A (as amended, "COA 12-4013"). With respect to the portion of COA 12-4013 owned by Applicant, Applicant wishes to change the diversion point to a new location upstream on the Brazos River. LRE has prepared this submittal to meet the TCEQ requirements as provided in Title 30 of the Texas Administrative Code (TAC) Chapters 50, 281, 288, 295, 297, 298, and 299 and as outlined in the form TCEQ-10214A-inst (revised 02/01/2022) Instructions for Completing the Water Rights Permitting Application. This letter serves to request approval of the water rights permit amendment. In order to facilitate your review of this request, the following information is attached in the order listed below and in the Submission Checklist on Page 1 of the Administrative Information Report:

- Attachment A. Summary of Request
- Attachment B. Administrative Information Report (TCEQ-10214B)
- Attachment C. Written Evidence of Signature Authority (30 TAC §295.14)
- Attachment D. Technical Information Report (TCEQ-10214C)
- Attachment E. Recorded Deeds
- Attachment F. Addendum to Worksheet 5.0 (Photographs)
- Attachment G. Water Conservation Plan (TCEQ-10238)
- Attachment H. General Maps

We request the TCEQ review the enclosed information for approval of the amendment to COA No. 12-4013 and request to change the location of a diversion point. If you have any questions or comments regarding the information provided, please do not hesitate to contact me at (512) 736-6485 or [REDACTED]

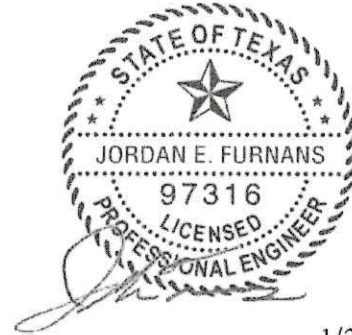
Sincerely,

LRE Water



Jordan Furnans, Ph.D., P.E., P.G.
Vice President & Manager – Texas Operation

The seal appearing on this document was authorized by Dr. Jordan Furnans, P.E. 97316 on January 24, 2023. LRE Water, LLC TBPELS Firm No. 14368.



1/24/2023

RECEIVED

FEB 10 2023

Water Availability Division





January 24, 2023

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

via email: WRPT@tceq.texas.gov

RE: TCEQ Water Rights Permitting Application DRAFT – TWC §11.122 Amendment to Water Rights for Applicant Rio Roca Ranch, LP (CN: CN605980788)

Dear Review Team:

LRE Water (“LRE”) is pleased to submit this Water Rights Permitting Application on behalf of Rio Roca Ranch, LP (“Applicant”), who owns a portion of Certificate of Adjudication No. 12-4013, as amended by Certificate of Adjudication No. 12-4013A (as amended, “COA 12-4013”). With respect to the portion of COA 12-4013 owned by Applicant, Applicant wishes to change the diversion point to a new location upstream on the Brazos River. LRE has prepared this submittal to meet the TCEQ requirements as provided in Title 30 of the Texas Administrative Code (TAC) Chapters 50, 281, 288, 295, 297, 298, and 299 and as outlined in the form TCEQ-10214A-inst (revised 02/01/2022) Instructions for Completing the Water Rights Permitting Application. This letter serves to request approval of the water rights permit amendment. In order to facilitate your review of this request, the following information is attached in the order listed below and in the Submission Checklist on Page 1 of the Administrative Information Report:

- Attachment A. Summary of Request
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- Attachment E. Recorded Deeds
- Attachment F. Addendum to Worksheet 5.0 (Photographs)
- Attachment G. Water Conservation Plan (TCEQ-10238)
- Attachment H. General Maps

We request the TCEQ review the enclosed information for approval of the amendment to COA No. 12-4013 and request to change the location of a diversion point. If you have any questions or comments regarding the information provided, please do not hesitate to contact me at (512) 736-6485 or [REDACTED]

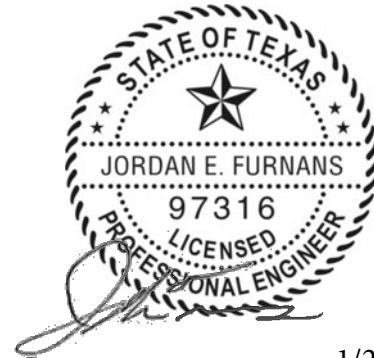
Sincerely,

LRE Water



Jordan Furnans, Ph.D., P.E., P.G.
Vice President & Manager – Texas Operation

The seal appearing on this document was authorized by Dr. Jordan Furnans, P.E. 97316 on January 24, 2023. LRE Water, LLC TBPELS Firm No. 14368.



1/24/2023

ATTACHMENT A

SUMMARY OF REQUEST

Rio Roca Ranch, LP (“Applicant”), owns a portion of Certificate of Adjudication No. 12-4013, as amended by Certificate of Adjudication No. 12-4013A (as amended, “COA 12-4013”), specifically the right to divert 25 acre-ft/yr of water for irrigation purposes. Applicant wishes to add a diversion point for water under COA 12-4013, specifically to allow diversions from a reach of the Brazos River located upstream of currently authorized diversion points. Applicant wishes to use the water to irrigate property owned by the Applicant adjacent to and including the proposed diversion reach.

The Applicant is not requesting an increase in annual diversion limits, and is not requesting a change in the maximum diversion rate. The diverted water will be used for irrigation of property owned by the Applicant, with the exact acreage to be irrigated yet to be determined.

The maximum combined diversion rate authorized under COA 12-4013 is 2.67 cfs. Authorized diversions under COA 12-4103 are detailed below. The Applicant understands it will need to coordinate with the other listed Owners to ensure the maximum diversion rate is not exceeded, and that this coordination may be performed by the Brazos Watermaster.

Owner	Diversion (acre-ft/yr)		Diversion Rate	
	Acre-ft/yr	%	cfs	gpm
La Roca's Magic Valley Ranch, LP	429	34.91%		
Rocking W Ranch, LP	525	42.72%		
Rio Roca Ranch, LP (Applicant)	25	2.03%		
Three Amigos Investment Group, LLC	250	20.34%		
Totals	1229	100%	2.67	1200

Attachment B
Administrative Information Report (TCEQ-10214B)

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): Rio Roca Ranch, LP

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/N	
<u>Y</u>	Administrative Information Report	<u>Y</u>	Worksheet 3.0
<u>N</u>	Additional Co-Applicant Information	<u>Y</u>	Additional W.S 3.0 for each Point
<u>N</u>	Additional Co-Applicant Signature Pages	<u>Y</u>	Recorded Deeds for Diversion Points
<u>Y</u>	Written Evidence of Signature Authority	<u>N</u>	Consent For Diversion Access
<u>Y</u>	Technical Information Report	<u>N</u>	Worksheet 4.0
<u>Y</u>	USGS Map (or equivalent)	<u>N</u>	TPDES Permit(s)
<u>Y</u>	Map Showing Project Details	<u>N</u>	WWTP Discharge Data
<u>Y</u>	Original Photographs	<u>N</u>	Groundwater Well Permit
<u>N</u>	Water Availability Analysis	<u>N</u>	Signed Water Supply Contract
<u>Y</u>	Worksheet 1.0	<u>N</u>	Worksheet 4.1
<u>Y</u>	Recorded Deeds for Irrigated Land	<u>Y</u>	Worksheet 5.0
<u>N</u>	Consent For Irrigation Land	<u>Y</u>	Addendum to Worksheet 5.0
<u>N</u>	Worksheet 1.1	<u>Y</u>	Worksheet 6.0
<u>N</u>	Addendum to Worksheet 1.1	<u>Y</u>	Water Conservation Plan(s)
<u>N</u>	Worksheet 1.2	<u>N</u>	Drought Contingency Plan(s)
<u>N</u>	Additional W.S 2.0 for Each Reservoir	<u>N</u>	Documentation of Adoption
<u>N</u>	Dam Safety Documents	<u>N</u>	Worksheet 7.0
<u>N</u>	Notice(s) to Governing Bodies	<u>N</u>	Accounting Plan
<u>N</u>	Recorded Deeds for Inundated Land	<u>Y</u>	Worksheet 8.0
<u>N</u>	Consent For Inundation Land	<u>Y</u>	Fees

ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

☐ New Appropriation of State Water

☒ Amendment to a Water Right *

☐ Bed and Banks

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

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

See Attached "Summary of Request"

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?

Rio Roca Ranch, LP

(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 : CN605980788 (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: Nancy Tartaglino Richards

Title: Member

Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application? Y/N Y (See Attachment 2)

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: Rio Roca Ranch, LP

Mailing Address: 2525 KNIGHT ST STE 450

City: DALLAS State: TX ZIP Code: 75219-3980

Indicate an X next to the type of Applicant:

 Individual Sole Proprietorship-D.B.A.

X Partnership Corporation

 Trust Estate

 Federal Government State Government

 County Government City Government

 Other Government Other

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: 32035140410 SOS Charter (filing) Number: 800686846

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: Jordan Furnans

Title: Vice President Texas Operations

Organization Name: LRE Water

Mailing Address: 1101 SATELLITE VW UNIT 301

City: ROUND ROCK State: TX ZIP Code: 78655-1589

Phone Number: 512-736-6485

Fax Number: _____

E-mail Address: [REDACTED]

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

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

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

First and Last Name: _____

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** No

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

Account number: _____ Amount past due: _____

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

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

Enforcement order number: _____ Amount past due: _____

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

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

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Nancy T. Richards

Member of Rio Roca Ranch, GP, LLC as general partner

(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: Nancy T. Richards Date: 12-1-22
(Use blue ink)

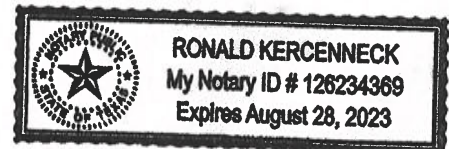
Subscribed and Sworn to before me by the said Nancy T. Richards
on this 1st day of December, 2022.
My commission expires on the 28th day of August, 2023.

Notary Public

Ronald Kerckenek

[SEAL]

County, Texas



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

Attachment C
Written Evidence of Signature Authority (30 TAC §295.14)

**RESOLUTIONS BY THE WRITTEN CONSENT
OF THE SOLE MEMBER
OF
RIO ROCA RANCH GP, L.L.C.**

August 29, 2022

The undersigned, being the sole member of Rio Roca Ranch GP, L.L.C., a Texas limited liability company, hereby declares that when she has signed this consent the following resolutions shall then be consented to, approved and adopted to the same extent and to have the same force and effect as if adopted at a meeting of the member(s) of the Company duly called and held for the purpose of acting upon proposals to adopt such resolutions:

WHEREAS, the undersigned is the sole member ("Member") of Rio Roca Ranch GP, L.L.C. (the "Company"); and

WHEREAS, the Company is the sole general partner of Rio Roca Ranch, LP, a Texas limited partnership (the "Partnership"); and

WHEREAS, the Member desires to adopt the resolutions below in order to evidence the authority of the Company to execute instruments, documents, certificates and other writings, and to take actions, on behalf of the Partnership; and

WHEREAS, without limiting the foregoing, the Partnership is the owner of certain water rights currently located in Palo Pinto and Parker Counties, Texas, and, in connection with its ownership of such water rights, the Partnership desires to submit an application to the Texas Commission on Environmental Quality (the "TCEQ") to amend such water rights (the "Application") and to take all other actions necessary to complete the TCEQ water rights application process (the "Application Process").

NOW, THEREFORE, BE IT RESOLVED, that the Company, in its capacity as the sole general partner of the Partnership, is hereby authorized to execute and deliver all instruments, documents, certificates and other writings, and to do all other things and acts, as the Company may deem necessary or desirable in the furtherance of the Partnership's business, including without limitation, to submit the Application to the TCEQ and to take all other actions necessary to complete the Application Process; and

RESOLVED FURTHER, that the Company, in its capacity as the sole general partner of the Partnership, is hereby authorized to pay all costs, fees, and taxes as the Company may deem necessary or advisable in order to carry out and comply with the purposes and intent of the foregoing resolutions; and that all of the prior and future acts and deeds of the Company that are consistent with the purposes and intent of such resolution be, and they hereby are, in all respects ratified, approved, confirmed, and adopted as the acts and deeds of the Company.

IN WITNESS WHEREOF, the undersigned, being the sole Member of the Company, has executed this consent to be effective as of the date first set forth above.

SOLE MEMBER:

DocuSigned by:

Nancy J Richards

9B8D5476D2C6407

Nancy J. Richards

Attachment D
Technical Information Report (TCEQ -10214C)

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: 8/9/2022

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 NA

- 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: Certificate 12-4013A

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 N
If yes, submit:

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

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

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

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

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

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

Additionally, all amendments require:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Worksheets and information:

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)

- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

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

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

Applicant Rio Roca Ranch, LP is located within the Brazos Region G Planning Group. The Application is consistent with the 2022 State Water Plan, and 2021 Region G Water Plan, as this application is not requesting a new or additional appropriation of State Water. The request to amend the water rights under ADJ 12-4013 and re-locate the diversion points will not adversely affect the water needs in Region G.

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

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

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

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

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

_____ 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**
25	Irrigation	Irrigation	603.731 acres of land in Palo Pinto and Parker County	2464.047 acres in Palo Pinto County
				603.731 acres of land in Palo Pinto and Parker County

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- Applicant proposes to irrigate a total of up to 2,464.047 acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of 2,464.047 acres in Palo Pinto County, TX.
 - Location of land to be irrigated: In the SEE ATTACHED 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.

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

WORKSHEET 1.1

INTERBASIN TRANSFERS, TWC § 11.085

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

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

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

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

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

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

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

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

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

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

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

WORKSHEET 1.2

NOTICE. “THE MARSHALL CRITERIA”

This worksheet assists the Commission in determining notice required for certain **amendments** that do not already have a specific notice requirement in a rule for that type of amendment, and *that do not change the amount of water to be taken or the diversion rate*. The worksheet provides information that Applicant **is required** to submit for 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

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

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** 2.67 cfs (cubic feet per second)
or 1200 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / N Y
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 2.67 cfs or 1200 gpm

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

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

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

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

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

Applicant has calculated the drainage area. Y / N N

If yes, the drainage area is sq. miles.
(If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application)

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Brazos River
- b. Zip Code: 76449
- c. Location of point: In the L.B. Dayton Original Survey No. _____, Abstract No. 153, Palo Pinto County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure.

For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude 32.859165 °N, Longitude 98.319722 °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): ArcGIS Mapping Program
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15. See Attachment H - Maps
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

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

b. Maximum Rate of Diversion for **this new point** 2.67 cfs (cubic feet per second)
or 1200 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / N Y
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 2.67 cfs or 1,200 gpm

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

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

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

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

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

Applicant has calculated the drainage area. Y / N N

If yes, the drainage area is sq. miles.

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Brazos River
- b. Zip Code: 76449
- c. Location of point: In the L.B. Dayton Original Survey No. , Abstract No. 153, Palo Pinto County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure.

For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude 32.864175 °N, Longitude 98.304469 °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): ArcGIS Mapping Program
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15. *(See Attachment H - Maps)*
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 4.0

DISCHARGE INFORMATION

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

- a. The purpose of use for the water being discharged will be_____.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses_____(% 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

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

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.**

Specific information is not known at this time. However, appropriate measures will be taken to avoid impingement and entrainment of aquatic organisms at the diversion structure. The pipeline/pump intake will have screens with an appropriate sized mesh, and the intake water velocity will be kept as low as possible.

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 NA**

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

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

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

2. Drought Contingency Plans

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

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

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

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

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

WORKSHEET 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

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

2. AMENDMENT OR SEVER AND COMBINE

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

3. BED AND BANKS

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

Attachment E Recorded Deeds

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

GF#06R24443/CR0/RTT

SPECIAL WARRANTY DEED

STATE OF TEXAS §
COUNTY OF PALO PINTO § KNOW ALL MEN BY THESE PRESENTS:

That **DALTON BEND RANCH, LTD., a Texas limited partnership**

(hereinafter called "Grantor," whether one or more, masculine, feminine or neuter) for and in consideration of the sum of TEN and no/100 DOLLARS and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, paid by

RIO ROCA RANCH, LP, a Texas limited partnership
whose address is: 5040 Addison Circle, Suite 400, Addison, Texas 75001

(hereinafter called "Grantee," whether one or more, masculine, feminine or neuter), for which no lien is retained either express or implied, has Granted, Sold and Conveyed, and by these presents does hereby Grant, Sell and Convey, unto the said Grantee all that certain real property located in Palo Pinto County, Texas and described as follows:

Being a 705.034 acre tract of land out of the following surveys: T.E. & L. Company Survey 1785, AB# 560, T.E. & L. Company Survey 1788, AB# 563; A.S. Simmons Survey, AB# 1120; Crittenden Wells Survey, AB# 893; J.J. Metcalf Survey, AB# 342; and the John Adkins Survey AB# 1415; all in Palo Pinto County, Texas, and being more particularly described on Exhibit A attached hereto and made a part hereof.

together with all improvements thereon, if any, and all rights, privileges, tenements, hereditaments, rights of way, easements, appendages and appurtenances, in anyway appertaining thereto, and all right, title and interest of Grantor in and to any streets, ways, alleys, strips or gores of land adjoining the above-described property or any part thereof (hereinafter, the "Property").

This deed is executed and delivered subject to property taxes for the current year and subsequent years, the payment of which Grantee assumes, and those permitted exceptions listed on Exhibit B attached hereto and made a part hereof for all purposes (the "Permitted Exceptions").

TO HAVE AND TO HOLD the above described Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, his, her or its

Republic Title of Texas, Inc. - COMMERCIAL
GF # 06R24443 CRO FFS 44.00

successors, heirs and assigns, as the case may be, forever; and Grantor does hereby bind Grantor and Grantor's successors, heirs, executors and administrators, as the case may be, to Warrant and Forever Defend all and singular the said Property unto the said Grantee and Grantee's successors, heirs and assigns, as the case may be, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof, except as to the Permitted Exceptions, by, through, or under Grantor, but not otherwise.

EXECUTED TO BE EFFECTIVE THE 21st DAY OF AUGUST, 2006.

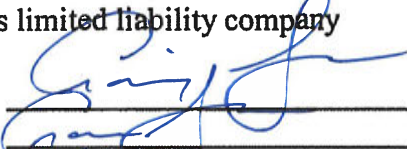
DALTON BEND RANCH, LTD.,
a Texas limited partnership

By: Emerging Land Markets, LLC,
a Texas limited liability company

By:

Name:

Title:



Manager

ACKNOWLEDGMENT

STATE OF §
COUNTY OF §

Before me, the undersigned authority, on this day personally appeared Jesse James (Craig), ___ known to me or ___ proved to me through Drivers lic. (description of identity card) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that said person executed the same for the purposes and consideration therein expressed, in their capacity as ___ of EMERGING LAND MARKETS, LLC, a Texas limited liability company, in its capacity as General Partner of DALTON BEND RANCH, LTD.

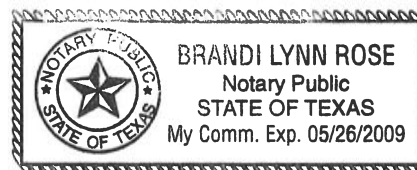
Given under my hand and seal of office this 17 day of August, 2006.

Brandi Rose

Notary Public, State of Texas

Printed name: Brandi ROSE

Commission expires: 5-26-2009



AFTER RECORDING RETURN TO:
Republic Title of Texas, Inc.
2626 Howell Street, 10th Floor
Dallas, Texas 75204-4064

PREPARED IN THE LAW OFFICE OF:
Hunter & Kramer, P.C.
8300 Douglas Avenue, Suite 100
Dallas, Texas 75225

EXHIBIT A

Of a 705.034 acres tract of land out of the T. E. & L. Co. Survey No. 1785, Abstract No. 560, the T. E. & L. Co. Survey No. 1788, Abstract No. 563, the A. S. Simmons Survey, Abstract No. 1120, the C. Wells Survey, Abstract No. 893, the J. J. Metcalf Survey, Abstract No. 342, and the J. Adkins Survey, Abstract No. 1415, all in Palo Pinto County, Texas; being part of a certain 6139.283 acres tract described in Volume 1288, Page 652, of the Official Public Records of Palo Pinto County, Texas; and being further described by metes and bounds as follows.

Beginning at a set spike in the east line of said 6139.283 acres tract and in the West right of way line of F. M. Highway No. 4 and in the center of Fortune Bend Road (gravel) for the Northeast and beginning corner of this tract. Whence the Northeast corner of said 6139.283 acres tract bears North 00 degrees 13 minutes 14 seconds East 3576.35 feet and the Northeast corner of the T. E. & L. Co. Survey No. 1782, Abstract No. 557, is called to bear North 00 degrees 13 minutes 14 seconds East 3576.35 feet and North 89 degrees 15 minutes 15 seconds East 46.91 feet.

Thence South 06 degrees 01 minutes 29 seconds West 925.89 feet along the West right of way line of said F. M. Highway No. 4 to a found 3/8 inch iron rod for a corner of this and said 6139.283 acres tract.

Thence South 06 degrees 10 minutes 13 seconds West 2582.23 feet along the West right of way line of F. M. Highway No. 4 to a found 3/8 inch iron rod at the PC of a curve for a corner of this and said 6139.283 acres tract.

Thence southerly around the arc of 00 degrees 59 minutes 29 seconds curve to the left with a radius of 5779.28 feet, a central angle of 06 degrees 26 minutes 00 seconds, a chord bearing of South 02 degrees 57 minutes 13 seconds West 648.57 feet, and an arc length of 648.91 feet along the West right of way line of said F. M. Highway No. 4 to a found 3/8 inch iron rod for a corner of this and said 6139.283 acres tract.

Thence South 00 degrees 15 minutes 56 seconds East 1363.22 feet along the West right of way line of said F. M. Highway No. 4 to a found 3/8 inch iron rod for a corner of this and said 6139.283 acres tract.

Thence South 00 degrees 16 minutes 05 seconds East 410.09 feet along the West right of way line of said F. M. Highway No. 4 to a found 3/8 inch iron rod at the PC of a curve for a corner of this and said 6139.283 acres tract.

Thence southwesterly around the arc of 04 degrees 08 minutes 42 seconds curve to the right with a radius of 1382.30 feet, a central angle of 45 degrees 33 minutes 15 seconds, a chord bearing of South 22 degrees 11 minutes 34 seconds West 1070.31 feet, and an arc length of 1099.03 feet along the West right of way line of said F. M. Highway No. 4 to a found 3/8 inch iron rod for a corner of this and said 6139.283 acres tract.

Thence South 55 degrees 18 minutes 52 seconds West 227.90 feet along the West right of way line of said F. M. Highway No. 4 to a found spike at the PC of a curve for a corner of this and said 6139.283 acres tract.

Thence southwesterly around the arc of a 02 degrees 24 minutes 20 seconds curve to the left with a radius of 2381.83 feet, a central angle of 05 degrees 53 minutes 40 seconds, a chord bearing of South 42 degrees 20 minutes 14 seconds West 244.92 feet, and an arc length of 245.03 feet along the West right of way line of said F. M. Highway No. 4 to a found PK nail in rock creek bed for a corner of this and said 6139.283 acres tract.

Thence North 72 degrees 25 minutes 30 seconds West 185.56 feet along said creek to a found spike for a corner of this and said 6139.283 acres tract.

Thence South 73 degrees 34 minutes 09 seconds West 233.93 feet along said creek to a found spike for a corner of this and said 6139.283 acres tract.

Thence South 01 degrees 29 minutes 25 seconds West 683.79 feet along said creek to a found spike in the center of Dark Valley Creek for a corner of this and said 6139.283 acres tract.

Thence South 35 degrees 22 minutes 40 seconds West 100.86 feet along the center of said Dark Valley Creek to a found spike for a corner of this and said 6139.283 acres tract.

Thence South 36 degrees 51 minutes 48 seconds West 641.92 feet along the center of said Dark Valley Creek to a point for a corner of this and said 6139.283 acres tract.

Thence South 30 degrees 14 minutes 37 seconds West 264.95 feet along the center of said Dark Valley Creek to a point for a corner of this and said 6139.283 acres tract.

Thence South 07 degrees 51 minutes 21 seconds West 150.49 feet along the center of said Dark Valley Creek to a point in the north line of the Brazos River for the most southerly Southeast corner of this and said 6139.283 acres tract.

Thence South 82 degrees 59 minutes 18 seconds West at 47.4 feet pass a found 3/8 inch iron rod on the North bank of said Brazos River and in all 660.15 feet along the North bank of said Brazos River to a found spike for a corner of this and said 6139.283 acres tract.

Thence South 78 degrees 07 minutes 35 seconds West 571.59 feet along the North bank of said Brazos River to a found spike for a corner of this and said 6139.283 acres tract.

Thence South 72 degrees 27 minutes 20 seconds West 317.35 feet along the North bank of said Brazos River to a found spike for a corner of this and said 6139.283 acres tract.

Thence South 78 degrees 01 minutes 10 seconds West 703.03 feet along the North bank of said Brazos River and along the South line of said 6139.283 acres tract to a set spike for the Southwest corner of this tract.

Thence North 18 degrees 18 minutes 57 seconds West 165.35 feet to a set 1/2 inch iron rod for a corner of this tract.

Thence North 00 degrees 59 minutes 26 seconds West 294.44 feet to a set 1/2 inch iron rod for a corner of this tract.

Thence North 05 degrees 19 minutes 49 seconds East 337.26 feet to a set 1/2 inch iron rod for a corner of this tract.

Thence North 05 degrees 20 minutes 34 seconds West 3379.68 feet to a set 1/2 inch iron rod for a corner of this tract.

Thence North 67 degrees 05 minutes 24 seconds East 1199.28 feet to a 12 inch tree fence corner for a corner of this tract.

Thence North 00 degrees 26 minutes 44 seconds West 4210.90 feet along a fence to the North side of a 4 inch steel post for a corner of this tract.

Thence North 88 degrees 25 minutes 00 seconds East 203.41 feet to a set 1/2 inch iron rod for a corner of this tract.

Thence North 01 degrees 23 minutes 59 seconds East at 393.57 feet pass a 4 inch steel post and in all 418.54 feet to a set spike in the center of said Fortune Bend Road for the most northerly Northwest corner of this tract.

Thence North 88 degrees 55 minutes 40 seconds East 3433.51 feet along the center of said Fortune Bend Road to the place of beginning.

EXHIBIT B
PERMITTED EXCEPTIONS

1. Restrictive Covenant Agreement dated February 4, 2005 from Colleyville Boulevard, Ltd. to Dalton Bend Ranch, Ltd., recorded in Volume 1288, Page 661, Official Public Records of Palo Pinto County, Texas, amended by First Amendment to Restrictive Covenant Agreement dated April 6, 2006, recorded in Volume 1366, Page 704, Official Public Records of Palo Pinto County, Texas.
2. Right of Way Easement dated July 25, 1922 from R.S. Dalton to Sinclair Pipe Line Company, recorded in Volume 118, Page 149, Deed Records of Palo Pinto County, Texas, as shown on survey of Michael Price, R.P.L.S. #5492, dated 07/18/2006.
3. Right of Way Easement dated December 14, 1918 from R.S. Dalton and Millie Dalton to Sinclair Gulf Pipe Line Company, recorded in Volume 94, Page 51, Deed Records of Palo Pinto County, Texas, as shown on survey of Michael Price, R.P.L.S. #5492, dated 07/18/2006.
4. Right of Way Easement dated February 27, 1919, from R.S. Dalton and Millie Dalton to The Prairie Pipe Line Company, recorded in Volume 94, Page 171, Deed Records of Palo Pinto County, Texas, as shown on survey of Michael Price, R.P.L.S. #5492, dated 07/18/2006.
5. Mineral Reservations contained in Special Warranty Deed dated February 24, 2004, from Marvin H. McMurrey, Jr., Co-Trustee, Jackson B. Horn, Co-Trustee, James D. McMurrey, Jr., Trustee, Odette McMurrey Mace, Trustee, Lula Belle Maddox Mays, Carolyn Nelle Maddox Shelton, and Patricia Anne Maddox Matthew, to Colleyville Boulevard, Ltd., Maddox Shelton, and Patricia Anne Maddox Matthew, to Colleyville Boulevard, Ltd., recorded in Volume 1231, Page 110, Official Public Records of Palo Pinto, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
6. Undivided interest in the oil, gas, minerals, and royalties, reserved by Curtis Mitchell and wife, Mary Helen Mitchell, in Warranty Deed dated January 27, 1984, to Kenneth Waltrip and wife, Patsy Sue Waltrip, recorded in Volume 618, Page 599, Deed Records of Palo Pinto County, Texas.
7. Royalty reservation in Warranty Deed dated January 28, 1985 from Kenneth Waltrip and wife, Patsy Waltrip, to James D. McMurrey et al, recorded in Volume 639, Page 22, Deed Records of Palo Pinto County, Texas.

8. Terms, provisions, and conditions of Oil and Gas Lease dated November 4, 1970 from Lula Belle McMurrey et al to M. O. Rife, Jr., recorded in Volume 386, Page 237, Deed Records of Palo Pinto County, Texas, as affected by instrument filed in Volume 1242, Page 873, Deed Records Palo Pinto County, Texas.
9. Terms, provisions, and conditions of Oil and Gas Lease dated March 31, 2005 from Curtis Mitchell to Certified Petroleum, Inc., recorded in Volume 1307, Page 298, Official Public Records of Palo Pinto County, Texas.
10. Mineral Deed dated July 16, 1991 from James D. McMurrey, Lula Belle Maddox, Marvin McMurrey, Jr., A. Wayne Corley, Individually and as Trustees, under the Will of Marvin H. McMurrey, and as Trustees under the Will of Lula Belle McMurrey Estate, to Joyce Rochelle recorded in Volume 758, Page 601, Deed Records of Palo Pinto County, Texas.
11. Terms, provisions, and conditions of Oil and Gas Lease dated March 13, 1990 from James D. McMurrey, Trustee et al to Carla Petroleum, Inc., recorded in Volume 737, Page 176, Deed Records of Palo Pinto County, Texas, as amended by instrument dated October 26, 1990 recorded in Volume 749, Page 947, Deed Records of Palo Pinto County, Texas, and by amendment dated October 18, 1990 recorded in Volume 753, Page 271, Deed Records of Palo Pinto County, Texas, and as affected by instrument dated April 23, 1991 recorded in Volume 753, Page 4, Deed Records of Palo Pinto County, Texas, and as affected by instrument filed in Volume 1242, Page 873, Deed Records Palo Pinto County, Texas.
12. Terms, provisions, and conditions of Oil and Gas Lease dated September 5, 1973 from M.E. Rochelle and wife Etta Rochelle to B.S. Matson, recorded in Volume 443, Page 119, Deed Records of Palo Pinto County, Texas, and affected by instrument dated June 1, 1975 recorded in Volume 444, Page 619, Deed Records of Palo Pinto County, Texas, as amended in Volume 444, Page 760, Deed Records of Palo Pinto, County, Texas.
13. Terms, provisions, and conditions of Grazing Lease as reflected in Warranty Deed dated February 4, 2005 recorded in Volume, 1288, Page 652, Official Public Records of Palo Pinto County, Texas.
14. Rights of third parties with respect to those portions of the property lying within the boundaries of Fortune Bend Road, as shown on survey of Michael Price, R.P.L.S. #5492, dated 07/18/2006.
15. Power poles and any lines associated therewith, telephone lines, pump jack, gas well, stock tank, Devon gas pipeline, fences inside and outside property lines; all as shown on survey of Michael Price, R.P.L.S. #5492, dated 07/18/2006.
16. Accretion or avulsion which may occur along the bank of the Brazos River, and along the banks of Dark Valley Creek.

Doc
00007396 Bk
OR

Vol
1389

Ps
911

FILED FOR RECORD IN
Palo Pinto County
Bobbie Smith
COUNTY CLERK

DN: Aug 22, 2006 AT 02:05P

as
Recordings

Document Number: 00007396
Total Fees : 44.00

Receipt Number - 69806
By:
Roy Gann, Deputy

Rep. Title of Texas - Enw.

Elliott & Waldron Abstract Company of Palo Pinto Inc.

A Member of Adams Title Company Group

Jane E. Privitt, Manager

403 South Oak Avenue
Mineral Wells, Texas 76067
Email: [REDACTED]

Phone: 940-325-6564
Fax: 940-325-1036

January 29, 2007

Rio Roca Ranch, L.P.
4436 North Versailles
Dallas, TX 75205
Attn: Ms. Nancy Richards

**Re: GF No: 2006-1162 - Dalton Bend Ranch, Ltd. to Rio Roca Ranch, L. P.
BEING a called 838.323 acres tract of land, more or less, out of T. E. & L. Co. Survey
Nos. 1785, 1786, 1787, 1788, and 1789, Abstract Nos. 560, 561, 562, 563, and 564; the A. S.
Simmons Survey, Abstract No. 1120; and the L. B. Dayton Survey, Abstract no. 153, all in
Palo Pinto County, Texas.**

Dear Ms. Richards:

Enclosed herewith please find the original recorded Special Warranty Deed and the Owner Policy of Title Insurance for the above referenced transaction. Also, enclosed is your set of copies of the documents signed at closing. Please keep these documents with your permanent records.

It was a pleasure working with you on this closing. If you have any questions or I can be of additional assistance, please call me.

Sincerely,



Jane E. Privitt
Manager

JEP/slp
Enclosures

SPECIAL WARRANTY DEED

DATE: December 6, 2006

GRANTOR: Dalton Bend Ranch, Ltd., acting by and through its General Partner, Emerging Land Markets, L.P.

GRANTOR'S MAILING ADDRESS: 12714 S. FM 455, Celina
(including county) Collin County, Texas 75009

GRANTEE: Rio Roca Ranch, L.P.

GRANTEE'S MAILING ADDRESS: 4436 North Versailles, Dallas, Dallas County, Texas
(including county) 75205

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged and confessed; and pursuant to an exchange of property under Section 1031 of the Internal Revenue Code.

Grantee hereby assumes ad valorem taxes for the year 2006 and all subsequent years.

PROPERTY (including any improvements):

Being a called 838.323 acres tract of land, more or less, out of TE&L Company Survey 1785, Abstract 560, TE&L Company Survey 1786, Abstract 561, TE&L Company Survey 1787, Abstract 562, TE&L Company Survey 1788, Abstract 563, TE&L Company Survey 1789, Abstract 564, the A. S. Simmons Survey, Abstract 1120, and the L. B. Dayton Survey, Abstract 153, all in Palo Pinto County, Texas; being part of a certain 6139.283 acres described in Volume 1288, Page 652, of the Official Public Records of Palo Pinto County, Texas; and being further described by metes and bounds as follows:

BEGINNING at a found spike at the most northerly Northwest Corner of a certain 705.034 acres tract described in Volume 1389, Page 903 of the Official Public Records of Palo Pinto County, Texas and in the center of Fortune Bend Road (gravel) for the Northeast and beginning corner of this tract. Whence a found 3/8 inch iron rod at the Northeast Corner of TE&L Company Survey 1782, Abstract 557 bears North 88 deg. 55 min. 40 sec. East 3433.51 feet, North 04 deg. 04 min. 42 sec. East 215.77 feet, North 00 deg. 13 min. 14 sec. East 3576.35 feet and East 48.03 feet;

THENCE South 01 deg. 24 min. 00 sec. West at 25.00 feet pass a 4 inch steel post in the South right of way fence of said Fortune Bend Road and in all 418.54 feet to a found 1/2 inch iron rod for a corner of this and said 705.034 acres tract;

THENCE South 88 deg. 25 min. 00 sec. West 203.41 feet to the North side of a 4 inch steel post for a corner of this and said 705.034 acres tract;

THENCE South 00 deg. 26 min. 44 sec. East 4210.90 feet along a fence to a 12 inch tree for a corner of this and said 705.034 acres tract;

THENCE South 67 deg. 05 min. 24 sec. West 1199.28 feet to a found 1/2 inch iron rod for a corner of this and said 705.034 acres tract;

THENCE South 05 deg. 20 min. 34 sec. East 3379.68 feet to a found 1/2 inch iron rod for a corner of this and said 705.034 acres tract;

THENCE South 05 deg. 19 min. 49 sec. West 337.26 feet to a found 1/2 inch iron rod for a corner of this and said 705.034 acres tract;

THENCE South 00 deg. 59 min. 25 sec. East 294.44 feet to a found 1/2 inch iron rod for a corner of this and said 705.034 acres tract;

THENCE South 18 deg. 18 min. 57 sec. East 165.35 feet to a found spike in the South Line of said 6139.283 acres tract and at the Southwest Corner of said 705.034 acres tract and on the North bank of the Brazos River for the Southeast Corner of this tract;

THENCE South 78 deg. 01 min. 10 sec. West 498.89 feet along the North bank of said Brazos River to a found spike for a corner of this and said 6139.283 acres tract;

THENCE South 54 deg. 42 min. 46 sec. West 95.84 feet along the North bank of said Brazos River to a found spike for a corner of this and said 6139.283 acres tract;

THENCE South 85 deg. 50 min. 13 sec. West 302.53 feet along the North bank of said Brazos River to a found spike for a corner of this and said 6139.283 acres tract;

THENCE South 61 deg. 27 min. 16 sec. West 67.15 feet along the North bank of said Brazos River to a found spike for a corner of this and said 6139.283 acres tract;

THENCE South 83 deg. 56 min. 34 sec. West 139.24 feet along the North bank of said Brazos River to a found spike for a corner of this and said 6139.283 acres tract;

THENCE South 83 deg. 45 min. 11 sec. West 144.21 feet along the North bank of said Brazos River to a found spike for a corner of this and said 6139.283 acres tract;

THENCE South 61 deg. 57 min. 15 sec. West 230.53 feet along the North bank of said Brazos River to a found spike for a corner of this and said 6139.283 acres tract;

THENCE South 61 deg. 22 min. 51 sec. West 201.79 feet along the North bank of said Brazos River to a found spike for a corner of this and said 6139.283 acres tract;

THENCE South 51 deg. 48 min. 43 sec. West 854.93 feet along the North bank of said Brazos River to a found spike for a corner of this and said 6139.283 acres tract;

THENCE South 47 deg. 58 min. 38 sec. West 655.99 feet along the South Line of said 6139.283 acres tract and the North bank of said Brazos River to a found spike at the Southeast Corner of a certain 363.636 acres tract described in Volume 1366, Page 487 of the Official Public Records, Palo Pinto County, Texas for the most southerly Southwest Corner of this tract;

THENCE North 31 deg. 45 min. 25 sec. West 209.49 feet to a found 1/2 inch iron rod for a corner of this and said 363.636 acres tract;

THENCE North 25 deg. 11 min. 13 sec. West 270.55 feet to a found 1/2 inch iron rod for a corner of this and said 363.636 acres tract;

THENCE North 20 deg. 52 min. 37 sec. West 92.76 feet to a found 1/2 inch iron rod for a corner of this and said 363.636 acres tract;

THENCE North 21 deg. 52 min. 49 sec. West 325.85 feet to a found 1/2 inch iron rod for a corner of this and said 363.636 acres tract;

THENCE North 05 deg. 44 min. 26 sec. West 88.06 feet to a found 1/2 inch iron rod for a corner of this and said 363.636 acres tract;

THENCE North 02 deg. 34 min. 51 sec. West 262.43 feet to a found 1/2 inch iron rod for a corner of this and said 363.636 acres tract;

THENCE North 02 deg. 57 min. 44 sec. East 910.84 feet to a found 1/2 inch iron rod for a corner of this and said 363.636 acres tract;

THENCE North 07 deg. 53 min. 38 sec. East 506.22 feet to a found 1/2 inch iron rod for a corner of this and said 363.636 acres tract;

THENCE North 16 deg. 49 min. 15 sec. East 287.88 feet to a found 1/2 inch iron rod for a corner of this and said 363.636 acres tract;

THENCE North 20 deg. 03 min. 23 sec. East 2938.15 feet to a found 1/2 inch iron rod at the Northeast Corner of said 363.636 acres tract for a corner of this tract;

THENCE South 84 deg. 15 min. 03 sec. West 1306.17 feet to a found spike for a corner of this and said 363.636 acres tract;

THENCE South 84 deg. 36 min. 57 sec. West at 1387.72 feet pass a found 1/2 inch iron rod in the East right of way fence of said Fortune Bend Road and in all 1414.72 feet to a found spike at the Northwest corner of said 363.636 acres tract and in the center of said Fortune Bend Road for the most Westerly Southwest Corner of this tract;

THENCE North 22 deg. 09 min. 41 sec. East 1636.44 feet along the center of said Fortune Bend Road to a set spike for a corner of this tract;

THENCE North 08 deg. 08 min. 55 sec. East 500.03 feet along the center of said Fortune Bend Road to a set spike for a corner of this tract;

THENCE North 03 deg. 03 min. 23 sec. East 140.16 feet along the center of said Fortune Bend Road to a set spike for a corner of this tract;

THENCE North 25 deg. 57 min. 03 sec. West 249.72 feet along the center of said Fortune Bend Road to a set spike for a corner of this tract;

THENCE North 18 deg. 22 min. 33 sec. West 226.83 feet along the center of said Fortune Bend Road to a set spike for a corner of this tract;

THENCE North 12 deg. 34 min. 04 sec. West 543.85 feet along the center of said Fortune Bend Road to a set spike for a corner of this tract;

THENCE North 10 deg. 16 min. 56 sec. West 726.40 feet along the center of said Fortune Bend Road to a found spike at the most southerly Southeast Corner of a certain 827.899 acres tract described in Volume 1365, Page 661 of the Official Public Records, Palo Pinto County, Texas, for a corner of this tract;

THENCE North 12 deg. 12 min. 02 sec. West 247.74 feet along the center of said Fortune Bend Road to a found spike for a corner of this and said 827.899 acres tract;

THENCE North 02 deg. 54 min. 58 sec. West 80.51 feet along the center of said Fortune Bend Road to a found spike for a corner of this and said 827.899 acres tract;

THENCE North 12 deg. 18 min. 46 sec. East 55.61 feet along the center of said Fortune Bend Road to a found spike for a corner of this and said 827.899 acres tract;

THENCE North 25 deg. 16 min. 50 sec. East 41.90 feet along the center of said Fortune Bend Road to a found spike for a corner of this and said 827.899 acres tract;

THENCE North 44 deg. 38 min. 51 sec. East 201.30 feet along the center of said Fortune Bend Road to a found spike for a corner of this and said 827.899 acres tract;

THENCE North 41 deg. 06 min. 23 sec. East 170.72 feet along the center of said Fortune Bend Road to a found spike for a corner of this and said 827.899 acres tract;

THENCE North 48 deg. 11 min. 35 sec. East 64.83 feet along the center of said Fortune Bend Road to a found spike at a corner of said 827.899 acres tract for the Northwest Corner of this tract;

THENCE North 83 deg. 15 min. 47 sec. East 107.28 feet along the center of said Fortune Bend Road to a found spike for a corner of this and said 827.899 acres tract;

THENCE South 86 deg. 24 min. 26 sec. East 375.38 feet along the center of said Fortune Bend Road to a found spike for a corner of this and said 827.899 acres tract;

THENCE South 89 deg. 02 min. 22 sec. East 107.70 feet along the center of said Fortune Bend Road to a found spike for a corner of this and said 827.899 acres tract;

THENCE North 79 deg. 31 min. 36 sec. East 101.07 feet along the center of said Fortune Bend Road to a found spike for a corner of this and said 827.899 acres tract;
THENCE North 63 deg. 15 min. 04 sec. East 1020.61 feet along the center of said Fortune Bend Road to a found spike for a corner of this and said 827.899 acres tract;
THENCE North 61 deg. 38 min. 51 sec. East 637.23 feet along the center of said Fortune Bend Road to a found spike for a corner of this and said 827.899 acres tract;
THENCE North 64 deg. 35 min. 15 sec. East 78.43 feet along the center of said Fortune Bend Road to a found spike for a corner of this and said 827.899 acres tract;
THENCE North 73 deg. 37 min. 40 sec. East 139.73 feet along the center of said Fortune Bend Road to a found spike for a corner of this and said 827.899 acres tract;
THENCE North 82 deg. 47 min. 54 sec. East 145.74 feet along the center of said Fortune Bend Road to a found spike for a corner of this and said 827.899 acres tract;
THENCE South 83 deg. 32 min. 22 sec. East 1056.34 feet along the center of said Fortune Bend Road to a found spike for a corner of this and said 827.899 acres tract;
THENCE South 89 deg. 38 min. 48 sec. East 183.94 feet along the center of said Fortune Bend Road to a found spike for a corner of this and said 827.899 acres tract;
THENCE North 89 deg. 07 min. 56 sec. East 1071.20 feet along the center of said Fortune Bend Road to a found spike at the most Easterly Southeast Corner of said 827.899 acres tract for a corner of this tract;
THENCE North 88 deg. 57 min. 24 sec. East 238.10 feet along the center of said Fortune Bend Road to the place of beginning.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

- (1) Oil, Gas and Mineral Lease dated November 4, 1970, from Lula Belle McMurrey, et al, to M. O. Rife, Jr., recorded in Volume 386, Page 237, Deed Records of Palo Pinto County, Texas .
- (2) Unreleased Oil, Gas and Mineral Lease dated May 11, 1965, from Lula Belle McMurrey, et al to M. O. Rife, Jr., recorded in Volume 325, Page 15, Deed Records of Palo Pinto County, Texas. Amendment of Oil and Gas Lease dated April 12, 1966, recorded in Volume 333, Page 63, Deed Records of Palo Pinto County, Texas.
- (3) Unreleased Oil and Gas Lease dated July 10, 1967, from Lula Belle McMurrey, et al to M. O. Rife, Jr., recorded in Volume 349, Page 295, Deed Records of Palo Pinto County, Texas.
- (4) Oil, Gas and Mineral Lease dated May 11, 1965, from Lula Belle McMurrey, et al, to M. O. Rife, Jr., recorded in Volume 325, Page 15, Deed Records of Palo Pinto County, Texas. Amendment of Oil and Gas Lease dated April 12, 1966, recorded in Volume 333, Page 63, Deed Records of Palo Pinto County, Texas.
- (5) Amendment to Oil and Gas Lease dated August 22, 1967, from Lula Belle McMurrey, et al, to M. O. Rife, Jr., recorded in Volume 346, Page 193, Deed Records of Palo Pinto County, Texas.
- (6) Reservation of undivided interest in oil, gas and other minerals by Curtis Mitchell and wife, Mary Helen Mitchell in Warranty Deed dated January 27, 1984, to Kenneth Waltrip and wife, Patsy Sue Waltrip, recorded in Volume 618, Page 599, Deed Records of Palo Pinto County, Texas.
- (7) Reservation of undivided royalty interest in existing oil, gas and mineral leases by Kenneth Waltrip and wife, Patsy Sue Waltrip in Warranty Deed dated January 28, 1985, to James D. McMurrey, et al, recorded in Volume 639, Page 22, Deed Records of Palo Pinto County, Texas.
- (8) Oil, gas and other minerals reserved by Marvin H. McMurrey, Jr. and Jackson B. Horn, as Co-Trustees of the Testamentary Trust created in Part V and the Testamentary Trust for Marvin H. McMurrey, Jr. created in Part VII of the Will of Marvin H. McMurrey, deceased and as Co-Trustees of the Testamentary Trust created in Part IV and the Testamentary Trust for Marvin H. McMurrey, Jr. created in Part VI of the Will of Lula Belle McMurrey, deceased, James D. McMurrey, Jr., as Trustee of the James D. McMurrey, Jr. Exempt Trust under the Will of James D. McMurrey, deceased, Odette McMurrey Mace, as Trustee of the Odette McMurrey Mace Exempt Trust under the Will of James D. McMurrey, deceased, Lula Belle Maddox Mays, Carolyn Nelle Maddox Shelton and Patricia Anne Maddox Matthew in Special Warranty Deed effective February 24, 2004, to Colleyville Boulevard, Ltd., recorded in Volume 1231, Page 110, Official Public Records of Palo Pinto County, Texas.
- (9) Right of Way Agreement dated April 24, 1924, from R. S. Dalton and wife, Millie Dalton, to The Upham Gas Company of Texas, recorded in Volume 126, Page 422, Deed Records of Palo Pinto County, Texas.

(10) Right of Way Contract dated July 25, 1922, from R. S. Dalton to Sinclair Pipe Line Company, recorded in Volume 118, Page 149, Deed Records of Palo Pinto County, Texas.

(11) Right of Way Agreement dated April 24, 1924, by and between R. S. Dalton and wife, Millie Dalton, and The Upham Gas Company of Texas, recorded in Volume 126, Page 244, Deed Records of Palo Pinto County, Texas.

(12) Right of Way Contract dated July 25, 1922, from R. S. Dalton to Sinclair Pipe Line Company, recorded in Volume 118, Page 149, Deed Records of Palo Pinto County, Texas.

(13) Right of Way Agreement dated April 24, 1924, from R. S. Dalton and wife, Millie Dalton, to The Upham Gas Company of Texas, recorded in Volume 126, Page 422, Deed Records of Palo Pinto County, Texas.

(14) Restrictive Covenant Agreement dated February 4, 2005, recorded in Volume 1288, Page 661, Official Public Records of Palo Pinto County, Texas.

(15) First Amendment to Restrictive Covenant Agreement dated April 6, 2006, recorded in Volume 1366, Page 704, Official Public Records of Palo Pinto County, Texas.

(16) That portion of the property which lies within Fortune Bend Road, a gravel road crossing the property, as reflected on Plat of Survey dated December 19, 2003, Revised February 13, 2004, and Revised January 4, 2005 to provide division line between 6,092.453 acres and 1,812.400 acres, prepared by Michael Price, Registered Professional Land Surveyor No. 5492, and any rights created by the presence thereof. (That portion of the property which lies North and West of the Brazos River).

(17) Power lines, poles, fence lines, fences and pipelines all as shown on Plat of Survey dated November 6, 2006, prepared by Michael Price, Registered Professional Land Surveyor No. 5492, and any rights created by the presence thereof.

(18) Terms, conditions, and provisions reflected in Easement Agreement dated September 1, 1984 between Marvin H. McMurrey, Jr. et al, and William H. Davidson and wife, Patricia Davidson, recorded in Volume 646, Page 41, Deed Records of Palo Pinto County, Texas, and as reflected on Plat of Survey dated December 19, 2003, prepared by Michael Price, Registered Professional Land Surveyor No. 5492, and any rights created by the presence thereof. (That portion of the property which lies North and West of the Brazos River)

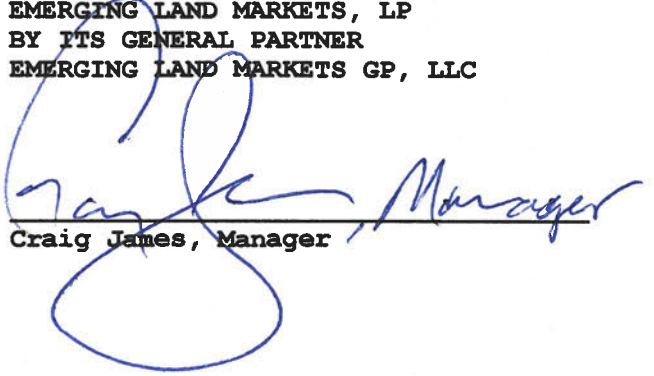
(19) Grazing Lease reserved by Colleyville Boulevard, Ltd. in Warranty Deed dated February 4, 2005, to Dalton Bend Ranch, Ltd., recorded in Volume 1288, Page 652, Official Public Records of Palo Pinto County, Texas.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors and assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, by, through or under the undersigned and not otherwise.

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

EXECUTED on the date and year first above written.

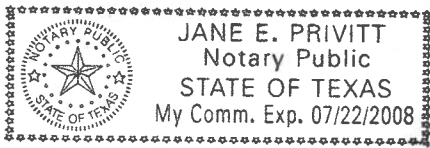
DALTON BEND RANCH, LTD.,
BY ITS GENERAL PARTNER
EMERGING LAND MARKETS, LP
BY ITS GENERAL PARTNER
EMERGING LAND MARKETS GP, LLC

By: 

Craig James, Manager

THE STATE OF TEXAS)
COUNTY OF PALO PINTO)

This instrument was acknowledged before me by Craig James, Manager of Emerging Land Markets GP, LLC, General Partner of Emerging Land Markets, LP, General Partner of Dalton Bend Ranch, Ltd., on behalf of said entities, on this the 6th day of December, 2006.




Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

Elliott & Waldron
403 South Oak Avenue
Mineral Wells, Texas 76067

PREPARED IN THE LAW OFFICE OF:

Gault & Gault
P. O. Box 817
Mineral Wells, Texas 76068

c:dalton bend to rio roca deed\real estate

AFTER RECORDING RETURN TO:
ELLIOTT & WALDRON ABSTRACT
403 SOUTH OAK AVENUE
MINERAL WELLS, TX 76067
GF# 2006-1162

Doc
00011133 Bk
OR

Vol
1410

Pg
654

FILED FOR RECORD IN
Palo Pinto County
Bobbie Smith
COUNTY CLERK

ON: Dec 12, 2006 AT 10:03A

as
Recordings

Document Number: 00011133
Total Fees : 32.00

Receipt Number - 72714
By:
Roy Gann, Deputy

Edw

Document No. 2009-00008404

Book: OR Volume: 1671 Page: 317

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

Parties: ROCKER B LAND AND CATTLE COMPANY
to
RIO ROCA RANCH

FILED AND RECORDED
REAL RECORDS

On: 12/21/2009 at 11:54 AM

Document Number: 2009-00008404
Receipt No. 15093
Amount: \$ 68.00

By: neysa
Bobbie Smith, County Clerk
Palo Pinto County, Texas
15 Pages



STATE OF TEXAS
COUNTY OF PALO PINTO

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

Bobbie Smith, County Clerk

Record and Return To:



REPUBLIC TITLE OF TEXAS INC
ATTN. LIZ TUCKER
2626 HOWELL STREET - 10TH FLOOR
DALLAS, TX 75204

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

GENERAL WARRANTY DEED

STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF PALO PINTO §

That **ROCKER B LAND AND CATTLE COMPANY, LLC;
A/K/A ROCKER B. LAND AND CATTLE COMPANY, L.L.C.;
A/K/A ROCKER B LAND & CATTLE CO., LLC**

(hereinafter called "Grantor, " whether one or more, masculine, feminine or neuter) for and in consideration of the sum of TEN and no/100 DOLLARS and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, paid by

RIO ROCA RANCH, LP, a Texas limited partnership

whose address is: 4436 N. Versailles, Dallas, TX 75205

(hereinafter called the "Grantee," whether on or more, masculine, feminine or neuter), for which no lien is retained either express or implied, has Granted, Sold and Conveyed, and by these presents does hereby Grant, Sell and Convey, unto the said Grantee all that certain real property located in Palo Pinto County, Texas and described as follows:

See Exhibit "A" attached hereto and made a part hereof for all purposes.

Together with all improvements thereon, if any, and all rights, privileges, tenements, hereditaments, rights of way, easements, appendages and appurtenances, in anyway appertaining thereto, and all mineral rights and estates, if any, and all right, title and interest of Grantor in and to any streets, ways, alleys, strips or gores of land adjoining the above-described property or any part thereof (hereinafter, the "Property").

This deed is executed and delivered subject to property taxes for the current year and subsequent years, the payment of which Grantee assumes, and those permitted exceptions listed on Exhibit B attached hereto and made a part hereof for all purposes (the "Permitted Exceptions").

TO HAVE AND TO HOLD the above described Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, his, her or its successors, heirs and assigns, as the case may be, forever; and Grantor does hereby bind Grantor and Grantor's successors, heirs, executors and administrators, as the case may be, to Warrant and Forever Defend all and singular the said Property unto the said Grantee and Grantee's successors, heirs and

assigns, as the case may be, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

EXECUTED TO BE EFFECTIVE THE 18th DAY OF DECEMBER, 2009

**ROCKER B LAND AND CATTLE
COMPANY, LLC, a Texas limited liability
company (A/K/A Rocker B. Land and
Cattle Company, L.L.C.; A/K/A Rocker B
Land & Cattle Co., LLC)**

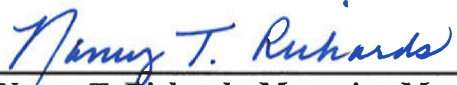
By: 

Lance R. Byrd, Member

AGREED AND ACCEPTED:

**RIO ROCA RANCH, LP,
a Texas limited partnership**

By: **RIO ROCA RANCH GP, L.L.C.
a Texas limited liability company
Its: General Partner**

By: 

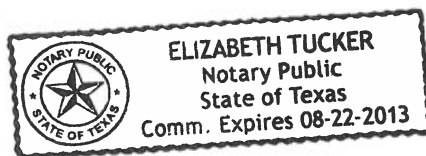
Nancy T. Richards, Managing Member

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF DALLAS §

Before me, the undersigned authority, on this day personally appeared LANCE R. BYRD, [check one] ___ known to me or ☒ proved to me through TX driver's license (description of identity card) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that said person executed the same for the purposes and consideration therein expressed, in his capacity as the Member of **ROCKER B LAND AND CATTLE COMPANY, LLC, a Texas limited liability company.**

Given under my hand and seal of office this 18th day of December, 2009



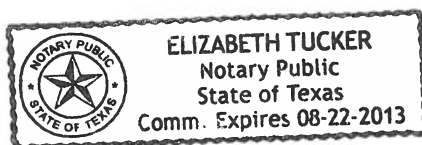
Elizabeth Tucker
Notary Public, State of Texas
Printed name: ELIZABETH TUCKER
Commission expires: 8/22/2013

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF DALLAS §

Before me, the undersigned authority, on this day personally appeared Nancy T. Richards, [check one] ☒ known to me or ___ proved to me through _____ (description of identity card) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that said person executed the same for the purposes and consideration therein expressed, in her capacity as Managing Member of RIO ROCA RANCH GP, L.L.C., a Texas limited liability company, in its capacity as General Partner of **RIO ROCA RANCH, LP, a Texas limited partnership.**

Given under my hand and seal of office this 18th day of December, 2009



Elizabeth Tucker
Notary Public, State of Texas
Printed name: ELIZABETH TUCKER
Commission expires: 8/22/2013

AFTER RECORDING RETURN TO:

Republic Title of Texas, Inc.

2626 Howell Street, 10th Floor

Dallas, Texas 75204-4064

Exhibit A

Of a 920.690 acres tract of land being all of T.E. & L. Co. Survey No. 1791, Abstract No. 566, and part of T.E. & L. Co. Survey No. 1771, Abstract No. 546, T.E. & L. Co. Survey No. 1782, Abstract No. 557, T.E. & L. Co. Survey No. 1785, Abstract No. 560, T.E. & L. Co. Survey No. 1786, Abstract No. 561, and T.E. & L. Co. Survey No. 1792, Abstract No. 567, all in Palo Pinto County, Texas; being all of a certain 219.100 acres tract of land described in Volume 1578, Page 311, all of a certain 44.648 acres tract described in Volume 1589, Page 55, all of a certain 320.17 acres tract described in Volume 1450, Page 91, and part of a certain 827.899 acres tract described in Volume 1365, Page 661, all in the Official Public Records of Palo Pinto County, Texas; and being further described by metes and bounds as follows:

Beginning at a found spike replaced with a 1/2" iron rod in the north line of said 827.899 acres tract and at the southwest corner of a certain 160 acres tract described in Volume 907, Page 472 of the Official Public Records of Palo Pinto County, Texas and at the northwest corner of said T.E. & L. Co. Survey No. 1791 for the most westerly northwest and beginning corner of this tract.

Thence S. 89 deg. 37 min. 51 sec. E. 1877.82 feet to a found 1/2" iron rod at the southeast corner of said 160 acres tract and at the southwest corner of said 219.100 acres tract for an ell corner of this tract.

Thence N. 00 deg. 08 min. 17 sec. E. at 3741.08 feet pass a found 1/2" iron rod in the south fence line of Chaney Lane and in all 3766.93 feet to a found "PK" nail in said Chaney Lane and at the northeast corner of said 160 acres tract and at the northwest corner of said 219.100 acres tract for the most northerly northwest corner of this tract.

Thence N. 89 deg. 58 min. 36 sec. E. at 1866.86 feet pass a found 1/2" iron rod in said Chaney Lane at the northeast corner of said 219.100 acres tract and at the northwest corner of said 44.648 acres tract and in all 3033.68 feet to a set 1/2" iron rod in said Chaney Lane at the northeast corner of said 44.648 acres tract for the most northerly northeast corner of this tract.

Thence S. 00 deg. 01 min. 34 sec. E. at 24.52 feet pass a found spike in the south fence line of said Chaney Lane and at 1977.50 feet pass a found 1/2" iron rod at the southeast corner of said 44.648 acres tract and at the most easterly northeast corner of said 219.100 acres tract and in all 3765.06 feet to a found 1/2" iron rod at the southeast corner of said 219.100 acres tract for an ell corner of this tract.

Thence N. 89 deg. 15 min. 15 sec. E. 2519.63 feet to a found 3/8" iron rod in the west right of way line of F.M. Highway No. 4 and at the northeast corner of said 320.17 acres tract for the most easterly northeast corner of this tract.

Thence S. 00 deg. 13 min. 14 sec. W. 3576.35 feet to a found 3/8" iron rod in the west right of way line of said F.M. Highway No. 4 for a corner of this and said 320.17 acres tract.

Thence southwesterly around the arc of a 04 deg. 00 min. 17 sec. curve to the right with a central angle of 05 deg. 58 min. 12 sec., a radius of 1430.73 feet, a chord of S. 03 deg. 12 min. 27 sec. W. 149.01 feet, and an arc length of 149.08 feet to a found 3/8" iron rod in the west right of way line of said F.M. Highway No. 4 for a corner of this and said 320.17 acres tract.

Thence S. 06 deg. 01 min. 29 sec. W. 66.90 feet to a set 1/2" iron rod in the west right of way line of said F.M. Highway No. 4 and in Fortune Bend Road and at the northeast corner of a certain 705.034 acres tract described in Volume 1389, Page 903 of the Official Public Records of Palo Pinto County, Texas for the southeast corner of this and said 320.17 acres tract.

Thence S. 88 deg. 55 min. 40 sec. W. 3433.51 feet to a set spike in said Fortune Bend Road for a corner of this, said 320.17 acres and said 705.034 acres tract.

Thence S. 88 deg. 57 min. 24 sec. W. 204.50 feet to a found spike in said Fortune Bend Road at the southwest corner of said 320.17 acres tract and at the southeast corner of said 827.899 acres tract and at the northwest corner of said 705.034 acres tract and at the northeast corner of a certain 838.323 acres tract described in Volume 1410, Page 649 of the Official Public Records of Palo Pinto County, Texas for a corner of this tract.

Thence along the south line of said 827.899 acres tract, the north line of said 838.323 acres tract, and said Fortune Bend Road the following courses and distances:

S. 89 deg. 07 min. 56 sec. W. 1104.79 feet to a set spike;
N. 89 deg. 38 min. 49 sec. W. 183.94 feet to a found spike;
N. 83 deg. 32 min. 22 sec. W. 1056.34 feet to a set spike;
S. 82 deg. 47 min. 54 sec. W. 145.74 feet to a found spike;
S. 73 deg. 37 min. 40 sec. W. 139.73 feet to a found spike;
S. 64 deg. 35 min. 15 sec. W. 78.43 feet to a found spike;
S. 61 deg. 38 min. 51 sec. W. 637.23 feet to a found spike;
S. 63 deg. 15 min. 03 sec. W. 616.01 feet to a set spike in the west line of said T.E. & L. Co. Survey No. 1786 for the southwest corner of this tract.

Thence N. 00 deg. 18 min. 18 sec. E. at 28.35 feet pass a set 1/2" iron rod in the north fence line of said Fortune Bend Road and in all 4403.81 feet to the place of beginning.

Subject to the following:

1. Restrictive covenants recorded in Volume 1288, Page 661, Official Public Records of Palo Pinto County, Texas. First Amendment to Restrictive Covenant Agreement dated April 6, 2006, recorded in Volume 1366, Page 704, Official Public Records of Palo Pinto County, Texas. Any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c), is deleted.
2. Taxes and assessments heretofore or hereafter made, assessed or owing for or in connection with the production of (e.g. oil and gas, coal, lignite, uranium, etc.) and/or mineral fee, working or royalty interests herein.
3. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.
4. Consequences, if any, arising from the location of the following, as shown on survey prepared by Matthew Price, RPLS No. 5492, Price Surveying, dated December 4, 2009 (the "Survey"):
 - 1) targa pipeline along the North property line of the former 219.100 acre tract;
 - 2) meter runs, tank batteries, pump jacks, well heads, two foot (2') pipelines, and pipeline risers throughout the subject property;
 - 3) apparent easement rights as evidenced by the overhead electric lines, power poles, and guy wires located in the former 219.100 acre tract;
 - 4) apparent easement rights as evidenced by the buried telephone wire along the Chaney Lane right-of-way;
 - 5) rights of adjoining property owners to the West of the former 219.100 acre tract located within the boundary lines of the fence and the West property line;
 - 6) rights of third parties in and to the gravel road traversing the Southwesternmost portion of the subject property; and
 - 7) that portion of the subject property which lies within Fortune Bend Road.
5. Reservation of an undivided interest in oil, gas and other minerals by Georgia May Smith in Deed dated June 2, 1932, to G.L. Smith, recorded in Volume 159, Page 367, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.

6. Partition of oil, gas and other minerals in Partition Deed dated September 9, 1935, between J. O. McClure, Ruby Gary, J. M. Gary, Ida McClure, Georgia Smith, Frank Smith, G. L. Smith, Lennie B. Spurlock, and Lela Spurlock, recorded in Volume 168, Page 624, Deed Records of Palo Pinto County, Texas. Amendment dated January 1937, recorded in Volume 173, Page 307, Deed Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
7. Reservation of oil, gas and other minerals by J. M. McClure and Lula Maude McClure in Warranty Deed dated October 7, 1969, to Edwin McClure, recorded in Volume 369, Page 56, Deed Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
8. Reservation of oil, gas and other minerals by Lula Maud McClure, for her lifetime, in Deed dated July 5, 1977, to Docy LaVerne McClure, recorded in Volume 498, Page 336, Deed Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
9. Reservation of oil, gas and other minerals by Ken Deaton and Docy Laverne McClure Deaton in Warranty Deed dated February 27, 2004, to Roy L. Mullins and Elizabeth Mullins, recorded in Volume 1231, Page 289, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
10. Reservation of all oil, gas and other minerals by James Bruce Wilson in Warranty Deed dated October 11, 2007, to Gerald Singleton and Sandra Singleton, recorded in Volume 1470, Page 847, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
11. Reservation of oil, gas and other minerals by James Bruce Wilson in Warranty Deed dated August 8, 2008, to Gerald Singleton and Sandra Singleton, recorded in Volume 1544, Page 407, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
12. Reservation of oil, gas and other minerals by James Bruce Wilson in Warranty Deed dated August 8, 2008, to Rocker B Land and Cattle Company, LLC, recorded in Volume 1585, Page 445, and in Correction Deed recorded in Volume 1589, Page 53, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
13. Mineral Deed and Royalty Transfer dated May 1, 2003, from Henry Rankin to Kenneth W. Rankin and Steven W. Rankin, recorded in Volume 1187, Page 74, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
14. Mineral Deed dated February 27, 2004, from Ken Deaton and Docy Laverne McClure Deaton, to Gerald Singleton and Sandra Singleton, recorded in Volume 1231, Page 286, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.

15. Mineral Deed dated December 31, 2004, from H. G. Andrews, Jr., Independent Executor of the Estate of W. T. Andrews, Deceased, to H. G. Andrews, Jr., Jack W. Harris, James Hearn Latimer, Glenn Harris Latimer, Fritz Selasky, Sara Jo Snider, Vicki Sims, Janis Fox, and Estate of Erlene Moore, Deceased, recorded in Volume 1289, Page 583, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
16. Mineral Deed dated October 26, 2006, from Gerald W. Singleton and Sandra Fern Singleton to Elizabeth Mullins, Gary Singleton and Gerald W. Singleton, Trustee of The Kirbney Trust, recorded in Volume 1416, Page 518, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
17. Oil and Gas Lease dated April 30, 1930, from Parker McClure and Eli King, to Fred H. Guyer, Trustee, recorded in Volume 152, Page 127, Deed Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
18. Oil and Gas Lease dated February 25, 1950, from J. M. Gary and Ruby Gary, to R. J. Calvin and M. C. McWilliam, recorded in Volume 223, Page 155, Deed Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
19. Oil, Gas and Mineral Lease dated April 2, 1951, from Eli King to C. E. Kadane and Frank Svidlow, recorded in Volume 225, Page 307, Deed Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
20. Oil and Gas Lease dated July 10, 1951, from J. M. Gary and Ruby Gary to W. H. Snider and T. J. Snider, recorded in Volume 233, Page 531, Deed Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
21. Oil and Gas Lease dated December 31, 1951, from R. E. Richardson and Marguerite Richardson to Pete Shabay, recorded in Volume 237, Page 2, Deed Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
22. Oil, Gas and Mineral Lease dated November 1, 1971, from Vivian Ione Wilson to B. S. Matson, recorded in Volume 416, Page 3, Deed Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
23. Declaration of Pooling dated September 12, 1974, from M. O. Rife, Jr. and B. S. Matson to The Public, recorded in Volume 457, Page 782, Deed Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
24. Oil, Gas and Mineral Lease dated September 13, 1974, from Clyde Crausbay and Martha Elizabeth Keith, to M. O. Rife, Jr., recorded in Volume 458, Page 634,

Deed Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.

25. Oil, Gas and Mineral Lease dated August 28, 1974, from Maude McClure and C. P. King, to M. O. Rife, Jr., recorded in Volume 458, Page 636, Deed Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
26. Oil, Gas and Mineral Lease dated August 28, 1974, from J. M. McClure to M. O. Rife, Jr., recorded in Volume 458, Page 638, Deed Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
27. Oil and Gas Lease dated June 1, 1994, from Elmo S. Wilson to Mac Shafer, recorded in Volume 818, Page 880, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
28. Oil, Gas and Mineral Lease dated June 19, 2001, from Laverne McClure Deaton and Ken Deaton to Lexus Gas Corporation, recorded in Volume 1093, Page 231, Official Public Records of Palo Pinto County, Texas. Amendment of Oil, Gas and Mineral Lease, recorded in Volume 1210, Page 473, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
29. Oil and Gas Lease dated March 5, 2003, from Kenneth Edward Deaton as Administrator of the Estate of Lorene Miller King, Deceased, to Sky Development Corporation, recorded in Volume 1175, Page 53, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
30. Oil and Gas Lease dated March 13, 2003, from Kenneth Edward Deaton as Administrator of the Estate of Lorene Miller, Deceased, to Sky Development Corporation, recorded in Volume 1177, Page 852, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
31. Oil, Gas and Mineral Lease dated February 6, 2003, from Gary C. Crausbay, Executor of the Estate of Sibyl M. Crausbay, to Sky Development Corporation, recorded in Volume 1177, Page 856, Official Public Records of Palo Pinto County, Texas. Amendment of Oil, Gas and Mineral Lease, recorded in Volume 1177, Page 859, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
32. Oil, Gas and Mineral Lease dated February 6, 2003, from H. G. Andrews, Jr., Executor of the Estate of W. T. Andrews, to Sky Development Corporation, recorded in Volume 1178, Page 712, Official Public Records of Palo Pinto County, Texas. Amendment of Oil, Gas and Mineral Lease, recorded in Volume 1181, Page 344, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.

33. Oil, Gas and Mineral Lease dated April 4, 2003, from Leon Pilgrim to Lexus Gas Corporation, recorded in Volume 1182, Page 167, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
34. Oil, Gas and Mineral Lease dated April 4, 2003, from Doris Rankin Green White to Lexus Gas Corporation, recorded in Volume 1182, Page 172, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
35. Oil, Gas and Mineral Lease dated April 4, 2003, from William Joe Rankin to Lexus Gas Corporation, recorded in Volume 1185, Page 90, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
36. Oil, Gas and Mineral Lease dated May 2, 2003, from Senie Rankin Coley to Lexus Gas Corporation, recorded in Volume 1185, Page 95, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
37. Oil, Gas and Mineral Lease dated April 4, 2003, from Henry Rankin to Lexus Gas Corporation, recorded in Volume 1185, Page 100, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
38. Oil, Gas and Mineral Lease dated May 2, 2003, from Sandra Beck Asher to Lexus Gas Corporation, recorded in Volume 1187, Page 869, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
39. Oil, Gas and Mineral Lease dated May 2, 2003, from Virginia G. Beck to Lexus Gas Corporation, recorded in Volume 1187, Page 874, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
40. Oil, Gas and Mineral Lease dated May 2, 2003, from Linda Rankin Hauser to Lexus Gas Corporation, recorded in Volume 1198, Page 181, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
41. Oil, Gas and Mineral Lease dated May 20, 2003, from Tom Freeman, Power of Attorney for Nora Rankin, to Lexus Gas Corporation, recorded in Volume 1198, Page 186, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
42. Oil and Gas Lease dated March 23, 2004, from James Bruce Wilson to Sky Development Corp., recorded in Volume 1236, Page 324, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
43. Right of Way or Easement dated June 22, 1922, from J. F. Smith to John Sealy,

- E. B. Brown, E. E. Plumly, M. Waverly Smith and W. C. Proctor as Trustees of the Magnolia Petroleum Company, recorded in Volume 115, Page 581, Deed Records of Palo Pinto County, Texas, as noted on Survey.
44. Right of Way or Easement dated July 21, 1922, from M. B. Poer and C. A. Poer to John Sealy, E. B. Brown, E. E. Plumly, Beverly Smith and W. C. Proctor as Trustees of the Magnolia Petroleum Company, recorded in Volume 119, Page 398, Deed Records of Palo Pinto County, Texas, as noted on Survey.
 45. Right of Way Agreement dated February 4, 1975, from J. M. McClure and Edwin McClure, to Southwestern Gas Pipeline Inc., recorded in Volume 462, Page 593, Deed Records of Palo Pinto County, Texas, as noted on Survey.
 46. Electric Utility Easement and Covenant of Access dated July 22, 1985, from Laverne Deaton to Erath County Electric Cooperative Association, recorded in Volume 649, Page 919, Deed Records of Palo Pinto County, Texas, as shown on Survey.
 47. Right of Way Agreement dated February 24, 2005, from Roy Mullins and Elizabeth Mullins, to Sky Resources, Inc., recorded in Volume 1294, Page 708, Official Public Records of Palo Pinto County, Texas, as noted on Survey.
 48. Right of Way Agreement dated March 9, 2005, from Jim Wilson to Sky Resources, Inc., recorded in Volume 1294, Page 711, Official Public Records of Palo Pinto County, Texas, as noted on Survey.
 49. Easement Agreement for Access dated October 11, 2007, from Roy L. Mullins and Elizabeth Mullins to James Bruce Wilson, recorded in Volume 1470, Page 836, Official Public Records of Palo Pinto County, Texas, and from Gerald W. Singleton and Sandra Fern Singleton to James Bruce Wilson, recorded in Volume 1544, Page 401, Official Public Records of Palo Pinto County, Texas, as shown on Survey.
 50. Right of Way Agreement dated January 16, 2007, from Gerald W. Singleton and Sandra Fern Singleton, to Targa Midstream Services Limited Partnership, recorded in Volume 1476, Page 215, Official Public Records of Palo Pinto County, Texas, as shown on Survey.
 51. Mineral Reservations contained in Special Warranty Deed dated February 24, 2004, from Marvin H. McMurrey, Jr., Co-Trustee, Jackson B. Horn, Co-Trustee, James D. McMurrey, Jr., Trustee, Odette McMurrey Mace, Trustee, Lula Belle Maddox Mays, Carolyn Nelle Maddox Shelton, and Patricia Anne Maddox Matthew, to Colleyville Boulevard, Ltd., recorded in Volume 1231, Page 110, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
 52. Oil, Gas and Mineral Lease dated July 10, 1967, from Lula Belle McMurrey, Individually and as Independent Executrix of the Estate of M. H. McMurrey, deceased, and as a Co-Trustee under the will of the same M. H. McMurrey, deceased; Marvin H. McMurrey, Jr.; James D. McMurrey; Lula Belle Maddox; and S. M. O'Brien, as Co-Trustees under the will of M. B. McMurrey, deceased, to

M. O. Rife, Jr., recorded in Volume 349, Page 295, Deed Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.

53. Oil, Gas and Mineral Lease dated September 16, 1974, from Marvin H. McMurrey, Jr. and James D. McMurrey, as Co-Trustees under the will of M. H. McMurrey, deceased and as Attorney-in-Fact for Mrs. Lula Belle McMurrey; Lula Belle Maddox and S. M. O'Brien, as Co-Trustees under the will of M. H. McMurrey, deceased, to B. S. Matson, recorded in Volume 459, Page 6, Deed Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
54. Right of Way Agreement dated April 24, 1924, from R. S. Dalton and Millie Dalton to The Upham Gas Company of Texas, recorded in Volume 126, Page 422, Deed Records of Palo Pinto County, Texas, as noted on Survey.
55. Right of Way Easement dated July 23, 1974, from Lula Belle McMurrey, Individually, by Marvin H. McMurrey, Jr. and James D. McMurrey, Agents and Attorneys in Fact, and S. M. O'Brien, James D. McMurrey, Marvin H. McMurrey, and Lula Belle Maddox, Trustees of the Estate of Marvin H. McMurrey, deceased, to Southwestern Gas Pipeline, Inc., recorded in Volume 459, Page 131, Deed Records of Palo Pinto County, Texas, as noted on Survey.
56. Pipeline Right of Way and Surface Facility Agreement dated December 14, 2007, from Rocker B. Land & Cattle Company, L.L.C., to Enbridge Gathering (North Texas) L.P., recorded in Volume 1484, Page 894, Official Public Records of Palo Pinto County, Texas, as shown on Survey.
57. Oil and Gas Lease dated July 21, 1980 from B. M. Poer to O.C. Chapin, recorded in Volume 153, Page 344, Deed Records of Palo Pinto County, Texas, Title to said interest not searched subsequent to date of aforesaid instrument. (T.E. & L. Company Survey No. 1782, Abstract No. 557)
58. Oil, Gas and Mineral Lease dated November 4, 1970 from Lula Belle McMurrey, Individually and as Independent Executrix of the Estate of M. H. McMurrey, deceased, and as a Co-Trustee under the will of the said M. H. McMurrey, deceased; Marvin H. McMurrey, Jr., James D. McMurrey, Lula Belle Maddox, and S. M. O'Brien, as Co-Trustees under the will of M. H. McMurrey, deceased, to M.O. Rife, Jr., recorded in Volume 386, Page 237, Deed Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
59. Reservation of an undivided interest in the oil, gas, minerals and royalties by Curtis Mitchell and Mary Helen Mitchell, in Warranty Deed dated January 27, 1984, to Kenneth Waltrip and Patsy Sue Waltrip, recorded in Volume 618, Page 599, Deed Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
60. Reservation of an undivided interest in oil, gas and other mineral royalties by Kenneth Waltrip and Patsy Waltrip in Warranty Deed dated January 28, 1985, to James D. McMurrey, Marvin H. McMurrey, Jr. and Lula Belle Maddox,

Co-Executors of the Estate of Lula Belle McMurrey; and James D. McMurrey, Trustee, Marvin H. McMurrey, Jr., Trustee and Lula Belle Maddox, Trustee, and S. M. O'Brien, Trustee, under the will of Marvin H. McMurrey, Sr., recorded in Volume 639, Page 22, Deed Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.

61. Oil and Gas Lease dated March 31, 2005, from Curtis Mitchell to Certified Petroleum, Inc. recorded in Volume 1307, Page 298, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
62. Mineral Deed dated November 25, 2008, from Gerald Singleton aka Gerald W. Singleton and Sandra Singleton aka Sandra Fern Singleton, to Byrd Family Limited Partnership, recorded in Volume 1578, Page 324, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
63. Mineral Deed dated December 9, 2008, from Gerald Singleton aka Gerald W. Singleton and Sandra Singleton aka Sandra Fern Singleton, to Kirbney Trust, recorded in Volume 1581, Page 81, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
64. Mineral Deed dated December 9, 2008, from Gerald Singleton aka Gerald W. Singleton and Sandra Singleton aka Sandra Fern Singleton, to Gary Singleton and Kimberly Singleton, recorded in Volume 1581, Page 85, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
65. Mineral Deed dated December 9, 2008, from Gerald Singleton aka Gerald W. Singleton and Sandra Singleton aka Sandra Fern Singleton, to Roy Lee Mullins, III and Elezabeth Fern Mullins, recorded in Volume 1581, Page 89, Official Public Records of Palo Pinto County, Texas. Title to said interest not searched subsequent to date of aforesaid instrument.
66. Mineral Deed by and between Byrd Family Limited Partnership, as Grantor, and Rio Roca Ranch, LP, as Grantee, dated 12/--/2009, filed 12/--/2009, recorded in Volume ----, Page ----, Real Property Records, Palo Pinto County, Texas.
67. Rights of Rocker B Land and Cattle Company, as tenant only, under an unrecorded temporary residential lease dated 12/18/2009.

Notwithstanding anything in this instrument to the contrary, the above-referenced Permitted Exceptions shall only affect the Property to the extent that such Permitted Exceptions are valid and effective as of the date of this instrument and the mere reference to such Permitted Exceptions in this instrument shall not be deemed to impose, reimpose, or reinstate such Permitted Exceptions if such Permitted Exceptions are not valid and effective as of the date of this instrument.

Attachment F
Addendum to Worksheet 5.0 (Photographs)

ADDENDUM TO WORKSHEET 5.0 – ENVIRONMENTAL INFORMATION

SECTION 2(E)

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the map submitted with the application indicating the location of the photograph and the direction of the shot.



Photograph at Diversion Reach 1 (West Property Line) Looking East (Downstream).



Photograph at Diversion Reach 1 (West Property Line) Looking West (Upstream).



Photograph at Diversion Reach 2 (East Property Line) Looking East (Downstream).
View of FM 4 Bridge Over the Brazos River.



Photograph at Diversion Reach 2 (East Property Line) Looking West (Upstream).

Attachment G
Water Conservation Plan (TCEQ-10238)



Texas Commission on Environmental Quality

Water Availability Division

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

Telephone (512) 239-4600, FAX (512) 239-2214

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

This form is provided to assist entities in developing a water conservation plan for individually-operated irrigation systems. If you need assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4600.

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

Contact Information

Name: Rio Roca Ranch, LP

Address: 2525 Knight St. STE 450, Dallas TX 75219-3980

Telephone Number: (972) 788-8600 Fax: ()

Form Completed By: Jordan Furnans, PhD, PE, PG

Title: Vice President - TX Operations, LRE Water LLC

Signature: _____ Date: 12/12/2022

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

*****At this time, the Applicant has not decided upon the crops to be grown or the acres to be irrigated. It is the Applicant's intention to revise its System Inventory and Water Conservation Plan once granted permission to divert and after having carried out additional research regarding soil characteristics, needed irrigation equipment, and appropriate growing seasons for the yet-to-be-selected crops. The Applicant will implement BMPs to ensure diverted waters are utilized to maximum irrigation benefit, without causing impingement of aquatic organisms within the Brazos River.***

The remainder of this document constitutes current estimates of irrigation water usage by Rio Roca Ranch, LP. These estimates are subject to change, and any such changes will be reflected in an updated System Inventory and Water Conservation Plan prior to irrigation diversions commencing.

I. BACKGROUND DATA

A. Water Use

1. Annual diversion appropriated or requested (in acre-feet): 25
2. In the table below, list the amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year.

January	February	March	April
		1	3
May	June	July	August
4	4	4	4
September	October	November	December
4	1		
Total All Months			25

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

Unknown at this time

Type of crop	Growing Season (Months)	Acres irrigated/year
Total acres irrigated		

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

If yes, please describe: **Unknown at this time**

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

According to the SSURGO database (updated 10/31/2022), soils on the property consist of very stony clay loam, Leeray clay with 1 to 3 percent slopes, and Lindy clayloam with 1 to 3 percent slopes.

B. Irrigation system information

1. Describe the existing irrigation method or system and associated equipment including pumps, flow rates, plans, and/or sketches of system the layout. Include the rate (in gallons per minute or cubic feet per second) that water is diverted from the source of supply. If

this WCP is submitted as part of a water right application, verify that the diversion volumes and rates are consistent with those in the application.

Applicant intends to utilize a pump capable of instantaneous diversion rates not to exceed 1,200 gallons per minute (gpm). The pump intake will be designed per TWDB recommended best management practices so as to minimize impingement of aquatic organisms on the intake screen. Diversions will be either conveyed directly to irrigated acreage, or will be stored in a tank system to be developed by the Applicant.

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

The portable pump system will include a suitably sized discharge meter located downstream from the pump according to manufacturer's guidelines. The pump will have a totalizing meter and will also allow for instantaneous viewing of the diversion rate. Meter accuracy will be verified as directed by the Brazos Watermaster. The diversion piping may consist of a T-junction with valves, capable of directing 100% of flow into an Applicant-supplied tank for flow measurement and verification purposes.

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

The Applicant intends to maximize system efficiency and minimize wasteful diversions of water, including water lost within the pipeline system used to convey water between the Brazos River and irrigated acreage. The Applicant intends to successfully deliver 85% of its diverted quantities to irrigation areas within 5 years. Conveyance losses (due to pipeline leakage or ruptures) are to be immediately repaired. Depending upon the selected irrigation system design (yet to be determined), discharges from pipeline ends may be metered to identify conveyance system losses.

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

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

b. 10-year goal:
Savings in acre-feet or system efficiency as a percentage **90 %**

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

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

☐ Yes ☐ No

If yes, please provide the date of the evaluation, evaluator's name and the results of the evaluation: **Not Applicable – Irrigation System yet to be determined.**

C. *Conservation practices*

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

Not applicable – irrigation equipment has yet to be selected

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

Water loss control and leak detection/repair methods will follow TWDB-recommended BMPs for the irrigation system to be installed. It is anticipated that below ground PVC piping will be used to convey diverted water to irrigated acreage. Pipeline routes will be mapped and monitored by the Applicant, with any irregularities (damp ground, slumping, etc.) along the pipeline routes noted and immediately investigated. Discharge locations may also be metered, depending upon the overall system design. Comparing discharge and diversion meter readings will provide indications of potential water loss.

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

The Applicant will implement irrigation BMPs to yield water savings. It is anticipated that irrigation will only occur in the early morning, late evening or night hours and/or during lower temperatures and winds. Methods for measuring the applied quantity of irrigation water will be identified as part of the irrigation system design.

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

At this time, the Applicant has yet to identify water-saving land surface improvements that will be implemented. Such improvements will become part of the irrigation system plan yet to be developed.

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

Methods for recovery and reuse of tail water runoff will be implemented if applicable to the irrigation system design ultimately used and constructed by the Applicant. The Applicant will follow TWDB-recommended BMPs for such systems, as applicable.

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

Not applicable until an irrigation system is designed and to be implemented.

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

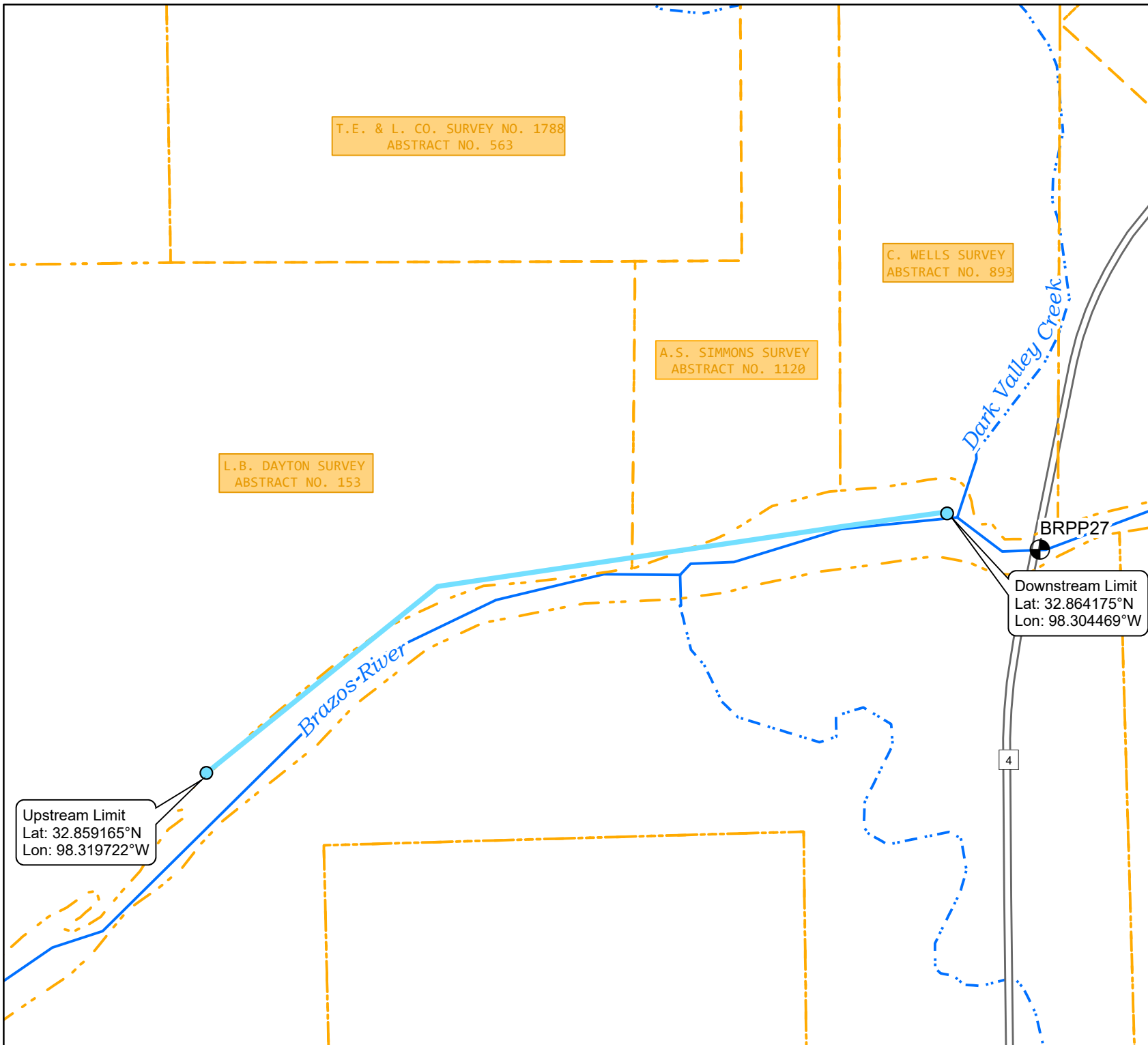
Water Conservation Plans submitted with a water right application for New or Additional State Water must include data and information which:

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

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

Not Applicable – water to be diverted for irrigation purposes is authorized under Certificate of Adjudication (ADJ) No. 12-4013A.

Attachment H General Maps



**GENERAL MAP
NEW DIVERSION
REACH**

Legend

- Reach Boundaries
- Diversion Reach
- River
- Tributary
- Land Surveys
- Rio Roca Ranch, LP Parcels
- Texas Roadways

**Brazos
Control Points**

- USGS Gage

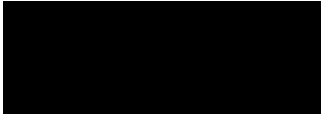
RIO ROCA | AUG 2022





FEET

1:10,000



This product is for reference purposes only and is not to be construed as a legal document or survey instrument.
References: Land Surveys from the Original Texas Land Survey Boundary from The Texas General Land Office (GLO), Brazos Water Rights
Flow Line and Control Points from The Texas Commission On Environmental Quality (TCEQ), Texas Roadways from Texas Department of Transportation 2019 (TXDOT)
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

