

**TCEQ DOCKET NO. 2022-0125-WR**

**APPLICATION BY  
CITY OF WICHITA FALLS  
FOR WATER RIGHTS  
PERMIT NO. 13404**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**KILDAVNET CASTLE, LLC AND UMHAILL VALLEY, LLC’S  
REPLY TO RESPONSES TO HEARING REQUESTS**

TO THE HONORABLE COMMISSIONERS:

On behalf of Kildavnet Castle, LLC and Umhaill Valley, LLC, (collectively, “Requestors”) I file this Reply to the Responses to Requests for Hearing filed by the Executive Director (“ED”), the Office of Public Interest Counsel (“OPIC”), and the Applicant City of Wichita Falls (“Applicant”). The Commission should find that Requestors are affected persons and should grant their requests for a contested case hearing.

**I. Requestors are Affected Persons.**

Mr. William O’Malley submitted hearing requests on behalf of two entities that he owns and controls: Kildavnet Castle, LLC and Umhaill Valley, LLC. As he made clear in his hearing requests, land owned by each entity is to be inundated by Applicant’s proposed reservoir on the Little Wichita River in Clay County, Texas. In his comments and hearing requests submitted on March 3, 2020, Mr. O’Malley provided survey information for the property owned by Kildavnet Castle, LLC and a description of the location and plat information available for the land owned by Umhaill Valley, LLC. Though the ED and OPIC failed to identify the precise location of the property in relation to the area proposed

to be inundated, Mr. O'Malley's hearing request was timely, and he stated a personal, justiciable interest affected by the Application, including an explanation regarding the location and distance relative to the proposed reservoir and how the Requestors would be affected by the reservoir in a manner not common to members of the general public. Therefore, the Commission should determine that Requestors are affected persons and refer their hearing requests to SOAH for a contested case hearing.

**a. Requestor Kildavnet Castle, LLC**

On March 3, 2020, Mr. O'Malley provided a description of the location and distance of property owned by Kildavnet Castle, LLC relative to the proposed reservoir:

Kildavnet Castle, LLC owns land that would be inundated by Lake Ringgold, and I request a contested case hearing. The land is on and south of the little Wichita River in the E W. SMITH SURVEY, A-414, THE C. M. CANNON SURVEY, A-90, THE E. C. MAULDIN SURVEY, A-316, THE W. WELLS SURVEY, A-710, THE T. M. HUGHES SURVEY, A-181 AND BLOCKS 4, 15, 22, 33 AND 32, MADISON COUNTY SCHOOL LAND, A-302, CLAY COUNTY, TEXAS.

Though not mapped, the ED was able to confirm that the survey names and abstract numbers are within the reservoir footprint. **Attachment 2** includes a list of Kildavnet Castle, LLC properties appearing on the Clay County Appraisal District's website, and **Attachment 3** includes a map created using the Clay CAD website and mapping tool, depicting the location of the precise parcels owned by Kildavnet Castle, LLC. The map depicts the location of those parcels relative to their location within the surveys and abstract blocks shown in the ED's map for comparison. A copy of the ED's map is provided here for ease of reference as **Attachment 4**. The map shows that significant acreage owned by Kildavnet Castle, LLC would be inundated by the Applicant's proposed reservoir, if built.

The ED recommends granting the request of Kildavnet Castle, LLC “assuming that Mr. O’Malley can provide documentation establishing that he is an agent for the requestor.”<sup>1</sup> **Attachment 1** is a Declaration by William Justin O’Malley representing that he is, in fact, a manager of Kildavnet Castle, LLC with authority to act on behalf of the corporation and was at the time he submitted the hearing request on behalf of Kildavnet Castle, LLC.<sup>2</sup>

For these reasons, the Commission should grant the hearing request of Kildavnet Castle, LLC.

**b. Requestor Umhaill Valley, LLC**

The ED also seems inclined to recommend granting the request of Umhaill Valley, LLC—and granting the request would be consistent with its recommendation to grant the request of Kildavnet Castle, LLC, since the only issue seems to be that both the ED and OPIC could not confirm that the precise location of the property owned by Umhaill Valley, LLC.

On March 3, 2020, Mr. O’Malley provided a description of the location and distance of property owned by Umhaill Valley, LLC relative to the proposed reservoir:

Umhaill Valley, LLC owns land that would be inundated by Lake Ringgold, and I request a contested case hearing. The land is on and north of the little Wichita River in the JJ Perkins Subdivision number 2, cabinet 1, slide 66, Clay County plat records.

---

<sup>1</sup> Executive Director’s Response to Hearing Requests, 10 (listing Kildavnet Castle, LLC as number 17 on the list of Recommendations to Grant)

<sup>2</sup> **Attachment 1**, Declaration of William Justin O’Malley, ¶¶ 4-5, Exhibit D.

Again, **Attachments 2 and 3**, respectively, provide a list of Umhaill Valley, LLC properties appearing on the Clay CAD website and a map created using the Clay CAD website and mapping tool, depicting the location of the precise parcels owned by Umhaill Valley, LLC.

Admittedly, deeds for Parcel IDs 731, 5202, and 6936 were not filed in the property records at the time Mr. O'Malley submitted the hearing request for Umhaill Valley, LLC, even though they were under contract at the close of the hearing request deadline on March 9, 2020 and filed in the property records one day later.<sup>3</sup> Even still, were the Commission to consider only the parcels in Clay County Property Records on March 3, 2020 when Mr. O'Malley submitted his hearing request, the map clearly shows that Umhaill Valley, LLC property, particularly Parcel ID 6942 on the edge of the Abstract 306, Wiley Morse Survey, would be partially inundated by Applicant's proposed reservoir.

Therefore, the Commission should grant the hearing request of Umhaill Valley, LLC.

**c. Rockfleet Castle, LLC has acquired land from requestor, Mr. Randi Maddox and his wife, Mary Ellen Maddox.**

It is worth mentioning that a third entity managed by Mr. O'Malley, Rockfleet Castle, LLC, has, since the hearing request deadline, acquired land from another requestor, Randi Maddox and his wife Mary Ellen Maddox. In a deed filed February 9, 2021. Rockfleet Castle, LLC acquired 1418.44 acres from the Maddoxes.<sup>4</sup>

---

<sup>3</sup> *Id.* at ¶¶ 8-9, Exhibit E.

<sup>4</sup> *Id.* at ¶¶ 10-11, Exhibit F.



Again, **Attachments 2 and 3**, respectively, provide a list of the Rockfleet Castle, LLC properties appearing on the Clay CAD website and a map created using the Clay CAD website and mapping tool, depicting the location of the precise parcels owned by Rockfleet Castle, LLC. When comparing to the ED's map, it is clear that a significant amount of the land will be inundated by the proposed reservoir. Because the Maddoxes previously submitted a timely hearing request regarding this property, the Commission should grant the hearing request of Rockfleet Castle, LLC, or at the very least, refer the party status determination to SOAH.

## **II. Inundation is an issue related to the reservoir and is within the TCEQ's jurisdiction.**

The Applicant seeks, in part, the authorization necessary to construct and maintain a reservoir by building a dam on the Little Wichita River and inundating land necessary for reservoir capacity of 275,000 acre-feet. In its Response to Hearing Requests, the Applicant then argues that the inundation of land that would be a part of and a direct result of the Commission's authorization, is not within the jurisdiction of the Commission.<sup>5</sup> This is disingenuous and wholly inconsistent with prior practice at TCEQ and SOAH.

Pursuant to 30 Tex. Admin. Code § 55.256, the Commission shall consider all relevant factors in determining whether a requestor has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Included on the list of relevant factors the Commission shall consider are the following:

---

<sup>5</sup> Applicant's Response to Requests for Contested Case Hearing, 3-5.

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) likely impact of the regulated activity on the health, safety, and use of property of the person;
- (5) likely impact of the regulated activity on use of the impacted natural resource by the person; and
- (6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.<sup>6</sup>

Many of the requestors here have indicated that they own property that will be inundated, which amounts to a legal right and economic interest affected by the application, particularly the impact the reservoir will have on the use of their property and use of natural resources. The Commission recognizes this unambiguous connection and regularly treats property interests in land impacted by inundation as an issue that relates directly to the reservoir, and which is within the jurisdiction of the Commission, constituting a personal justiciable interest for purposes of affected person analysis under 30 Tex. Admin. Code § 55.256.

For example, in the Application by North Texas Municipal Water District for new Water Use Permit No. 12151, which included the construction and maintenance of a new dam and reservoir in Fannin County, Texas commonly known as the Bois d’Arc Lake Reservoir, the ED recommended granting—and the Commission granted—numerous

---

<sup>6</sup> 30 Tex. Admin. Code § 55.256(c).

hearing requests from individual landowners, based solely on the fact that their property would be inundated or taken for mitigation.<sup>7</sup>

In the Bois d'Arc Lake Reservoir matter, counsel for the North Texas Municipal Water District tried to make the same argument that they now make on behalf of the City of Wichita Falls.<sup>8</sup> The argument was first rejected by the Commission and again by Administrative Law Judges who issued an order admitting as parties many of the same individual protestants whose requests were referred by the Commission based solely on the fact that their land would be inundated or taken for mitigation.<sup>9</sup>

The Applicant argues that TCEQ has no jurisdiction over inundation by pointing to Texas Water Code, Section 11.035. However, this section plainly does not stand for what the Applicant would like.

Section 11.035 simply provides a procedure by which a reservoir owner can acquire the legal right to impound water over private lands that make up the reservoir site by giving the appropriator of a water right the ability to obtain property by condemnation. Should the appropriator not already have condemnation authority as a corporation, district, city, or town, the Texas Water Code establishes a procedure by which the appropriator would apply to TCEQ to hear applications for condemnation.<sup>10</sup> Section 11.035 does not in any way limit

---

<sup>7</sup> Application by the North Texas Municipal Water District for new Water Use Permit No. 12151; TCEQ Docket No. 2014-0913-WR. *See* ED's Response to Hearing Requests (Aug. 29, 2014); Interim Order (Sept. 30, 2014).

<sup>8</sup> Applicant's Brief on Standards for Determining Affected Persons (Nov. 10, 2014), SOAH DOCKET NO. 582-15-0690; TCEQ DOCKET NO. 2014-0913-WR.

<sup>9</sup> *See* Order No. 1, Establishing Party Status; Adopting Procedural Schedule; and Notice of Hearing (Dec. 1, 2014).

<sup>10</sup> Tex. Water Code § 11.035.

TCEQ's authority to consider inundation of land for the reservoir as an issue in determining whether a person is affected by the proposed activity.

Likewise, the Applicant attempts to limit the Agency's authority to consider inundation in determining whether someone is an affected person, by pointing to 30 Tex. Admin. Code § 295.10. But this TCEQ rule requires simply that an applicant for a water rights permit demonstrate the rights to inundate along with the application.<sup>11</sup> Again, it does not in any way limit TCEQ from considering inundation in water rights permitting or in considering whether a person is affected by the proposed activity.

Finally, the Applicant misstates the facts of the hearing requests. In his request on behalf of both Requestors, Mr. O'Malley clearly states the properties will be "inundated by Lake Ringgold," yet in its Response, the Applicant attempts to conflate its argument over jurisdiction in order to allege that the Requestors did not provide any statement or any explanation of how they will be impacted by the Application in a manner distinct from interests common to members of the general public.<sup>12</sup> Not only does the Applicant ask the Commission to act contrary to the law and its prior practice, it also plainly misstates the nature of the hearing requests.

---

<sup>11</sup> 30 Tex. Admin. Code § 295.10, Proposed Installation of a Reservoir ("If the applicant does not have the power of condemnation and proposes to inundate or to place any installation upon the land of another, the name(s) and address(es) of such landowner(s) shall be given. A copy of a duly acknowledged written easement, consent, or license from the landowner(s) or of a written lease or other evidence of agreement between the landowner(s) and the applicant shall be filed with the application.")

<sup>12</sup> Applicant's Response to Requests for Contested Case Hearing, pp. 29, 48 (saying concerns were related to "land located in a floodplain").

### **III. Conclusion**

For the reasons stated above, Requestors respectfully request that the Commission grant their hearing requests and refer this case to the State Office of Administrative Hearings.

Respectfully submitted,

/s/ Lauren Ice

Lauren Ice

State Bar No. 24092560

[lauren@txenvirolaw.com](mailto:lauren@txenvirolaw.com)

**PERALES, ALLMON & ICE, P.C.**

1206 San Antonio Street

Austin, Texas 78701

Tel. (512) 469-6000

Fax (512) 482-9346

*Attorney for Umhaill Valley, LLC and  
Kildavnet Castle, LLC*

## **CERTIFICATE OF SERVICE**

I hereby certify that, on April 4, 2022, a true and correct copy of the Reply to Responses to Hearing Requests was electronically filed with the Chief Clerk of TCEQ, and that copies were served upon the following Mailing List via deposit in the U.S. mail or e-mail.

### **For the Applicant:**

Sara Thornton  
Lloyd Gosselink Rochelle & Townsend, P.C.  
816 Congress Avenue, Suite 1900  
Austin, Texas 78701  
[sthornton@lglawfirm.com](mailto:sthornton@lglawfirm.com)

### **For the Executive Director:**

Ruth Takeda, Staff Attorney  
TCEQ Environmental Law Division  
P.O. Box 13087, MC-173  
Austin, Texas 78711-3087  
[Ruth.takeda@tceq.texas.gov](mailto:Ruth.takeda@tceq.texas.gov)

Sarah Henderson, Technical Staff  
TCEQ Water Availability Division  
P.O. Box 13087, MC-160  
Austin, Texas 78711-3087  
[Sarah.henderson@tceq.texas.gov](mailto:Sarah.henderson@tceq.texas.gov)

Ryan Vise, Director  
TCEQ External Relations Division  
P.O. Box 13087, MC-108  
Austin, Texas 78711-3087  
[pep@tceq.texas.gov](mailto:pep@tceq.texas.gov)

### **For Alternative Dispute Resolution:**

Kyle Lucas  
TCEQ Alternative Dispute Resolution  
P.O. Box 13087, MC-222  
Austin, Texas 78711-3087  
[Kyle.lucas@tceq.texas.gov](mailto:Kyle.lucas@tceq.texas.gov)

**For the Office of Public Interest Counsel:**

Vic McWherter, Public Interest Counsel

TCEQ Office of Public Interest Counsel

P.O. Box 13087, MC-103

Austin, Texas 78711

Tel: (512) 239-6363

Fax: (512) 239-6377

[vic.mcwherter@tceq.texas.gov](mailto:vic.mcwherter@tceq.texas.gov)

Eli Martinez, Assistant Public Interest Counsel

TCEQ Office of Public Interest Counsel

P.O. Box 13087, MC-103

Austin, Texas 78711-3087

[Eli.martinez@tceq.texas.gov](mailto:Eli.martinez@tceq.texas.gov)

# ATTACHMENT 1



TCEQ DOCKET NO. 2022-0125-WR

APPLICATION BY  
CITY OF WICHITA FALLS  
FOR WATER RIGHTS  
PERMIT NO. 13404

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**DECLARATION OF WILLIAM JUSTIN O'MALLEY**

1. My name is William Justin O'Malley. I am over eighteen (18) years of age and of sound mind, have never been convicted of a felony, and am otherwise capable of making this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct.
2. I am the sole manager of both Umhaill Valley, LLC, and Rockfleet Castle, LLC. Attached as **Exhibit A** is the certificate of formation of Umhaill Valley, LLC and attached as **Exhibit B** is the certificate of formation of Rockfleet Castle, LLC, showing me as the sole manager. These exhibits are true and correct copies of the certificates of formation.
3. Three individuals, Cynthia Stratton O'Malley, Martin Jairus O'Malley and Garrett Monroe O'Malley, are named in the certificate of formation as the managers for Kildavnet Castle, LLC. Attached as **Exhibit C** is the certificate of formation of Kildavnet Castle, LLC. Exhibit C is a true and correct copy of the certificate of formation.
4. On March 1, 2020, the three existing managers voted to add me as a manager for Kildavnet Castle, LLC. At the time I submitted the hearing request on behalf of Kildavnet Castle, LLC, I was a manager with the authority to act on behalf of the corporation.
5. Attached as **Exhibit D** is a copy of the Unanimous Consent of Managers of Kildavnet Castle, LLC, appointing me as a Manager of the corporation, effective March 1, 2020. Exhibit D is a true and correct copy of the Unanimous Consent of Managers, which was provided to me upon my appointment.
6. I submitted written comments and a request for a contested case hearing to the TCEQ in the above-referenced matter on March 3, 2020, on behalf of Kildavnet Castle, LLC and Umhaill Valley, LLC.

7. After submitting these comments and a request for a contested case hearing, I continued to acquire land in the area on behalf of Umhaill Valley, LLC and Rockfleet Castle, LLC.
8. While I was preparing to file comments and a hearing request, I was also negotiating the acquisition of three new parcels of land on behalf of Umhaill Valley, LLC, totaling 789.29 acres. The deed shows that the seller signed the lease conveying 789.29 acres to Umhaill Valley, LLC on March 6, 2020, and that the deed was filed with Clay County Property Records on March 10, 2020.
9. Attached as **Exhibit E** is a copy of the deed transferring the 789.29 acres to Umhaill Valley, LLC that I obtained from the Clay County Clerk's Office. Exhibit E is a true and correct copy of the deed I received.
10. I also negotiated, on behalf of Rockfleet Castle, LLC, the purchase of 1,418.55 acres from Randi Maddox and his wife, Mary Ellen Maddox in February 2021.
11. Attached as **Exhibit F** is a copy of the deed transferring the 1,418.55 acres to Rockfleet Castle, LLC that I obtained from the Clay County Clerk's Office. Exhibit F is a true and correct copy of the deed I received.
12. I understand from reading copies of public documents in this matter, including the Executive Director's Response to Hearing Requests and the Office of Public Interest Counsel's Response to Hearing Requests, that Randi and Mary Ellen Maddox submitted comments and hearing requests based on their ownership of the 1,418.55 acres at the time those comments and hearing requests were submitted.
13. Together, the companies, Kildavnet Castle, LLC, Umhaill Valley, LLC, and Rockfleet Castle, LLC own several thousand acres of land in Clay County, Texas some of which, would be inundated by the proposed reservoir called Lake Ringgold.

My name is William Justin O'Malley, my date of birth is April 5, 1984, and my address is 121 W Gilbert Street, Henrietta, Texas 76365, United States.

**I declare under penalty of perjury that the foregoing is true and correct.**

Executed in Clay County, State of Texas, on the 4<sup>th</sup> day of April, 2022.

  
\_\_\_\_\_  
William Justin O'Malley

# EXHIBIT A

TO THE DECLARATION OF JUSTIN O'MALLEY

FILED  
In the Office of the  
Secretary of State of Texas

JUL 02 2019

Corporations Section

**CERTIFICATE OF FORMATION  
OF  
UMHAILL VALLEY, LLC**

The undersigned, acting as the sole organizer of a limited liability company under the Texas Business Organizations Code (the "TBOC"), does hereby adopt the following Certificate of Formation of Umhaill Valley, LLC:

**ARTICLE ONE**

The entity being formed is a limited liability company. The name of the limited liability company is Umhaill Valley, LLC (the "Company").

**ARTICLE TWO**

The period of duration of the Company shall be perpetual or until the earlier termination of the Company in accordance with the provisions of its company agreement.

**ARTICLE THREE**

The purpose for which the Company is organized is the transaction of any or all lawful business for which a limited liability company may be organized under the TBOC.

**ARTICLE FOUR**

The name of the initial registered agent of the Company in the State of Texas is William O'Malley. The address of the initial registered office of the Company is 121 W. Gilbert Street, Henrietta, Texas 76365.

**ARTICLE FIVE**

The Company is to be managed by a manager or managers. The name and address of the initial manager are as follows:

William O'Malley

PO Box 114  
Henrietta, Texas 76365

## ARTICLE SIX

The name and address of the organizer are as follows:

NAME

Roger A. Crabb

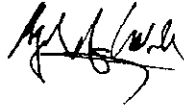
ADDRESS

2700 Ross Tower  
500 N. Akard Street  
Dallas, Texas 75201

The undersigned affirms that the person designated as registered agent has consented to the appointment.

IN WITNESS WHEREOF, this Certificate of Formation has been executed on the 1<sup>st</sup> day of July, 2019 by the undersigned, and the undersigned sole organizer does hereby disclaim any and all interests in Umhaill Valley, LLC.

SOLE ORGANIZER

A handwritten signature in black ink, appearing to read 'Roger A. Crabb', with a stylized flourish at the end.

Roger A. Crabb

# EXHIBIT B

TO THE DECLARATION OF JUSTIN O'MALLEY

**CERTIFICATE OF FORMATION  
OF  
ROCKFLEET CASTLE, LLC**

**FILED**  
In the Office of the  
Secretary of State of Texas

**JAN 10 2020**

**Corporations Section**

The undersigned, acting as the sole organizer of a limited liability company under the Texas Business Organizations Code (the "TBOC"), does hereby adopt the following Certificate of Formation of Rockfleet Castle, LLC:

**ARTICLE ONE**

The entity being formed is a limited liability company. The name of the limited liability company is Rockfleet Castle, LLC (the "Company").

**ARTICLE TWO**

The period of duration of the Company shall be perpetual or until the earlier termination of the Company in accordance with the provisions of its company agreement.

**ARTICLE THREE**

The purpose for which the Company is organized is the transaction of any or all lawful business for which a limited liability company may be organized under the TBOC.

**ARTICLE FOUR**

The name of the initial registered agent of the Company in the State of Texas is William O'Malley. The address of the initial registered office of the Company is 121 W. Gilbert Street, Henrietta, Texas 76365.

**ARTICLE FIVE**

The Company is to be managed by a manager or managers. The name and address of the initial manager are as follows:

William O'Malley

PO Box 114  
Henrietta, Texas 76365

**RECEIVED**

**JAN 10 2019**

**Secretary of State**



## ARTICLE SIX

The name and address of the organizer are as follows:

NAME

Roger A. Crabb

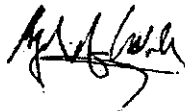
ADDRESS

2700 Ross Tower  
500 N. Akard Street  
Dallas, Texas 75201

The undersigned affirms that the person designated as registered agent has consented to the appointment.

IN WITNESS WHEREOF, this Certificate of Formation has been executed on the 10<sup>th</sup> day of January, 2020 by the undersigned, and the undersigned sole organizer does hereby disclaim any and all interests in Rockfleet Castle, LLC.

SOLE ORGANIZER



Roger A. Crabb



# EXHIBIT C

TO THE DECLARATION OF JUSTIN O'MALLEY

**CERTIFICATE OF FORMATION  
OF  
KILDAVNET CASTLE, LLC**

**FILED**  
In the Office of the  
Secretary of State of Texas  
**JAN 24 2020**

**Corporations Section**

The undersigned, acting as the sole organizer of a limited liability company under the Texas Business Organizations Code (the "TBOC"), does hereby adopt the following Certificate of Formation of Kildavnet Castle, LLC:

**ARTICLE ONE**

The entity being formed is a limited liability company. The name of the limited liability company is Kildavnet Castle, LLC (the "Company").

**ARTICLE TWO**

The period of duration of the Company shall be perpetual or until the earlier termination of the Company in accordance with the provisions of its company agreement.

**ARTICLE THREE**

The purpose for which the Company is organized is the transaction of any or all lawful business for which a limited liability company may be organized under the TBOC.

**ARTICLE FOUR**

The name of the initial registered agent of the Company in the State of Texas is Martin Jairus O'Malley. The address of the initial registered office of the Company is 9575 Katy Freeway, Suite 440, Houston, Texas 77024.

**ARTICLE FIVE**

The Company is to be managed by a manager or managers. The names and addresses of the initial managers are as follows:

|                           |  |
|---------------------------|--|
| Cynthia Stratton O'Malley | 9575 Katy Freeway, Suite 440<br>Houston, Texas 77024 |
| Martin Jairus O'Malley    | 9575 Katy Freeway, Suite 440<br>Houston, Texas 77024 |
| Garrett Monroe O'Malley   | 9575 Katy Freeway, Suite 440<br>Houston, Texas 77024 |

**RECEIVED**

**JAN 24 2020**

**Secretary of State**



## ARTICLE SIX

The name and address of the organizer are as follows:

NAME

Roger A. Crabb

ADDRESS

2700 Ross Tower  
500 N. Akard Street  
Dallas, Texas 75201

The undersigned affirms that the person designated as registered agent has consented to the appointment.

IN WITNESS WHEREOF, this Certificate of Formation has been executed on the 24<sup>th</sup> day of January, 2020 by the undersigned, and the undersigned sole organizer does hereby disclaim any and all interests in Kildavnet Castle, LLC.

SOLE ORGANIZER

A handwritten signature in black ink, appearing to read 'Roger A. Crabb', with a horizontal line drawn through the middle of the signature.

Roger A. Crabb

# EXHIBIT D

TO THE DECLARATION OF JUSTIN O'MALLEY

## KILDAVNET CASTLE, LLC

### Unanimous Consent of Managers in Lieu of a Special Meeting

Pursuant to the Texas Business Organizations Code, the undersigned, being all the Managers of KILDAVNET CASTLE, LLC, a Texas limited liability company (the "*Company*"), in lieu of a special meeting, the call of which is hereby expressly waived, do hereby unanimously consent as follows:

RESOLVED, that the following person is hereby appointed to the office of the Company set before his name below to serve until his successor is chosen and qualifies:

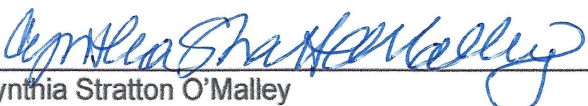
Manager - William Justin O'Malley


RESOLVED FINALLY, that the officers of the Company, and each of them, are hereby authorized and directed to take such further actions as they may deem necessary or desirable to give effect to the foregoing resolutions.

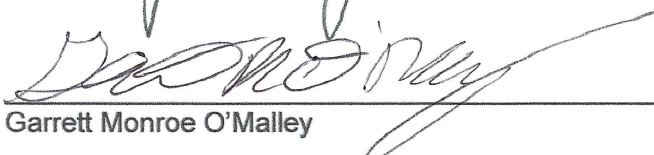
This instrument may be executed in counterparts, all of which together shall constitute one and the same instrument. Further, each party hereto agrees that the page hereof containing such party's original signature may be detached from a counterpart hereof and reattached to any other counterpart hereof.

Dated effective as of March 1, 2020.

### MANAGERS:

  
Cynthia Stratton O'Malley

  
Martin Jarius O'Malley

  
Garrett Monroe O'Malley

# EXHIBIT E

TO THE DECLARATION OF JUSTIN O'MALLEY



**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY 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.**

## **WARRANTY DEED**

**Date: March 6, 2020**

**Grantor:**

**Staley Family Trust as created under the Last Will and Testament of L.M. Staley, deceased;  
and the Estate of Melva Jo Staley, deceased**

**Grantor's Mailing Address:**

**226 Carolyn Road  
Nocona, Texas 76255**

**Grantee:**

**Umhaill Valley, LLC**

**Grantee's Mailing Address:**

**PO Box 114  
Henrietta, Texas 76365**

**Consideration: TEN AND NO/100<sup>TH</sup> DOLLARS (\$10.00) and other good and valuable consideration paid in hand**

**Subject Property:**

**A 789.29 acre tract of land in the Ambrose Bass Survey A-11, J. M. W. Hall Survey A-202, Thomas Hughes Survey A-181, E. C. Mauldin Survey A-316 and the Wylie Morse Survey A-306, Clay County, Texas and being the same tract of land described as tract one and tract two in deed to Melva Jo Staley recorded in Volume 451, Page 152, Deed Records, Clay County, Texas and being the same tract of land described as tract one and tract two in deed to L. M. Staley recorded in Volume 258, Page 69, Deed Records, Clay County, Texas and being more particularly described as follows:**

**BEGINNING** at a twelve inch post in the south line of Zachary Road and in the east line of a tract of land described in deed to Caleb Smith recorded in Volume 91, Page 258, Official Public Records, Clay County, Texas for the northwest corner of said L. M. Staley tract two from which the southwest corner of Block 75 of the J. J. Perkins Subdivision No. 2, Clay County, Texas according to the plat of same recorded in Volume 1, Page 66, Plat Records, Clay County, Texas bears South 89°54' East 30.00 feet (per record call);

**THENCE** South 89°53'34" East with the south line of said Zachary Road and the north line of said L. M. Staley tract two a distance of 2110.74 feet to a rail road spike found for the southwest corner of Block 74 and for the southeast corner of said Block 75;

**THENCE** South 89°03'13" East with the south line of said Zachary Road at 2083.56 feet pass a six inch iron post in the east right of way of F. M. Highway No. 2322 and continuing at 3550.80 feet pass an iron rod found on a high bank and continuing in all 3651.08 feet to a point in the east line of said Morse Survey on the gradient boundary of Red River for the southeast corner of Block 73 and for the northeast corner of said L. M. Staley tract one;

**THENCE** with the meanders of said gradient boundary of said Red River and the east line of said Morse Survey and the east line of said Hall Survey the following calls:

**THENCE** South 16°05'32" West 880.56 feet;  
**THENCE** South 19°17'03" West 532.00 feet;  
**THENCE** South 19°40'35" West 175.67 feet;  
**THENCE** South 22°25'59" West 927.77 feet;  
**THENCE** South 19°02'14" West 415.10 feet;  
**THENCE** South 17°03'12" West 121.18 feet;  
**THENCE** South 05°15'42" West 571.68 feet to an iron rod set at the intersection of said Red River and the north bank of the Little Wichita River;

**THENCE** with the meanders of the north bank of said Little Wichita River the following calls:

**THENCE** South 68°49'19" West 84.44 feet;  
**THENCE** South 70°02'04" West 126.87 feet;  
**THENCE** South 53°28'58" West 214.01 feet;  
**THENCE** South 47°54'11" West 150.76 feet;  
**THENCE** South 43°28'27" West 149.86 feet;  
**THENCE** South 39°44'33" West 111.27 feet;  
**THENCE** South 36°19'36" West 228.73 feet;  
**THENCE** South 39°03'11" West 213.55 feet;  
**THENCE** South 44°43'11" West 641.74 feet;  
**THENCE** South 50°03'31" West across said highway 302.34 feet;  
**THENCE** South 43°50'17" West 131.87 feet;  
**THENCE** South 49°36'23" West 363.77 feet;  
**THENCE** South 47°40'58" West 118.21 feet;  
**THENCE** South 38°08'38" West 515.40 feet;  
**THENCE** South 27°18'28" West 289.24 feet;  
**THENCE** South 05°25'37" West 1035.67 feet;  
**THENCE** South 11°33'23" East 688.76 feet;  
**THENCE** South 08°53'51" West 252.90 feet;  
**THENCE** South 20°56'29" West 215.38 feet;



THENCE South 05°24'57" West 98.00 feet;  
 THENCE South 06°27'09" East 283.16 feet;  
 THENCE South 10°26'23" West 360.03 feet;  
 THENCE South 19°30'10" West 82.12 feet;  
 THENCE South 21°32'48" West 73.64 feet;  
 THENCE South 29°14'41" West 175.27 feet;  
 THENCE South 39°43'30" West 91.36 feet;  
 THENCE South 50°39'37" West 145.49 feet;  
 THENCE South 74°55'37" West 106.75 feet;  
 THENCE South 88°37'26" West 108.39 feet;  
 THENCE North 70°25'23" West 277.29 feet;  
 THENCE North 55°59'26" West 118.33 feet;  
 THENCE North 22°55'13" West 22.41 feet;  
 THENCE North 39°17'13" West 131.75 feet;  
 THENCE North 29°25'41" West 176.95 feet;  
 THENCE North 27°51'58" West 96.46 feet;  
 THENCE North 20°18'20" West 87.44 feet;  
 THENCE North 22°24'47" West 278.15 feet;  
 THENCE North 12°25'36" West 133.10 feet;  
 THENCE North 04°47'44" West 59.89 feet;  
 THENCE North 05°19'07" East 433.97 feet;  
 THENCE North 04°39'46" West 136.87 feet;  
 THENCE North 23°21'47" West 194.46 feet;  
 THENCE North 22°29'05" West 68.28 feet;  
 THENCE North 42°12'41" West 289.91 feet;  
 THENCE North 54°15'28" West 209.21 feet;  
 THENCE North 66°33'51" West 631.68 feet;  
 THENCE North 88°20'22" West 156.15 feet;  
 THENCE South 76°03'39" West 144.14 feet;  
 THENCE South 65°47'08" West 98.09 feet;  
 THENCE South 56°45'18" West 161.41 feet;  
 THENCE South 52°52'25" West 151.51 feet;  
 THENCE South 35°17'15" West 339.75 feet;  
 THENCE South 60°45'27" West 107.34 feet;  
 THENCE North 86°25'37" West 65.81 feet;  
 THENCE North 68°15'12" West 161.73 feet;  
 THENCE North 45°26'05" West 264.05 feet;  
 THENCE North 21°35'53" West 413.95 feet;  
 THENCE North 03°40'59" West 148.97 feet;  
 THENCE North 03°43'45" East 125.24 feet;  
 THENCE North 12°42'30" East 272.13 feet;  
 THENCE North 27°20'18" East 180.27 feet;  
 THENCE North 34°12'40" East 188.41 feet;  
 THENCE North 42°27'21" East 139.48 feet;  
 THENCE North 49°43'16" East 117.95 feet;  
 THENCE North 61°12'20" East 445.61 feet;  
 THENCE North 67°04'08" East 122.52 feet;  
 THENCE North 83°03'31" East 482.03 feet;  
 THENCE North 47°09'27" East 520.47 feet;  
 THENCE North 17°48'29" East 279.88 feet;  
 THENCE North 18°33'31" East 198.16 feet;

THENCE North 08°48'10" East 94.71 feet;  
THENCE North 17°15'21" West 164.11 feet;  
THENCE North 44°33'17" West 109.79 feet;  
THENCE North 40°37'07" West 152.11 feet;  
THENCE North 443°13'57" West 91.42 feet;  
THENCE North 37°27'33" West 38.91 feet to a point in the west line of said Melva Jo Staley tract two from which a three inch iron post bears North 06°55'47" West 65.76 feet;

THENCE North 00°52'39" East 3167.47 feet to a ten inch post in the west line of said L. M. Staley tract two for the northeast corner of a tract of land described in deed to Dan Banks recorded in Volume 91, Page 271, Official Public Records, Clay County, Texas and for the southeast corner of said Smith tract;

THENCE North 00°52'00" East with the general course of a fence 1090.18 feet to the POINT OF BEGINNING.

**Reservations from and Exceptions to Conveyance and Warranty:**

All existing easements, right-of-ways, outstanding minerals, covenants, agreements, governmental regulations and agreements, if any, of record, affecting the hereinabove described property. 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 any wise belonging, to have and hold to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever.

Grantor binds Grantor and Grantors heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to 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.

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

**Staley Family Trust**

BY Dean Gray Staley Successor Trustee  
DEAN GRAY STALEY, SUCCESSOR TRUSTEE

**Staley Family Trust**

BY Jo Carol Staley Morrow Successor Trustee  
JO CAROL STALEY MORROW, SUCCESSOR TRUSTEE

**Estate of Melva Jo Staley**

BY Dean Gray Staley Co Executor  
**DEAN GRAY STALEY, CO EXECUTOR**

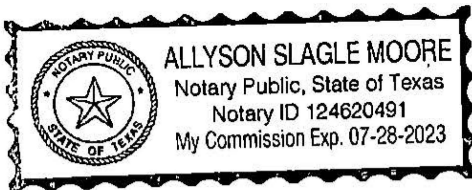
**Estate of Melva Jo Staley**

BY Jo Carol Staley Morrow Co Executor  
**JO CAROL STALEY MORROW, CO EXECUTOR**

**STATE OF TEXAS  
COUNTY OF CLAY**

This instrument was acknowledged before me on the 6<sup>th</sup> day of March, 2020  
Dean Gray Staley and Jo Carol Staley Morrow, successor trustees of the Staley  
Family Trust as created under the Last Will and Testament of L.M. Staley,  
deceased; and Dean Gray Staley and Jo Carol Staley Morrow, Co-Independent  
Executors of the Estate of Melva Jo Staley.

Allyson Slagle Moore  
**NOTARY PUBLIC, STATE OF TEXAS**



**FILED AND RECORDED**

Instrument Number: 22902 B: OPR V: 151 P: 140

Filing and Recording Date: 03/10/2020 11:16:40 AM Recording Fee: 42.00

I hereby certify that this instrument was FILED on the date and time stamped heron  
and RECORDED in the OFFICIAL PUBLIC RECORDS of Clay County, Texas.



*Sasha Kelton*

---

Sasha Kelton, County Clerk  
Clay County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE  
REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW  
AND IS UNENFORCEABLE.

# EXHIBIT F

TO THE DECLARATION OF JUSTIN O'MALLEY



**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**

THE STATE OF TEXAS

§  
§  
§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF CLAY

That **RANDI M. MADDOX** (referred to herein as the "Grantor") for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to it in hand paid by **ROCKFLEET CASTLE, LLC**, a Texas limited liability company (the "Grantee"), the receipt of which are hereby acknowledged and confessed, dealing with his sole and separate property, has GRANTED, BARGAINED, SOLD AND CONVEYED and by these presents does GRANT, BARGAIN, SELL AND CONVEY unto the Grantee, whose address is 121 W. Gilbert Street, Henrietta, TX 76365, that certain land located in Clay County, Texas (the "Land") described on Exhibit A, attached hereto and hereby made a part hereof, together with all and singular improvements thereon and all rights and appurtenances pertaining thereto including but not limited to, any right, title and interest of Grantor in and to adjacent streets, alleys or right-of-way, mineral rights, solar rights, wind rights and water rights owned by Grantor (such Land, rights, appurtenances and improvements being herein referred to as the "Property").

**MARY ELLEN MADDOX** (referred to herein as "Wife") does hereby acknowledge that (i) Grantor owns and possesses the Property as his sole and separate property, free from any claim of Wife, and (ii) she has QUIT CLAIMED, GRANTED, BARGAINED, SOLD AND CONVEYED and by these presents does QUIT CLAIM, GRANT, BARGAIN, SELL AND CONVEY unto Grantee any and all right, title and interest in and to the Property.

This conveyance and the warranties of title contained herein are expressly made subject to those certain encumbrances, easements and other matters of record, but only to the extent, such matters are valid, subsisting and, in fact, affect the Property. (the "Permitted Exceptions").

This conveyance is made subject to all prior reservations of mineral and royalty interests in the Property. Grantor reserves from this conveyance for Grantor and Grantor's heirs and assigns One-half (1/2) of the oil, gas and mineral and royalty interests in the Property now owned by Grantor. Grantor hereby conveys to Grantee, its successors and assigns, the executive right with respect to the mineral interest reserved to Grantor, being the exclusive right to lease Grantor's mineral interest in the Property. Grantee shall have the right to pool or consent to pool Grantor's mineral interest into pooled units at Grantee's discretion. Grantor, his heirs and assigns, shall be entitled to receive one-half of all bonuses, royalties and other consideration payable for or under any oil and gas lease covering the mineral interests conveyed to Grantee and reserved by Grantor.

Grantor reserves and retains a right to receive One-half (1/2) of any proceeds (less Grantee's costs, expenses and/or taxes) from commercial solar leases or other forms of commercial solar power facilities, affecting the Property, entered into by Grantee with a third party subsequent to date of this General Warranty Deed. Grantor, or Grantor's heirs, devisees, legal representatives, successors or assigns, reserves no right to enter into any leases or other forms of contract for solar power facilities and shall not have any right to receive any forms of payment for such solar power facilities. Grantee has the sole right to enter into any leases or other forms of contract for solar power facilities for the Property and any other land owned by Grantee and its affiliates and related entities. Grantor hereby conveys to Grantee the exclusive and absolute right to make, execute and deliver all solar leases or other forms of contracts for Grantor's retained rights, affecting the Property, on such terms and conditions desirable to Grantee at

Grantee's sole discretion, without the necessity of the signature or joinder in the execution of such leases or other forms of contracts by Grantor, his heirs, devisees, legal representatives, successors or assigns. Grantor's rights hereunder shall not apply to any solar facility which provides power solely to the Property or other land owned by Grantee. Grantor's rights under this paragraph, shall terminate Twenty (20) years after the date of this General Warranty Deed.

Grantor reserves and retains the right to hunt deer, turkey, dove and duck ("Hunting Rights") on the that portion of the Property lying north of the Little Wichita River ("Hunting Area") until the time of Grantor's death ("Hunting Rights Term"), at which time such Hunting Rights shall terminate and no estate shall be created in the Property thereafter with regard to the Hunting Rights. Grantor may not sell, transfer or assign his life estate or the rights thereunder. Grantor shall maintain insurance coverage for the Hunting Area similar to such coverage procured for hunting activities in Clay County, Texas in the amount of a minimum of One Million and No/100 Dollars (\$1,000,000.00) during the Hunting Rights Term. Grantor may continue leasing rights to hunt on the Hunting Area to third parties who are currently leasing from Maddox (collectively, "Current Hunter"). However, should Grantor desire to lease such rights to hunt on the Hunting Area to a third party or parties who are not a Current Hunter, then Grantee shall have a right of first refusal for such lease upon the same terms and conditions as are offered to the third party. In no event shall the term of any lease extend longer than One (1) year and any such lease shall terminate immediately upon the death of Grantor. Grantor shall not construct any additional improvements, including permanent or taxable structures on the Hunting Area without the prior written approval of Grantee. Grantor shall not engage in any activities that interfere with Grantee's use of the Property, including, but not limited to, interference with grazing activities. Grantee shall not be responsible for the safety of Grantor, Grantor's guests, invitees, lessees or Current Hunter.

**Restrictions: Buyer will not permit the construction of any Wind Energy Conversion Unit or Wind Energy Conversion System (wind farm) on this property at any time.**

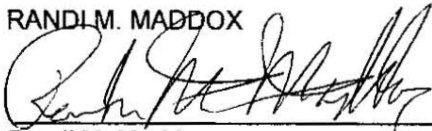
TO HAVE AND TO HOLD the Property (subject to the Permitted Exceptions and reservations described herein), together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee and Grantee's successors and assigns forever, and Grantor and Wife do hereby bind Grantor and Wife and Grantor's and Wife's successors and assigns to WARRANT and FOREVER DEFEND, all and singular, the Property unto Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

*[The remainder of this page intentionally left blank.]*

IN WITNESS WHEREOF, this instrument is executed as of the date set forth in the acknowledgement below to be effective as of the \_\_\_\_\_ day of January, 2021.


GRANTOR

RANDI M. MADDOX

  
\_\_\_\_\_  
Randi M. Maddox

WIFE

RANDI M. MADDOX

  
\_\_\_\_\_  
Mary Ellen Maddox

GRANTEE

ROCKFLEET CASTLE, LLC

By: 

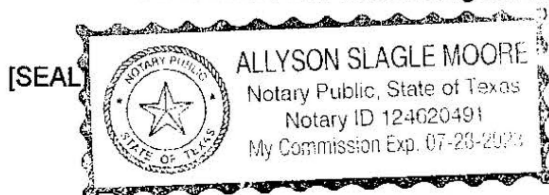
\_\_\_\_\_  
Name: William Justin O'Malley  
Title: Manager



ACKNOWLEDGEMENTS

THE STATE OF TEXAS §  
COUNTY OF CLAY §

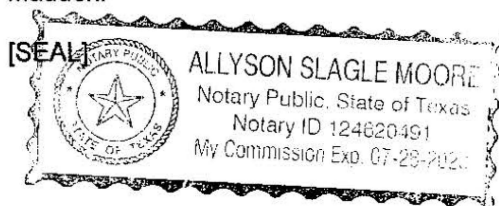
This instrument was acknowledged before me this 4<sup>th</sup> day of February, 2021 by Randi M. Maddox.



Allyson Slagle Moore  
Notary Public in and for the State of Texas

THE STATE OF TEXAS §  
COUNTY OF CLAY §

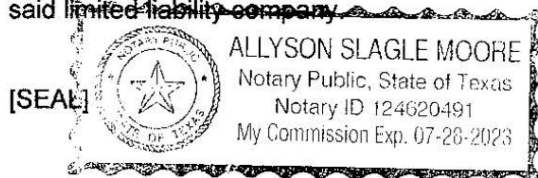
This instrument was acknowledged before me this 4<sup>th</sup> day of February, 2021 by Mary Ellen Maddox.



Allyson Slagle Moore  
Notary Public in and for the State of Texas

THE STATE OF TEXAS §  
COUNTY OF CLAY §

This instrument was acknowledged before me this 5<sup>th</sup> day of February, 2021 by William Justin O'Malley, Manager of Rockfleet Castle, LLC, a Texas limited liability company, in his capacity on behalf of said limited liability company.



Allyson Slagle Moore  
Notary Public in and for the State of Texas

Grantee's Address:

**ROCKFLEET CASTLE, LLC**  
121 W. Gilbert Street  
Henrietta, TX 76365

**EXHIBIT "A"**

**A 1418.44 acre tract of land in the Thomas M. Hughes Survey A-179, E. C. Mauldin Survey A-316, Wylie Morse Survey A-306, W. Smith Survey A-414 and the George Wagoner Survey A-707, Clay County, Texas and being the same tract of land described as tract one and tract two in deed to Randi Maddox recorded in Volume 439, Page 404, Deed Records, Clay County, Texas and being more particularly described as follows:**

**BEGINNING at a ½ inch iron rod found marked "Proven" in Jim Maddox Road and in the south line of Block 28 of the J. J. Perkins Subdivision, Clay County, Texas according to the plat of same recorded in Volume 1, Page 126, Plat Records, Clay County, Texas and in the south line of a tract of land described as tract one in deed to James and Mary Ann Maddox recorded in Volume 418, Page 563, Deed Records, Clay County, Texas for the northwest corner of a tract of land described in deed to Wade and Karen Greathouse recorded in Volume 521, Page 371, Deed Records, Clay County, Texas and for the most northerly northeast corner of said Randi Maddox tract one;**

**THENCE South 13°54'03" West at 27.01 feet pass a six inch iron post in the south line of said road and continuing with the general course of a fence in all 3401.56 feet to a bois d'arc post for the southwest corner of said Greathouse tract and for an inner corner of said Randi Maddox tract one;**

**THENCE North 89°52'36" East with the general course of a fence 3572.15 feet to a bois d'arc post in the west line of a tract of land described in deed to David Fenoglio recorded in Volume 524, Page 128, Deed Records, Clay County, Texas and for the southeast corner of said Greathouse tract and for a northeast corner of said Randi Maddox tract one;**

**THENCE South 00°39'26" West with the general course of a fence 4214.41 feet to a six inch cedar post for the southwest corner of said Fenoglio tract and for an inner corner of said Randi Maddox tract one;**

**THENCE South 89°35'27" East with the general course of a fence at 1734.41 feet pass a four inch iron post and continuing in all 1736.44 feet to the southwest corner of Block 61 and the northwest corner of Block 69 of the J. J. Perkins Subdivision No. 2, Clay County, Texas recorded in Volume 1, Page 131, Plat Records, Clay County, Texas;**

**THENCE South 00°30'32" West with the general course of a fence at 2218.97 feet pass a two inch iron pipe for the southwest corner of said Block 69 and for the northwest corner of a tract of land described as tract two in deed to C. F. Zachary, Jr. and Bob Zachary recorded in Volume 261, Page 415, Deed Records, Clay County, Texas recorded in Volume 261, Page 415, Deed Records, Clay County, Texas and continuing at 4468.17 feet pass an iron rod found marked "Edwards" and continuing at 8030.11 feet pass an iron rod set on the north bank of the Little Wichita River and continuing in all 8080.11 feet to a point in the north line of a tract of land described in deed to Clark and Birdwell Limited**

Partnership recorded in Volume 489, Page 650, Deed Records, Clay County, Texas and for the southwest corner of said Zachary tract two and for the southeast corner of said Randi Maddox tract one;

**THENCE with the meanders of said Little Wichita River and the north line of said Clark and Birdwell tract the following calls:**

**THENCE North 47°53'40" West 142.84 feet;  
THENCE North 41°35'30" West 163.38 feet;  
THENCE North 32°55'29" West 211.42 feet;  
THENCE North 31°24'48" West 174.14 feet to a point for the southeast corner of Randi Maddox tract two from which a sixteen inch Elm Tree bears South 87°03'11" West 31.17 feet;**

**THENCE South 87°03'11" West with the north line of said Clark and Birdwell tract and the south line of said Randi Maddox tract two a distance of 188.96 feet to a six inch Post Oak Stump for corner;**

**THENCE South 61°43'23" West with the general course of a fence 302.02 feet to a thirty inch Post Oak Tree for corner;**

**THENCE North 70°38'40" West with the general course of a fence at 52.34 feet pass a "T" post on the east bank of said Little Wichita River and continuing in all 155.01 feet to the southwest corner of said Randi Maddox tract two;**

**THENCE with the meanders of said Little Wichita River and the north line of said Clark and Birdwell tract the following calls:**

**THENCE South 60°21'28" West 103.25 feet;  
THENCE South 69°39'54" West 184.03 feet;  
THENCE North 72°23'59" West 190.39 feet;  
THENCE North 32°58'04" West 218.26 feet;  
THENCE North 33°47'46" West 131.63 feet;  
THENCE North 55°12'55" West 343.79 feet;  
THENCE North 79°22'37" West 167.26 feet;  
THENCE South 71°23'11" West 266.25 feet;  
THENCE North 89°20'15" West 288.12 feet;  
THENCE North 67°27'58" West 332.14 feet;  
THENCE North 75°33'41" West 328.57 feet;  
THENCE South 71°50'55" West 238.98 feet;  
THENCE South 60°43'49" West 389.13 feet;  
THENCE South 62°09'32" West 162.94 feet;  
THENCE North 83°38'10" West 161.32 feet;  
THENCE North 65°54'33" West 321.78 feet;  
THENCE North 53°10'21" West 147.39 feet;  
THENCE North 27°48'41" West 125.50 feet;  
THENCE North 05°12'10" East 225.32 feet;  
THENCE North 40°10'13" East 224.68 feet;**

**THENCE North 68°44'27" East 200.88 feet;**  
**THENCE South 89°19'06" East 210.80 feet;**  
**THENCE North 52°54'49" East 280.63 feet;**  
**THENCE North 40°36'12" East 303.99 feet;**  
**THENCE North 09°19'45" East 155.97 feet;**  
**THENCE North 30°55'27" West 175.68 feet;**  
**THENCE North 68°30'24" West 254.49 feet;**  
**THENCE North 63°01'18" West 250.17 feet;**  
**THENCE North 67°10'40" West 363.71 feet;**  
**THENCE North 50°42'40" West 335.32 feet;**  
**THENCE North 54°13'26" West 300.84 feet;**

**THENCE South 78°40'25" West 187.02 feet to the southeast corner of a tract of land described in deed to Dan Banks recorded in Volume 524, Page 836, Deed Records, Clay County, Texas and for the southwest corner of said Randi Maddox tract one from which an iron rod set for reference bears North 01°19'42" East 172.79 feet;**

**THENCE North 01°19'42" East at 172.79 feet pass said iron rod and continuing in all 4054.95 feet to an iron rod set in the remains of a bois d'arc post for an inner corner of said Randi Maddox tract one;**

**THENCE North 88°40'18" West with the general course of a fence 1429.83 feet to an iron rod set in the remains of a cross tie fence corner for an inner corner of said Banks tract;**

**THENCE North 13°58'28" East with the general course of a fence 4033.74 feet to a four inch iron post for an inner corner of said Randi Maddox tract one;**

**THENCE North 76°02'25" West with the general course of a fence 1503.58 feet to an iron rod set in the remains of a bois d'arc post at a four inch iron post for an inner corner of said Banks tract;**

**THENCE North 13°54'43" East at 4448.86 feet pass a six inch iron post in the south line of said road as fenced and continuing in all 4472.31 feet to a ½ inch iron rod found marked "Proven" in the south line of said Block 28 and in the south line of said James Maddox tract one for the northeast corner of said Dan Banks tract and for the northwest corner of said Randi Maddox tract one;**

**THENCE South 89°26'49" East with said road 1546.12 feet to the POINT OF BEGINNING.**

**FILED AND RECORDED**

Instrument Number: 25233 B: OPR V: 168 P: 458

Filing and Recording Date: 02/09/2021 10:30:06 AM Recording Fee: 50.00

I hereby certify that this instrument was FILED on the date and time stamped heron  
and RECORDED in the OFFICIAL PUBLIC RECORDS of Clay County, Texas.



*Sasha Kelton*

Sasha Kelton, County Clerk  
Clay County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE  
REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND  
IS UNENFORCEABLE.

# ATTACHMENT 2

**UMHAILL VALLEY, LLC**

| Account / Geo Number            | Parcel Id | Acres   | Deed Info                             | Property Legal Description |
|---------------------------------|-----------|---------|---------------------------------------|----------------------------|
| <u>00019-00668-00500-000000</u> | 1024      | 200.316 | Vol. 143, Page 214, File Number 21779 | AB 19 G. F. BRIDGEMAN      |
| <u>02870-00000-06501-000000</u> | 6634      | 47.460  | Vol. 143, Page 214, File Number 21779 | JJ PERKINS NO. 2, BLK 65   |
| <u>02870-00000-06600-000000</u> | 6636      | 115.000 | Vol. 143, Page 214, File Number 21779 | JJ PERKINS NO. 2, BLK 66   |
| <u>02870-00000-06800-000000</u> | 6642      | 41.000  | Vol. 143, Page 214, File Number 21779 | JJ PERKINS NO. 2, BLK 68   |
| <u>02870-00000-06801-000000</u> | 6643      | 79.000  | Vol. 143, Page 206, File Number 21778 | JJ PERKINS NO. 2, BLK 68   |
| <u>02870-00000-07000-000000</u> | 6646      | 119.000 | Vol. 143, Page 214, File Number 21779 | JJ PERKINS NO. 2, BLK 70   |
| <u>02870-00000-07100-000000</u> | 6647      | 138.000 | Vol. 143, Page 214, File Number 21779 | JJ PERKINS NO. 2, BLK 71   |
| <u>02870-00000-07400-000000</u> | 6654      | 149.000 | Vol. 143, Page 214, File Number 21779 | JJ PERKINS NO. 2, BLK 74   |
| <u>02870-00000-07500-000000</u> | 6655      | 133.00  | Vol. 143, Page 206, File Number 21178 | JJ PERKINS NO. 2, BLK 75   |
| <u>00306-00630-00500-000000</u> | 6934      | 30.300  | Vol. 143, Page 214, File Number 21779 | AB 306, WILEY MORSE        |
| <u>00306-00630-00600-000000</u> | 6935      | 12.600  | Vol. 143, Page 214, File Number 21779 | AB 306, WILEY MORSE        |
| <u>00306-00630-03700-000000</u> | 6940      | 307.080 | Vol. 143, Page 206, File Number 21778 | AB 306, WILEY MORSE        |
| <u>00306-00630-03710-000000</u> | 6942      | 54.030  | Vol. 143, Page 206, File Number 21778 | AB 306, WILEY MORSE        |
| <u>02860-00038-03800-000000</u> | 7776      | 2.500   | Vol. 143, Page 214, File Number 21779 | JJ PERKINS NO. 1, BLK 38   |
| <u>02870-00000-07401-000000</u> | 14616     | 0.000   | Vol. 143, Page 206, File Number 21778 | JJ PERKINS NO. 2, BLK 74   |
| <u>00196-00666-00200-000000</u> | 38970     | 56.367  | Vol. 143, Page 214, File Number 21779 | AB 196 FELIX HUSTON, BLK 2 |
| <u>00011-00638-00200-000000</u> | 731       | 365.290 | Vol. 151, Page 140, File Number 22902 | AB 11 AMBROSE BASS         |
| <u>00202-00638-00400-000000</u> | 5202      | 188.000 | Vol. 151, Page 140, File Number 22902 | AB 202 J.M.W. HALL         |
| <u>00306-00630-00800-000000</u> | 6936      | 236.000 | Vol. 151, Page 140, File Number 22902 | AB 306, WILEY MORSE        |

**KILDAVNET CASTLE, LLC**

| Account / Geo Number            | Parcel Id | Acres     | Deed Info                             | Property Legal Description    |
|---------------------------------|-----------|-----------|---------------------------------------|-------------------------------|
| <u>00316-00635-00100-000000</u> | 7070      | 135.000   | Vol. 150, Page 676, File Number 22839 | AB 316 E.C. MAULDIN           |
| <u>00414-00593-00310-000000</u> | 117330    | 430.000   | Vol. 150, Page 676, File Number 22839 | AB 414 WM. SMITH              |
| <u>00090-00593-00110-000000</u> | 117331    | 400.000   | Vol. 150, Page 676, File Number 22839 | AB 90 CHARLES M CANNON, BLK 1 |
| <u>00181-00596-00610-000000</u> | 117332    | 1,480.000 | Vol. 150, Page 676, File Number 22839 | AB 181 THOS.M.HUGHES          |
| <u>00710-00596-00110-000000</u> | 117333    | 25.440    | Vol. 150, Page 676, File Number 22839 | AB 710 WM. WELLS              |
| <u>00302-00004-00110-000000</u> | 117334    | 10.000    | Vol. 150, Page 676, File Number 22839 | AB 302 MADISON CSL, BLK 4     |
| <u>00302-00015-00210-000000</u> | 117335    | 6.000     | Vol. 150, Page 676, File Number 22839 | AB 302 MADISON CSL, BLK 15    |
| <u>00302-00022-00110-000000</u> | 117336    | 6.000     | Vol. 150, Page 676, File Number 22839 | AB 302 MADISON CSL, BLK 22    |
| <u>00302-00033-00110-000000</u> | 117337    | 2.000     | Vol. 150, Page 676, File Number 22839 | AB 302 MADISON CSL, BLK 33    |
| <u>00302-00032-00110-000000</u> | 117338    | 6.000     | Vol. 150, Page 676, File Number 22839 | AB 302 MADISON CSL, BLK 32    |

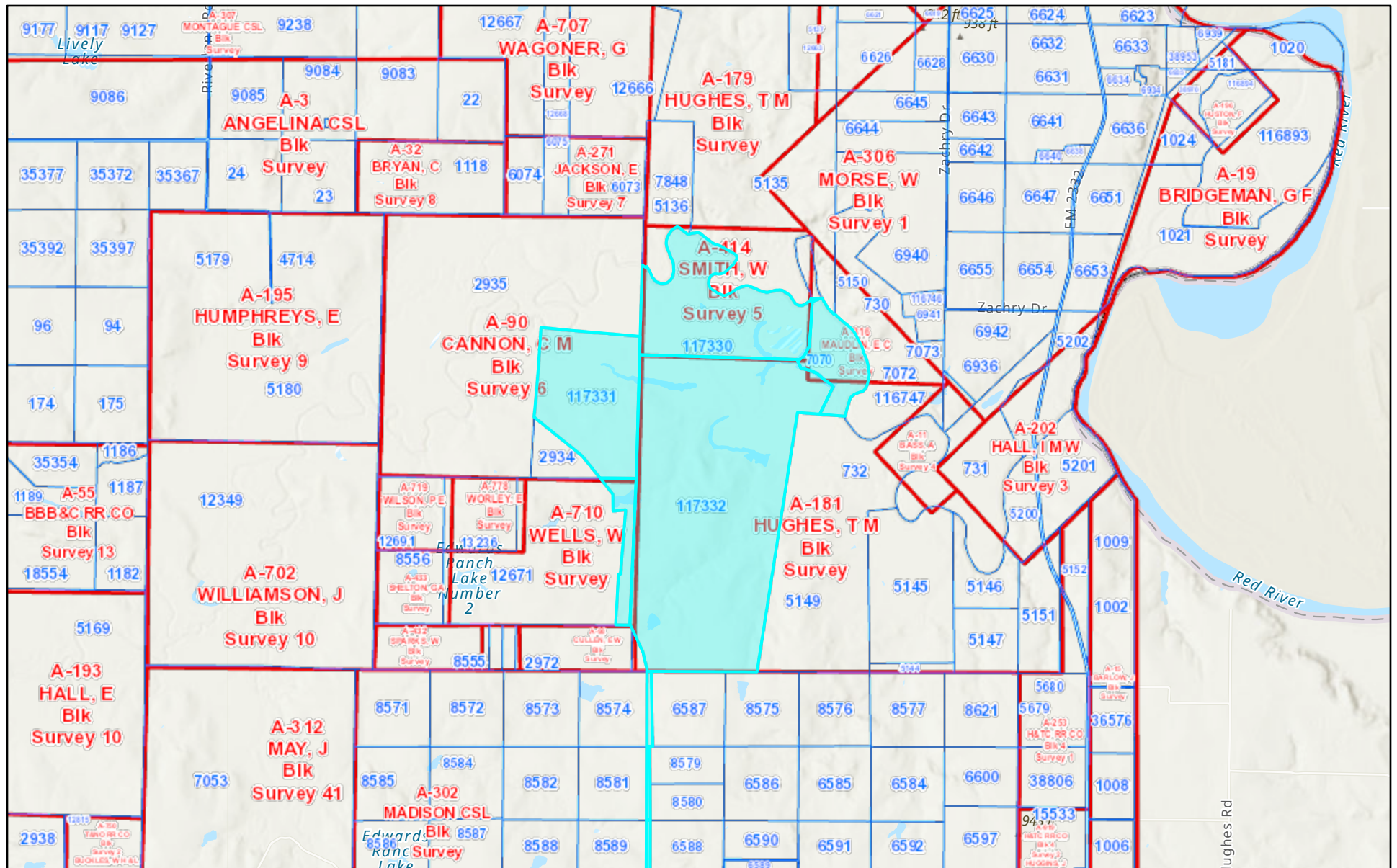
**ROCKFLEET CASTLE, LLC**

| Account / Geo Number            | Parcel Id | Acres     | Deed Info                             | Property Legal Description |
|---------------------------------|-----------|-----------|---------------------------------------|----------------------------|
|                                 |           |           |                                       |                            |
| <u>00179-00590-00100-000000</u> | 5135      | 1,093.440 | Vol. 168, Page 458, File Number 25233 | AB 179 THOS. M. HUGHES     |
| <u>00306-00630-00900-000000</u> | 6937      | 94.000    | Vol. 168, Page 458, File Number 25233 | AB 306, WILEY MORSE        |
| <u>00316-00635-00200-000000</u> | 7071      | 32.000    | Vol. 168, Page 458, File Number 25233 | AB 316 E.C. MAULDIN        |
| <u>00707-00590-00200-000000</u> | 12665     | 199.000   | Vol. 168, Page 458, File Number 25233 | AB 707 GEO. WAGONER        |

# ATTACHMENT 3



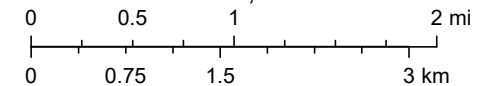
# Clay CAD - Kildavnet Castle, LLC



4/4/2022, 2:12:27 PM

 Surveys  Counties  Parcels

1:72,224

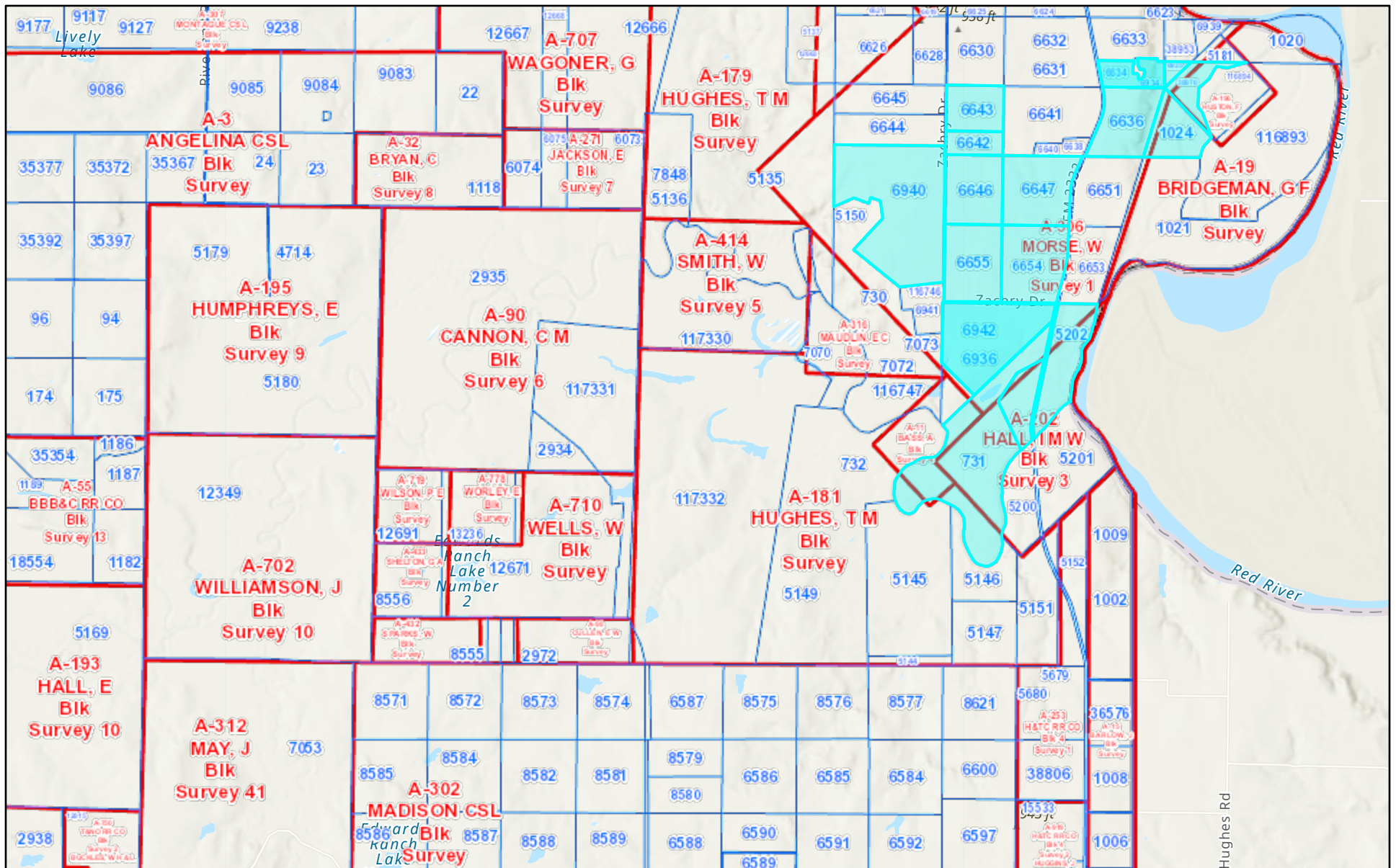


Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA,

Clay CAD

This product is for informational purposes and is not prepared for, or be suitable for legal, engineering, or surveying purposes. Information contained on this map is not warranted and the Appraisal District or Pritchard & Abbott, Inc. is not liable for any errors.

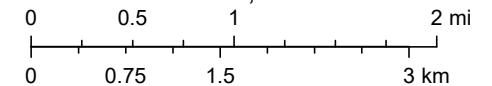
# Clay CAD - Umhail Valley, LLC



4/4/2022, 2:07:38 PM

 Surveys  Counties  Parcels

1:72,224



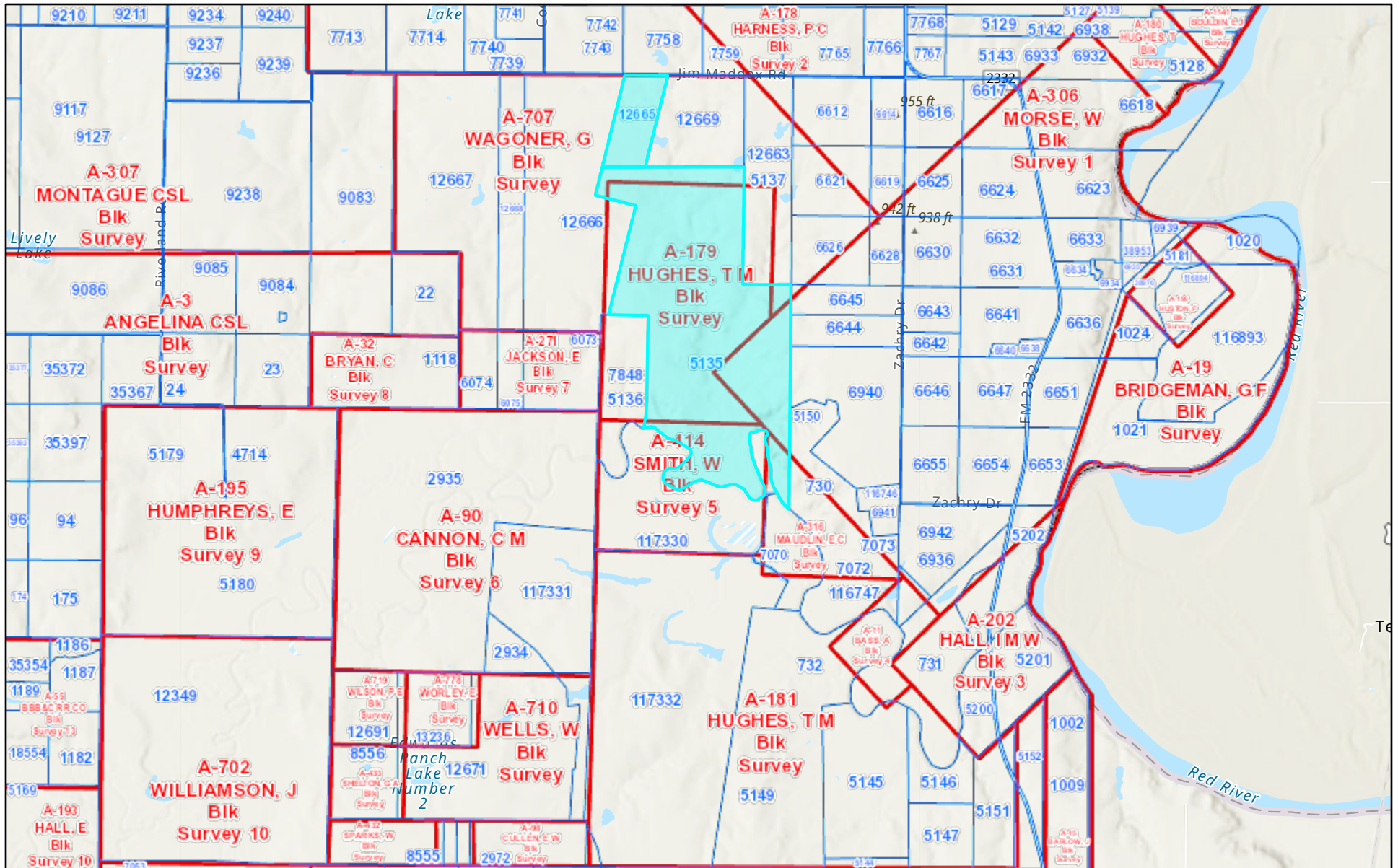
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA,

Clay CAD

This product is for informational purposes and is not prepared for, or be suitable for legal, engineering, or surveying purposes. Information contained on this map is not warranted and the Appraisal District or Pritchard & Abbott, Inc. is not liable for any errors.



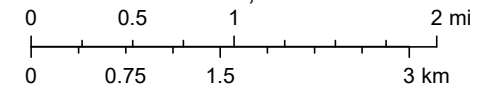
# Clay CAD - Rockfleet Castle, LLC



4/4/2022, 2:17:59 PM

Surveys  Counties  Parcels

1:72,224



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastystyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA,

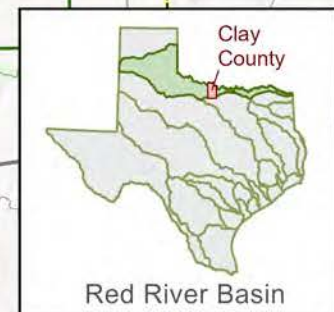
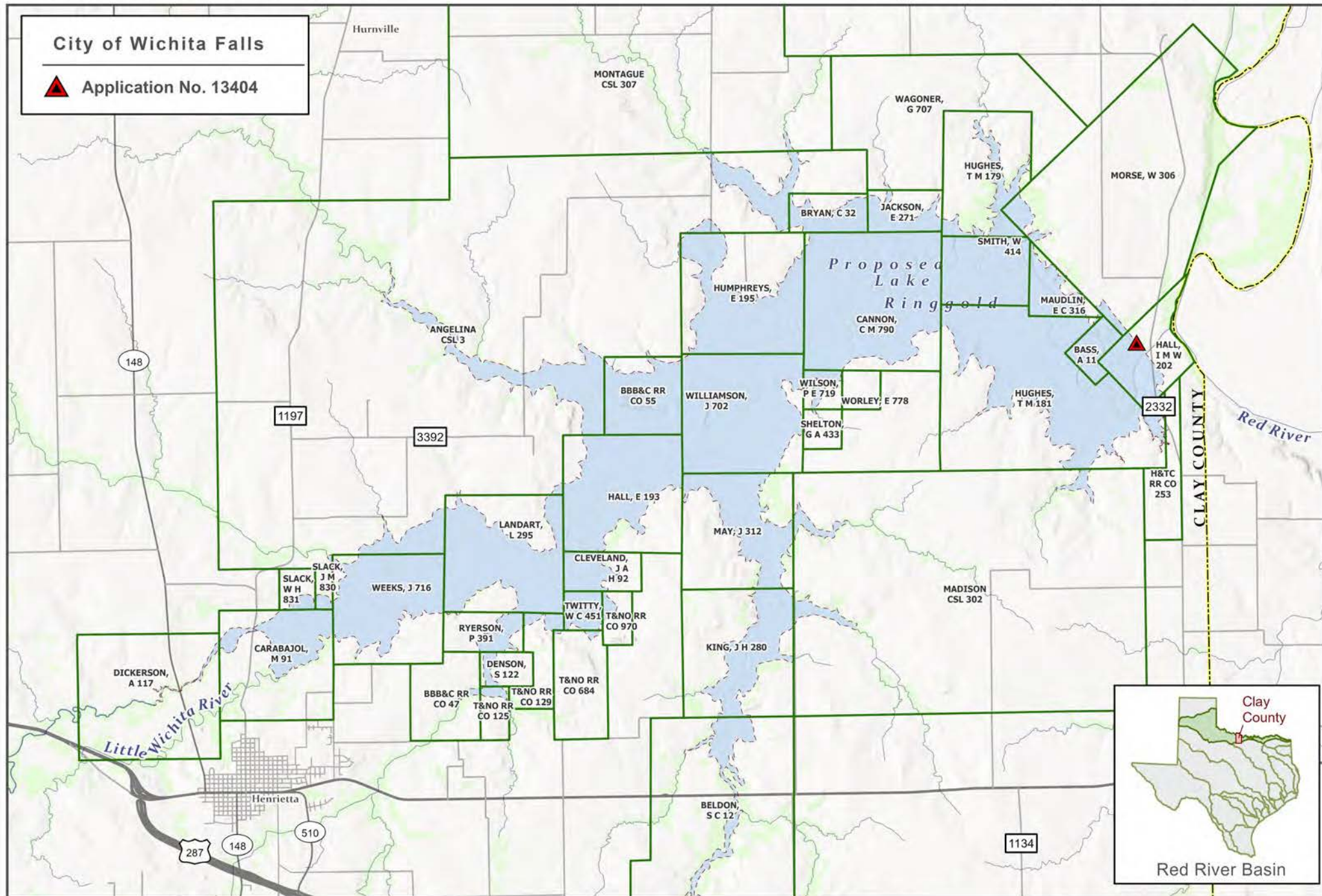
Clay CAD

This product is for informational purposes and is not prepared for, or be suitable for legal, engineering, or surveying purposes. Information contained on this map is not warranted and the Appraisal District or Pritchard & Abbott, Inc. is not liable for any errors.

# ATTACHMENT 4

City of Wichita Falls

▲ Application No. 13404



This map was generated by the Water Availability Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Water Availability Division at (512)239-4600.



0 1 2 3 4 Miles