

In addition, the owners are authorized to divert and use for irrigation purposes not to exceed 3680 acre-feet of water per annum from the on-channel reservoir and the Colorado River. The water rights in this property are appurtenant to and are an undivided part of the land. A transfer of any portion of the land, unless otherwise specified, includes a proportionate amount of the water rights owned by the owner at the time of the transaction.¹

B. Certificate of Adjudication No. 14-2563, issued August 31, 1983, granted owners, O. P. Leonard, Jr., Martha Jane Anthony, Margery Ann Hodges and R. W. Leonard, water rights in the Colorado River. The property description set forth in the certificate is 289 acres located in the Thomas Blackwell Survey, No. 57, Abstract 14, Mills County, Texas. The owners shall have the right to use 243 acre-feet of water per annum from the Colorado River to irrigate the entire tract.

One point of note is the apparent difference between the number of acres set forth in the certificate and the number of acres in Wheeler Place as set forth in our records.

III. Pecan Bayou Farm

A. Resolution of the Brown County Water Improvement District No. One, dated February 1967, provides for the inclusion of 1157.60 acres of property in Brown County within the Brown County Water Improvement District. Implicit in this resolution is the right to irrigate the property from the Colorado River Basin.

B. Certificate of Adjudication No. 14-2453, issued June 1, 1983, granted to O. P. Leonard, Jr., R. W. Leonard, Leland A. Hodges and James E. Anthony water rights in the Colorado River. The certificate enlarges and confirms those water rights set forth in the 1967 Brown County Water Improvement District No. 1 Resolution. However, the property description in the certificate is a 1259.8 acre tract of land located

PRIORITY DATE: 12/31/1966

¹ All certificates of adjudication reviewed in this summary declare that the water rights are appurtenant to the property, and unless otherwise specified, any transfer of a portion of the land includes a proportionate amount of the water rights owned by the transferor.

in Brown County, Texas. The owners shall have the right to impound not to exceed 40 acre-feet of water in an off-channel reservoir. In addition, the owners are authorized to divert and use not to exceed 1246 acre-feet of water per annum from the Colorado River for irrigation purposes.

IV. Indian Creek Ranch

Permit to Appropriate State Water No. 3796, issued March 11, 1981, granted to the owners, Obie P. Leonard, Jr., R. W. Leonard, Margery Ann Hodges, and Martha Jane Anthony, water rights in the Trinity River Basin. The property description in the permit is a 2944.97 tract in the Riondo Survey, Abstract 25, of Freestone County, Texas. The owners shall have the right to impound not to exceed 2188 acre-feet of water in a reservoir on the property. The owners are authorized to divert and use not to exceed 200 acre-feet of water per annum from the reservoir to irrigate a 120 acre tract out of the above-described property and for domestic and livestock purposes.

B. A Preliminary Certificate of Adjudication, Claim No. 5524, recognizes the owners' right to maintain the reservoir not to exceed 2188 acre-feet of water approved in permit no. 3796. The owners shall have the right to use 11 acre-feet of water per annum from the reservoir for domestic and livestock purposes. Finally, 200 acre-feet of water per annum may be used diligently from the existing reservoir for irrigation of a 120 acre tract of land on the ranch. It is our understanding that final adjudication is expected in 1985.

V. Leonard Bend

A. The water contract by and between the Brazos River Authority and O. P. Leonard, Jr. and wife, Nancy Leonard, R. W. Leonard and wife, Virginia Leonard, Margery Ann Hodges and husband, Leland A. Hodges, and Martha Jane Anthony and husband, James E. Anthony, dated January 5, 1968, granted to the owners certain water rights in the Brazos River Basin. The property described in the contract is a 4789.3 acre tract in Hood County, Texas. The owners were granted the right to use an average of 3300 acre-feet of water per year from the Cordova Bend Reservoir. Subject to additional conditions and covenants, the term of the contract is for 25 years with an option period of an additional 25 years at an increased price. The contract is assignable in whole or in part.