

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
 Toby Baker, *Commissioner*  
 Jon Niermann, *Commissioner*  
 Richard A. Hyde, P.E., *Executive Director*



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

November 23, 2015

Ms. Alisa Starbird  
 (Doris Simmons Heizer Estate)  
 396 E. Long Street  
 P.O. Box 1128  
 Stephenville, Texas 76401-0031

**CERTIFIED MAIL**

91 7199 9991 7033 2869 4585

RE: Change of Ownership  
 Certificate of Adjudication No. 12-2245 authorizes the maintenance of a dam and 54-acre feet reservoir on Cottonwood Creek, Brazos River Basin; and the diversion and use of 20 acre-feet of water per year from the reservoir and Cottonwood Creek for agricultural purposes to irrigate 55 acres out of a 339.46-acre tract located in the W. Bardsly Survey, Abstract No. 60; and the J. B. Childress Survey, Abstract 162, Erath County, Texas.

Dear Ms. Starbird:

In letters dated January 27, 2014, and April 8, 2014, (copies enclosed for your convenience), we requested additional information concerning the referenced change of ownership for this water right. The letter dated April 8, 2014 stated that the application would be returned if no response was received by **May 08, 2014** (date given in second letter). To date we have not received the requested information and/or fees to complete the change of ownership.

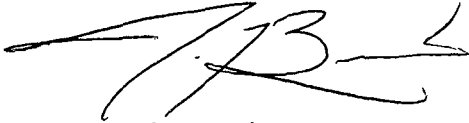
Pursuant to 30 TAC §281.18, the application is being returned without prejudice. The application can be re-submitted when the requested information becomes available.

Please be aware that pursuant to 30 TAC §297.82, the owner of a water right or his or her agent shall promptly inform the TCEQ of any transfer of ownership of a water right. Because this change of ownership has not been completed, you are not authorized to take, divert, or use waters of the state until the change of ownership is complete. The person authorized to take, divert, or use state water under this water right is the owner of record, **Doris S. Heizer**.

If you have any questions concerning this matter please contact me via e-mail at [Travis.Brice@tceq.texas.gov](mailto:Travis.Brice@tceq.texas.gov) or by telephone at (512) 239-4780.

Ms. Alisa Starbird  
Certificate of Adjudication No. 12-2245  
November 23, 2015  
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Brice', with a stylized flourish at the end.

Travis S. Brice  
Change of Ownership Specialist, MC-160  
Groundwater & Permit Support Section  
Water Availability Division  
Texas Commission on Environmental Quality

Enclosures

cc: Jeff Tate, TCEQ, Reg. 4  
Brazos Watermaster's Office

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
TELEPHONE MEMO TO THE FILE

Please complete with typewriter or black pen.

Call to: Alisa Starbird  
Date of call: ~~11/2/15~~ 11/23/15  
Phone no.: (214) 965-5960

Call from: Joe Nicaña  
File no.: ADJ 12-2245  
Subject: CCO Return Letter

Information for file: Left a message stating this application for CCO is being returned today

Signed [Signature]

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 8, 2014

Ms. Alisa Starbird  
Doris Simmons Heizer Estate  
P.O. Box 1128  
Stephenville, Texas 76401

**CERTIFIED MAIL**

91 7199 9991 7033 2822 2023

RE: Change of Ownership  
Certificate of Adjudication No. 12-2245 authorizes the maintenance of a dam and 54-acre feet reservoir on Cottonwood Creek, Brazos River Basin; and the diversion and use of 20 acre-feet of water per year from the reservoir and Cottonwood Creek for agricultural purposes to irrigate 55 acres out of a 339.46-acre tract located in the W. Bardsly Survey, Abstract No. 60; and the J. B. Childress Survey, Abstract 162, Erath County.

Dear Ms. Starbird:

In a letter dated January 27, 2014 (enclosed), we requested additional information regarding the above referenced certificate.

To date we have not received the requested information required to complete the change of ownership.

Please provide the requested information by **May 8, 2014**, or the file may be closed due to no response.

Please be aware that pursuant to 30 TAC §297.82, the owner of a water right or his or her agent shall promptly inform the TCEQ of any transfer of ownership of a water right.

If you have any questions concerning this matter please contact me via e-mail at [Sonia.crawford@tceq.texas.gov](mailto:Sonia.crawford@tceq.texas.gov) or by telephone at (512) 239-0636.

Sincerely,

A handwritten signature in cursive script that reads "Michael Sessions for Sonia Crawford".

Sonia Crawford, Project Manager  
Water Rights Permitting & Availability Section MC-160  
Water Availability Division

SC/md

Enclosures

cc: Michael Sessions, TCEQ, Reg. 4

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • [tceq.texas.gov](http://tceq.texas.gov)

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Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 27, 2014

Ms. Alisa Starbird  
Doris Simmons Heizer Estate  
P.O. Box 1128  
Stephenville, Texas 76401

### CERTIFIED MAIL

91 7108 2133 3935 1984 2951

RE: Change of Ownership  
Certificate of Adjudication No. 12-2245 authorizes the maintenance of a dam and 54-acre feet reservoir on Cottonwood Creek, Brazos River Basin; and the diversion and use of 20 acre-feet of water per year from the reservoir and Cottonwood Creek for agricultural purposes to irrigate 55 acres out of a 339.46-acre tract located in the W. Bardsly Survey, Abstract No. 60; and the J. B. Childress Survey, Abstract 162, Erath County.

Dear Ms. Starbird:

This acknowledges receipt of the *Report of Surface Water Used for the Year Ending December 31, 2011*, and *2012* which indicated that Doris Simmons Wall Herizer has passed away. Pursuant to Texas Administrative Code §297.81-297.83, Relating to Conveyances of Land and Water Rights, before the change of ownership can be completed, please provide the following information:

1. A completed *Change of Ownership Form* (enclosed).
2. **Recorded** copies of legal documents establishing a complete chain of title from the owner of record, Doris Simmons Wall, to the current owners. These documents usually consist of deeds and other such conveyances or, in case of inheritance, the (a) will, (b) probate order and (c) will inventory. Please include a copy of the metes and bounds (legal description of the land).
3. The \$100 fee for changing the ownership records of the Certificate of Adjudication. Make your remittance payable to Texas Commission on Environmental Quality.

Pursuant to 30 Texas Administrative Code §281.18, please submit the requested information and fee by February 27, 2014.

If you have any questions concerning this matter please contact Sonia Crawford via e-mail at [Sonia.crawford@tceq.texas.gov](mailto:Sonia.crawford@tceq.texas.gov) or by telephone at (512) 239-0636.

Sincerely,

A handwritten signature in black ink, appearing to read "Sonia Crawford", written in a cursive style.

Sonia Crawford, Project Manager  
Water Rights Permitting & Availability Section  
Water Availability Division

Enclosure

cc: Michael Sessions, TCEQ, Reg. 4

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
TELEPHONE MEMO TO THE FILE

Please complete with typewriter or black pen.

Call to: Alisa Terrell Starbird.

Call from: Michelle Desormeaux

Date of call: 11-13-13

File no.: 12-2245 Doris Simmons Heizer Estate

Phone no.: (254) 965-5800

Subject: Address for David Wade

Maunell Wade Baker.

Information for file: Called and left her a message for the addresses.

Wait to send the letter until receiving a phone call back about the  
Address.

Called again 11-27-13 left a message to get the address for David Wade  
and Maunell Wade Baker.

Called again 12-16-13 11:14 am, Diana spoke to Diane and Alisa is in meetings  
all day. Will get her a message and see if she can get me the information  
that we are needing. Will send me an e-mail or call.

Signed \_\_\_\_\_

ALISA TERRELL STARBIRD, P.C.

396 E. Long Street  
P.O. Box 1128  
Stephenville, Texas 76401-0031

ALISA TERRELL STARBIRD, ATTORNEY & MEDIATOR

www.starbirdlaw.com

Tel: 254.965.5800

Fax: 254.965.5801

Email [REDACTED]

October 9, 2013

**VIA CERTIFIED MAIL 7010 1670 0001 6823 8129**

Texas Commission on Environmental Quality  
Attention: Ms. Amber Fisher and Mr. Andy Gardner  
PO Box 13087  
Austin, Texas 78711-3087

RE: Brazos River Basin Water Right, Water Right No. 2245, per TCEQ information  
Owner: Doris Simmons Wall Heizer

Greetings:

I was appointed Guardian of the Estate of Doris Simmons Wall Heizer in May 2013. Ms. Heizer passed away several years ago, but her estate remains under the authority of the guardianship proceeding in the County Court at Law of Erath County because of protracted litigation between her heirs. I was also appointed as Dependent Administratrix of her probate estate in December 2012, but Ms. Heizer's assets have not been transferred out of the guardianship proceeding into the probate proceeding. It is anticipated that the probate of her estate will be done under the guardianship proceeding. My firm serves as legal counsel for her estate.

I have reviewed correspondence dated May 17, 2013 from the TCEQ regarding the above referenced water right, and I have also had a brief phone conversation with Amber Fisher. It has taken some time to determine the ownership interest of the estate in land here in Erath County and to ascertain information about the water usage.

After review of Ms. Heizer's assets as reflected in the guardianship matter, it is my assumption that correspondence to Ms. Heizer from the TCEQ relates to at least some of two adjoining parcels of property owned by Ms. Heizer in Erath County in the James R. Childress Survey and the W. Beardsley Survey. Ms. Heizer had these parcels surveyed and reconfigured in the 1990s into an 88.12 acre tract and a 249.20 acre tract. Ms. Heizer thereafter gifted her son, David Wall, 29.85 undivided acres in the 88.12 acre tract, and gifted her daughter, Maunell Wall Baker a/k/a Maunell Wall Harris, 72.50 undivided acres in the 249.20 acre tract. Ms. Heizer retained the remaining interests. I have enclosed for your reference a Limited Ownership and Lien Search Certificate prepared by King Abstract Company and dated July 17, 2013 which details the legal descriptions of these tracts.

I am advised that there has been no irrigation on either of these tracts, and that the lake is dry most of the time. On behalf of Ms. Heizer's undivided ownership interest in the two tracts, I have completed and enclosed the Report of Surface Water used for 2011 and for 2012. Please advise what, if any, additional information is needed at this time.

Best regards-

  
Alisa Terrell Starbird

Enclosures



# KING ABSTRACT COMPANY

## Limited Ownership and Lien Search Certificate

Issued to: Alisa Terrell Starbird, P. C.  
Certification Date: January 1, 1959 to July 10, 2013 @ 6:00 A.M.  
Issue Date: July 17, 2013

With respect to the following described tracts of land, we have searched the real property records which impart constructive notice of Erath County, Texas, as they appear in the records of King Abstract Company.

See Exhibit "A" attached hereto.

As of the date and time of issuance of this certificate, title to the tracts of land described herein appear to be vested in:

### TRACT ONE:

29.85 undivided acres appears vested in David Wall by virtue of Warranty Deeds recorded in Volume 945, Page 842, Volume 945, Page 1044, Volume 971, Page 19, Volume 997, Page 106, and Volume 1025, Page 363 of the Real Property Records of Erath County, Texas.

The remaining interest appears vested in The Heirs at Law of Doris S. Heizer a/k/a Winnie Doris Wall Heizer, Deceased, Probate Proceedings filed under Cause No. P08752, County Court of Erath County, Texas.

### TRACT TWO:

72.50 undivided acres appears vested in Maunell Wall Baker a/k/a Maunell Wall Harris by virtue of the Warranty Deeds recorded in Volume 945, Page 838, Volume 945, Page 1047, Volume 971, Page 14, Volume 997, Page 109, and Volume 1025, Page 358 of the Real Property Records of Erath County, Texas.

The remaining interest appears vested in The Heirs at Law of Doris S. Heizer a/k/a Winnie Doris Wall Heizer, Deceased, Probate Proceedings filed under Cause No. P08752, County Court of Erath County, Texas.

The outstanding mortgages and monetary liens purporting to affect said lands are:

1. Any monetary liens and/or claims filed against the Estate of Doris S. Heizer a/k/a Winnie Doris Wall Heizer in the Probate Records of Erath County, Texas, under Probate No. P08752.
2. Any ad valorem taxes currently due and payable.

This certificate is made upon the mutual understanding that the maker hereof has not examined all the instruments in the chain of title to the above described land, and that this certificate does not cover the legality nor the sufficiency of any of the instruments in the chain of title, and it is expressly understood and agreed that this Certificate is neither a guaranty nor a warranty of title.

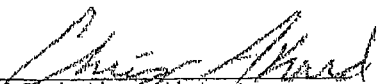
This certificate is issued to and shall insure to the benefit of **Alisa Terrell Starbird, P. C.**, and is issued in consideration of \$200.00 paid to King Abstract Company by, **Alisa Terrell Starbird, P. C.** and to whom said sum shall be returned as agreed liquidated damages in the event of any errors or omissions herein, and by accepting this certificate, **Alisa Terrell Starbird, P. C.** agrees that said sum and no more shall constitute the full measure of any damages against King Abstract Company.

**ABTRACTOR'S NOTES:**

1. There appears of record a Farm Lease dated January 1, 1999, executed by David Wall, as Lessor, and Doris Wall Heizer, as Lessee, recorded in Volume 974, Page 531, Real Property Records of Erath County, Texas. (AFFECTS TRACT ONE)
2. There appears of record a Farm Lease dated January 1, 1999, executed by Maunell Wall Baker, as Lessor, and Doris Wall Heizer, as Lessee, recorded in Volume 974, Page 535, Real Property Records of Erath County, Texas. (AFFECTS TRACT TWO)

Witness our hands at Stephenville, Texas, on July 17, 2013.

**THE KING ABSTRACT COMPANY**

By:   
Chris Akard, Abstractor

## EXHIBIT "A"

### TRACT ONE:

ALL THAT CERTAIN 88.12 ACRE TRACT OF LAND, BEING 87.46 ACRES OUT OF THE J. R. CHILDRESS SURVEY, ABSTRACT NO. 162, 0.14 ACRES OUT OF THE W. BEARDSLEY SURVEY, ABSTRACT NO. 60, AND 0.52 ACRES OUT OF THE J. C. CORBIN SURVEY, ABSTRACT NO. 163, IN ERATH COUNTY, TEXAS, BEING PART OF THAT CERTAIN 66.66 ACRE TRACT DESCRIBED AS FIRST TRACT IN DEED FROM DORIS MAUNELL WALL HARRIS ET VIR TO JAMES COY WALL ET UX, DATED JULY 8, 1977 AND RECORDED IN VOLUME 550, PAGE 367 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS, PART OF THAT CERTAIN 186.8 ACRE TRACT DESCRIBED IN DEED FROM T. W. RAY ET AL TO JAMES COY WALL ET UX, DATED JANUARY 29, 1959 AND RECORDED IN VOLUME 369, PAGE 41 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS, ALL THAT CERTAIN 3 ACRE TRACT DESCRIBED IN DEED FROM F. A. KNAPE ET UX TO COY WALL, DATED MARCH 15, 1969 AND RECORDED IN VOLUME 435, PAGE 459 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS AND PART OF THE OLD M. K. T. ABANDONED RAILROAD AND DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON ROD SET AT A FENCE CORNER POST IN THE NORTH LINE OF AN ABANDONED COUNTY ROAD, BEING THE OCCUPIED SE CORNER OF THE W. BEARDSLEY SURVEY AND THE SW CORNER OF THE J. R. CHILDRESS SURVEY, THE SE CORNER OF THE COY WALL 43 ACRE TRACT DESCRIBED AS THIRD TRACT IN DEED RECORDED IN VOLUME 550, PAGE 367 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS AND THE SW CORNER OF THE COY WALL 186.8 ACRE TRACT;

THENCE N 20 DEG. 09' 02" W ALONG A FENCE LINE ALONG THE WEST LINE OF SAID 186.8 ACRE TRACT, 3008.42' TO AN IRON ROD SET AT A FENCE CORNER POST FOR THE SW CORNER AND BEGINNING CORNER OF THE TRACT HEREINAFTER DESCRIBED;

THENCE N 20 DEG. 09' 02" W ALONG THE WEST LINE OF SAID 186.8 ACRE TRACT AND EAST LINE OF THE WALL 66.66 ACRE TRACT, 1733.35' TO AN IRON ROD SET IN A NEW FENCE LINE, FOR A CORNER OF THIS TRACT;

THENCE N 56 DEG. 58' 39" E ALONG A NEW FENCE LINE, 448.70' TO AN IRON ROD SET FOR AN INNER CORNER OF THIS TRACT;

THENCE N 43 DEG. 20' 14" W ALONG A NEW FENCE LINE, CROSSING THE WEST LINE OF SAID 186.8 ACRE TRACT AND EAST LINE OF SAID 66.66 ACRE TRACT, IN ALL 1271.71' TO AN IRON PIPE FENCE CORNER POST AT AN ELL CORNER OF ERATH COUNTY ROAD NO. 304, FOR A CORNER OF THIS TRACT;

THENCE N 06 DEG. 56' 55" E ALONG A FENCE LINE ALONG THE EAST LINE OF ERATH COUNTY ROAD NO. 304, 168.82' TO AN IRON ROD SET IN THE SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY NO. 6, FOR THE NW CORNER OF THIS TRACT;

THENCE N 81 DEG. 22' 36" E ALONG THE SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY NO. 6, AT 1322.98' PASS AN IRON ROD SET AT A FENCE CORNER POST IN THE WEST LINE OF ERATH COUNTY ROAD NO. 305, CONTINUING IN ALL 1340.94' TO AN IRON SPIKE SET IN PAVING AT THE NE CORNER OF THE COY WALL 3 ACRE TRACT AND NW CORNER OF A 29.34 ACRE TRACT DESCRIBED IN DEED FROM CLAY VAUGHN TO DOYLE CHAMBERS, DATED JULY 27, 1970 AND RECORDED IN VOLUME 451, PAGE 116 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS, FOR THE NE CORNER OF THIS TRACT;

THENCE S 20 DEG. 59' 29" E ALONG ERATH COUNTY ROAD NO. 305 AND EAST LINE OF SAID 186.8 ACRE TRACT, 2892.44' TO AN IRON SPIKE SET IN PAVING, FOR THE SE CORNER OF THIS TRACT;

THENCE S 70 DEG. 09' 48" W, AT 21.99' PASS AN IRON PIPE FENCE CORNER POST IN THE WEST LINE OF SAID COUNTY ROAD, CONTINUING ALONG A CROSS FENCE IN ALL 1369.98' TO THE PLACE OF BEGINNING AND CONTAINING 88.12 ACRES OF LAND WITH 1.26 ACRES BEING WITHIN ERATH COUNTY ROAD NO. 305.

#### TRACT TWO:

ALL THAT CERTAIN 249.20 ACRE TRACT OF LAND, BEING 96.39 ACRES OUT OF THE J. R. CHILDRESS SURVEY, ABSTRACT NO. 162, AND 152.81 ACRES OUT OF THE W. BEARDSLEY SURVEY, ABSTRACT NO. 60, IN ERATH COUNTY, TEXAS, BEING ALL THAT CERTAIN 43.0 ACRE TRACT DESCRIBED AS THIRD TRACT, ALL THAT CERTAIN 40 ACRE TRACT DESCRIBED AS SECOND TRACT AND PART OF THAT CERTAIN 66.66 ACRE TRACT DESCRIBED AS FIRST TRACT IN DEED FROM DORIS MAUNELL WALL HARRIS ET VIR TO JAMES COY WALL ET UX, DATED JULY 8, 1977 AND RECORDED IN VOLUME 550, PAGE 367 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS AND PART OF THAT CERTAIN 186.8 ACRE TRACT DESCRIBED IN DEED FROM T. W. RAY ET AL TO JAMES COY WALL ET UX, DATED JANUARY 29, 1959 AND RECORDED IN VOLUME 369, PAGE 41 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD SET AT A FENCE CORNER POST IN THE NORTH LINE OF AN ABANDONED COUNTY ROAD, BEING THE OCCUPIED SE CORNER OF THE W. BEARDSLEY SURVEY AND THE SW CORNER OF THE J. R. CHILDRESS SURVEY, THE SE CORNER OF THE COY WALL 43 ACRE TRACT AND THE SW CORNER OF THE COY WALL 186.8 ACRE TRACT, FOR A CORNER OF THIS TRACT;

THENCE S 60 DEG. 52' 32" W ALONG A FENCE LINE ALONG THE NORTH LINE OF SAID ABANDONED ROAD, 1085.05' TO A 3' IRON PIPE FENCE CORNER POST AT THE OCCUPIED SW CORNER OF THE COY WALL 43 ACRE TRACT AND OCCUPIED EAST LINE OF A 82.76 ACRE TRACT DESCRIBED IN DEED FROM JIMMIE LEE ERICKSEN ET UX TO JOHN H. BRAWNER ET UX, DATED MAY 25, 1984 AND RECORDED IN VOLUME 635, PAGE 431 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS, (NOW ROBERT SIDES BY DEED RECORDED IN VOLUME 883, PAGE 505 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS), FOR THE SW CORNER OF THIS TRACT, FROM WHICH THE SE CORNER OF SAID 82.76 ACRE TRACT BEARS S 15 DEG. 23' E, 47.45';

THENCE N 21 DEG. 42' 18" W ALONG A NEW FENCE LINE, 1638.76' TO AN IRON ROD FOUND AT A FENCE CORNER POST AT THE NW CORNER OF SAID 43 ACRE TRACT AND EXTERNAL CORNER OF SAID 82.76 ACRE TRACT, FOR A CORNER OF THIS TRACT;

THENCE S 61 DEG. 50' 20" W ALONG A FENCE LINE, 247.95' TO AN IRON ROD FOUND AT A FENCE CORNER POST AT THE SW CORNER OF THE COY WALL 40 ACRE TRACT AND INNER CORNER OF SAID 82.76 ACRE TRACT, FOR A CORNER OF THIS TRACT;

THENCE N 20 DEG. 54' 53" W ALONG A FENCE LINE, 657.16' TO A 3" IRON PIPE FENCE CORNER POST FOR A CORNER OF THIS TRACT, FROM WHICH THE NE CORNER OF SAID 82.76 ACRE TRACT BEARS S 47 DEG. 15' W, 8 25';

THENCE N 39 DEG. 33' 12" E ALONG A FENCE LINE, 23.60' TO AN IRON ROD SET AT A FENCE CORNER POST AT THE SE CORNER OF A 106.28 ACRE TRACT DESCRIBED IN DEED FROM CHARLOTTE GALE GOUGE TO WAYMON L. GOUGE, DATED AUGUST 27, 1991 AND RECORDED IN VOLUME 818, PAGE 813 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS, BEING THE SE CORNER OF TRACT 4 AS SHOWN ON A PLAT OF CHERYL= RIDGE SUBDIVISION RECORDED IN CABINET A, SLIDE 133 OF THE PLAT RECORDS OF ERATH COUNTY, TEXAS, FOR A CORNER OF THIS TRACT;

THENCE N 21 DEG. 23' 20" W ALONG A FENCE LINE, 652.21' TO AN IRON ROD SET AT THE NE CORNER OF SAID 106.28 ACRE TRACT AND THE NE CORNER OF SAID TRACT 4, FOR A CORNER OF THIS TRACT FROM WHICH A 3" IRON PIPE FENCE CORNER POST BEARS S 60 DEG. 48' E, 2.92';

THENCE N 59 DEG. 54' 24" E, 375.34' TO AN IRON ROD SET AT A FENCE CORNER POST AT THE SE CORNER OF A 66.67 ACRE TRACT DESCRIBED IN DEED FROM JAMES C. REED TO CECIL L. CARAWAY, DATED MARCH 3, 1976 AND RECORDED IN VOLUME 535, PAGE 1025 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS AND THE SW CORNER OF THE COY WALL 66.66 ACRE TRACT, FOR A CORNER OF THIS TRACT;

THENCE ALONG A FENCE LINE ALONG THE EAST LINE OF THE CARAWAY 66.67 ACRE TRACT AND WEST LINE OF THE COY WALL 66.66 ACRE TRACT AS FOLLOWS, N 20 DEG. 28' 09" W, 1244.76' TO AN IRON ROD SET, N 20 DEG. 35' 08" W, CROSSING SOIL CONSERVATION LAKE AND DAM, 1012.94' TO AN IRON ROD SET AT A FENCE CORNER POST, AND N 21 DEG. 05' 52" W, 763.15' TO AN IRON ROD SET AT A FENCE CORNER POST IN THE SOUTH LINE OF ERATH COUNTY ROAD NO. 304, BEING AT THE NE CORNER OF SAID 66.67 ACRE TRACT AND NW CORNER OF THE WALL 66.66 ACRE TRACT, FOR THE NW CORNER OF THIS TRACT;

THENCE N 59 DEG. 48' 11" E ALONG A FENCE LINE ALONG THE SOUTH LINE OF ERATH COUNTY ROAD NO. 304, 973.37' TO A 3" IRON PIPE FENCE CORNER POST AT A TURN IN SAID ROAD, FOR THE NE CORNER OF THIS TRACT;

THENCE S 43 DEG. 20' 14" E ALONG A NEW CROSS FENCE, CROSSING THE EAST LINE OF THE W. BEARDSLEY SURVEY AND WEST LINE OF THE J. R. CHILDRESS SURVEY, 1271.11' TO AN IRON ROD SET FOR AN EXTERNAL CORNER OF THIS TRACT;

THENCE S 56 DEG. 58' 39" W ALONG A NEW CROSS FENCE, 448.70' TO AN IRON ROD SET IN THE WEST LINE OF THE COY WALL 186.8 ACRE TRACT AND EAST LINE OF THE WALL 66.66 ACRE TRACT, FOR A CORNER OF THIS TRACT;

THENCE S 20 DEG. 09' 02" E ALONG THE WEST LINE OF SAID 186.8 ACRE TRACT AND EAST LINE OF SAID 66.67 ACRE TRACT, 1733.35' TO AN IRON ROD SET SAT A FENCE CORNER POST FOR A CORNER OF THIS TRACT;

THENCE N 70 DEG. 09' 48" E ALONG A CROSS FENCE. AT 1347.99' PASS AN IRON PIPE FENCE CORNER POST IN THE WEST LINE OF ERATH COUNTY ROAD NO. 305, CONTINUING IN ALL 1369.98' TO AN IRON SPIKE SET IN PAVING, BEING IN THE EAST LINE OF SAID 186.8 ACRE TRACT, FOR A CORNER OF THIS TRACT;

THENCE S 20 DEG. 59' 29" E ALONG SAID COUNTY ROAD, 306.02' TO AN IRON SPIKE SET AT THE SW CORNER OF A 1 ACRE TRACT DESCRIBED IN DEED FROM H. T. STROUD TO DOYLE CHAMBERS, DATED MARCH 29, 1955 AND RECORDED IN VOLUME 351, PAGE 87 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS, FOR A CORNER OF THIS TRACT;

THENCE S 20 DEG. 46' 09" E ALONG SAID PAVED COUNTY ROAD AND EAST LINE OF SAID 186.8 ACRE TRACT, 11.29' TO AN IRON SPIKE SET FOR A CORNER OF THIS TRACT;

THENCE S 66 DEG. 57' 23" W, AT 22.86' PASS A 3" IRON PIPE FENCE CORNER POST IN THE WEST LINE OF SAID ROAD, BEING THE NE CORNER OF A 1.41 ACRE TRACT DESCRIBED IN DEED FROM JOHN R. O'GRADY TO GINGER POSEY, DATED JUNE 15, 1988 AND RECORDED IN VOLUME 748, PAGE 105 OF THE DEED RECORDS OF

ERATH COUNTY, TEXAS, CONTINUING ALONG A FENCE LINE IN ALL 293.12' TO AN IRON PIPE FENCE CORNER POST AT THE NW CORNER OF SAID 1.41 ACRE TRACT, FOR AN INNER CORNER OF THIS TRACT; THENCE S 21 DEG. 15' 37" E ALONG A FENCE LINE, 219.06' TO AN IRON PIPE FENCE CORNER POST AT THE SW CORNER OF SAID 1.41 ACRE TRACT, FOR AN INNER CORNER OF THIS TRACT;

THENCE N 68 DEG. 09' 32" E ALONG A FENCE LINE, AT 268.11' PASS AN IRON PIPE FENCE CORNER POST AT THE SE CORNER OF SAID 1.41 ACRE TRACT, BEING IN THE WEST LINE OF SAID COUNTY ROAD, CONTINUING IN ALL 291.07' TO AN IRON SPIKE SET IN PAVING, BEING IN THE EAST LINE OF SAID 186.8 ACRE TRACT, FOR A CORNER OF THIS TRACT;

THENCE S 20 DEG. 46' 09" E ALONG SAID PAVED COUNTY ROAD (ERATH COUNTY ROAD NO. 305), 2246.34' TO AN IRON ROD SET AT THE INTERSECTION OF THE NORTH LINE OF A TEE INTERSECTION OF SAID ROAD, BEING THE OCCUPIED SE CORNER OF SAID 186.8 ACRE TRACT, FOR THE SE CORNER OF THIS TRACT;

THENCE S 61 DEG. 19' 27" W, AT 21.48' PASS AN IRON PIPE FENCE CORNER POST, CONTINUING A FENCE LINE ALONG THE NORTH LINE OF ERATH COUNTY ROAD NO. 305 IN ALL 1127.12' TO AN IRON PIPE FENCE CORNER POST AT THE NW CORNER OF AN ELL CORNER OF SAID COUNTY ROAD, FOR A CORNER OF THIS TRACT;

THENCE S 60 DEG. 54' 22" W ALONG A FENCE LINE ALONG THE NORTH LINE OF AN ABANDONED ROAD, 290.13' TO THE PLACE OF BEGINNING AND CONTAINING 249.20 ACRES OF LAND WITH 1.25 ACRES BEING WITHIN ERATH COUNTY ROAD NO. 305.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
REPORT OF SURFACE WATER USED FOR THE YEAR ENDING DECEMBER 31, 2012

RECEIVED

for

TYPE: 6-Cert. of Adjudication

WATER RIGHT NO: 2245

OCT 14 2013

USE: 3-Irrigation

WATER RIGHTS PERMITTING

TWDB ACCT#: N/A Undivided partial interests in  
two parcels, per letter dated October 9, 2013

OWNER: Doris Simmons Wall "Winnie" Heizer

Tract one - 88.12 acres, David Wall owns 29.85  
undivided acres

Tract Two - 249.20 acres, Maunell Wall Baker a/k/a  
Maunell Wall Harris owns 77.50 undivided acres

If you have a change in name, address or ownership, please  
indicate the changes on this form. NOTE: Changing  
ownership also requires recorded documents such as deed(s)  
and in case of inheritance, will, probate order, and will  
inventory. Per Texas statutes, a fee of \$100.00 will be charged  
for each transfer or name change.

Doris Simmons Heizer  
c/o Alisa Starbird, Guardian  
Alisa Terrell Starbird, PC

Po Box 1128  
Stephenville, TX 76401

Instructions for completing the form are enclosed. 1 Acre-Foot = 325,851 Gallons

	Maximum Diversion Rate (Specify: <input type="checkbox"/> CFS or <input type="checkbox"/> GPM)	Monthly Diverted Amount ** (acre-feet)	Monthly Consumed Amount** (acre-feet)	Monthly Return Flow (acre-feet)
January	0	0		0
February	0	0		0
March	0	0		0
April	0	0		0
May	0	0		0
June	0	0		0
July	0	0		0
August	0	0		0
September	0	0		0
October	0	0		0
November	0	0		0
December	0	0		0
	Total:	0		0

Comments:

\*\* The Monthly Diverted Amount and Monthly Consumed Amount  
may be the same; if they are, record them under both the Monthly Diverted  
Amount and the Monthly Consumed Amount columns.

For Irrigation Use Only: Indicate the number of acres  
irrigated, the months and the type of crops grown in the  
space below:

Crop: 0 Months: 0 Acres: 0

Crop: 0 Months: 0 Acres: 0

Information provided only for ownership  
interest of Doris Simmons Heizer



Signature: Alisa Dull Fabelo, Guardian Date: 10/8/13

Contact Name: Alisa Dull Fabelo, Guardian 254.965.5800  
Print Name Telephone Number

Return this form by March 1, 2013 to:  
Texas Commission on Environmental Quality ♦ Water Rights Permitting MC 160 ♦ P.O. Box 13087 ♦ Austin TX 78711-3087  
Telephone (512) 239-4691

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
REPORT OF SURFACE WATER USED FOR THE YEAR ENDING DECEMBER 31, 2011

RECEIVED

TYPE: 6-Cert. of Adjudication

WATER RIGHT NO: 2245

OCT 14 2013

USE: 3-Irrigation

WATER RIGHTS PERMITTING

TWDB ACCT#: N/A Partial

OWNER: Undivided interests in two parcels,  
per letter dated October 9, 2013

Doris Simmons Wall "Winnie" Heizer

Tract One - 88.12 acres David Wall owns 29.85  
undivided acres

Tract Two - 249.20 acres Maurell Wall Baker a/k/a  
Maurell Wall Harris owns 72.50 undivided acres

Instructions for completing the form are enclosed. 1 Acre-Foot = 325,851 Gallons

If you have a change in name, address or ownership, please indicate the changes on this form. NOTE: Changing ownership also requires recorded documents such as deed(s) and in case of inheritance, will, probate order, and will inventory. Per Texas statutes, a fee of \$100.00 will be charged for each transfer or name change.

Doris Simmons Heizer

c/o Anisa Starbird, Guardian  
Anisa Terrell Starbird, PC.

P.O. Box 1128

Stephenville, TX 76401

	Maximum Diversion Rate (Specify: <input type="checkbox"/> CFS or <input type="checkbox"/> GPM)	Monthly Diverted Amount ** (acre-feet)	Monthly Consumed Amount ** (acre-feet)	Monthly Return Flow (acre-feet)
January	0	0		0
February	0	0		0
March	0	0		0
April	0	0		0
May	0	0		0
June	0	0		0
July	0	0		0
August	0	0		0
September	0	0		0
October	0	0		0
November	0	0		0
December	0	0		0
Total:		0		0

Comments: Lake is dry.

\*\* The Monthly Diverted Amount and Monthly Consumed Amount may be the same; if they are, record them under both the Monthly Diverted Amount and the Monthly Consumed Amount columns.

For Irrigation Use Only: Indicate the number of acres irrigated, the months and the type of crops grown in the space below:

Crop: 0 Months: 0 Acres: 0

Crop: 0 Months: 0 Acres: 0

Information provided only for ownership  
interest of Doris Simmons Heizer

Signature: <u>Alexandra Starbird, Guardian</u>	Date: <u>10/8/13</u>
Contact Name: <u>Alexandra Starbird, Guardian</u> Print Name	<u>254 965 5800</u> Telephone Number

Return this form by March 1, 2013 to:  
Texas Commission on Environmental Quality ♦ Water Rights Permitting MC 160 ♦ P.O. Box 13087 ♦ Austin TX 78711-3087  
Telephone (512) 239-4691

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Postal Product:

Features:  
Certified Mail™

April 11, 2014, 1:28 pm	Delivered	STEPHENVILLE, TX 76401

Your item was delivered at 1:28 pm on April 11, 2014 in STEPHENVILLE, TX 76401.

April 11, 2014, 11:26 am	Available for Pickup	STEPHENVILLE, TX 76401
April 11, 2014, 9:16 am	Out for Delivery	STEPHENVILLE, TX 76401
April 11, 2014, 9:06 am	Sorting Complete	STEPHENVILLE, TX 76401
April 11, 2014, 6:20 am	Arrival at Unit	STEPHENVILLE, TX 76401
April 11, 2014, 1:36 am	Processed through USPS Sort Facility	FORT WORTH, TX 76161
April 10, 2014, 9:41 pm	Depart USPS Sort Facility	FORT WORTH, TX 76161
April 10, 2014, 3:56 pm	Processed through USPS Sort Facility	FORT WORTH, TX 76161
April 10, 2014, 2:19 am	Depart USPS Sort Facility	AUSTIN, TX 78710
April 9, 2014, 10:46 pm	Processed through USPS Sort Facility	AUSTIN, TX 78710

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