

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
INTEROFFICE MEMORANDUM

TO : Records Management

DATE: July 14, 2005

Certificate of Adjudication No. 12-3654A
Comanche County
Brazos River Basin

FROM : Water Rights Permitting & Availability Section
Water Supply

SUBJECT : Change of Ownership

DELETE : Linda Ann Rinehart Eckert Hill as part owner

ADD : Carolyn Rinehart Hays, et vir (Bill Hayes) as part owners

Warranty Deed With Vendor's Lien dated February 25, 2005, and of record in Volume 855, Page 355 of the Deed Records of Comanche County, has been checked and found to cover part of the water right.

Ownership of Record with Addresses and Remarks:

1. Carolyn Rinehart Hays ~~HAYS~~ *HAYES*
807 E. Southlake Blvd.
Southlake, Texas 76092

2. Carolyn Rinehart Hays, et vir
(Bill Hayes)
807 E. Southlake Blvd.
Southlake, Texas 76092-6343

3. Kenneth Ray Rinehart
104 E. Commerce Street
Gustine, Texas 76455

*9708 CR 527A
BURLESON TX 76092*

The ownership of the water rights (98 acre-feet of water per annum from the Leon River for irrigation) and the land (159.932 acres located in the George T. Chappell Survey 74, Abstract 163) covered by this certificate of adjudication is established as follows:

- | | |
|---|--|
| 1. Carolyn Rinehart Hays HAYS <i>HAYES</i> | 32.67 ac/ft for irrigation of 72.89 ac out of 80.00 ac tr |
| 2. Carolyn Rinehart Hays, et vir | 32.66 ac/ft for irrigation out of 28.342 ac portion of 40.96 ac tr |
| 3. Kenneth Ray Rinehart | <u>32.67 ac/ft for irrigation out of 51.590 ac tr</u> |
| | 98.00 ac/ft for irrigation |

The authorized diversion point is located on 28.342 acre-portion of the 40.96 acre-tract owned by Carolyn Rinehart Hayes, et vir.

Mohan Reddy

Data Entry Made: MC JUL 14 2005

WRP & A Section: _____

Change Noted: _____

Central Records/Date: _____

Law Office

of

Gale Warren

GALE WARREN
HEATH E. ALLEN
Attorneys & Counselors at Law

WARREN BUILDING
240 East Washington Street
Stephenville, Texas 76401

Telephone: (254) 965-7838

Facsimile: (254) 965-3006

January 24, 2005

Texas Commission Environmental Quality
Water Rights Permitting MC 160
P.O. Box 13087
Austin, Texas 78711-3087

Re: Adjudicated Water Rights, Leon River, 40.96 acres, George T. Chappell Survey, A-163,
Comanche County, Texas; Owner - Ann Hill or successors

Dear Commission:

I represent Carolyn Hayes, owner of Water Right No. 3654. Mrs. Hayes is exercising a First Right of Refusal to acquire from Ann Hill, her sister, and/or an unnamed Revocable Family Trust, 40.96 acres out of the George T. Chappell Survey, A-163, Comanche County, Texas together with the associated irrigation water rights. Mrs. Hayes owns the adjacent 74 acre, more or less, tract and a part of the original adjudicated water rights held by her father, Mr. Rinehart.

The parcel being acquired is a part of Mrs. Hayes' father, Mr. Rinehart's estate land, which was partitioned in 2001. Mrs. Hayes wishes to determine, before closing the purchase, the status of the annual reports and the general condition of the water rights awarded to Mrs. Hill in the partition deed and being purchased by Mrs. Hayes in the pending transaction.

The Contract expressly provides for the transfer of the water rights. The status of that account with the TCBQ is vitally important to Mrs. Hayes before closing.

Please render a status report to this office so that any requirements may be incorporated into the closing documents.

Your prompt attention is greatly appreciated.

Sincerely,


GALE WARREN

GW/lw

cc: clients

RECEIVED

JAN 28 2005

WATER RIGHTS PERMITTING

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
INTEROFFICE MEMORANDUM

TO : Records Management

DATE: May 9, 2001

Certificate of Adjudication No. 12-3654
Comanche County
Brazos River Basin

FROM : Water Rights Permitting & Availability Section
Water Permits & Resource Management Division

SUBJECT : Change of Ownership

DELETE : Carolyn Hayes, Trustee, as owner

ADD : Carolyn Rinehart Hays, Linda Ann Rinehart Eckert Hill, and Kenneth Ray Rinehart, as part owners

Order Partitioning And Awarding Title To Real Property dated January 6, 2000, has been checked and found to cover all of the water right.

Ownership of Record with Addresses and Remarks:

1. Carolyn Rinehart Hays
807 E. Southlake Blvd.
Southlake, Texas 76092

2. Ms. Linda Ann Rinehart Eckert Hill
10524 Neudeck Drive
Sainte Genevieve, MO 63670

3. Kenneth Ray Rinehart
104 E. Commerce Street
Gustine, Texas 76455

The ownership of the water rights (98 acre-feet of water per annum from the Leon River for irrigation) and the land (79.932 acre-tract located in the George T. Chappell Survey 74, Abstract 163) covered by this certificate of adjudication is established as follows:

1. Carolyn Rinehart Hays	32.67 ac/ft for irrigation, no land, subject to amendment
2. Linda Ann Rinehart Eckert Hill	32.66 ac/ft for irrigation out of 28.342 ac portion of 40.96 ac tr
3. Kenneth Ray Rinehart	<u>32.67 ac/ft for irrigation out of 51.590 ac tr</u>
	98.00 ac/ft for irrigation

The authorized diversion point is located on 28.342 acre-portion of Linda Ann Rinehart Eckert Hill's 40.96 acre-tract.

Data Entry Made: MC MAY 16 2001

Mohant Reddy
WRP & A Section: _____

Change Noted: _____

Central Records/Date: _____

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 12-3654

OWNER: C. E. Rinehart
Box 213
Gustine, Texas 76455

COUNTY: Comanche

PRIORITY DATE: July 31, 1963

WATERCOURSE: Leon River, tributary
of Little River, tribu-
tary of Brazos River

BASIN: Brazos River

WHEREAS, by final decree of the 35th Judicial District Court of Mills County, Texas, in Cause No. 4097, In Re: The Adjudication of Water Rights in the Upper Leon River Segment of the Brazos River Basin dated September 8, 1963, a right was recognized under Claim 126B authorizing C. E. Rinehart to appropriate waters of the State of Texas as set forth below;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Brazos River Basin is issued to C. E. Rinehart, subject to the following terms and conditions:

1. USE

Owner is authorized to divert and use not to exceed 98 acre-feet of water per annum from the Leon River to irrigate a maximum of 120 acres of land out of two adjacent tracts totalling 179.932 acres located in the George T. Chappell Survey, Abstract 163, Comanche County, Texas, said tracts being described as follows:

First Tract

- (1) BEGINNING at a point in the middle of the Leon River that bears N 71°W, 950 varas and N 19°E, 1200 varas from the southwest corner of the George T. Chappell Survey, Abstract 163;
- (2) THENCE S 19°W, 1200 varas;
- (3) THENCE S 71°E, 475 varas;
- (4) THENCE N 19°E, 1200 varas to the middle of the Leon River;
- (5) THENCE up said river with its meanders to the place of beginning.

Second Tract

- (1) BEGINNING at the northeast corner of the George T. Chappell Survey, Abstract 163;
- (2) THENCE N 71°W, 475 varas;
- (3) THENCE S 19°W, 950 varas;
- (4) THENCE S 71°E, 475 varas;
- (5) THENCE N 19°E, 950 varas to the point of beginning.

2. DIVERSION

A. Location:

At two points on the Leon River in the George T. Chappell Survey, Abstract 163, Comanche County, Texas.

B. Maximum combined rate: 2.31 cfs (1035 gpm).

3. PRIORITY

The time priority of owner's right is July 31, 1963.

The locations of pertinent Features related to this certificate are shown on Page 12 of the Upper Leon River Segment Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Department of Water Resources, Austin, Texas and the Office of the County Clerk.

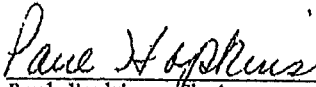
This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 35th Judicial District Court of Mills County, Texas, in Cause No. 4097, In Re: The Adjudication of Water Rights in the Upper Leon River Segment of the Brazos River Basin, dated September 8, 1983, and supersedes all rights of the owner asserted in that cause.

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

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

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

TEXAS WATER COMMISSION


Paul Hopkins, Chairman

DATE ISSUED:

SEP 5 1985

ATTEST:


Mary Ann Refner, Chief Clerk

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



AMENDMENT TO
CERTIFICATE OF ADJUDICATION

APPLICATION No. 12-3654 CERTIFICATE NO. 12-3654A Type: \$11,122
Owner: Carolyn Rinehart Hayes Address: 807 E. Southlake Blvd.
Southlake, Texas 76092
Filed: August 28, 2001 Granted: NOV 14 2001
Purpose: Irrigation County: Comanche
Water course: Leon River, Tributary of
the Little River, Tributary of
the Brazos River Watershed: Brazos River Basin

WHEREAS, Certificate of Adjudication No. 12-3654 was issued to C. E. Rinehart and authorizes the owner to divert and use not to exceed 98 acre-feet of water per annum from two points on the Leon River at a maximum rate of 2.31 cfs (1,035 gpm) to irrigate a maximum of 120 acres of land out of two adjacent tracts totaling 179.932 acres in the George T. Chappell Survey, Abstract 163, Comanche County; and

WHEREAS, the time priority for the diversion and use of the water is July 31, 1963; and

WHEREAS, Carolyn Rinehart Hayes acquired a 32.67 acre-feet of water per annum partitioned portion of the water right authorized by Certificate of Adjudication No. 12-3654 as evidenced in the Order Partitioning and Awarding Title to Real Property dated June 6, 2000; and

WHEREAS, in acquiring the aforesaid portion of the water right, applicant also acquired a 0.79 cubic-feet-per-second (cfs) [354.55 gallon-per-minute (gpm)] portion of the maximum diversion rate authorized by the Certificate; and

WHEREAS, owner has acquired ownership of 72.89 acres of land out of an 80 acre tract in the George T. Chappell Survey No. 74, Abstract 163, Comanche County as evidenced by the aforesaid Order, adjacent to but not a part of the 179.932 acres originally described by the Certificate; and

WHEREAS, owner seeks to amend Certificate of Adjudication No. 12-3654 to change the place of use for the partitioned 32.67 acre-feet of water per annum to the above described tract; and

WHEREAS, owner has obtained a perpetual easement across land adjacent to the Leon River to facilitate the use of the diversion point authorized by Certificate of Adjudication No. 12-3654 as evidenced in the Order Partitioning and Awarding Title to Real Property dated June 6, 2000; and

WHEREAS, owner is not requesting an increase in the volume of water authorized for diversion nor the rate of diversion of the water; and

WHEREAS, the Texas Natural Resource Conservation Commission finds that jurisdiction over the application is established; and

WHEREAS no person protested the granting of the proposed amendment to Certificate of Adjudication No. 12-3654; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Natural Resource Conservation Commission in issuing this amendment;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-3654, designated as Certificate of Adjudication No. 12-3654A, is issued to Carolyn Rinehart Hayes subject to the following terms and conditions:

1. USE

Carolyn Rinehart Hayes is authorized to divert and use not to exceed 32.67 acre-feet of water per annum (her partitioned share) to irrigate 72.89 acres of land out of an 80 acre tract in the George T. Chappell Survey No. 74, Abstract 163 recorded in Book 793, Page 507 of the Comanche County Records.

2. DIVERSION

a. From the eastern most diversion point on the Leon River authorized by Certificate of Adjudication No. 12-3654.

b. At a maximum rate of 0.79 cfs (354.55 gpm).

3. PRIORITY

Priority date for the diversion and use of this 32.67 acre-feet of water per annum remains July 31, 1963.

4. CONSERVATION

Certificate owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or

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

5. SPECIAL CONDITIONS

- a. Ninety days prior to diversion of the water authorized for irrigation purposes, owner must complete and submit to the TNRCC in Austin a Water Conservation Plan for irrigation use to meet the requirements of Title 30 TAC 288.4.
- b. The combined maximum diversion rate by Carolyn Rinehart Hayes and other owners of Certificate of Adjudication No. 12-3654 shall not exceed 2.31 cfs (1035 gpm)

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 12-3654.

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

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

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

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

This amendment is issued subject to the Rules of the Texas Natural Resource Conservation Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION


For the Commission

Date Issued: NOV 14 2001



United States
Department of
Agriculture

Farm
Service
Agency

Comanche County FSA Office
301-B FM 3381
Comanche, Texas 76442
PH: 325/356-2568
Fax: 325/356-5644

September 12, 2005

Bill and Carolyn Hayes
807 E Southlake Blvd
Southlake, Texas 76092

Dear Mr. and Mrs. Hayes:

The Comanche County FSA Committee approved a combination of farm number 5815 and 5816 showing Terry Mark Littlejohn, as operator, and Bill and Carolyn Hayes, as owners, of the farm.

A new master record has been established. The reconstitution will be effective for 2005.

Your new farm number will be 6795.

Attached you will find a FSA 156EZ for your farm and an aerial photocopy of showing your farm.

If you do not believe this determination is in accordance with the program provisions, you may request the following action:

If you feel the facts were not properly considered in this matter, have new information that was not previously considered by the County Committee, or believe the determination is not in accordance with applicable program provisions, you have the following options.

Reconsideration

You may request that the Comanche County Committee reconsider this determination by filing a written request not later than 30 calendar days after the date of this notice in accordance with the FSA appeal procedures found in 7 CFR Part 780. If you request reconsideration, you have the right to an informal hearing with Comanche County Committee which you or your representative may attend either personally or by telephone. If you choose to seek reconsideration, you may later appeal the determination to Texas State Committee or NAD. To request reconsideration, write to Comanche County Committee.

Mediation

Mediation through the Texas State Mediation Program is available as part of FSA's informal appeal process. Mediation may enable us to narrow the issues and resolve the matter by mutual agreement. The Texas State Mediation program may require you to pay all or part of the mediation. If you request mediation, the running of the time period in which you may file an appeal stops. When mediation closes, the clock restarts and you will have the balance of the days remaining in that period to file an appeal. To request mediation, you must submit your written request not later than 30 calendar days after the date of this notice. To request mediation, write to the Texas State Mediation Program at the following address and provide a copy to FSA.

Texas Rural Mediation Services
Lubbock County DRC
PO Box 10536
Lubbock, Texas 79408
Phone: 806/775-1720 or 866/329-3522
Fax: 806/775-1729

If the alternative, you may seek another acceptable form of ADR.

Appeal to the State Committee

1) DADDY'S # 4371 @ 165.44 ACRES
TAX ID R9589

2) MINE # 5815 @ 72.89 ACRES
TAX ID R65937

3) ANNS ID 5816 @ 40.96 ACRES
SSN 456-90-1368

4) KOWINETA # 5814 @ 51.59 ACRES
SSN 459-80-2659

COMBINED
FSA FARM
ID # 6795